ZONING REGULATIONS

Town of Enfield, Connecticut

Adopted December 20, 2001

Effective January 31, 2002

Revised to 03/21/11

Planning and Zoning Commission

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TOWN OF ENFIELD
ZONING REGULATIONS

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ARTICLE I

INTRODUCTION

Section 1.00 Short Title and History

These Regulations shall be known and cited as the Zoning Regulations of the Town of Enfield, Effective January 31, 2002. Zoning Regulations were originally adopted by the Enfield in March of 1925. Major revisions to these Regulations were made in November, 1966, and July, 1975.

Section 1.10 Purpose and Authority

These Regulations are adopted for the purpose of promoting the health, safety, morals and general welfare of the community; for the purpose of lessening congestion in the streets; for the purpose of securing safety from fire, panic and other dangers; for the purpose of providing adequate light and air; for the purpose of preventing over-crowding of the land and avoiding undue concentration of population; for the purpose of facilitating adequate provision for transportation, water, sewerage, schools, parks, and other public requirements; for the purpose of conserving the value of building and encouraging the most appropriate use of land throughout the Town; for the purpose of providing for the public health, comfort, and the general welfare in living and working conditions, and for the purpose of regulating and restricting the location of trades and industries and the location of buildings designed for specific uses; for the purpose of regulating and limiting the height and bulk of buildings hereafter erected and for the purpose of regulating and determining the areas of yards, courts and open spaces for buildings hereafter erected, and for said purposes to divide the Town into zoning districts of such number, shape, and area as may be deemed best suited to carry out these Regulations and provide for its enforcement, in accordance with Chapter 124, Section 8-2 of the Connecticut General Statutes, 1958 Revision, as amended.

Section 1.20 Interpretation

When interpreting and applying the provisions of these Regulations, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, and general welfare. Except as specifically herein provided, it is not intended by the adoption of these Regulations to repeal, abrogate, annul or in any way to impair or interfere with any existing provisions adopted or issued, or which shall be adopted or issued pursuant to law relating to the erection, construction, maintenance, establishment, moving, alteration, or enlargement of any building or improvement; nor is it intended by these Regulations to interfere with or abrogate or annul any easement, covenant or other agreement between parties; provided, however, that in cases in which these Regulations imposes a greater restriction upon the erection, construction, maintenance, establishment, moving, alteration, or enlargement of buildings, or the use of any such buildings or premises in said several districts or any of them than is imposed or required by such existing provisions of law or regulation or by such rules, regulation, or permits or by such easements, covenants, or agreements, then in such case the provisions of these Regulations shall control.

Section 1.30 Establishment of Zoning Districts and Map

For purposes of these regulations the Town of Enfield is divided into the following Zoning Districts.

Table 1.10 - List of Zoning Districts

Residential	
HR-33	One Family Residence District
R-33	One Family Residence District
R-44	One Family Residence District
R-88	One Family Residence District
Business, Industrial and Other	
B-L	Business Local District
B-G	Business General District
B-P	Business Professional
B-R	Business Regional Shopping District
TVC	Thompsonville Village Center Zone
I-1	Industrial 1 District
I-2	Industrial 2 District
IP	Industrial Park District
LO	Limited Office District
SDD	Special Development District
Overlay Districts	
CZD	Conservation Zone District
HDDA	Hazardville Design District A*
LFOD	Lake Front Overlay District**
(KSESDOD	King St./Enfield St. Design District

***added 09/08/03** ****added 11/30/09**

Section 1.40 Zoning Map and Zoning District Boundaries

The boundaries of such districts are shown on a map entitled, "Zoning Map of the Town of Enfield, Connecticut" which is filed in the Office of the Town Clerk. Such map with all explanatory matter thereon is hereby declared to be part of these Regulations as fully as if set out herein and changes in the boundaries of such districts as shown on said map may be made by the Commission in accordance with the provisions of Article 12.10 herein.

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts shown on the Zoning Map, the following rules shall apply.

Where district boundaries are indicated as approximately following the center of a street, highway, brook or stream, such lines shall be construed to be such district boundaries.

Where district boundaries are so indicated that they are approximately parallel to the center lines of streets, such district boundaries shall be construed as being parallel thereto, and, at such distance therefrom as indicated on the Zoning Map. If no distance is given, such dimension shall be construed as being 200 feet from the centerline of a street in a Business or Industrial District.

Where district boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be such boundaries.

Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located midway between the main tracks of said railroad line.

1.40.1 Thompsonville Village Center Zone

The boundary of the Thompsonville Village Center Zone is depicted on the Town of Enfield Zoning Map. Within this district there are two sub areas, which together do not include the entire Thompsonville Village Center Zone, as follows:

A. Sub-Area A: "Core Area" defined as the immediate properties abutting the following streets: the west side of North Main Street from Church Street south to Pearl Street, both sides of Pearl Street from North Main Street south to the parcel on the south side of Walnut Street (on the east side of Pearl Street) and south to the parcel on the south side of South Street (on the west side of Pearl Street), both sides of High Street from Spring Street to Wallace Street, also including the building in the northeast corner of High and Wallace Streets, and the south side of Main Street from North Main Street to the Railroad right-of-way as shown on the Town Zoning Map.
B. Sub-Area B: "Freshwater Brook Access Area" defined as properties abutting the south side of Main Street, from North Main Street to the Railroad right-of-way as shown on the Town Zoning Map.

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ARTICLE II INTERPRETATION AND DEFINITIONS

Section 2.00 Interpretation

For the purpose of these Regulations, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense shall include the future tense, words used in the plural number shall include the singular number and words used in the singular number shall include the plural number. The word person includes a for-profit or non-profit corporation, company, partnership, or individual. The word shall is mandatory, not directive, and the word may is permissive.

Section 2.10 Specific Terms

* The word lot includes the words plot, parcel, and premise.
* The word structure includes the word building.
* Town means the Town of Enfield, Connecticut.
* State means the State of Connecticut.
* Commission means the Planning and Zoning Commission of the Town of Enfield.

Section 2.20 Interpretation of Other Terms

When the precise meaning of other words or terms is in doubt, the Commission shall determine the meaning by referring to the following documents in the order listed:

1. The Connecticut General Statutes
2. Webster's Ninth Collegiate Dictionary
3. The New Illustrated Book of Development Definitions
4. A Glossary of Zoning, Development and Planning Terms

Section 2.30 Definitions

1. Accessory Apartment: A second dwelling unit located within a detached single family dwelling situated on an individual lot. Such dwelling unit shall be subordinate to the principal dwelling in terms of size, location, and appearance.

2. Acres, Developable: The net area of a lot expressed in acres after (i) 50% of floodplain and inland wetlands areas, and (ii) 25% of areas with slopes in excess of 25% have been deducted.

3. Accessory Building or Use: A building or use, in addition to the principal building or use, which is clearly subordinate to, and customarily incidental to, and located upon the same lot as the principal building or use. Structures which provide access to the principal building, including but not limited to, decks, landings, porches, etc, are considered part of a principal structure and shall not be considered accessory structures. The Zoning Board of Appeals shall have no authority to vary this provision. **(amended 12/07/09)**

4. Agricultural Activity: The growing of crops, raising of livestock, storing of crops, processing of crops, and the sale of crops.

5. Amusement Machine: A machine that is controlled and operated by the insertion of coins or tokens and intended for the amusement of patrons, including, but not limited to, baseball and football games, pinball games, video games, and other similar games.

6. Animal Hospitals, Clinics: A building or group of buildings and facilities used for the treatment, boarding, and care of animals. In the case of a hospital or clinic, the facility must be under the supervision of a doctor of veterinary medicine licensed by the State.

7. Antenna: A devise used to receive or transmit electromagnetic waves.

8. Assisted Living Facility: An age-restricted managed residential community providing support services that encourages older residents to maintain a maximum level of independence and includes appropriate accessory services and facilities to provide assistance and maintain independence.

9. Bed and Breakfast Inn: An owner-occupied residential facility offering overnight housing in up to five (5) bedrooms and serving breakfast to its guests.

10. Boarding House: A dwelling in which the owner or tenant rents rooms and provides some meals for monetary compensation to no more than six (6) persons, not including using the cellar area.

11. Buffer Yard: An area of land that is landscaped so as to provide a visual barrier between differing land uses.

12. Building Area: The ground area enclosed by the walls of a building together with the walls of all covered porches and other roofed portions.

13. Building: Any structure having a roof and intended for shelter, housing, or enclosure of persons, animals or materials. Any other structure more than eight (8) feet in height shall be considered a building, including a solid fence or wall, but excluding a public utility pole or flag pole.

14. Bulky Waste: Land clearing debris and waste resulting directly from demolition and construction activities other than clean fill.

15. Business Services: A business primarily engaged in providing services to other businesses, such as advertising and public relations, computer services and data processing, copying, mailing, management and consulting, advertising and similar services, for a fee. Private individuals may use these same services.

16. Cellar: That portion of a building which is partly or completely below grade, but having at least three (3) feet of its wall height below grade for at least one-half (½) of its perimeter.

17. Certificate of Zoning Compliance: A certificate, signed by the Zoning Enforcement Officer, setting forth either that a building or structure complies with these Regulations or that a building, structure or lot may be lawfully employed for specified uses, or both.

18. Club, Non-profit: A private association of people organized for common social, recreational, fraternal, benevolent, religious, political, or athletic purposes whose activities are confined to its members and guests and is operated on a non-profit basis. A club may own or lease buildings, land and facilities.

19. Co-location: The installation of antennas of two or more wireless communications service providers on a single wireless communications facility.

20. Commercial Recreation Facility: A business providing recreation opportunity or service such as, but not limited to tennis, racquet ball, swimming, bowling, game arcade, exercise and health center, miniature golf, driving range and similar uses, and appropriate accessory uses and facilities.

21. Commercial Vehicle: A vehicle which exceeds a gross vehicle weight of 5,000 pounds, is licensed as a commercial or combination vehicle, and is regularly used in the conduct of a business, profession, or trade.

22. Community Residence, Mentally Ill Adults: A facility which is defined in Connecticut General Statutes Sec. 19a-507a, as the same may be amended from time to time, which is generally defined as "a community based residential facility housing the staff of such a facility and eight (8) of fewer mentally ill adults which is licensed by the State of Connecticut to provide services needed for daily living and other support services."

23. Community Residence, Mentally Retarded Persons: A facility which is defined in Connecticut General Statutes in Sec. 17a-220(e), as the same may be amended from time to time, which is generally defined as "a community based residential facility housing up to six (6) mentally retarded or autistic persons which provides services needed for daily living and other support services."

24. Congregate Housing: An age-restricted residential community with communal dining facilities .

25. Continuing Care Facility: An age-restricted residential facility consisting of any of a range of housing options from single-family detached units to attached units on individual lots or a single lot, with supportive services and a continuum of care provided, which may include extended health care facilities.

26. Conversion of Buildings for Residential Uses: The process by which either the use of a building is changed or additional housing units are added to an existing residential building.

27. Coverage: The percentage which the aggregate building area of all buildings on a lot bears to the total area of that lot. The area of an above ground swimming pool shall not be counted in determining building coverage for a lot. **(Amended 1/01/08)**

28. Day Care Facility, Adult: A facility for adults which provides a structured program of therapeutic, social, and rehabilitative services in a supportive group setting that is designed to serve four (4) or more persons outside their own homes for a part of a twenty-four (24) hour period one (1) or more days a week.

29. Day Care Facility, Child: A facility which is defined in Connecticut General Statutes Sec.19a-77(a) (1), or as that section may be amended from time to time, but generally defined as "a building where a program offering supplementary care for twelve (12) or more related or unrelated children outside their homes on a regular basis for a part of twenty-four (24) hours one (1) or more days a week" and is licensed by the State.

30. Day Care Home, Family: A facility which is defined in the Connecticut General Statutes Sec. 19a-77(a)(3), or as is amended from time to time, and is generally defined as a facility in "a private home where care for not more than six (6) children, including the provider's children not in school full time, where the children are cared for not less than three (3) hours nor more than twelve (12) hours during a twenty-four (24) hour period and where care is given in a regularly recurring basis and is licensed by the State." During the regular school year, a maximum of three (3) additional children who are in school full time, including the provider's own children, shall be permitted, except if the provider has more than three (3) children who are in school full time, all of the provider's children shall be permitted.

31. Day Care Home, Group: A facility which is defined in the Connecticut General Statutes and generally defined as a Sec. 19a-77(a)(2), as may be amended from time to time, facility "which offers or provides a program of supplementary care to not less than seven (7) nor more than twelve (12) related or unrelated children on a regular basis for a part of a twenty (24) hour period on one or more days a week and is licensed by the State of Connecticut."

32. Family: Any number of persons related by blood or marriage, legal adoption or legal guardianship, living in the same dwelling unit, or a group of not more than five (5) persons who need not be so related, living and cooking together in the same dwelling unit as a single housekeeping unit.

33. Farm: A tract of land of three (3) acres or more, used in whole or in part, for agricultural activities, which may include the growing of crops, raising of livestock, storing of crops, processing of crops, and the sale of agricultural products.

34. Financial Institution: A business which provides financial services to customers, including, but not limited to, banks, credit unions, savings banks, stock brokers offices and insurance agencies.

35. Floodplain: An area designated as subject to periodic flooding due to the five hundred (500) year flood as designated by the municipal flood insurance study prepared by the Federal Emergency Management Agency (FEMA).

36. Floor Area, Finished: All space within the exterior walls of a dwelling unit exclusive of garages, breezeways, unheated porches, cellars, heater rooms, and basements and including all spaces not otherwise excluded above such as: principle rooms, utilities rooms within dwelling units. Finished areas shall have electrical, heating and plumbing service installed and all floors, ceilings, walls and trim in place and have a minimum clearance of six (6) feet, eight (8) inches on the first floor and where a second floor is included in the computations, a minimum height of six (6) feet, eight (8) inches shall exist for fifty (50) percent of the finished area of the second floor. Attic space shall not be considered habitable space.

37. Floor Area, Gross: The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the center line of a wall separating two buildings.

38. Floor Area, Gross Usable: As applied to non-residential uses, the horizontal area of all floors of a building measured from exterior of outside walls. Gross usable floor area shall not include common hallways, elevators, stairs, common lobbies, terraces not used for customer service, utility rooms, rest rooms, maintenance shops and basements or cellars intended and designed only for storage. Cafeterias may not be deemed as gross usable floor area at the discretion of the Commission.

39. Garden Supply Center: An agricultural and associated products retail sales operation where the primary use is the propagation, growth, storage and/or sale of flowers, plants, shrubs, or trees. This use may also include the sale of garden related merchandise and power equipment.

40. Grade: A reference plane representing the average of finished ground level adjoining the building or at all exterior walls.

41. Hazardous Material/Waste: A material/waste which poses a present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

42. Height, Building: The vertical distance from the average finished grade within ten (10) feet of the walls of the building to the highest point of a flat roof or mansard roof including the top of a parapet or to the mean level between the eaves and ridge for a gable, hip or gambrel roof.

43. Home Occupation: Customary personal service occupation, activity, or use located in the same building occupied by such person as his or her residence that is clearly a customary, incidental, and accessory use of a residential dwelling unit and which does not alter the exterior of the building, the property, or the residential character of the neighborhood. Home occupations shall not include restaurants, or other eating or drinking places; animal hospitals or kennels; barber or beauty shops; massage establishments, or automotive service, supply sales or repairs.

44. Home Professional Office: The office of a licensed or recognized professional located in the same building occupied by such person as his or her residence that is clearly a customary, incidental, and accessory use of a residential dwelling unit and which does not alter the exterior of the building, the property, or affect the residential character of the neighborhood. Group dancing, musical instrument, or voice instructions, restaurants and other places for food service, beauty shops and barber shops, massage establishments, manicuring shops, convalescent homes, funeral/undertaking establishments, and stores, and businesses of any kind not permitted herein shall not be considered home professional

offices. The home professional office of a doctor or dentist shall not include any biological or medical testing laboratory, except as an accessory use in connection with his/her practice.

45. Hotel/Motel: A building or group of buildings designed and used as for temporary residence by seven (7) or more transient guests which may provide accessory services such as food service, places for public assembly, and other appropriate accessory services.

46. Housing for the Elderly: Age-restricted housing designed for elderly families as set forth in Section 4.30.11. **(Amended 11/01/08)**

47. Heliport: An area, either at ground level or elevated on a structure, appropriately licensed and approved for the landing and take-off of helicopters and including appropriate accessory activities and uses.

48. Impervious Surface: Any material that inhibits the filtration of water into the ground below and increases the volume of storm water runoff. An impervious surface does not include gravel, stone, or detention ponds.

49. Junk: A worn-out, cast-off, or discarded article or material which is ready for destruction or has been collected or stored for salvage or conversion to some use. Any article or material which unaltered or unchanged and without further reconditioning can be used for its original purpose as readily as when new shall not be considered junk.

50. Junk Yard: The use of more than 100 square feet of the area of lot, whether inside or outside a building, or the use of any portion of that half of any lot that joins any street, for the storage, keeping, or abandonment of junk. (Junk yards are prohibited within the Town.)

51. Kennel, Commercial: A commercial operation in an open or enclosed area in which four (4) or more dogs or cats are kept for breeding, boarding, grooming, training, or sale.

52. Lot: A parcel or plot of land shown on a valid subdivision plan approved by the Commission and recorded in the Office of the Town Clerk or a single parcel or plot of land existing before the adoption of Subdivision Regulations by the Commission, occupied or capable of being occupied by one building and accessory buildings or uses including such yards and areas as are required by these Regulations.

53. Lot, Corner: A lot having two (2) adjacent sides facing a street or streets so that the interior angle of the intersection is not more than 120 degrees.

54. Lot Coverage: That portion of a lot covered by a building or buildings.

55. Lot, Frontage: The linear distance measured along the points of intersection of a lot with a street right-of-way. For a lot located on a cul-de-sac, the lot frontage shall be the entire length of any imaginary straight line 1) whose end points touch side lot lines, and 2) which is also tangent to, but not in front of, the minimum front yard setback line for such lot.

56. Lot, Interior: Any lot other than a corner lot.

57. Lot Line, Front: All the lines dividing the lot from the street or streets.

58. Lot Line, Rear: The lot line generally opposite the front lot line on a lot which is not a through lot or a corner lot.

59. Lot Line, Side: Any lot line that is not a front lot line nor a rear lot line and is extending from the street and divides lots abutting the street

60. Lot of Record: A lot for which a deed has been recorded in the Office of the Town Clerk and which meets the requirements of these Regulations or a lot which is shown on a map filed in the Office of the Town Clerk prior to the adoption of Subdivision Regulations by the Commission.

61. Lot, Through: A lot other than a corner lot, having street frontage on opposite sides.

62. Non-conforming buildings: A building legally existing at the effective date of these Regulations or at the effective date of any amendment to these Regulations which would create the nonconformity but which does not conform to all of the current applicable dimensional requirements of these Regulations.

63. Non-conforming Lot: A lot legally existing at the effective date of these Regulations or at the effective date of any amendment to these Regulations which would create the nonconformity but which does not conform to all of the current applicable dimensional requirements of these Regulations.

64. Non-conforming Use: A use of a lot or building legally existing at the effective date of these Regulations or at the effective date of any amendment to these Regulations which would create the nonconformity but which does not conform to all of the current use regulations of these Regulations.

65. Non-Profit Homeless Shelter: A residential facility for people operated by a not-for-profit organization on a not-for-profit basis which may provide temporary living, eating and sleeping quarters and accessory services for up to eight (8) residents.

66. Non-Profit Residential Shelter Housing: A residential facility for abused and/or battered individual(s) with or without other family members operated by a not-for-profit organization on a not-for-profit basis which may provide housing and ancillary services.

67. Open Lot Sales: Retail display and sales of merchandise taking place on vacant land, usually on a short-term basis.

68. Open Space: Any part of a lot not occupied by a building, open to the sky, on the same lot as the principal building as distinguished from open space required in single family open space subdivisions which is under common or municipal ownership.

69. Outdoor Display and Retail Sales: The display and retail sales of fresh fruits, vegetables, plants, and flowers for sale on a seasonal basis and as an accessory use.

70. Personal Service Businesses: Businesses that provide services of a personal nature to individuals or their personal property rather than to businesses. Personal service businesses include, but are not limited to barber shops, beauty shops, tailors and dry cleaners, custom dressmakers, jewelry repair, and shoe repair.

71. Places of Worship: A building or group of buildings primarily used for the conduct of religious services and accessory uses and that is controlled by a religious body organized to sustain public worship and recognized as such for non-profit status by the Internal Revenue Service.

72. Planned Commercial Development: A commercial development under unified ownership or control containing more than 80,000 square feet of gross floor area and occupying a lot of ten (10) acres or more in size.

73. Recreational Vehicle: A portable vehicle built on a chassis, which can be towed, hauled, or driven and primarily designed to be used as temporary living accommodations for travel, camping, and recreational purposes.

74. Regional Shopping Center: A planned commercial development consisting of a building or group of buildings containing not less than five (5) retail facilities with an enclosed mall and 600,000 square feet of gross floor area.

75. Retail Sales: The sale at retail of merchandise or services to the public for personal, business, and household use and providing services incidental to the sales of such goods.

76. Rooming House: A building in which the owner or tenant rents rooms (not including the cellar area), for monetary compensation, to not more than six (6) persons.

77. Senior Residential Development: An age-restricted residential development of single family detached units.

78. Shopping Center: A planned commercial development consisting of a building or group of buildings containing more than three (3) retail facilities and 20,000 square feet of gross floor area.

79. Sidewalk Sale: An outdoor display and sale of merchandise similar to that sold inside the business for up to four (4) days on a sidewalk or adjacent grassed area.

80. Signs: Any letters, figures, designs, symbols, trademarks, or illuminated devices, including banners and trade flags, which are situated so that they can be seen from a street and are intended to attract attention for advertising, provide directions, or identification of a legitimate land use on the same parcel of land.

81. Solid Waste Facility: A facility such as a transfer station or recycling facility.

82. Special Development District: A zoning district created to encourage and enable the rehabilitation and adaptive reuse of underutilized and vacant buildings.

83. Special Residential Developments: Developments consisting of a single family open space subdivision, a senior residential development, or a rear lot or lots

84. Story, Half: A space under a sloping roof that has the line of intersection of the roof and wall face not more than three (3) feet above the floor level and in which space the possible floor area with head room of five (5) feet or less occupies at least 40 percent of the total floor area of the story directly beneath.

85. Story: That portion of a building, other than a cellar, between a floor and the ceiling or roof next above it.

86. Street Line: That line which separates the street right-of-way from adjoining property.

87. Street: Any public or private thoroughfare which affords the principal means of access to abutting property or a proposed public thoroughfare shown upon a subdivision plan duly approved by the Commission.

88. Structure: Anything constructed or erected which requires location on the ground or attached to something having location on the ground, including signs and billboards, but not including fences or walls used as fences.

89. Telecommunications Tower: A support structure for antennas and appurtenant supporting systems such as platforms, guy lines and other mounting devices which inclusively are considered to be part of the tower.

90. Temporary Use Permit: A permit given by the Commission allowing a particular activity to take place in a specified location for a specified time period.

91. Transfer Station: A central collection location for solid and/or bulky waste collected by the Town where such waste is transferred to a different vehicle for transport to another transfer station or a disposal site.

92. Visitor Information Booth: A structure built to provide information to visitors of a planned commercial development, regional shopping center or industrial area.

93. Wireless Communications Facilities: The antenna, telecommunications equipment, any Telecommunications Towers, and/or support structures used together in conjunction with the provision of wireless communications services.

94. Yard, Front: A required and open unoccupied space between the building, (and any decks, porches, and steps associated with the building), and front lot line, extending the full width of the lot from side lot line to side lot line or in case of a corner lot or through lot extending along all street lines.

95. Yard, Rear: A required and open unoccupied space between the rear line of the building (and any decks, porches, and steps associated with the building)and the rear lot line of the lot extending the full width of the lot from side lot line to side lot line.

96. Yard, Side: A required and unoccupied space between the nearest roofed portion of the building and the side lot line of the lot and extending from the front yard to the rear yard or to a side yard.

97. Zoning Permit: A document issued and certified by the Zoning Enforcement Officer that a proposed use and/or structure is in conformance with the Zoning Regulations.

ARTICLE III GENERAL REQUIREMENTS

Section 3.00 Conformance with Regulations

Uses of land and structures shall comply with the applicable standards of this section. No conveyance of land shall be made that reduces the remaining land of the grantor below the applicable minimum area, frontage, bulk and yard requirements. No building permit, zoning permit, certificate of occupancy or certificate of zoning compliance shall be issued for the erection or occupancy of a building or structure on land conveyed in violation of this section. Any use not specified in the Use Tables, Tables 4.20, 5.20 and 6.20, is prohibited.

3.00.1 Conformity of Buildings and Land: Use and Occupancy

No building, structure, or premises shall be used or occupied, and no building or part thereof or other structure shall be erected, raised, moved, placed, reconstructed, extended, enlarged, or altered except in conformity with the regulations herein specified for the district in which it is located. Premises subject to approval of a Special Permit by the Commission shall comply with Section 504 of the Federal Rehabilitation Act of 1973, as amended, with regard to provision of access for handicapped person.

3.00.2 Conformity of Buildings; Heights, Yards, Area

No building, structure, or premises shall be erected, altered or used so as to produce greater heights, smaller yards, or less required floor area than required by these regulations. Additionally, no building, shall be occupied by more families than prescribed for such building, structure or premises for the district in which it is located.

3.00.3 Conformity of Open Spaces

No yard, court or open space, or part thereof, shall be included as a part of the yard, court or open space similarly required for any other building, structure or dwelling under the provisions of these Regulations.

3.00.4 Reduction of Dimensions of Lot Areas

No lot shall be diminished in area nor shall any yard, court or open space be reduced except in conformity with the requirements of these Regulations.

3.00.5 Lots in More than One District

Where the lot lies in more than one district, the provisions of the less restrictive district may be applied for a distance of not over twenty-five (25) feet into the more restrictive district provided that such lot has frontage on a street in the less restrictive district.

Section 3.10 Use of Land for Access and Parking

3.10.1 The use of land for access to or from off-street parking in connection with and adjacent to a use shall be considered to be accessory to and part of such use except that this provision shall be construed to prohibit access across a Residential District to a use lying in an Industrial District.

3.10.2 Only one driveway cut per lot shall be permitted in a residential district unless an approval for an additional drive is granted by the Planning and Zoning Commission. **(Added 6/1/06)**

Section 3.20 Regulations Applying To Existing Lots

Existing lots and lots of record shall meet the requirements of this section.

3.20.1 Building on Existing Lots

A permitted building, or permitted use shall be allowed to be constructed or established on a lot which, at the time of the effective date of the adoption of these Regulations, is shown on a subdivision plan for residential property which has been approved, prior to the effective date of these Regulations, by the Commission or other body exercising the powers of such Commission, which plan is filed or recorded with the Office of the Town Clerk, provided that the subdivision has not expired as set forth in Connecticut General Statutes or Regulations or Regulation of the Town. However, all applicable requirements including, but not necessarily limited to, height, setback, lot coverage, floor area, and parking area shall be adhered to.

3.20.2 Lot of Record

A. Except as provided for under Section 4.30.21 of these Regulations, any lot of record having less than 5,000 square feet or having less than 50 feet of frontage shall be considered not buildable. The Zoning Board of Appeals shall have no authority to vary this provision; **(Amended 04/19/10)**
B. Any lot of record not considered merged as set forth below, owned separately from all adjoining lots, and served by municipal sanitary sewers, shall be considered a building lot if it contains at least 5,000 square feet of lot area and has at least 50 feet of frontage on an improved Town street;
C. A lot of record that has been separated from a merged parcel without approval from the Commission or the Zoning Board of Appeals, shall not be deemed "owned separately from all adjoining lots" as set forth in (b) above. A special permit in accordance with (f) below is required prior to developing such lot;
D. Any lot of record shall be deemed to have merged with an adjoining lot of record if:
    i. The common property line has had a building, constructed thereupon at any time;
    ii. The principal building has been constructed within ten (10) feet of the common lot line;
    iii. The structure has been constructed on a lot of record which is necessary to a principal building or an adjoining lot of record;
    iv. The lot of record has been used for driveway or parking purposes for the adjoining lot of record; or,
    v. The lot of record has been used in conjunction with the adjoining lot;
E. Any adjoining lots of record, in common ownership, shall be considered merged until the lot area equals the minimum lot area of the applicable zoning district;
F. A division of merged lots may be approved as a Special Permit by the Commission and, where required, a companion subdivision application for merged lots of record has been approved under Section 5.g of the Enfield Subdivision Regulations. The Special Permit for the division of merged lots shall contain the following information:
    i) A "neighborhood" where the neighborhood is defined as all developed residentially zoned lots wholly or partially within 500 feet of the lot in question having frontage on the same street as the lot in question; however, in unusual circumstances the Commission may modify the boundaries of the "neighborhood", where such modification served to best describe the neighborhood of the lot in question.
    ii) The neighborhood map shall show rights-of-way width, street pavement width, utilities (storm, sanitary, water lines, hydrants, streetlights, etc.) and sidewalks within the neighborhood.
    iii) Calculations showing (1) all lot sizes and all lot frontages of all developed residentially zoned lots within the neighborhood, and (2)the resultant median lot size and median lot frontage in the neighborhood;

G. To approve any Special Permit for the division of merged lots, the Commission must find that the standards in Article IX and the following specific standards and criteria are met:

i) All proposed lots shall equal or exceed the median lot size and lot frontage of lots in the neighborhood except that the Commission may modify this requirement by not more than ten (10) percent when it finds that this shall result in a more compatible relationship to the neighborhood; however, it no case shall any lot below 5,000 square feet in area nor lot frontage below 50 feet be allowed;

ii) All lots of record shall adhere to all the applicable requirements of the district within which they are proposed, including, but not necessarily limited to, height, lot coverage, floor area, and parking as set forth in Section 4.10.2.H of the Zoning Regulation except for the following:
The required front setback shall be the average of the front setback lines of the main building on the two lots adjacent to or nearest to the proposed lot(s) on the same side of the street, but in no case shall a front setback line greater than the required minimum front setback established for the district be required. **(amended 2/22/05**)

iii) The proposed plan is compatible with the development patterns of the neighborhood.

iv) The resulting development of the parcel will not adversely affect the traffic patterns nor storm water runoff conditions in the neighborhood;

v) The new lots shall have frontage on and have access to paved public roadways consistent with the provision of Section 5.g. of the Subdivision Regulations.

Section 3.30 Miscellaneous Provisions

3.30.1 Projections into Yards

A. Nothing in these Regulations shall prohibit the projection of not more than one (1) foot into a required open space of pilasters, belt courses, sills, cornices, or similar architectural features.

B. Chimneys constructed entirely of masonry may project into yards not more than two (2) feet within existing premises only.

C. Handicap access ramps, landings and decks required for adequate access and egress of handicapped residents may encroach into the required yard setbacks to the extent necessary to meet the minimum requirements for such access or egress.

D. **(Added 4/01/06)** In any residential district except the TVCZ District, unenclosed front porches may project up to eight feet into the required front yard setback, or beyond the front building line of a pre-existing non-conforming principal structure, subject to the following:

i) An unenclosed front porch or an unenclosed front balcony is a roofed structure attached to the front of a unit that is not enclosed in any way by glass, screens, solid panels or any other material, with the exception of a balustrade or railing not to exceed three (3) feet in height above the floor of such front porch or balcony. Decks shall not be allowed to project into the required front setback.

ii) Non-enclosed front porch steps may project an additional six feet provided that neither the steps nor the porch may be closer than 15 feet to a front property line.

iii) A front-porch roof overhang may extend an additional one foot beyond the porch into the required front setback.

iv) The Zoning Board of Appeals shall not vary any provision of this subsection.

3.30.2 Lots on Narrow Streets

Where lots front on streets less than 50 feet wide, the front yard required by the provisions of these Regulations shall be increased by one-half (½) the difference between 50 feet and the actual width of the street.

3.30.3 Corner Visibility

On a corner lot, no fence, wall, hedge, or other structure or planting more than three (3) feet in height shall be erected, placed or maintained within the triangular area formed by the intersecting street lines and a straight line adjoining said street lines at points which are 50 feet distant from the point of intersection, measured along said street lines.

3.30.4 Corner Lots and Odd Shaped Lots

In the case of a corner lot, all lot lines extending from the front lot lines shall be considered side lot lines. Any lot line not a front or rear lot line shall be considered a side lot line. Where two lot lines extending from the front lot line intersect, both of such lot lines shall be considered side lot lines.

3.30.5 Interior Lot Visibility

On an interior lot, visual obstructions within ten (10) feet of a driveway used by motor vehicles shall be maintained in such a manner as not to create a hazard to pedestrians or other vehicles.

3.30.6 Fences

In any residence district, fences shall not exceed six (6) feet in height. Such fences, except those on land used for agricultural purposes, shall be erected so that the finished side of the fence faces the abutting property.

3.30.7 Accessory Buildings

A. Accessory buildings shall be located according to the following standards. These standards may be waived by the Commission in the HR-33 District.

i. **(Amended 11/30/09)** Except as provided for in the LFOD District below, accessory buildings in Residential Districts and the TVCZ shall be located behind a line established by the rear of the principal building on the lot and shall be located at least five (5) feet from both rear and side lot lines. Accessory buildings shall not be more than 12 feet in height and not cover more than 20 percent of the area of the required rear yard.

ii. **(Amended 8/01/07)** Accessory buildings in Commercial and Industrial Districts shall be located behind a line established by the front of the principal building on the lot and shall be located at least 5 feet from both rear and side lot lines provided,

a. that they not infringe into any buffer zones otherwise required by these regulations.

b. that the property is not located across the street from a residential district, in which case the accessory building shall comply with subsection i. above.

Accessory buildings in Commercial and Industrial Districts shall not be more than 12 feet in height and not cover more than 20 percent of the area of the required rear or side yard. No accessory building shall be greater than 600 sq.ft. unless a Special Permit is granted by the Enfield Planning and Zoning Commission.

iii. On corner lots, any accessory structure shall be located no nearer to the principal street line, the principal street being the street from which the property derives its address, behind a line established by the rear of the principal building and no nearer to the other street line than the front yard setback of the zoning district in which the property is located.

iv. On through lots, any accessory structure shall be located only in the fourth of the lot farthest removed from the street.

v. Any buildings attached to a principal building by structural members, except for a wall or fence not more than six (6) feet high, shall be considered as an integral part of the principal building.

vi. Accessory structures used in residential districts shall be limited to structures that are specifically designed and constructed for such use. No part of an inoperable trailer, i.e. the box of a former trailer, shall be allowed as a temporary or permanent structure in residential districts. **(added 4/01/06)**

vii. Temporary Storage Containers shall be permitted only in accordance with Section 3.30.14. **(added 4/01/06)**

viii. On lots within a LFOD Zone, accessory buildings may be placed forward of the line established by the rear of the principal building on the lot, shall be located at least twenty (20) feet from the front property line, at least ten (10) feet from all side property lines, shall not be more than 12 feet in height, and shall be no larger than twenty four (24) feet by twenty four (24) feet. The Zoning Board of Appeals shall have no authority to vary this provision. **(added 11/30/09)**

B. Use requirements for accessory buildings are as follows:

i. Construction of accessory buildings shall not begin prior to the construction of the principal building, on the lot. Accessory buildings may be completed prior to the completion of the principal building on the lot.

3.30.8 Height Exceptions

Spires, cupolas, towers, chimneys, flagpoles, ventilators, tanks and similar features occupying in the aggregate not more than 10% of the building area and not used for human habitation, may be erected to a reasonable and necessary height, as determined by the Enfield Planning and Zoning Commission. **(Added 06/04/09)**

3.30.9 Recreational Vehicles and Recreational Trailers

A recreational vehicle or trailer may be stored on a lot in a residential zone providing it is located no closer to the front property line than the front wall of the residence. The vehicle/trailer may not be used for sleeping, cooking, or operating of a business. Guest recreational vehicles may be located on residential lots, and shall meet the same standards as to location, for a period not to exceed 14 consecutive days during a twelve (12) month period.

3.30.10 Construction Office Trailers

The Zoning Enforcement Officer may grant a temporary permit for a trailer to be used as an accessory use on a construction site, as an office, after the permits for the construction of the principal building, have been issued, or in the case of a subdivision, after construction of improvements has been authorized. **(added 4/01/06)** -The Commission may allow an office trailer in an I-1 zone on industrial land for municipal use only during road reconstruction subject to site plan review.

3.30.11 Trailers - Temporary Living Quarters

Where a dwelling unit has been destroyed by a fire or other natural disaster, a trailer/mobile home may be placed on the property and used as the property owner's temporary residence for a period not to exceed one (1) year. A Zoning Permit is required for the trailer/mobile home. Within thirty days after the issuance of a certificate of occupancy for the permanent dwelling unit on the property, the trailer or mobile home shall be removed from the property.

3.30.12 Junk yards

Junk yards are prohibited within the Town

3.30.13 Commercial Vehicles

(added 11/25/03)

A. The parking of commercial vehicles may be permitted in any residential district as an accessory use only and subject to the following restrictions:

i. Only one commercial vehicle not exceeding 11,000 pounds gross vehicle weight (GVW) may be parked or garaged on a lot provided it also does not exceed 10 (ten) feet in height from the base of the wheel to the top (including any cargo) or 10 (ten) feet in cargo (box) length, subject to the issuance of a Zoning Permit by the Zoning Enforcement Officer.

ii. By Special Permit, one commercial vehicle exceeding the requirements referred to in Paragraph i. may be parked or garaged on a lot, subject to the Special Permit Standards and Procedures of Section 9.20 of these regulations and following :

a. The Commission shall consider such factors as proposed screening; proximity to adjacent lots and buildings; the size, intended use, and hours of operation of the vehicle in question; other vehicles on the property; character of the neighborhood.

b. No commercial vehicle shall exceed thirteen feet, six inches (13'6") in height from the base of the wheel to the top (including any cargo).

c. No commercial vehicle shall exceed 26,000 pounds GVW.

B. All commercial vehicles, regardless of GVW, shall meet the following standards:

i. No vehicle shall have more than 2 (two) axles.

ii. No vehicle shall be parked so as to obstruct the view of traffic from adjacent driveways or streets.

iii. No vehicle containing hazardous materials or waste may be parked on a residential lot.

iv. Construction vehicles, including but not limited to, backhoes, bobcats, bucket loaders, track vehicles, shall not be allowed.

v. No tanker trucks or similar type vehicles used for hauling liquids including but not limited to, oil trucks, septic cleanout trucks, etc, shall be allowed.

vi. All commercial vehicles shall be parked on the driveway of the occupied residential lot or a parking area leased to the residential occupant, provided no commercial vehicle may be parked closer than ten (10') from any adjacent property line.

vii. The commercial vehicle shall be owned or operated by the permanent resident of the property on which it is to be parked.

viii. No maintenance or repair of a commercial vehicle shall be allowed on the residential property.

ix. There shall be no loading or unloading of commercial vehicles between the hours of 9 p.m. and 7 a.m.

x. No garbage hauling, dump trucks or any other trucks that haul cargo that emits objectionable odors shall be permitted.

xi. A copy of any Special Permit issued shall be forwarded to the Tax Assessor by the Planning Department.

xii. All vehicles allowed under this regulation are also subject to the Town's Noise Ordinance.

xiii. No tractor-trailer, nor the tractor or the trailer, shall be parked in a residential district at any time except in connection with a moving operation.

C. All applications for Special Permits shall include a detailed description of the vehicle to be used including gross vehicle weight, height, total length, box length (if applicable), wheelbase, model and make. Any permits granted shall be for the specific vehicle described in the application. Any changes to the vehicle specifications as approved shall require a new approval by the Commission.

D. Commercial vehicles subject to Special Permits shall be screened along the closest residential property line by appropriate evergreen trees, shrubs, fence, or a combination thereof. Exceptions and modifications may be considered by the Commission taking into consideration topography and proximity of adjacent residential structures.

E. Nothing herein shall be construed to permit a home occupation that is not otherwise permitted under the regulations. Any home occupation that is conducted in conjunction with the parking of a commercial vehicle must meet the applicable requirements and be registered with the Zoning Enforcement Officer. **(Amended 08/01/10)**

F. Nothing herein shall be construed so as to prohibit commercial vehicles parked temporarily while engaged in providing products or services to the owner of the property.

G. Nothing herein shall be construed to prohibit commercial vehicles that are used as part of the following:
   i. a permitted agriculture, farming, forestry, or nursery gardening use.
   ii. a permitted earth excavation, removal or deposit activity authorized under Section 8-40 of these regulations.
   iii. a use of facility operated by the Town of Enfield, a Fire Department, State of Connecticut, or Federal Government;
   iv. a maintenance facility in support of a multiple dwelling project on the lot, or in support of a Special Permit use, if authorized under such Special Permit,

H. Pursuant to Section C.G.S. 8-6, the Zoning Board of Appeals is prohibited from varying any provision of this section.

3.30.14 Storage Containers

(Added 4/1/06)

A. Storage Containers for Long Term Storage:
   i. For the purposes of this Section "Long Term Storage" shall be defined as more than thirty (30) days.
   ii. Except as set forth below, storage containers and trailers for storage purposes are permitted only in Industrial 1 (I-1), and Industrial 2 (I-2) zones subject to the following conditions:
      a. Such containers shall be located in rear yards and shall comply with the standard rear and side yard building setbacks as well as any applicable buffer requirements for the district. In addition, the coverage area of such containers in conjunction with the coverage area of permanent structures shall not exceed the overall building maximum coverage percentage of the zone in which the property is located.
      b. Storage containers and trailers used for storage shall be screened from any street line by buildings, fences, walls, landscaped berms or evergreen shrubs and trees. In addition, on portions of properties adjacent to any zone other than I-1 or I-2 zones, such containers shall also be screened by means of walls, berms, fences or evergreen plantings from properties in other zones.
      c. Such containers may not be placed in such a manner as to reduce the number of available parking spaces on the property to less than that required by these Regulations.
      d. Such containers may not be placed on vacant lots or any property without a permanent principal structure.
      e. The Enfield Planning and Zoning Commission may allow temporary containers in Industrial and Business Districts in conjunction with a Site Plan approval provided that the need for such temporary containers is identified during the review process and the location and timing are specified on the Site Plan.
      f. No hazardous material/waste may be permitted in a storage container unless specifically approved by the Enfield Planning and Zoning Commission after consultation with the Fire Marshall and/or North Central District Health Department.

B. Temporary Truck Trailer Storage:

i. In all Business and Industrial Districts, temporary truck trailer storage shall be restricted to a designated loading area. No such trailer shall be stored for more than seven (7) consecutive days unless a Temporary Zoning Permit is authorized by the Planning Director or his/her designee. No such permit shall be valid for more than thirty (30) days and may not be renewed or reissued until ninety (90) days have elapsed from the removal of the previously authorized trailer.

ii. Retail sales are not permitted from a trailer unless specifically permitted elsewhere in these regulations.

iii. A trailer used for these purposes shall be limited to a vehicle mounted on an axle with wheels that is capable of being transported on the public highways.

iv. Any trailers authorized under this Section shall be removed from the permitted site immediately upon the expiration of the permit.

v. No hazardous material/waste may be stored in a storage container unless specifically approved after consultation with the Fire Marshall and/or North Central District Health Department.

C. Temporary Storage Containers in Residential Zones: Storage Containers in Residential Zones are allowed after issuance of a Temporary Zoning Permit by the Planning Director or his/her designee subject to the following standards and conditions:

i. The containers shall only be allowed for temporary storage in conjunction with a bona-fide moving operation; a remodeling job on the same premises for which a building permit has been issued; or to store items for a house that has been damaged by fire, explosion or natural disaster and is awaiting repairs.

ii. Temporary permits shall expire after thirty (30) days and may not be renewed or re-issued for the same premises until an additional ninety (90) days have passed since the removal of the previous container except in the case of a fire reconstruction where the Planning Department may issue a permit that expires upon the issuance of a certificate of occupancy or ninety (90) days, whichever is sooner. A resident may petition the Enfield Planning and Zoning Commission for a permit for more than thirty (30) consecutive days for other than fire reconstruction if the Commission finds a particular situation warrants such a longer time frame.

iii. The above notwithstanding, temporary permits may be issued for up to sixty (60) days for containers that are to be used for temporary storage for a municipal uses such as schools, or libraries in residential zones. The Enfield Planning and Zoning Commission may approve a container for longer than sixty days if the Commission finds a particular situation warrants such a longer time frame. **(Added 04/19/10)**

iv. All temporary containers must be located behind the property line of the property on which they are located and in no case shall be allowed to obstruct any views of traffic from adjacent driveways or streets.

v. Prior to the issuance of any permits, the Fire Marshall shall sign off on the location of the temporary container.

vi. Containers must be removed immediately upon the expiration of the permit.

vii. Temporary Storage Containers used in residential districts shall be limited to containers that are specifically constructed for such use. No part of an inoperable trailer, i.e. the box of a former trailer, shall be allowed as a temporary or permanent structure in residential districts.

Section 3.40 Non-conforming Uses, Structures, and Lots

3.40.1 General Requirements

A. Any structure, lot or use legally existing at the time of the adoption of these Regulations or any amendments thereto, which does not conform to the provisions of these Regulations, shall be designated a non-conforming structure, non-conforming lot or non-conforming use. The rules in this Section shall apply to such non-conformities.

B. Nothing in these Regulations shall prevent the strengthening of or restoring to a safe condition of any portion of a non-conforming building or structure, or a building, containing a non-conforming use, which building or structure is declared unsafe by a proper authority. When such restoration involves changes to the exterior of a commercial or industrial building, Site Plan approval is required.

C. No building, devoted to a non-conforming use shall be enlarged or extended unless the use therein is changed to a conforming use. The Commission may approve a Special Permit to allow change to another non-conforming use after making the following findings:

   i. such change is more nearly conforming to these Regulations ; and,
   ii. such change is more compatible with abutting land uses.

3.40.2 Non-conforming Structures

Any building, or structure legally in existence at the time of the adoption or amendment of these regulations which does not comply with the minimum floor area, height, bulk, lot coverage, or other dimensional requirements of these regulations shall be considered a non-conforming structure. Such structures may continue to be used, subject to the following conditions:

A. A non-conforming structure may be expanded, altered or extended provided such expansion, alteration or extension does not violate or further violate any of the height, bulk, setback or landscaping requirements for the zone in which it is situated. A non-conforming structure may not be moved to another lot or to another portion of the same lot except where such movement would be in compliance with all height, bulk, setback and landscaping requirements for the zone in which it is to be situated.

B. A non-conforming structure or building may be repaired or maintained, however it may not be demolished and replaced by a new non-conforming structure except as provided for in this section.

C. A non-conforming structure or building which is damaged or destroyed by fire, explosion or natural disaster may be reconstructed, repaired, or rebuilt only to its previous floor area, cubical content and exterior appearance provided such reconstruction or rebuilding is commenced within six (6) months of such damage. Changes to the exterior appearance of a building, may be permitted following approval of a Site Plan by the Commission when the Commission determines that such change is more compatible with the surrounding neighborhood.

3.40.3 Non-conforming Lots

A. Any lot which does not conform to minimum area and frontage requirements for the current zone in which it is located shall be designated a non-conforming lot, providing such lot shall have been shown on map approved by the Commission and filed in the Office of the Town Clerk prior to the effective date of these Regulations (January 31, 2002), or prior to the adoption of any amendment of these Regulations, which would otherwise make such lot unlawful, provided also that the subdivision has not expired as set forth in the Connecticut General Statutes or regulations or ordinance of the Town of Enfield..

B. Only one (1) single family dwelling and accessory buildings may be erected on a non-conforming lot located in a residential zone, except as stated below, provided all other requirements of the bulk standards of these Regulations are complied with. The area or frontage of a non-conforming lot shall not be reduced.

3.40.4 Non-conforming Uses

A. Any use of a building, or lot which was legally in existence prior to the adoption of these Regulations (January 31, 2002), or amendments thereto, and is not permitted within the zoning district in which it is located shall be designated a non-conforming use. Such use may continue subject to Paragraphs B, C, and D below, or be changed only to a conforming use, or be modified in accordance with Section 3.40.1, C above, but shall not be extended or expanded. This prohibition shall include but not be limited to the following:
    i. The expansion of floor area, volume area or lot area dedicated to such non-conforming use;
    ii. The expansion of operating hours of a non-conforming use which results in a change of nature of such use; and
    iii. The addition of new facilities, equipment, products or services to a non-conforming use which results in a change of nature of such use.

B. No non-conforming use shall, if once changed to a conforming use, be changed back to such non-conforming use.

C. A building, or structure containing a non-conforming use, with the exception of a residential use in a business or industrial district, may be maintained or repaired provided no structural alterations are made. No such building or structure containing a non-conforming use shall be demolished and replaced by a new building or structure except where the use is changed to a conforming use or except as otherwise provided for in this section.

D. A building, or structure containing a non-conforming use which is damaged or destroyed by fire, explosion or natural disaster may be reconstructed, repaired, or rebuilt only to its previous floor area, cubical content and exterior appearance provided such reconstruction or rebuilding is commenced within six (6) months of such damage. Changes to the exterior appearance of a building may be permitted following approval of a Site Plan by the Commission when the Commission determines that such change is more compatible with the surrounding neighborhood

E. Structural alterations which do not materially alter the characteristics or exterior appearance of a building, containing a non-conforming use may be made provided that the total costs of such alterations do not exceed 50% of the assessed valuation of such building at the time it becomes non-conforming;

F. Structural alterations which alter the characteristics or exterior appearance of a building, containing a non-conforming use or alterations which exceed 50% of the assessed valuation of such building at the time it becomes non-conforming may be allowed provided a Site Plan is approved by the Commission.

3.40.4 Abandonment

No non-conforming use which has been abandoned shall be thereafter resumed. A non-conforming use shall be considered abandoned when there is an actual cessation of such use coupled with the intent not to put the premises again to the same use. Where there is a non-use of a non-conforming use for a period of one (1) year, the use shall be deemed abandoned, unless there is proof offered of intent not to abandon such non-conforming use.

ARTICLE IV RESIDENTIAL DISTRICTS

Section 4.00 Purposes

The purpose of Residential Zoning Districts is to encourage the construction of a variety of single family and other appropriate residential developments; to encourage the creative reuse of existing older buildings to meet the needs of Enfield's citizens; and to encourage quality residential development with adequate public services throughout the Town.

Section 4.10 Area and Bulk Requirements

The following table establishes the lot, yard and bulk requirements for the HR-33, R-33, R-44, R-88, OS R-33, OS r-44, OS R-88, and the Thompsonville Village Center Zone. Except as herein otherwise provided, no lot shall have an area or width less than indicated in the table below. In addition, no building, or buildings (including accessory buildings), as well as any loading docks, decks, porches, or steps attached to or otherwise associated with such building or buildings, shall encroach upon the minimum front, side and rear yards indicated below, nor shall they cover a greater area nor shall they exceed in height the amount set forth in the following table.

Table 4.10 Area and Bulk Requirements

Minimum Lot and Area Requirements						Maximum			
District	Area	Frontage	Front Yard	Side Yard	Rear Yard	Width	Density	Coverage	Height
HR-33	33,000 s.f.	150 ft.	40 ft.	25 ft.	50 ft.		1.25	20%	35 ft.
R-33	33,000 s.f.	150 ft.	40 ft.	25 ft.	50 ft.		1.25	20%	35 ft.
R-44	44,000 s.f.	175 ft.	50 ft.	35 ft.	60 ft.		1	15%	35 ft
R-88	88,000 s.f.	175 ft.	50 ft.	35 ft.	60 ft.		0.5	10%	35 ft
OS R-33	25,000 s.f.	125 ft.	35 ft. (1)	20 ft.	40 ft.	150 ft. (1)	2	20%	35 ft
OS-44	33,000 s.f.	150 ft.	40 ft. (1)	30 ft.	50 ft.	175 ft. (1)	1.25	20%	35 ft
OS R-88	44,000 s.f.	175 ft.	50 ft. (1)	35 ft.	60 ft.	200 ft. (1)	1	15%	35 ft
R-33-Rear Lot (7)	66,000 s.f.	25 ft.	50 ft.	25 ft.	50 ft.	150 ft. (1)		15%	35 ft
R-44-Rear Lot (8)	88,000 s.f.	25 ft.	50 ft.	25 ft.	50 ft.	150 ft. (1)		15%	35 ft
R-88-Rear Lot(9)	132,000 s.f.	25 ft.	50 ft.	25 ft.	50 ft.	150 ft. (1)		15%	35 ft
TVC (6)	5,000 s.f.[10]	50 ft.	10 ft. (2)	0 (3)	10 ft.(4)		(5)	85%	40 ft.
Note: Maximum story height in all zones is 2 & ½ stories, except in TVCZ where the maximum is 3 stories.									

4.10.1 Notes to Table 4.10 - Area and Bulk Requirements

1. On existing street
2 Commission may approve smaller front yard to achieve compatibility with adjacent structures.
3. If provided, must be at least four (4) feet in depth; 20 feet if adjoining a building containing exclusively residential uses.
4. Rear yard shall be a minimum of 20 feet in depth if adjoining a building containing exclusively residential use or greater than 50% residential uses.
5. To be determined by Commission
6. Maximum front yard is 25 feet; minimum floor area for residences is 600 square feet.
7. Rear lots in Single Family Open Space Subdivisions shall have a minimum lot size of 50,000 square feet.
8. Rear lots in Single Family Open Space Subdivisions shall have a minimum lot size of 66,000 square feet.
9. Rear lots in Single Family Open Space Subdivisions shall have a minimum lot size of 88,000 square feet.
10. Commission may reduce the minimum area to 4,500 s.f. by Special Permit pursuant to Section 4.30.21 **(Added 4/19/10)**

4.10.2 Supplemental Area and Bulk Requirements

A. All buildings used for residential purposes shall have a full cellar and foundation beneath the finished floor area. The minimum height of the cellar shall be seven (7) feet. Additions to the residential building, on slab-type construction or utilizing cellars with less than seven (7) feet in height are permitted, but shall not exceed 50 percent of the original floor area of the building, excluding garages, porches, and breezeways. Portions of the building used for residential purposes which utilize a floor slab as a solar energy retention element of passive solar system may be exempt from the above requirement provided compliance with the intent of this Section shall be determined by the Commission.

B. Only one (1) principal building is permitted on a lot. A building may contain two (2) dwelling units, except in the HR-33 Zone, where it may contain only one (1) dwelling unit

C. Continuing Care Communities shall meet the following requirements:

Minimum Lot Area:	30 acres
Maximum Density	R-33 5/acre; R-44 3/acre
Total Maximum Lot Coverage:	25%
Minimum Yard Setbacks:	
Front:	60 feet
Side and Rear:	50 feet
Maximum Building Height:	35 feet
Minimum Floor Area:	
Studio/Efficiency	600 square feet
One Bedroom	800 square feet
Two or more Bedrooms:	1,000 square feet

D. Housing for the Elderly shall meet the following requirements:

Minimum Lot Area:	2½ acres
Maximum Density:	16 Dwelling Units/acre
Maximum Lot Coverage:	25%
Minimum Yard Setbacks:	
Front:	60 feet
Side and Rear:	50 feet
Maximum Building Height:	35 feet or 2½ stories
Minimum Floor Area:	
Studio/Efficiency:	600 square feet
One Bedroom:	800 square feet
Two Bedrooms:	1,000 square feet

E. Assisted Living Facilities must meet the following requirements:

Minimum Lot Area:		10 acres
Maximum Density:	R-33	10/acre
	R-44	8/acre
Maximum Lot Coverage:		25 %
Minimum Yard Setbacks:		
Front:		60 feet
Side and Rear:		50 feet
Maximum Building Height:		35 feet

F.

Assisted Living Facilities Bulk Requirements, Continued

Minimum Gross Floor Area :	
Studio/Efficiency:	450 square feet(1)
One Bedroom:	525 square feet
Two or more Bedrooms:	700 square feet

1. Studio/Efficiency: If all the units in a building are studio/efficiency units and the residence management , as part of its core services, provides three (3) meals a day in a communal dining room to all the occupants, the gross minimum floor area may be reduced by 150 square feet to 300 square feet.

G. Senior Residential Developments shall meet the following requirements

Minimum Lot Area:		10 acres
Maximum Density:	R-33	3/developable acre
	R-44	2/developable acre
	R-88	1/developable acre
Maximum Impervious Surface Coverage:	R-33	40 %
	R-44:	30 %
	R-88:	25 %
Maximum Building Height:		24 feet
Minimum Floor Area:		900 square feet(2)

Yard Setbacks: See Special Permit requirements in Section 4.30.21

(2) Exclusive of all halls and bathrooms.

H. Any new construction on a legal non-conforming lot under 33,000 sq. ft. of area developed prior to (effective date of these regulations) shall meet the following requirements:

Minimum Front Yard:	35 feet
Maximum Lot Coverage:	20 %
Minimum Yard Setbacks:	
Front and Rear:	35 feet
Side:	10 feet
Maximum Building Height:	35 feet or 2½ stories
Minimum Total Finished Floor Area:	1,200 square feet
Minimum Total First Floor Area in Two Story Building:	800 square feet

I. Open Space Single Family Subdivisions shall meet the following requirements:

Minimum Lot Size:	15 acres.
Density Factor	
R-33	1.32 lots/ acre
R-44	1.00 lot/ acre
R-88	0.50 lot/ acre

The permitted number of lots shall be determined by the following formula:

PL = TSA - (.07 TSA +.5 IW/F + .25 S) x D where:

PL = Permitted Lots TSA = Total Site Area

IW/F = Areas of Inland Wetlands or Floodplain

S = Slopes in excess of 25% D = Density Factor

When the permitted number of lots using the formula above equals or is greater than one-half (½), the total number of lots permitted shall be the next highest whole number.

Section 4.20 Use Requirements

The following table establishes use requirements for Residential Districts.

Special Permit = SP Use by Right = R Accessory = A Not Permitted = ( )

Table 4.20
Use Table for Residential Districts

Uses	HR-33	R-33	R-44	R-88	TVC
Agricultural Activities (1)	SP	SP	SP	SP	
Assisted Living Facilities		SP	SP	SP	
Bed & Breakfast Inns, Boarding/Rooming Houses(2)	SP	SP	SP	SP	SP
Cemeteries	SP	SP	SP	SP	
Child & Adult Day Care Facilities	SP	SP	SP	SP	R
Commercial/Recreational Vehicles or Boats (3)	A/SP	A/SP	A/SP	A/SP	A/SP
Community Residences, Mentally Ill Adults					R
Community Residences, Mentally Retarded Persons	R	R	R	R	R
Continuing Care Retirement Communities	SP	SP	SP	SP	
Conversion of Buildings for Residential Use		SP	SP	SP	SP
Duplex Residences		SP	SP	SP	R
Family and Group Day Care Facilities (4)	R	R	R	R	R
Farms (5)	R	R	R	R	
Golf Courses (6)		SP	SP	SP	
Governmental Buildings & Offices/Facilities (7)	SP	SP	SP	SP	SP
Helicopter Landing - Temporary (See Sec. 4.30.20)	S/SP	S/SP	S/SP	S/SP	S/SP
Home Occupations, Home Professional Offices (8)	SP	SP	SP	SP	SP
Housing for the Elderly		SP	SP	SP	
Multi-family Residential Uses					R
Non-profit Homeless Shelters, Housing	SP	SP	SP	SP	SP
Non-profit Residential Housing	SP	SP	SP	SP	SP
Parking	A	A	A	A	A
Places of Worship	SP	SP	SP	SP	SP
Public Utility Buildings/Facilities	SP	SP	SP	SP	SP
Renting of Rooms to No More Than Two Guests (12)	A	A	A	A	A
Schools, Public & Private(9)	SP	SP	SP	SP	SP
Senior Residential Developments		SP	SP	SP	
Single-Family Residences (10)	R	R	R	R	R
Swimming Pools	A	A	A	A	A
Tool, garden, and other out buildings (11)	A	A	A	A	A
Undertaking/Funeral Businesses	SP				
Wireless Communications Facilities	SP	SP	SP	SP	SP

4.20.1 Notes to Use Table

(1) Agricultural activities which require a Special Permit include: all processing or manufacturing of agricultural products, whether such products are grown on or off the premises; the storage of all agricultural products produced or grown off the premises; and roadside stands larger than 200 square feet in size, for the sale of any and all farm products, regardless of where the products are processed or manufactured. The majority of all products sold at the roadside stand must be raised or produced on the premises. For the purposes of this use, off the premises means that the growing and processing/storage of products takes place on property under different ownership than the property upon which the products are sold.

(2) Bed and Breakfast Inns, Boarding Houses and Rooming Houses must maintain the appearance of owner-occupied residential buildings.

(3) All /Recreational Vehicles must be stored inside garages or to the rear of the existing front building line. Commercial Vehicles in residential districts are allowed only in accordance with Section 3.30.13 of these regulations. **(amended 11/25/03)**

(4) New buildings and new or renovated landscaping shall conform to general standards of the surrounding neighborhood. When Family Day Care Facilities are proposed in buildings containing more than one dwelling unit, a Special Permit from the Commission is required.

(5) All Farm buildings and uses, other than the growing of crops and raising of livestock, shall meet Special Permit standards. A farm stand of less than 200 square feet in size is permitted as of right; such farm stand shall be at least 20 feet from the street line and at least 100 feet from any intersection. Buildings used for the storage of agricultural products are an accessory use. Operating dairy farms may sell products raised or produced on such farms at farm stands or from buildings on the premises. Buildings used for the storage of motor vehicles and equipment used in the operation of the farm are permitted as an accessory use. The repair of such vehicles and equipment within buildings on the farm is permitted. Commercial piggeries, fur farms, goat farms and similar uses are prohibited.

(6) Restaurants with full liquor or beer and wine permits may be permitted by the Commission, except in the HR-33 District, as an accessory use to a golf course. Such use shall require a Special Permit. Both the golf course and restaurant use shall be on the same parcel and under the same ownership. The use of any portion of the premises as a tavern, cocktail lounge, nightclub, or discotheque is prohibited.

(7) Only government offices and buildings for offices and public assembly are permitted in the Thompsonville Village Center Zone. Other government facilities, even when owned by the Town are not permitted in the Thompsonville Village Center Zone.

(8) Home Occupations/Professional Offices are accessory uses and shall not change the residential character of the building; shall be registered with the Zoning Enforcement Officer; only residents are permitted to work on the premises; minimal customers may visit the business on a regular basis; if the operator of the home occupation/professional office wants to have non-residents employed on the premises, the Zoning Enforcement Officer shall require that a Site Plan be approved by the Commission, but in no instance shall more than two (2) non-residents be employed on the premises; adequate on-site parking must be provided for employees and customers.

(9) Private high schools are prohibited.

(10) Single family residential uses are allowed in the I-1, 1-2, and I-P Districts by Special Permit. See Section 9.20.

(11) Excludes housing of poultry and livestock.

(12) Renting of rooms to no more than two guests is allowed only as an accessory use to a principal dwelling used by the owner as his or her dwelling and requires Commission approval as a Special Permit.

Section 4.30 Additional Requirements for Special Permit Uses

In addition to the general criteria listed in Article IX, all Special Permit uses in residential districts shall comply with the applicable standards of this section.

4.30.1 Agricultural Activities and Farms

A. All farm buildings, except for farm stands, shall be at least 100 feet from the street line and from all residential buildings under separate ownership.
B. All farm stands shall be at least 20 feet from the street line and at least 100 feet from any intersection.
C. All farm stands larger than 200 square feet in area shall require a Special Permit.

4.30.2 Assisted Living Facilities

A. Age Restrictions: Residents shall be at least 62 years old, and in the case of multiple occupancy of a unit, one (1) person shall be at least 62 years old and the other resident shall be at least 55 years old. The Commission may require that the owner/management annually report to the Commission (Zoning Enforcement Officer) on compliance with this standard.
B. The development shall contain appropriate accessory uses as determined by the Commission.
C. The site shall be served by both public sewer and public water.
D. No Assisted Living Facility shall be converted in any degree to a Senior Residential Development.
E. An assisted Living Facility may be a stand-alone facility or part of a Continuing Care Facility.
F. Each dwelling unit shall have an emergency call/intercom system connected to a central station staffed 24 hours/day.
G. Each dwelling unit shall have a full bathroom consisting of at least one (1) toilet, one (1) sink, and one (1) shower, all handicapped accessible.
H. Each dwelling unit shall have a mini-kitchen consisting of at least a refrigerator and a microwave oven.

I. Outdoor recreational facilities, including, but not limited to, landscaped walking trails and community gardens (flower and vegetable), shall be provided.

4.30.3 Bed and Breakfast Inn, Boarding/Rooming House

A. The building, must retain its residential character.
B. No parking areas may be in the front yard and all parking areas must be screened from the street.
C. Cellar space may not be used as living space. Attic space may not be used as living space.
D. All exterior stairwells must be enclosed and may not be visible from the street.
E. The site must be served by both public sewer and public water.
F. A permit for the continued use of the building must be renewed annually by the Zoning Enforcement Officer.

4.30.4 Cemeteries

A. Two (2) acre minimum site
B. All required parking must be provided on-site.
C. When cemetery properties are enlarged, whether for immediate or future use, buffer yards meeting the standards of a "C" buffer yard as specified in Section 10.10 shall be provided where such expansion is adjacent to a property in residential use.
D. No burial plots shall be within 35 feet of a property line.

4.30.5 Adult and Child Day Care Facilities

A. Must be licensed by the State.
B. Parking areas and drop-off and pickup areas must provide direct access from cars to building, in a safe manner and be built so as not to cause cars to use the street as queuing area.
C. All outdoors and play areas must be fenced.
D. If a single-family residential building is used as adult and child day care facility, the building and lot must maintain their residential character.
E. All outdoor play areas shall be screened in such a manner so as to insure visual and auditory privacy to adjacent property owners.
F. May be permitted as an accessory use to a special permit use.

4.30.6 Continuing Care Communities

4.30.6 Continuing Care Communities

A. Age Restrictions **(Amended 8/15/05)**

i. Occupants shall be at least 55 years old, and in case of multiple occupancy of a dwelling unit, at least one (1) resident shall be at least 55 years old and all other residents at least 50 years old.

ii . Age restrictions shall be part of every sales or rental contract.

iii. The age restriction requirements shall be included within the Declaration of Common Interest Community for each development.

iv. The Commission may require that the owner/management annually report to the Commission through the Zoning Enforcement Officer on compliance with these standards.

B. The development may contain appropriate accessory uses.
C. All dwelling units shall be individual dwelling units in detached, semidetached, or attached buildings.
D. Facilities may include an extended health care facility, congregate housing, and other facilities and uses determined to be appropriate by the Commission.
E. The site shall be served by both public sewer and public water.
F. Sidewalks shall be provided throughout the interior of the site.

G. All community facilities, as required by the Commission, shall be completed and ready for use prior to the granting of a Certificate of Occupancy for any dwelling units. All community facilities must be maintained continuously, thereafter. The declaration of Common Interest Community, the by-laws of any resident association formed, and a deed restriction placed on the Town land records in the Office of the Town Clerk, shall prohibit the elimination of any community facilities without the Commission granting permission to do so prior to said elimination.
H. Each dwelling unit shall have an emergency call/intercom system connected to a central station staffed 24 hours/day.
I. Outdoor recreational facilities, including, but not limited to, landscaped walking trails and community gardens (flower and vegetable), shall be provided.
J. If built, the extended health facility shall have a minimum of 60 beds but a total not to exceed 30 percent of the total number of units in the facility.
K. No Continuing Care Facility shall be converted in any degree to a Senior Residential Development.

4.30.7 Conversion of Buildings for Residential Purposes:

A. Existing buildings may be converted from one (1) family residential or from other use buildings to two (2), three (3), or four (4)-family buildings with a minimum building size of 1,600 square feet of floor area after the conversion.
B. The gross ground floor area on the lot does not exceed 25 percent (%) lot coverage after the conversion.
C. Each dwelling unit shall contain a minimum of 600 square feet of floor area after the conversion, provided, however, that the conversion shall result in not more than one additional dwelling unit per lot, nor more than two bedrooms in each additional dwelling unit
D. The conversion shall have a minimal impact on traffic in the neighborhood. The Commission shall make a finding that:
    i. Two (2)-parking spaces per dwelling unit have been provided;
    ii. All State and Town codes and regulations have been met in undertaking the conversion;
    iii. The exterior architectural style and appearance of the building and lot have been maintained; and
    iv. The square footage of the dwelling unit(s) to be added to an existing building shall not exceed 75 percent of the gross square footage of the original existing building.
E. All exterior stairwells shall be enclosed.
F. Additional cellar space does not have to be provided if the existing building has a cellar meeting the Zoning Regulations standards and free and clear access to that cellar is available, and that a distinct portion of that cellar, at least 25 percent of the total cellar floor area, is set aside for the new dwelling unit.
G. Conversion of existing non-residential buildings, such as industrial and/or mill buildings to multi-family dwellings may take place under this Section. The requirements of Sections B and C above may be waived for such conversions.

4.30.8 Duplex Residences

A. Only one (1) building is permitted on a lot.
B. The density shall not exceed the existing density of all lots within 500 feet of the subject lot. Only lots with Certificates of Occupancy shall be considered when making density calculations. All lands used as or reserved for public right-of-ways shall be deducted from the 500 feet calculations. All buildings for which applications for conversion are made shall be legally occupied for residential purposes.
C. At least half of the lots abutting the subject lot shall contain at least one (1) building having at least two (2) dwelling units with Certificates of Occupancy.

4.30.9 Golf Courses

A. Golf courses shall have a minimum of nine holes and shall be a minimum 2,750 yards in length.
B. Restaurants with a restaurant liquor permit may be permitted by the Commission, except in the HR-33 district, as an accessory use by a Special Permit. Both the golf course and the restaurant shall be located on the same lot.
C. Use of any portion of the premises as a tavern, cocktail lounge, nightclub or discotheque is prohibited.
D. All parking shall be provided on site.

4.30.10 Home Occupations/Home Professional Offices

A. If no changes to the property are required, including any increase in the arrangements for or layout of parking areas, and only residents of the premises are employed, the Office of the Director of Planning and/or the Zoning Enforcement Officer may approve Home Occupations/Home Professional Offices. Such approvals shall be reported to the Commission monthly.
B. If any persons who are not residents of the building are employed, a Special Permit is required.
C. Under no circumstances shall more than two (2) non-residents be employed.
D. All parking areas providing three (3) or more spaces must be paved and landscaped as required by Article 10.
E. The Office of the Director of Planning shall determine design and construction standards for all parking areas.
F. Not more than 25 percent of the residential structure shall be used for business purposes.
G. The residential character of the building shall be maintained.
H. Customer visits and deliveries by any trucks shall be kept to a minimum.
I. Such uses shall be limited to the primary building on the lot except as may be allowed under the provisions of subsection J. below.
J. **(Amended 1/01/08)** Pet grooming may be permitted as a Home Occupation by Special Use Permit subject to the following additional standards:
a. The residential lot on which the home occupation is to be conducted shall have a minimum lot area of 1.5 acres.
b. Any wastewater from the proposed use shall be discharged into the Town sewer system subject to approval from the Water Pollution Control Division.
c. The water supply to the use shall be equipped with a backflow prevention device.
d. No more than four animals may be serviced per day.
e. No overnight kenneling shall be allowed.
f. No signage may be allowed.
g. Hours of operation shall be limited to 9 a.m. to 6 p.m. on Monday through Saturday with no Sunday hours.
h. If the proposed use is to be located in an accessory structure, such structure shall be located at least fifty feet (50') from the nearest neighboring residential building.

4.30.11 Housing for the Elderly

A. The use of property as a Housing for the Elderly development shall be guaranteed in perpetuity by deed restrictions, approved as to both form and content by the Town Attorney, and recorded in the Office of the Town Clerk. All deed restrictions and approvals of both the Special Permit and Site Plan approvals also shall be recorded in the appropriate records of the Commission.
B. Such approvals shall terminate only upon the approval by the Commission of the demolition of the development or the approval of a change in use of the property.
C. The development may contain appropriate accessory uses.

D. Outdoor recreational facilities, including, but not limited to, landscaped walking trails and community gardens (flower and vegetable), shall be provided. All such areas shall be handicapped accessible.
E. Maximum density permitted is 16 dwelling units per acre.
F. Public sewer and public water shall serve the site.
G. The Commission may increase building height by not more than 40 percent, or one and one-half 1½ stories, or may decrease the minimum gross unit floor area, exclusive of common areas, by no more than 33 percent upon a finding by the Commission that such a change is compatible with the neighborhood and promotes the health and safety of the residents.
H. **(Added 11/01/08)** In addition to the requirements set forth in subsections A through G., inclusive herein, in evaluating non-subsidized, privately owned, housing for the elderly, the commission shall determine that the proposed development meets the Special Permit Criteria in Article IX, as well as the specific criteria set forth in 4.40.3 (i)-(ix).
I. Age Restrictions: **(Added 11/01/08)**

i. Occupants shall be at least 62 years old, and in case of multiple occupancy of a dwelling unit, at least one (1) resident shall be at least 62 years old and all other residents at least 50 years old.
ii . Age restrictions shall be part of every rental contract.
iii. The Commission may require that the owner/management annually report to the Commission through the Zoning Enforcement Officer on compliance with these standards.
iv. The use and occupancy of such a development shall be secured by a deed restriction. Up to ten (10) percent of the units may be occupied by families with handicapped members, regardless of the age of family members.

4.30.12 Non-Profit Homeless Shelters/Housing

A. The property shall be designed and landscaped so as to maintain the property's architectural compatibility with surrounding development and the neighborhood. The Commission shall determine such compatibility.
B. All parking areas shall be designed and landscaped to maintain the residential character of the property.
C. A non-profit Homeless Shelter/Housing facility shall be separated from any other such facility by a distance of at least 2,000 feet.

4.30.13 Places of Worship

A. All required parking shall be provided on-site or off-site as provided in Article X, Section 10.10, Table 10.10 of these Regulations.
B. All parking areas shall be landscaped as provided in Article X, Sections 10.10.6 Parking Design, Layout and Location, 10.10.7, Parking Area Setbacks and Landscaping Standards, and in 10.20 Landscaping Standards.

4.30.14 Renting of Rooms to Not More than Two Guests

A. Rooms for rental shall not be in a cellar area.
B. Meals may be provided.
C. Off-street parking shall be provided.
D. The single family residential character of the building shall be maintained

4.30.15 Schools, Private and Public

A. All required parking shall be provided on-site or off-site as provided in Article X, Section 10.10 Off Street Parking and Loading Regulations and Table 10.2.
B. Private high schools are prohibited.

4.30.16 Swimming Pools

A. Swimming pools may be installed in any district as an accessory to a dwelling unit for private uses of the owners or occupants of such dwelling (s) and their families and guests.
B. Swimming pools shall only be built in the rear yard of the lot, or in that portion of the side yard that lies at least 50 feet from any street line.
C. Swimming pools shall be at least five (5) feet from the rear and side property lines of the lot, or in the case of a corner lot, at least 25 feet from any property line abutting a street.
D. Swimming pools shall not occupy more than 40 percent of the area of the rear yard excluding all garages and other accessory structures occupying such rear yard.

4.30.17 Undertaking/Funeral Businesses

A. Undertaking/Funeral Businesses shall be located on lots having a minimum of three (3) acres area.

4.30.18 Wireless Communications Facilities

A. Buildings and grounds shall conform to the general style of architecture and landscaping in the adjacent neighborhood.
B. Each principal building shall be constructed on a lot containing the minimum frontage and lot area required in the applicable district.
C. Buildings shall conform to all Bulk Standards.
D. Other specific Site Plan requirements for Wireless Communications Facilities are found in Article VIII, Special Regulations.

4.30.19 Senior Residential Developments (SRD)

A. Age Restrictions:
    i. Occupants shall be at least 55 years old, and in the case of multiple occupancy, a spouse must be of similar age.
    ii. A surviving spouse may retain occupancy.
    iii. A resident whose spouse has entered into a long-term continuing care facility may retain occupancy.
    iv. When a remaining spouse remarries or cohabits, the other occupant shall meet all of the above age restrictions.
    v. One child 21 years of age or older may reside with his or her parent(s).
B. Occupancy is limited to three (3) people.
C. Home Occupations/Professional Offices may be approved by the ZEO following the standards and procedures of these Regulations.
D. All SRDs shall be Common Interest Ownership Communities as defined in Chapter 828 of the Connecticut General Statutes, as may be amended from time to time.
E. All SRDs shall served by both public water and public sewers.
F. The minimum distance between dwelling units shall be 30 feet.
G. Streets within a SRD may be public or private. In either case, all streets shall be constructed to the standards of the "Technical Subdivision Regulations" of the Town. The Commission may waive such standards in the same manner as provided for in the Technical Subdivision Regulations.
H. At least one (1) of the required parking spaces for each unit shall be provided within an attached garage that shall be directly accessible from within the unit. A minimum of 25 percent of the units shall accommodate a two (2) car attached garage. All unit driveways shall be a minimum of 20 feet in length.
I. Each dwelling unit shall have a full basement.
J. Buildings shall be of a design and use building materials that are compatible with a single-family residential character and design.

K. Buildings containing dwelling units (including deck and porches) shall conform to the following standards:
   i. Be no closer than 25 feet to private streets or parking areas;
   ii. Be no closer than 30 feet to other residential buildings;
   iii. Be no closer than ten (10) feet to accessory buildings; and
   iv. Be no closer than 50 feet to an exterior lot line.

L. All proposed accessory buildings shall be shown on the plans submitted and shall observe the following standards:
   i. Be no closer than 25 feet to a development's main streets;
   ii. Be no closer than ten (10) feet to cul-de-sacs or parking areas except all driveways shall be at; least 20 feet in length;
   iii. Be no closer than ten (10) feet to other accessory buildings;
   iv. All accessory buildings, other than garages, shall be located in the rear yard behind the back line of the principal building; and
   v. Be no closer than ten (10) feet from any property line.

M. Buffer Yards, as detailed in Article X, shall be provided as follows:
   i. When an exclusive use area is equal to or exceeds 75 percent of the minimum lot area for the underlying zone, no buffer yards shall be required; and
   ii. When the exclusive use area is less than 75 percent of the minimum lot area for the underlying zone an "A" Buffer Yard shall be provided between the SRD and any adjoining single family residential buildings.

N. Units shall be owner-occupied with the following exceptions:
   i. A non-resident may purchase and/or own a unit provided that a family member or family members occupy the unit, limited to a parent, child or legal ward, whom meet the residency requirements set forth above;
   ii. A unit may be leased for a term of not more than one (1) year to a tenant or tenants who are not members of the owner's family provided that the tenant or tenants meet the residency requirements set forth above, and provided that the unit owner(s):
      a. Occupied the dwelling unit immediately prior to the commencement of the lease term; and
      b. Intends to immediately re-occupy the dwelling unit upon the end of the lease period; and
   iii. All such leases shall be reported to the Office of the Director of Planning.

O. There shall be a minimum set aside of open space equal to 2,500 square feet per unit. Areas with greater than 15% slope or wetlands soils as identified by a Certified Soils Scientist shall not count toward meeting this minimum requirement. Any undeveloped areas that are used for determining permitted density shall be reserved for open space or recreational purposes approved by the Commission.

P. A walking trail system may be provided within the proposed development. Unpaved walking trails may be counted as open space.

Q. Sidewalks and curbing shall be as required by the Town's Technical Subdivision Regulations. These standards may be waived or altered by the Commission by three-quarters vote.

R. Management Plan: A Management Plan shall be submitted along with the SRD Site Plan as a requirement of the Special Permit. This Management Plan shall describe, to the satisfaction of the Commission, that the dwellings shall be owned and shall be conveyed only to persons aged 55 years or older, subject to the age restrictions and exceptions set forth above; and that the maintenance and repair of the exterior of dwellings, in developments in which the unit is defined as including exterior walls, roofs, decks and other exterior features, shall be enforced by covenant, deed restriction or other similar instrument; and that the perpetual maintenance and replacement of commonly-owned facilities and property shall be guaranteed. In addition, the Management Plan shall provide a detailed description of the schedule, responsibility, and financial plan for providing the following:

i. Operation and maintenance of commonly owned utilities such as water and wastewater treatment systems.
ii. Operation of community services such as refuse collection and the community building, if any.
iii. Maintenance of grounds, streets and driveways, storm water drainage system, signage, and roadway illumination system.
iv. Maintenance of individual dwellings, storage of motor vehicles and trailers, placement of temporary structures, and general external housekeeping.

Any subsequent changes to the terms of the Management Plan shall require the Commission's approval as an amendment to the approved Special Permit.

S. Criteria for Evaluation and Decision Making: In evaluating a proposed SRD, the Commission shall consider and shall base their decisions on all evidence presented to it at public hearing, their own knowledge of the site, data submitted by the applicant, information provided by the public, and data and analysis provided to the Commission by the Town staff consisting of at least the Director of Planning, Director of Public Works, Fire Marshal and Traffic Safety Officer. The Commission will utilize this information to determine compliance to the following specific criteria for SRD as well as the general considerations for Special Permits found in Article X:
   i. The proposed development is found consistent with the standards of the Special Residential Developments found above, and with the standards of the SRD Regulations found above
   ii. The SRD shall be screened from all abutting streets, single family buildings, and Town lands by the use of existing land forms or vegetation, by supplemental plantings, adequate setbacks and/or sensitive and compatible building design.
   iii. The proposed development of the SRD is such that it does not have a negative impact and becomes a compatible land use to the surrounding existing development and/or potential surrounding future development.

T. Effect on Prior Planned Residential Development (PRD) Approvals: Any Planned Residential Development existing or under construction as of the date of these amendments shall be maintained in accordance with any conditions of approval and the regulations existing at the time of their approval. Any changes to any previously approved PRDs shall require a Special Permit from the Commission.

Section 4.30.20 Temporary Helicopter Landings (Approved 4/22/04)

The Planning and Zoning Commission may allow the temporary landing and takeoff of a helicopter in a residential zone in conjunction with a special event sponsored by the municipality or a non-profit community organization. Any person or organization proposing such an event shall file an application with the Commission with a map or plot plan showing where the landing will occur together with a narrative plan indicating the proposed purpose of the event, its duration, and the safety measures that will be employed. No public hearing will be held unless the Commission finds that the particular circumstances of the application warrant a Special Permit.

4.30.21 Reduction in Lot Size for Thompsonville Village Center District (Added 4/19/10)

In the Thompsonville Village Center District (TVC) the Commission may allow a minimum lot size of 4,500 s.f. by Special Permit only subject to the requirements and criteria of Section 9.20 and the following restrictions.

A. Any other subsections notwithstanding, only owner occupied single-family and duplex residences will be allowed on lots that are approved under this section. This restriction shall be noted on the mylar plan submitted for signature as well as in the Conditions of the Special Use Permit Certificate.
B. The application shall address how the proposed design and use of the new building is consistent with the purpose of the Thompsonville Village Center Zone and the guidelines contained in the Appendix entitled "Preserving a Community- Historic Rehabilitation Standards and Guidelines for the Village of Thompsonville" as may be amended from time to time. In addition to the architectural elevations

required under Section 9.10.2. of these Zoning Regulations, each application shall include a drawing at a scale no smaller than 1/8" = 1' showing the following information:

a. Design type, style and color of materials for building façade and roof;
b. Details of window and door treatment;
c. Details and description of other architectural trim and features.

Section 4.40 Procedures for Special Residential Developments

Special Residential Developments, which include Single Family Open Space Subdivisions, Senior Residential Developments (SRD), and Rear Lots, due to their unique nature as alternate types of single family residential developments, require a more intensive review by the Commission. Therefore, a procedure with an additional level of review applies to all applications for such types of development. In addition to the materials normally required for Special Permits (Article IX) the procedures in this Section shall also apply:

4.40.1 Special Procedures

A. Administrative Review Team: The applicant shall submit all proposals for Special Residential Developments to the Administrative Review Team, through the Office of the Director of Planning, prior to the submission of an application for informal review by the Commission. The Director of Planning shall report the findings of the Administrative Review Team to the Commission.
B. Informal Review by the Commission: The applicant shall submit all proposals for Special Residential Developments to the Commission for an informal review prior to the official submission of an application.

4.40.2 Submission Requirements

A. Following the above informal reviews, a Special Permit application shall be submitted to the Commission that includes all the information contained in the relevant sections of Article IX. In addition, all applications for Special Residential Developments shall include all of the information listed in paragraphs B, C, and D below. The specific requirements of paragraphs B, C, and D are mandatory for all developments of 25 or more units. However, the Commission may require such information for any Special Residential Developments application regardless of the number of units proposed, when in their opinion it is necessary for the proper evaluation of the proposal.
B. In addition to the data required for the Zoning Data Table - Site Plans in Article IX, Section 9.10.2.B, the following shall be included:
    i. A listings of the locations of all areas set aside as open space/recreation space and the size of each area in square feet and acres of open space/recreation space;
    ii. Names of all school districts, fire district, water company; and
    iii. Number of proposed buildings, units and bedrooms.
C. Traffic Analysis: A traffic study shall by submitted by a licensed engineer who qualifies as a member of the Institute of Transportation Engineers (ITE) for all Special Residential Developments containing 25 or more residential units that shall include the following:
    i. Average daily traffic (ADT) on streets providing access to the development site, including AM and PM peak periods;
    ii. Intersection turning movement analyses for all intersections likely to be impacted by the development;
    iii. Inventory of the characteristics of the roadway network in the vicinity of the development including number of lanes, sidewalks, traffic control devices, condition of improvements, and any other inventory information requested by the Town or Commission;
    iv. Estimated trip generation of proposed development with ADT, with AM and PM peak periods;
    v. Estimated directional split of new trips;

vi. Projected traffic counts on existing street system following development of project showing ADT, AM and PM peak periods;
vii. Project impacts on "levels of service" (LOS) at existing and proposed intersections and roadway and intersection capacities; and
viii. A statement identifying necessary street system and traffic control improvements needed as a result of the developments impact on surrounding streets and relevant intersections.

D. Impact Analysis: An Impact Analysis shall be submitted for all Special Residential Developments containing 25 or more residential units showing the anticipated impacts of the proposed development on the Town, fiscal and otherwise, including impacts on school capacity by school, public safety services, emergency service requirements, public utilities, recreation facilities, and any other potential demands for municipal services.

E. Site Plan Data: In addition to the requirements of Section IX, Site Plans, submitted Site Plans shall show the following:
i. Areas of steep slope (15% or greater);
ii. Soil types as defined by the Hartford County Soil Survey;
iii. Significant vegetation including, but not limited to major tree lines; edge of vegetation; specimen trees; and wooded areas by major species;
iv. Identification of significant views from the site;
v. Identification of significant negative noise/visual impacts affecting the site;
vi. Significant natural or manmade features on the site;
vii. Abutting buildings and land uses surrounding the site identifying potential views and possible impacts and/or opportunities; and
viii. Composite map showing land worthy of being preserved in a natural state and land capable of development.

4.40.3 Special Residential Development Criteria

A. During the review of all Special Residential Development proposals, the Commission shall determine that the proposed development meets the Special Permit criteria in Article IX, as well as the following specific criteria:
i. The proposed plan is in harmony with the purpose of the Zoning Regulations;
ii. The proposed plan is in harmony with the goals and objectives of the Enfield Plan of Conservation and Development;
iii. The site's significant natural features are preserved in their natural state to the greatest extent possible by limiting excessive grading and tree and soil removal;
iv. The character of the neighborhood will be maintained or enhanced;
v. Any proposed open space is of the size, design and quality to be of recreational value to the existing neighborhood as well as to the residents of the proposed development;
vi. The scale and massing of buildings are compatible with those prevalent in the neighborhood particularly in relation to abutting single-family dwellings;
vii. Buildings and site layout permit easy access by public safety and emergency personnel and equipment;
viii. Where applicable, improved access to, or the development of additional connections is made to adjoining systems of open space, paths, streets, or utility systems; and
ix. Estimated future populations, development density, and traffic generated can be appropriately serviced by the available system of streets, school, emergency services and other infrastructure facilities.

4.40.4 Special Requirements for Open Space Subdivisions

A. All Single Family Open Space Subdivisions require separate applications to the Commission as both 1.) a Special Permit and 2.) a Subdivision. Approvals as both a Special Permit and Subdivision are required

prior to the start of construction. The following additional materials shall be submitted with an application for a Single Family Open Space Subdivision:

i. Concept plans, one depicting a conventional subdivision development and one depicting a single-family open space subdivision;
ii. A description of all uses proposed for the open space;
iii. A statement explaining how the intent of these Regulations would be satisfied by development of the parcel as a Single Family Open Space Subdivision;

B. Open Space Criteria and Dedication

i. Open space shall be dedicated in an amount equal to the percentage of lot reduction resulting from the application of the standards of this Section as follows:

R-88 - 50% open space
R-44 - 25% open space
R-33 - 25% open space

ii. A minimum of 33% of the area of the open space shall not be encumbered by wetlands, flood plains, or steep slopes equal to or greater than15%.

C. Method of Dedication: Permanent dedication of each area of open space shall be accomplished by one, or a combination, of the following preservation techniques:

i. Transfer of title to land in fee simple to the town, if the Town Council agrees to accept such land;
ii. Creation of a Public Conservation Easement in favor of the town;
iii. Creation of a Private Conservation Easement in favor of the town;
iv. Transfer of title to land in fee simple to a non-profit, tax exempt entity (such as a private land trust) deemed acceptable to the Commission;
v. Transfer of title in fee simple to the State of Connecticut in connection with an approved State Park Plan (i.e., Scantic River State Park).
vi. Transfer of title in fee simple to a Connecticut non-profit corporation of which all owners of land within the subdivision are members; or,
vii. Any other method which accomplishes permanent dedication in accordance with the intentions of this section.

D. Evidence of Acceptance: If Open Space is to be owned by a private not-for-profit conservation trust or corporation, or another entity, the application shall contain written evidence from the proposed entity satisfactory to the Commission, stating that it is willing to accept ownership of and responsibility for the preservation and maintenance of the open space.

E. Form of Conveyance: Whenever any dedication of open space is made as part of a Single Family Open Space Subdivision, the deed, declaration or other instrument containing the conveyance shall be in a form prepared by the Commission, and shall provide, at a minimum:

i. That all covenants and/or restrictions shall be binding upon and inure to the benefit of all present and future owners of the land within the subdivision.
ii. That such covenants and/or restrictions may be enforced by each present and future owner of land within the subdivision and also by the Town by appropriate action in court for damages or for affirmative or negative equitable relief.
iii. That the rights and duties created by such covenants and/or restrictions shall not in any way be modified or amended without the prior written approval of the Commission.
iv. That if at any time maintenance, preservation and/or use of such open space area shall not comply with or fulfill the provisions of such covenants and/or restrictions, the Town may, at its election, take any or all such action as may be necessary or appropriate to assure or enforce compliance and to assess against the owners of land within the subdivision either jointly or severally, all costs incurred by the Town for such purposes.

F. Access to Open Space: All open space dedicated under this section of these Regulations is open for the use and enjoyment of all residents of the Town, except all open space dedicated through a private conservation easement or non-profit corporation may be reserved for the exclusive use and enjoyment of all present and future owners and/or renters of land within the Single Family Open Space Subdivision and occupants of the subdivision.

G. Design Standards for Open Space

i. Open space requiring a right of access shall have such access on a public street with a minimum frontage of 40 feet, and maximum gradient of 15 percent.

ii. Any land dedicated as open space shall be left in its natural state by the subdivider, except for any improvements that may be required by the Commission.

iii. The Commission may require that open space be developed for parks or playgrounds, or passive recreational purposes. Such improvements shall be bonded as a public improvement pursuant to Section 4.c of the Enfield Subdivision Regulations.

H. Design Standards for Lots

i. Where lots in a Single Family Open Space Subdivision front on an existing public street, the Commission shall require, wherein its judgment it is feasible, the transfer of all possible frontage lots to interior portions of the subdivision. Such frontage shall then be incorporated into the system of open spaces established for the parcel, and shall serve as a permanent buffer for single family lots from the public street and adjoining properties. The Commission may require supplemental buffer plantings in accordance with Section 10.10.

ii. Should the Commission find that the transfer of lots fronting an existing street to the interior portions of the subdivision not to be feasible, such lots shall be developed as conventional lots meeting appropriate bulk requirements of Section 4.10.2.5 and Table 4.10 of these Regulations.

iii. The design of the subdivision shall provide for the retention of existing wooded areas of sufficient density to provide a natural buffer between proposed dwelling units, abutting recreation areas, and existing land uses. In the absence of any such natural buffering, the Commission may require a planted buffer in accordance with Section 10.10. Wherever possible, site design shall utilize natural site features to enhance separation of potentially incompatible uses and densities.

iv. All lots shall front directly on a public or private street that shall be designed in conformance with the standards for public streets of the Technical Subdivision Regulations of the Town.

I. Permitted Uses: Uses permitted in Single Family Open Space Subdivisions shall be limited to single <u>family</u> dwelling units, <u>accessory uses</u> permitted in section 4.20, and <u>home offices</u>/<u>home occupation</u>s.

J. Approval and Maintenance of Private Streets: The Commission may approve private streets within a Single Family Open Space Subdivision. All such private streets shall be built to the standards of the Town's Technical Subdivision Regulations. Upon written request of the applicant and the receipt of Staff comments, the Commission may waive any of the standards of the Town's Technical Subdivision Regulations by a three-fourths (¾) vote. The subdivider shall provide for the perpetual maintenance of the street and drainage systems in a form acceptable to the Town Attorney and Commission ensuring that the Town will not have to assume responsibility for either the maintenance nor improvement of the private street system. All documents required under this Section shall be recorded prior to the signing of the final mylars.

K. Utilities:

i. All Single Family Open Space Subdivisions in R-33 and R-44 zones shall be serviced by both public sewer and water.

ii. All Single Family Open Space Subdivisions in R-88 zones shall be served by public water, and may be served by on-site subsurface sewage disposal systems approved by the North Central District Health Department.

L. Decision Criteria: In considering any application for a Single Family Open Space Subdivision, the Commission shall consider all of the information submitted as part of the applications for both the Special Permit and rezoning, shall apply the criteria contained in Article IX, consider information from other Town commissions and boards (such as the Conservation Commission), and the following:

i. Traffic access to and from existing streets;
ii. Existing patterns of development;
iii. The likely impact on the availability and capacity of storm drainage systems, and other utilities;
iv. The likely impact on natural environmental systems; and
v. The presence of other land characteristics which favor the development of the parcel as a Single Family Open Space Subdivision.

4.40.5 Special Requirements for Rear Lots

All proposed rear lots require separate applications to the Commission as both 1.) a special permit and 2.) a subdivision in addition to meeting the appropriate requirements of Sections 4.40 and of 4.40.1, if requested by the Commission. Rear lots are permitted only as follows:

1. In Single Family Open Space Subdivisions and
2. on lots created prior to December 4, 1987 having frontage on streets that existed prior to the original division or subdivision of their parent parcel**. (amended 6/03/04)**

Except for paragraph 2 above, Rear Lots are prohibited in conventional subdivisions or subsequent resubdivisions. Further, the Commission must make a finding that all rear lots meet the following criteria: **(amended 6/03/04)**

A. The Commission must make a finding that all Rear Lots are:

i. In harmony with the area in which they are proposed;
ii. Designed to protect the privacy and values of neighboring properties;
iii. Designed to be compatible with the sites natural features;
iv. Determined to be the most appropriate use of such land; and
v. Not in conflict with future public access needs of the neighborhood in which they are located based on the Plan of Conservation and Development.

B. Applicability: Rear Lots shall be used for only one single <u>family</u> dwelling per lot and permitted <u>accessory buildings</u> and are permitted only in the R-88, R-44 and R-33 zones.

C. All Rear Lots shall meet the following criteria:

i. The <u>front yard</u> of the Rear Lot shall be measured from the <u>rear lot line</u> of the lot between it and the <u>street</u> or as determined by the Commission;
ii. On a Rear Lot the residential <u>structures</u> shall be located no further than 750 feet from the street to which the Rear Lot has access. This distance shall be measured along the centerline of the driveway providing access to the street.
iii. When the principle entrance of the residential structure on a Rear Lot is located further than 200 feet from the street to which the Rear Lot has access, a residential sprinkler system designed and installed in accordance with N.F.P.A. Standards (13D) may be required by the Commission. Such a system must be designed and installed by a properly licensed person or firm and all such systems shall be inspected by the local Fire Marshal or his or her designee prior to issuance of a Certificate of Occupancy.
iv. The driveway providing access to the Rear Lot shall consist of a minimum ten (10) inch depth crushed stone base acceptable in design to the Director of Public Works, the Fire Marshall, and Fire Chief of the appropriate Fire District, and the Commission and capable of

accommodating Fire Department equipment. The surface of the driveway shall be a minimum of 12 feet wide for its entire length. The driveway shall have an additional passable area of at least three (3) feet on each side capable of supporting fire apparatus and free of obstructions. No structure or landscaping shall be placed within this required 18-foot wide access area. The Commission may require the driveway to be paved in total, or in part, based upon its length, slope and design. The lot owner shall maintain a vertical clearance of 15 feet along the entire length of the driveway.

v. Only two (2) Rear Lots may be accessed over a single common driveway. An access easement identifying maintenance obligations shall be filed on the land records prior to the issuance of a building permit.

vi. No more than two (2) contiguous Rear Lots may be approved.

vii. Driveways serving Rear Lots shall be located no closer together than 300 feet at the street line when located on the same side of the street and located in such a manner as to avoid traffic congestion and conflicts.

viii. No parking shall be permitted within the 18 feet wide driveway described in paragraph iv. Above and such a restriction on parking shall be recorded in the Office of the Town Clerk as an encumbrance on the lot.

ix. A car turnaround designed and built to standards established by the Director of Public Works shall be provided at the terminus of each driveway to a Rear Lot.

x. The street entrance to each Rear Lot shall be posted with a sign containing the house number and street name of the Rear Lot. Such a sign shall be a minimum of one and one-half square feet per side and a maximum of three square feet per side, and of such a design that it provides clear indication of the address of the Rear Lot.

xi. The area of the driveway shall not be used to determine the minimum lot area for a Rear Lot.

xii. The Commission may require the planting of an evergreen screen within any or all yard setback areas to ensure privacy of lots adjacent to Rear Lots. Evergreens shall be used for such screening and shall be a minimum of four (4) feet in height at time of planting and shall be planted in staggered rows no further than six (6) feet on center.

xiii. The Commission may require additional yard setbacks, landscaping/screening, or fire protection measures.

xiv. The Commission shall find that the subject site is more appropriate for Rear Lot development than for conventional development and that the proposed development will not have negative impact on adjacent properties nor preclude the appropriate development of adjacent properties including connective street patterns to presently vacant land.

xv. All rear lots in an open space subdivision shall have the minimum frontage on an existing or proposed public road. Proposed rear lots on lots created prior to December 4, 1987 may be served by a minimum 25 foot permanent easement provided a shared driveway is utilized with the front lot. The proposed easements and shared driveway agreements must be submitted along with any application and shall filed on the land records prior to or at the same time as the final record plan**. (amended 6/03/04)**

ARTICLE V - BUSINESS DISTRICTS

Section 5.00 Purposes

The purpose of the business districts is to allow for a variety of commercial areas that can be economically viable and of a scale, intensity, and type of use that can be supported by necessary utilities and highways, and compatible with the surrounding neighborhood.

Section 5.10 Lot and Bulk Requirements

The following table establishes the lot, yard and bulk requirements for the Business, Thompsonville Village, and Special Development Districts. Except as herein otherwise provided, no lot shall have an area or width less than indicated in the table below. In addition, no building or buildings (including accessory buildings), as well as any loading docks, decks, porches, or steps attached to or otherwise associated with such building or buildings, shall encroach upon the minimum front, side and rear yards indicated below, nor shall they cover a greater area or exceed in height the amount set forth in the following table.

Table 5.10 – Lot and Bulk Requirements

	Minimum Lot & Yard Requirements						Maximum		
District	**Lot Area (sq. ft.)**	Frontage **(feet)**	**Front Yard (feet)**	**Side Yard (feet)**	**Floor Area (sq. ft.)**	**Rear Yard (feet)**	Imperv. Coverage	**Bldg. Cover age**	Height **(stories / feet)**
B-L	30,000	150	60	20		20	66%	20%	24[1]
B-G	22,500	150	40	10		20	66%	25%	36[1]
***BL-H**[10]	30,000	150	10	20		20	66%	20%	24
***BG-H**[10]	22,500	150	10	10		20	66%	25%	36
B-P	3 Acres[2]	300[2]	80	20		30	60%	15%	36**
B-R[9]	10 Acres	400[3]	100[3]	30	80,000	30	66%/[4]	25%	72[1]
L-O	12,500	75	25	20		20	60%	[12]	35
TVC[10]	5,000[13]	50	10[5]	0/4/20[6]	0/600[7]	10/20[8]	85%	85%	40
SDD	5 Acres				10,000[11]				

***Added 9/8/03** ****Approved 06/04/09**

5.10.1 Notes to Area and Bulk Requirements

1. For each additional five (5) feet of front yard setback above the minimum requirement, an additional one (1) foot of building height is permitted, but in no case shall such additional height exceed 24 feet. If the building height listed in the table above is to be exceeded, then the minimum side and rear yards shall be increased by one (1) foot for each one (1) foot of additional building height permitted.
2. Lot area may be reduced to one (1) acre and frontage to 200 feet when the Commission approves an overall plan of traffic circulation, curb cuts, and access easements. The easement agreements shall be effective in perpetuity and the overall plan shall achieve a minimum of curb cuts and a circulation plan that preserves the safety of the traveling public.
3. Except as provided in Section 5.30.2
4. May be increased to 70% for a regional shopping center when the Commission determines that off site drainage will not be increased in a manner to be detrimental to downstream properties.
5. A smaller front yard may be approved to achieve compatibility with adjacent structures.
6. No side yard is required, but if provided, must be a minimum of four (4) feet. A 20 foot side yard is required if the adjoining lot contains a building used exclusively for residential purposes.
7. No minimum floor area required for non-residential uses; 600 square feet per residential unit.
8. Rear yard increased to 20' when adjoining lot contains at least one (1) building that is devoted predominately to residential use.
9. The requirements of this section with respect to the Business R District shall apply only to the area of the entire site included in the approved Special Permit plan and, except for the maximum building height, shall not apply as a restriction to any subdivision of the original Special Permit plan area.
10. The maximum front yard in the TVC, **BL-H and BG-H** districts is 25 ft. The minimum building height is two (2) stories. (amended 9/8/03)
11. The minimum existing floor area.

12. A single building is limited to 2,000 sq. ft. A building size of up to 5,000 sq. ft. may be approved for lots of record with more than 200 feet frontage. On consolidated lots with 150 feet or more of frontage and a single shared access drive, a building size of 4,000 square feet may be permitted.
13. Commission may reduce the minimum area to 4,500 s.f. by Special Permit pursuant to Section 4.30.21 **(Added 4/19/10)**

5.20.2 Supplemental Bulk Requirements

A. Freestanding canopies attached to a building may be erected forward of the front building line subject to Special Permit approval, but in no case shall freestanding canopies be erected closer than ten (10) feet to the front property line. Freestanding canopies shall not be enclosed or have any completely enclosed buildings beneath them forward of the front building line. The ground projection of any canopy shall be computed as building ground coverage. (Note that the TVC is exempt from this requirement.)

B. In Business L and Business G Districts, one side yard of each lot may be omitted and buildings may be built to the common lot line provided the party or other walls separating them are of masonry construction and without openings.

Section 5.20 Use Requirements

The following table establishes use requirements for the Business, Thompsonville Village Center, and Special Development Districts:

Table 5.20

Use Table For Business, Thompsonville Village, Hazardville and Special Development Districts

USE	DISTRICT								
	BL	**BG**	**BL-H***	**BG-H***	**BR**	**TVC**	**BP**	**SD**	**LO**
Adult/Child Day Care Facilities	SP	SP	SP	SP	SP		SP	SEE SECTION 5.60	SEE SECTION 5.70
Agricultural Activities(20)	SP		SP						
Amusement Machines (4)	SP	SP	SP	SP	SP	SP			
Animal Hospitals, Kennels & Veterinary Offices		S					SP(19)		
Assisted Living/Continuing Care Facilities							SP		
Auction Rooms	S	S			SP	SP			
Bed & Breakfast Inns	SP		SP	SP		SP			
Building Material Stores	S (5)	S (5)	SP	SP	SP(5)	S (5)			
Business Services	S	S	S	S	SP	SP	SP		
Business/Professional Offices	S	S	S	S	SP	S	S		
Car Washes		S							
Child Day Care Centers	SP	SP	SP	SP	SP	S	SP		
Commercial Recreation, Outdoors	SP	SP			SP				
Commercial Recreation (6)	SP	S			SP	SP			
Dry Cleaners	S	S (8)	SP	SP	SP (8)	S	(8)		
Farming Activities (10)	SP								
Financial Institutions (11)	S	S(12)	SP(22)	SP(22)	SP(12)	S	S(12)		
Gasoline Service Stations		S			SP				
Governmental Buildings & Offices/Facilities	S	S	SP	SP	SP	S (13)	S		
Health Clubs					SP	S	SP		
Heliports **(amended 4/01/04)**					SP(25)		SP		
Hotels & Motels		S			SP				
Laundries	S	S	SP	SP	SP	S			
Liquor Permits	SP	SP	SP(23)	SP(23)	SP	SP			
Liquor Permits with Any Entertainment	SP	SP				SP			

Special Permit = **SP** **Site Plan =** **S** Not Permitted =

Table 5.20 Continued
Use Table For Business , Thompsonville Village, Hazardville and Special Development Districts

USE	DISTRICT								
	BL	BG	BL-H*	BG-H*	BR	TVC	BP	SD	LO
Medical Laboratories		S					S	SEE SECTION 5.60	SEE SECTION 5.70
Medical Offices (14)	S	S	S	S	SP	S	S		
Motor Vehicle Repair Garages		SP			SP				
Motor Vehicle Sales (15)		SP			SP				
Museums			S	S		S			
Non-profit Clubs	S	S	SP	SP	SP				
Open Lot Sales(21)		S							
Other Retail Food Services	S	S	S	S	SP	S			
Outdoor Dining **(amended 7/30/02)**	S/SP	S/SP	S/SP	S/SP	S/SP	S/SP			
Package Stores	SP	SP	SP	SP	SP	SP			
Parking Lots	SP	SP	SP	SP	SP	SP			
Personal Services	S	S	S	S	SP	S			
Places of Worship (17) **(amended 11/01/04)**	S	S	S	S	SP	S	SP		
Printing & Publishing		S							
Public Utility Buildings/Facilities	SP	SP	SP	SP	SP	SP	SP		
Radio/Television Stations & Towers	S	S			SP				
Research Laboratories					SP		S		
Residential Dwelling Units	SP(9)	SP(9)	SP(9)	SP(9)	SP(9)	S (9)			
Restaurants (2)	S	S	S(24)	S(24)	SP	S			
Restaurants, Drive-in		S							
Retail Stores (1), (16)	S	S	S	S	SP	S (3)			
Schools, Commercial /Trade	S	S	S	S	SP	S			
Theaters (7)	SP	SP	SP	SP	SP	SP			
Undertaking/Funeral Businesses		S							
Visitor Information Booths					SP				
Wireless Telecommunications Facilities (18)	SP	SP			SP	SP	SP		

* **BL-H and BG-H added 09/08/03 (See also Section 8.70)**

Special Permit = SP **Site Plan =** S **Not Permitted =** [ ]

5.20.1 Notes to Use Table

1. Retail Sales include the retail sales of goods and/or services to the general public for personal or household use. Repairs to goods sold on the premises or goods similar to those sold on the premises are permitted.
2. The sale of liquor is permitted only with a Special Permit obtained from the Commission.
3. Retail Stores are limited to 5,000 square feet of gross floor area.
4. The Zoning Enforcement Officer may approve up to two (2) Amusement Machines at any single location. Additional machines require a Special Permit obtained from the Planning & Zoning Commission.
5. No outdoors sales or storage of merchandise or materials permitted, except accessory outdoor storage is permitted when completely screened from view by a uniformly painted solid fence or wall not over eight (8) feet in height and only in the BG district.
6. Commercial Recreation includes amusement machine establishments; off-track betting parlors, shops, or theaters; horse and dog racing; Jai Alai facilities; and bowling alleys.
7. Theaters include activities inside of buildings where live or filmed entertainment is presented.
8. Dry Cleaners may include dry cleaning and processing equipment.
9. In the TVC, residential uses may include single family, duplex, and multi-family residential uses. Otherwise, dwelling units are only in combination with the use of a premises for professional practice.
10. Farm Activities include horticulture, forestry, truck and nursery gardening, and greenhouses, storage of agricultural products whether grown on-or off-site, and temporary farm stands. (See definitions of Agricultural Activities and Farms in Article II.)
11. Financial Institutions include banks, loan offices, credit unions and all are permitted to have walk-up automatic teller machines (ATM).

12. Drive-through facilities must be part of a financial institution on the same parcel and are only permitted by Special Permit in BL, BG, and BR districts.
13. Governmental Buildings and Facilities must be of design and scale to complement the TVCZ.
14. Medical Offices may include appropriate laboratory facilities to serve the needs of the office staff itself.
15. Motor Vehicle Sales facilities may include appropriate repair facilities.
16. Outdoor display of merchandise is permitted on a seasonal basis, including sidewalk sales.
17. Places of Worship include buildings designed and used for the purpose of conducting religious services and may include residential uses for staff and teachers at related religious schools.
18. Wireless Telecommunications Facilities utilizing existing structures may not require a Special Permit and may be permitted with Site Plan approval. See Section 8.20.
19. Kennels are prohibited.
20. Agricultural Activities shall be subject to the same standards and procedures as apply in residential zoning districts. See notes 1 and 3 under Section 4.20.1, as well as Section 4.30.1.
21. A short term Open Lot Sales Permit, approved by the Zoning Enforcement Officer, is required for sales of thirty (30) consecutive days or less and may not be renewed until sixty (60) consecutive days have passed from the expiration of the permit. A long-term Open Lot Sales Permit, approved by the Commission, is required for sales of thirty-one (31) days or more, up to a maximum of one (1) year and may be renewed annually. The fee for a sales permit shall be: short-term residential - $5.00; short-term non-residential - $25.00; long-term residential - $5.00; long-term non-residential - $75.00.
22. Only Financial Institutions without drive-through windows may be permitted in BG-H and BL-H Districts. **(added 09/08/03)**
23. Only Class1, Class 3 and Class 4 liquor permits (as defined in Section 8.10.2) may be permitted. **(added 09/08/03)**
24. Only Restaurants without drive-through windows may be permitted in BG-H and BL-H Districts. **(added 09/08/03)**
25. Heliports in the BR Zone are permitted only in planned commercial developments consisting of more than 50 acres and must meet the following criteria: . **(added 04/01/04)**
    a The heliport shall meet the criteria set forth in the Federal Aviation Administration's Heliport Design Guidelines, Advisory Circular No. 150/5390-2A dated January 20, 1994, Chapter 2 – Private Use Heliports, as may be subsequently amended.
    b. The heliport shall receive and maintain any and all federal and state licenses required for the operation of a private heliport.
    c. The heliport may be used for private use service only and only as an accessory use to the primary use on the property. A revenue producing public helicopter passenger service shall not be permitted.
    d. The heliport shall not be within a 300-foot radius, as measured from the center of the heliport pad, of a residential building, school building or other structure housing a place of worship located outside of the planned commercial development.
    e. Except in the case of emergency, landings and take-offs shall be restricted to between the hours of 7:00 AM and 8:00 PM
    f. No maintenance activities other than for emergency purposes and no supply facility for fuel shall be permitted on the site.
    g. The flight paths of the incoming and outgoing helicopters shall be established by the applicant with due consideration for minimizing disturbance to surrounding residential properties, if any.
    h. The heliport shall be designed, operated and maintained in such a manner as to prevent volatile levels of flammable liquids or the vapors of such liquids from entering buildings, spreading onto automobile parking areas, roads and drives and from entering the drainage systems of the site, roads or adjacent properties.
    i. The heliport shall comply with all requirements set forth in Section 7.10 -Performance Standards.
    j. The applicant shall provide a plan that illustrates the vertical and horizontal landing and take-off zones

5.20.2 Other Use Requirements

A. Uses determined by the Commission to be similar to and compatible with the uses listed in Table 5-2 may be permitted as a Special Permit use.

B. All business, servicing, or processing, except for off-street parking or loading, shall be conducted within completely enclosed buildings, except for uses noted in 5.20.2.c, below.

C. Within the B-L, B-R, B-G, and the TVC districts, the outside display of fresh fruits, vegetables, plants and flowers may be permitted on a seasonal basis as an accessory use to a similar principal use contained within a completely enclosed building, provided that the owner shall submit, and have approved by the Zoning Enforcement Officer, a site plan showing the following:

    i. The limits of the outside storage area;
    ii. Maximum sq. ft. of the outside storage area;
    iii. The types of products to be displayed;
    iv. The method of outside display;
    v. The seasonal limits of the products to be displayed;
    vi. All site signage; and
    vii. Any outside display area shall be not less than ten (10) feet from the adjoining street right-of-way and shall be so arranged so as to provide for the safe movement of vehicles and pedestrians onto, within and exiting the site.

D. In the B-L and the B-G districts, the parking of trucks as an accessory use, when used in the conduct of a permitted business, shall be limited to vehicles of not over 26,000 pounds gross vehicle weight–when located within 150 feet of a residence district boundary line. In the B-G district, trucks in excess of 26,000 pounds gross vehicle used in conjunction with the operation of any business permitted in this district, shall not be parked in the open within 150 feet of a residence district except during normal business hours. **(amended 11/25/03)**

E. Within the B-G district, except for driveways providing access to public streets, all buildings, driveways, and parking areas shall observe the buffer yard standards found in Section 10.10.

F. **(Amended 7/30/02)** In any Business District, except BP, the Planning and Zoning Commission may grant approval for seasonal outdoor dining areas for restaurants, as defined in these Regulations, as an accessory use, subject to the following conditions:

i. Outdoor dining area cannot be located on public property (Town sidewalk, right-of-way, etc.). Outdoor dining may be allowed on porches or decks, provided all of the other conditions are met.

ii. Outdoor dining does not result in interference with or hazards to, or visibility problems for pedestrians on sidewalks or vehicular traffic.

iii. Any non-vegetative shading devices shall be of a nonpermanent type (umbrellas, retractable awnings, etc.) and shall be safely anchored.

iv. Areas on which required parking exists cannot be used for outdoor dining.

v. If required, additional parking must be provided to accommodate additional patrons.

vi. Adequate self-closing trash receptacles must be provided, and the restaurant is responsible for cleanup of all trash generated from the outdoor dining (including the restaurant site and surrounding areas).

vii. Tables must be located in such a manner as to maintain access to the building for emergency services.

viii No outside audio systems are permitted.

ix. In addition to required parking for indoor seating, outdoor dining requires one parking space for every 4 seats.

x. All tables, chairs, trash receptacles, etc., shall be removed at the end of each outdoor dining season.

xi. Outdoor dining area cannot exceed 4 tables/16 seats unless there are waitpersons to serve patrons. Where all food service is conducted by waitpersons, outdoor dining area cannot exceed 50% of the floor area of the indoor dining area; and cannot exceed 50% of the number of tables/seats within the indoor dining area.

xii. Procedure. Applicants may apply to the Planning and Zoning Commission for an outdoor dining permit, as follows.

1. Permit for 4 tables/16 seats or less. The applicant shall provide an adequate plan indicating locations of tables, chairs, etc., associated with the outdoor dining in relation to the location of buildings, sidewalks, parking spaces, and driveways. This type of application may be approved by the Director of Planning after consultation with relevant town staff results in a determination of zoning compliance and no adverse impacts on surrounding properties. Any such approvals shall be reported to the Commission at its next Regular Meeting.

2. Permit for more than 4 tables/ 16 seats. Applicant must provide the following information on a site plan of development prepared in accordance with Section 9 of the zoning regulations. The Commission may require a Public Hearing on the application.

- Location of building(s)
- Number of parking spaces required for entire restaurant, plus location of required parking

- Location of proposed outdoor dining, including surface upon which tables will be placed (for example, existing sidewalk, new flagstone patio, etc.)
- Number of tables/seats identified
- Written description of outdoor dining area amenities; for example, "15 wrought iron tables, 30 wrought iron chairs, an umbrella over each table, new awnings", etc.

Section 5.30 Special Requirements pertaining to the B-R District

Only planned commercial developments, including Regional Shopping Centers, containing more than 80,000 square feet of building floor area, occupying a parcel ten (10) acres or more in area, and under unified ownership or control, shall be permitted, subject to a Special Permit. Additionally, those uses proposed within the portion of the Enfield Memorial Industrial Park which is within the Business Regional District shall, require the preliminary approval of the Enfield Development Agency.

5.30.1 Requirements for Gasoline Service Stations and Motor Vehicle Repair Garages Within Any Planned Commercial Developments

A. Within each Planned Commercial Development, as defined in Section 2.30.70., the Commission may approve only one (1) gasoline service station and only one (1) motor vehicle repair garage. For the purpose of these Regulations, repairs shall not include any body or frame repairs or painting.

B. A repair use shall have as its principal means of business the sale of parts and accessories; the installation of such parts and accessories shall be secondary to the principal use. No such repair use shall have direct access to any public street, but shall be planned so that access uses the vehicular circulation system within the center in which the use is located so that the flow of traffic both into and within such Planned Commercial Development is not impeded.

5.30.2 Requirements for Public Garage for the Storage of Motor Vehicles, Motor Vehicle Repair Garages, and Gasoline Service Stations in All Other All Zones

A. Public garages for the storage of motor vehicles, motor vehicle repair garages, and gasoline service stations shall meet the following requirements:

   i. No permit shall be issued for a public garage for the storage of motor vehicles, a motor vehicle repair garage, or a gasoline service station if such proposed use is within 2,000 feet of a lot used for a public garage for the storage of motor vehicles, a motor vehicle repair garage, or a gasoline service station except as provided in Sections 5.30.1.

   ii. No permit shall be issued for a public garage for the storage of motor vehicles, a motor vehicle repair garage, or a gasoline service station if located within 1,000 feet of a lot used or reserved to be used for:

      a. Any public or parochial school giving regular instruction at least five (5) days a week for eight (8) or more months in the year;
      b. Any hospital maintaining a minimum of 15 beds for patients; or
      c. Any church, public library, public playground, park or youth center.

   iii. The required minimum distances between the uses listed in i. and ii. And the uses listed in ii. A., b., and c. above shall be measured between two (2) nearest points of the lots extending to and along the center line of the right-of-way of the public streets that would produce the shortest route between the two points.

B. No unregistered motor vehicle, or motor vehicle registered to the dealer, shall be stored or parked nearer to the street than the building line, and all mechanical and repair operations shall be carried on within a building. Said restrictions shall not apply to new and used car dealerships which have as their principal means of business the sale of motor vehicles. The layout of such display area shall as approved by the Commission through the Site Plan approval process.

C. New and used car dealerships shall be permitted subject to the review of the Zoning Board of Appeals for suitability, only after a Special Permit has been granted by the Commission.

D. Gasoline service stations shall provide public sanitary facilities for both sexes, facilities for the inflation of pneumatic tires which shall be accessible to the public, and facilities for the disposal of travel trash.
E. Damaged and inoperable vehicles shall not be stored in the front yard of any commercial premise. Such vehicles shall be:
    i. Stored within a building, or,
    ii. Stored in the rear or side yard. Fencing or screening shall be used to minimize visibility from the street or adjacent properties.

5.30.3 Requirements for Retail Sale of New and Used Motor Vehicles

A. Planned Commercial Developments under unified control in units of control of ten (10) acres or more in area for the principal use of the retail sale of new and used motor vehicles, may be permitted by the Commission subject to the following restrictions:
    i. The uses permitted within such Planned Commercial Developments for the principal use of the sale of new and used motor vehicles shall be limited to new and used motor vehicle dealerships; State of Connecticut Department of Motor Vehicles inspection and registration facilities; motor vehicle body repair shops; garages for the limited repair of motor vehicles, motor vehicle parts storage, new and used motor vehicle preparation facilities, and outdoor storage and display of new and used motor vehicles only when accessory to the principal use of retail sale of motor vehicles; underground fuel storage for fuel not for retail sale and for the sole use of new and used motor vehicle dealers; premises of financial institutions which have as a significant percentage of their business within such premises the financing of the purchase of new and used motor vehicles; automobile parts and accessories supply stores independent of new and used motor vehicle dealerships; and restaurants and offices may be permitted by the Commission.
    ii. The minimum building area within any unit of control shall be in aggregate not less than 30,000 square feet. The minimum building area per parcel with such units of control shall be 7,500 square feet.
    iii. Separately owned and financed parcels containing any of the above permitted uses may be less than ten (10) acres in area, but in no case may be less than two and one-half (2 1/2) acres in area. "Units of control not less than ten acres in area" shall mean for the purpose of these Regulations, land ten (10) acres or more in area, containing one (1) or more parcels occupied and used exclusively by the uses permitted in this section, which parcel or groups of parcels shall be subject to any operation agreement between the owners of said parcels, their heirs and assigns, which agreement shall be effective in perpetuity and which operating agreement shall provide for the common maintenance of said unit of control, the organization and the control of all traffic within the unit of control, and common easements and right of way as may be necessary to maintain cross-easements and common rights of way enabling and guaranteeing the feasibility of access to the unit of control as approved by the Commission.
    iv. The operating agreement shall be subject to the approval of the Commission and shall be subject to the review of the Town Attorney as to its feasibility in accomplishing the intent of the Commission in approving said agreement. Furthermore, said agreement shall be integral with and inseparable from any plans which may be approved by the Commission as required under Article IX hereof. No changes or modifications to said plans or to said operation agreement, their heirs or assigns without the express written consent of the Commission. Said agreement shall be recorded in the land records in the Office of the Town Clerk both as an integral part of any deed or any other instrument for any parcel subject to the agreement and with the Site Plan for the unit of control as approved by the Commission.

5.30.4 Requirements for Garden-Shop Facility - Outdoor Display

The outside display/storage of such items as plants, trees, shrubbery, landscaping materials, mulch, soil, compost, fertilizers, stone, tools, seasonal items, lawn mowers, snow blowers and other similar type items,

are permitted as an accessory use to a principal use of retail sales contained within a completely enclosed building requires Site Plan approval as to location and design by the Commission. The garden-shop facility shall be attached to the building containing the principal use and shall be completely enclosed with a screening wall, which may contain, without limitation, such materials as coated chain-link fence, wrought iron fencing and masonry columns. The design of such screening shall be compatible in architecture and materials to that of the principal building.

5.30.5 Requirements for Visitor Information Booths

A. Visitor Information booths may be permitted only as an accessory building to a single tenant corporate or industrial complex. The following specific standards shall apply:
   i. The booth is situated no closer than ten feet from the right-of-way;
   ii. A pull-off lane is provided to safely stack cars off the adjoining roadway or driveway;
   iii. The booth is compatible with the architectural style of the principal buildings on the property;
   iv. The booth is on the same property as the complex to which it relates and the parcel size is at least 10 acres in size;
   v. The booth is no smaller than 100 square feet nor larger than 200 square feet.

Section 5.40 Special Requirements for the Thompsonville Village Center Zone

The purposes of the Thompsonville Village Center Zone are 1) to encourage revitalization and compatible new development within the historic center of Thompsonville; 2) to promote a mix of compatible land uses such as retail, service, office, entertainment, government, residential and open space uses, developed in a pedestrian environment while retaining the historic Village character; and 3) to accomplish the objectives set forth in the Thompsonville Revitalization Strategy and the Enfield Plan of Conservation and Development.

5.40.1 Application Procedures

Any proposals for or changes to the types of uses or the architectural elevations of the buildings within the Thompsonville Village Center Zone shall require approval of the Commission. The following shall be the procedure for such approval.

A. Administrative Review Team: Prior to a formal application to the Commission, it is recommended that the applicant file a preliminary plan with the Office of the Director of Planning for the purpose of conducting an Administrative Review of the proposal. The Director of Planning shall report on the Administrative Review to the Commission.
B. Informal Review by the Commission: The Director of Planning may recommend, or the applicant may request, an informal discussion with the Commission in order to receive general guidance regarding the proposed development. Such an informal review must precede any formal application to the Commission.
C. Plan Submission Requirements: Following the above informal reviews, a formal Site Plan or Special Permit application, as required by Article IX of these Regulations, shall be submitted to the Commission. A copy of the plans and application shall be referred to the Enfield Revitalization Strategy Committee (ERSC) for the purpose of generating a recommendation from the Committee to the Commission. The ERSC shall have 35 days from the date of referral within which to respond to the Commission.
D. The Commission shall consider any recommendation received from the ERSC concerning the compatibility of the proposal to the findings of the "Thompsonville Revitalization Strategy" as adopted by the Town and, if applicable, the guidelines contained in the Appendix entitled “Preserving a Community- Historic Rehabilitation Standards and Guidelines for the Village of Thompsonville”, as may be amended from time to time.**(amended 3/1/09)** Failure of the ERSC to submit comments and recommendations in a timely fashion shall not be construed as a positive or negative recommendation and shall not be considered as a reason for any action taken by the Commission.

5.40.2 Special Permit Uses

A. Demolition: A Special Permit is required for any demolition or substantial demolition of the exterior of any structure in existence as of the date of the adoption of these Regulations provision. The Commission shall make the following findings prior to the granting of such an approval:

i. The objectives of the Thompsonville Revitalization Strategy is furthered by said demolition;

ii. The demolition is proposed in conjunction with a formal application and Site Plan for new construction at the same location, consistent with the Thompsonville Revitalization Strategy; and

iii. The proposed design and use of the new building is consistent with the purpose of the Thompsonville Village Center Zone and the guidelines contained in the Appendix entitled "Preserving a Community- Historic Rehabilitation Standards and Guidelines for the Village of Thompsonville" as may be amended from time to time. **(amended 3/1/09)** .

B. A Special Permit is required for any single use which encompasses more than 5,000 square feet of gross floor area. The Commission shall specifically make the following findings prior to approval of such use:

i. The dominant frontage of the street does not interrupt the pedestrian oriented "shopping street" environment;

ii. The peak traffic, and parking associated with such use will not adversely affect the adjacent street system nor public parking areas.

iii. The proposed design and use of the new building is consistent with the purpose of the Thompsonville Village Center Zone, the Thompsonville Revitalization Strategy and the guidelines contained in the Appendix entitled "Preserving a Community- Historic Rehabilitation Standards and Guidelines for the Village of Thompsonville" as may be amended from time to time. **(amended 3/1/09)**

5.40.3 Design Standards

A. Building Design

i. No changes shall be made to the architectural features (including, but not limited to, window treatment, door locations, roof design, changes to siding material, architectural trim and features) of any building in the Thompsonville Village Center Zone without approval of the Commission. The standards of this section shall apply to renovation of existing building as well as new construction.

ii. In addition to the architectural elevations required under Section 9.10.2. of these Zoning Regulations, each application shall include a drawing at a scale no smaller than 1/8" = 1' showing the following information:

a. Design type, style and color of materials for building façade and roof;

b. Details of window and door treatment;

c. Details and description of other architectural trim and features;

d. Details of types of awnings, building mounted lighting and signs (or sign theme for a multi-tenant building); and

e. For building containing a mix of commercial and residential uses, information will be provided to demonstrate how noise transmission will be minimized between different uses to the satisfaction of the Commission.

iii. In reviewing and approving the building elevations, the Commission shall use the following criteria:

a. Compliance with the objectives of the Thompsonville Revitalization Strategy;

b. Compliance with the theme set forth in the design schematics contained in the Thompsonville Revitalization Strategy and as shown in Figure 1; and, the guidelines contained in the Appendix entitled "Preserving a Community- Historic Rehabilitation Standards and Guidelines for the Village of Thompsonville" as may be amended from time to time, and **(amended 3/1/09)**

c. A statement or drawing to show how the proposed design encourages the pedestrian oriented "shopping street" environment at the street level.

5.40.4 Sub-Area Regulations

A. Core Area

i. The first floor of all buildings shall be restricted to retail, service, small professional and medical offices, recreation, government, and similar uses which in the opinion of the Commission are part of active, pedestrian oriented shopping district.

ii. The following uses shall specifically be permitted only above the first floor:

a. residential;
b. offices other than small professional and medical offices;
c. dance studios; and
d. business and trade schools

B. Freshwater Brook Access Area: New developments, additions and renovated buildings within the Freshwater Brook Access Area shall provide public access adjacent to the Brook which access shall be a minimum of 15 feet wide unless waived by the Commission. Such public access shall be dedicated as such in the deed of the property. Access shall be provided from the public street as deemed necessary by the Commission.

5.40.5 Accessory Uses

Any accessory use which is clearly subordinate and incidental to the list of uses permitted in the TVCZ and located on the same lot, in particular public amenity uses such as landscaped pedestrian plazas, gardens, courtyards, fountains, public seating areas, and similar uses are permitted and encouraged.

Section 5.50 Special Requirements Pertaining to the B-P District

5.50.1 Access Requirements

A. Access shall be limited to one (1) curb cut per lot at a location approved by the Commission following receipt of a recommendation by the Town Traffic Authority.
B. Use of a single common curb cut to serve adjacent lots is encouraged.
C. No access driveway shall be permitted to Middle Road (except emergency access approved by the Commission).
D. Any development plan shall provide for the necessary right-of-way for any transportation improvements shown in the Plan of Conservation and Development.

5.50.2 Accessory Parking in Adjacent Zones

Parking areas on an accessory parcel servicing uses on an adjacent primary parcel within a Business Professional Zone may be allowed through approval of a Special Permit. The following criteria shall be considered by the Commission with each application:

A. When the proposed site is residentially zoned, the area of land used for parking shall be a reasonable extension of the non-residential land area considering topography, tree lines, wetlands, and streams.
B. All off street parking areas shall be located on land under the same ownership as the primary business use; the nearest property line of such land shall be located within a radius of 400 feet of any part of a building it is intended to serve; and the proposed site shall have a common boundary of at least 100 feet in length with the adjacent primary business use.
C. In order to minimize impact on adjoining streets and properties, access into the proposed parking area should be exclusively through the parcel containing the primary use.
D. No more than 25 percent of the required parking spaces shall be located in the accessory parking area.

E. A minimum 50 foot wide "B" buffer yard shall be provided from all rights of way, and a minimum 35 foot wide "C" buffer yard shall be provided from all other property; lines; except no buffer is required between the primary parcel and the parcel containing accessory parking areas.
F. The maximum area covered by paving in the proposed site shall not exceed 50 percent of the area of that parcel.
G. Lighting shall meet the standards of the Performance Standards of Section 7.10.6. Light standards shall be no higher than 14 feet.
H. The accessory parcel shall not be taken into consideration in determining the permitted building coverage of the parcel containing the buildings to which the parking is accessory.

5.50.3 Buffer Yard and Setback Requirements

A. A lot used for accessory parking shall be considered a lot in business use for the purpose of determining buffer yard requirements.
B. When a parcel within the BP district is developed in conjunction with accessory parking in an adjoining residential zone under the same ownership, as provided in Section 5.50.2, no setback shall be required from the common lot line.

Section 5.60 Special Requirements for the Special Development District

The sole purpose of the Special Development District (SDD) is to enable the rehabilitation and/or adaptive reuse of vacant, deteriorated or underutilized buildings and their sites.

5.60.1 Criteria

The Commission may establish a Special Development District for one or more contiguous lots containing vacant, deteriorated or underutilized buildings when a proposal for the rehabilitation and reuse of the property and buildings is proposed, if the Commission finds the proposal meets all of the following criteria:

A. Existing building(s) contain a gross floor area of 10,000 square feet or more;
B. The proposal area contains a contiguous land area of five (5) acres or more;
C. The building(s) have a vacancy rate of 80 percent or more of the existing gross floor area for a continuous period of twenty-four (24) months or more immediately preceding the date of application;
D. Substantial inability to develop the Project under the provisions of any other zoning district;
E. The proposal will provide a substantial benefit to the Town and the immediate neighborhood;
F. The proposal exhibits compatibility with the character and density of land use abutting the site;
G. The proposal exhibits compatibility with zoning districts adjacent to the site; and
H. The proposal is compatible with the Town Plan of Conservation and Development.

5.60.2 Permitted Uses

Any use or uses, which the Commission may find meets all of the criteria set forth in Section 5.60.1 of these Regulations, may be permitted in the Special Development District. Allowance of a use or uses not permitted under the existing zoning district classification shall not, by itself, serve as justification for the application of the Special Development District.

5.60.3 Procedure

A. Application for a Special Development District shall be made in accordance with both the Change of Zone procedures in Section 12.10 and Site Plan approval procedures in Section 9.10.1. The map or maps included with the applications shall include the entire area proposed to be rezoned as a SDD.
    i. If residential uses are a proposed use for a part or all of the SDD, the requirements of Sections 4.10.2.G.,H.& J.,4.30.19 and 4.40 of these Regulations shall apply to those residential portions of the SDD as deemed appropriate by the Commission.

ii. Procedures for the construction of buildings shall apply only to residential units partially or wholly within additions to existing structures and to new construction. Provisions regarding building height and basement height, shall apply only to proposed additions to existing buildings and proposed new buildings.

iii. The maximum overall density of dwelling units in the proposed development shall be determined by the Commission as appropriate for the general vicinity of the proposed SDD. To aid in the determination, the applicant shall submit, as part of the Site Plan application, a detailed map showing all existing land uses, including the number of dwelling units per lot, for all lots within 500 feet of the proposed SDD.

iv. If residential uses are proposed in a mixed use development, the Commission may approve shared parking. If shared parking is permitted, the total number of parking spaces required for the entire site shall be at least twice the number of proposed dwelling units.

B. Child and/or adult day care center shall be permitted within a SDD.

5.60.4 Buildings and Conformity

A. No new buildings shall be constructed within a Special Development District until all existing structures have been fully rehabilitated in accordance with approved plans, and Certificates of Occupancy have been issued for all such rehabilitated structures. Accessory buildings incidental to a proposed use or uses within structures undergoing rehabilitation may be constructed as rehabilitation proceeds.

B. Additions to existing buildings may be permitted, but only as part of and in conformity with the overall design of the SDD. Such additions and any new buildings shall follow the dimensional setback requirements of the underlying zoning district of the site. Section 3.40, concerning additions, shall also apply but no existing nonconformity shall be increased.

Section 5.70 Special Requirements Pertaining to the Limited Office (LO) District

A. Purpose: The purpose of the Limited Office District is to create a special district which serves as a transitional area between residentially zoned properties and nonresidential uses and zoning districts and/or less desirable conditions such as state highways, traffic generators, business/industrial uses, and similar uses. The LO district provides a means of using existing residential buildings for nonresidential uses or encouraging the development of new buildings while attempting to maintain the quality of existing residential uses and zoning which may be adjacent and encourages the maintenance of the New England character throughout such areas.

5.70.1 Criteria

The Commission may establish a Limited Office District for any group of properties, the majority of which are currently occupied by residential buildings which front on state highways are across the street from major traffic generators, business/ industrial uses and similar uses and are, therefore, no longer appropriate for single family residential use.

5.70.2 Permitted Uses

Single family dwelling units that exist on the effective day of these Regulations, except that any conversion, alteration or enlargement that creates additional dwelling units is prohibited. The Zoning Board of Appeals shall not vary this section.

5.70.3 Special Permit Uses

A. The Commission may approve any of the following Special Permit uses and the Zoning Board of Appeals shall not vary this section:

i. Business/Professional Offices

ii. Financial Institutions, except that drive-in facilities are prohibited

iii. Medical Offices

iv. Government Offices

5.70.4 Special Standards

A. The following special standards shall apply to the LO District:

i. Business Hours: Business hours shall be limited to 8:00 A. M. to 8:00 P. M. Monday through Saturday.

ii. Exterior Lighting: All exterior lighting, except for security lighting, shall be turned off one (1) hour after the close of business. Flood lights are prohibited.

iii. New Construction and/or Renovations: All new construction and/or renovations shall appear to be residential in nature and in keeping with a "New England" character of scale and appearance with pitched roofs, building materials and architectural features..

iv. Parking: No parking shall be permitted in a required front yard. On a corner lot, where the Commission may permit parking on the side of the building behind the front yard setback line.

v. Consolidated Lots: When feasible, lots within the Limited Office District shall be consolidated to create a better use of the limited amount of land and to provide less obtrusive parking areas. When a consolidated lot is developed, in addition to the plans required by Section 9.10, a specific plan showing the consolidation of lots and the integration of old and new buildings, parking and loading areas, curb cuts and driveways, and landscaping shall be submitted as part of the application for the Special Permit. When lots are consolidated, easements providing access across all of the consolidated lots shall be prepared and must be approved by the Commission. Such easements shall be approved as to form by the Town Attorney.

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ARTICLE VI INDUSTRIAL DISTRICTS

Section 6.00 Purposes

The purpose of the Industrial Zone is to establish a district for manufacturing, industrial and other compatible uses to encourage the most appropriate development of industrial land, in harmony with the neighborhood.

Section 6.10 Lot and Bulk Requirements

Except as hereinafter provided, no lot shall have an area or width less than indicated in the table below. In addition, no buildings (including accessory buildings), as well as any loading docks, decks, porches, or steps attached to or otherwise associated with such building or buildings, shall encroach upon the minimum front, side and rear yards indicated below, nor shall cover a greater area nor shall exceed in height the amount set forth in the table below

Table 6.10.1 Lot and Bulk Requirements

Minimum Lot ,Bulk, & Yard Requirements							Maximum		
District	**Lot Area (sq. ft.)**	Frontage **(feet)**	**Front Yard (feet)**	**Side Yard (feet)**	**Rear Yard (feet)**	**Bldg. Area (sq. ft.)**	**Building Coverage (%)**	Height **(stories / feet)**	Impervious Surface **(%)**
I-1	40,000	200	40	25[1]	20		50	25[2]	66
I-2	40,000	200	40	25[1]	20		50	25[2]	66
I-P[3]	87,120	200	60	25[1]	30	5,000	20/25/33.3[4]	2 1/2 /30[2]	66

6.10.1 Notes to Area and Bulk Requirements Table

1. When railroad sidings are necessary to service a building, the side yard requirements adjacent to such railroad sidings may be omitted.
2. For buildings exceeding this requirement, the front, side and rear yards, as required in the above table, shall be increased in width or depth by one foot for each additional one foot of building height above 25 feet.
3. The configuration of a lot shall be such that a square of 200 feet on each side can fit within the boundaries of the lot.
4. 20% coverage shall apply to lots between 2 and 3.99 acres; 25% to lots 4 to 10 acres; and 33.33 to lots greater than 10 acres. Additionally, parcels abutting "Open Space" as defined on the "Comprehensive Plan for the Enfield Memorial Industrial Park" and the "Final Subdivision Plan, Enfield Memorial Industrial Park", may exceed the building coverage in the above table according to the following schedule:

Table 6.10-A Building Coverage Exceptions

Parcel Size	Abuts Open Space 1 side	Abuts Open Space 2 sides	Abuts Open Space 3 sides
2-3.99 acres	30%	40%	50%
4 - 10 acres	40%	50%	60%
10+ acres	50%	60%	70%

6.10.2 Additional Setback and Buffer Requirements Applicable to All Industrial Districts

A. No industrial use of any parcel within any of the Industrial Districts, including, but not limited to, accessory uses such as parking and loading and recreational facilities, shall be permitted within one hundred fifty feet (150') of any abutting Residential District or within fifty feet (50') of the right-of-way of any street abutting a Residential District.

B. A buffer strip one hundred feet (100') in width and meeting the standards found in Section 10.20 shall be provided on properties within Industrial Districts abutting any Residential District.

C. A performance bond shall be required to be posted by the applicant for required improvements prior to approval of any building permits for any industrial development regulated by this section.

D. Parking of trucks in the open within one hundred fifty (150) feet of a Residence District boundary line shall be limited to vehicles of not over 26,000 pounds gross vehicle weight. Trucks in excess of 26,000 pounds gross vehicle weight-used in conjunction with operation of any business permitted in this district shall not be parked in the open within 150 feet of a Residence District, except during normal business hours. **(amended 11/25/03)**

Section 6.20 Use Requirements

The following table establishes use requirements for the Industrial and Industrial Park Districts:

Special Permit = SP **Site Plan =** S **Not Permitted =**

Table 6.2

Use Table For Industrial and Industrial Park Districts

Use	District		
	I-1	**I-2**	**I-P[2]**
Accessory Recreational Facilities		S	S
Agricultural Products, Manufacturing & Storage[1]	SP	SP	
Auto Body Repairs Garages		SP	
Automobile Sales, Wholesale[3]		SP	
Banquet, Catering, and Conference Center Facilities			SP
Child & Adult Day Care Facilities	SP/A		SP/A
Commercial Recreation Facilities	SP		
Conference Centers			S
Construction Offices & Facilities	SP	S	S
Governmental Buildings & Offices/Facilities	S	S	S
Heliports	SP		SP
Manufacturing, Fabricating, Processing, Assembling, Cleaning, Servicing, Testing or Repairing of Materials	S	S	S
Motor Vehicle Repair Garages & Body Shops		S	
Offices Accessory to Principal Use			S
Offices, Business & Professional	S	S	
Offices, Private, Public, or Institutional		S	
Offices, Corporate	S	S	S
Package Stores	SP		
Parking Garages/Lots	S	S[5]	
Printing and Publishing	S		S
Public Recreation Facilities	S		S
Public Utility Building/Facilities	S	S	S
Radio/Television Stations & Towers	S		S
Research & Testing Facilities	S	S	S
Residential Uses[4]	SP	SP	SP
Restaurant Liquor Permits/Commercial Recreation[6]	A/SP		
Retail Outlets	SP		S[2]
Trade Schools & Training Facilities	S	S	S
Truck Sales/ Truck Terminals		SP	
Visitor Information Booths	SP		
Wholesale, Warehousing, & Distribution Facilities	S	S	S

6.20.1 Notes to Use Table

1. The storage of agricultural products which are produced or grown on the farm premises is a use by right and requires no approvals under these regulations. The storage of products grown or produced off the farm premises requires a Special Permit.
2. Uses determined by the Commission to be similar to and compatible with the uses listed for the I-P District in Table 6-2 may be permitted as a Special Permit use in the I-P District; only parks and playgrounds are permitted.
3. Wholesale auto sales are limited to a maximum of five (5) motor vehicles at any one time.
4. Residential use and buildings shall be limited to one dwelling unit for a watchman or caretaker on the lot used for industrial purposes or a farm residence.
5. Parking lots/garages in the I-2 district, other than as accessory uses, shall be for the storage of private passenger vehicles only.
6. Restaurant liquor permit allowed only as an accessory use to a Commercial Recreational Facility.

Section 6.30 Other Use Requirements

6.30.1 Commercial Recreational Uses

A. The following additional standards shall apply to Commercial Recreational Facilities:
   i. minimum lot area - 5 acres;
   ii. minimum setback of all recreation buildings and accessory parking, loading areas and driveways from any abutting residential district - 150 feet;
   iii. minimum separating distance between each commercial recreation use approved under this Section - 2,000 feet (such distance is measured as set forth in Section 8.10.3 A). **(Amended 11/15/04)**
   iv. The Commission may permit indoor accessory uses to the principle use when in the opinion of the Commission the proposed uses are compatible; these uses may include but are not limited to the following:
      a. Restaurant, banquet facility, meeting rooms, snack bar with or without a liquor permit;
      b. Interior exhibition area; and
      c. Pro shop, newsstand, bank and/or automatic teller machine and other similar uses intended for the sole use of the customers of the recreation facility.

B The Commission shall consider the following factors when reviewing the application for a Special Permit use:
   i. Impact of increased traffic from the new development based on a traffic study prepared by a professional traffic engineer who qualifies as a member of the ITE, paying particular attention to adjacent residential streets and intersections;
   ii. Possible negative impacts on adjacent uses, particularly residential uses, resulting from lighting, noise, or other factors;
   iii. Impacts to the overall purpose of the industrial district;
   iv. Architectural compatibility of the proposed development with other buildings in the surrounding area, and other potential buildings and uses typically allowed in the industrial district, in terms of quality of materials, architectural details and style.

C The Commission may impose conditions on any approvals under this section including, but not limited to, the following:
   i. Conditions to enforce the items contained in the above sections;
   ii. Maximum hours of operation to avoid impacting adjoining uses;
   iii. Maximum seating capacity of any recreational facility proposed;
   iv. Roadway and transportation improvements necessary to support the facility and its operations; and
   v. Conditions necessary to allow and control the use of reserve parking areas for overflow parking to support occasional large events.

6.30.2 Activities Limited to Enclosed Buildings

All business, servicing, or processing, except for off-street parking or loading, shall be conducted within completely enclosed buildings.

6.30.3 Visitor Information Booths

A. Visitor Information Booths may be permitted by a Special Permit, as an accessory building to a single tenant corporate or industrial complex, when the Commission determines that the following specific standards have been met:
   i. The booth is situated at least ten (10) feet from the right-of-way;
   ii. A pull-off lane is provided so that automobiles may pull off the right-of-way in a safe manner;
   iii. The booth is compatible with the architectural style of the principal buildings on the property;
   iv. The booth is on the same property as the complex to which it relates and the parcel size is at least 10 acres in size;
   v. The booth is no smaller than 100 square feet nor larger than 200 square feet.

6.30.4 Retail Outlets

A. Retail outlets, including accessory storage and display for goods produced on the premises, may be permitted as an accessory use;
B. Retail outlets shall be no larger than ten (10) percent of the gross building area of the entire premises; however, such area shall not exceed 2,000 square feet in area regardless of the gross building area of the entire premises;
C. Establishments servicing only wholesale, jobbing and/or professional accounts may also maintain an accessory sales area, including any office and storage areas integral with the sales activity, in an area not to exceed 2,000 square feet or a maximum of ten (10) percent of the gross building area of the premises, whichever is the less; and
D. In no case shall outside storage or display be permitted.

6.30.5 Construction Operations

Construction Operations may be permitted by Special Use Permit issued by the Planning and Zoning Commission where the Commission finds that the criteria in Section 9.20.2 and the following standards have been met: (a) the primary use is contained within a completely enclosed building; (b) all repair and all other operations, other than parking and storage, shall occur within a completely enclosed building; (c) the outside storage area is accessory to the primary use; (d) a maximum of six construction vehicles may be parked in the outside storage area; (e) the outside storage area shall be buffered from street view and from abutting properties by means of a solid fence, wall or "B" Bufferyard as described in Section 10.20.; and, (f) all other applicable standards found in Article VI are found to be satisfied**.**

6.30.6 Special Requirements for The Industrial Park District

A. The Plan entitled, "Comprehensive Plan of Development for the Enfield Memorial Industrial Park" dated March 7, 1974, and adopted March 21, 1974, is by deed covenant applicable to the Industrial Park District. All applications for development within the Enfield Memorial Industrial Park shall conform to this Plan.
B. In addition to those uses shown in Table 6.20, business uses defined within the "Comprehensive Plan of Development for the Enfield Memorial Industrial Park" which are shown located with the Industrial Park District are permitted.

C. The following specific design controls shall apply to all uses proposed within the Industrial Park District:

i. All public utility wiring shall be underground. All at grade public utility installations and structures shall be appropriately screened and landscaped.

ii. All refuse, trash and scrap materials shall be kept in appropriately designed containers which shall be screened and landscaped and so located as to be shielded from the public view.

iii. The entire lot area not occupied by buildings, off-street parking or loading or other permitted accessory uses requiring a structure shall be maintained in a natural state or, in lawns or plantings which shall be maintained by the occupant.

iv. Roofscapes, including accessory mechanical equipment and structures, shall be designed to be an integral part of the building and shall be shielded from public view.

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ARTICLE VII SUPPLEMENTAL STANDARDS AND REQUIREMENTS

Section 7.00 Purpose

Special supplemental standards and requirements are provided to enable nuisances to be measured in terms of their potentially dangerous or objectionable elements, as well as to provide standards for avoiding nuisances.

Section 7.10 Performance Standards

7.10.1 Dust, Dirt, Fly Ash and Smoke

No dust, dirt, fly ash and smoke shall be emitted into the air so as to endanger the public health and safety, to impair the value and enjoyment of other property, to constitute a critical source of air pollution, or to create a nuisance.

7.10.2 Odors, Gases and Fumes

No offensive odors or noxious, toxic or corrosive fumes or gases shall be emitted into the air except for the odors in connection with the spreading of manure or fertilizer.

7.10.3 Noise

All operations and uses of land shall conform to the Town Noise Ordinance.

7.10.4 Vibrations

With the exception of vibrations necessarily involved in the construction or demolition of buildings and other structures, no vibration shall be transmitted outside the property where it originates.

7.10.5 Radioactive Materials

No radioactive materials shall be manufactured or disposed of within the Town.

7.10.6 Outdoor Lighting

All external illumination shall be directed or shielded in such a manner that the source (bulb, tube, etc.) of light will not be visible from any street or from any adjoining property. No light shall be directed outside the lot where it originates. All lighting shall be shielded or otherwise designed to provide down lighting so as to minimize night glare.

7.10.7 Drainage

No structure shall be used, erected or expanded and no land shall be graded or paved unless provisions have been made for the proper disposal of drainage water, particularly from parking areas and driveways, from the areas contiguous to property lines and from low areas which tend to collect water.

7.10.9 Refuse and Pollution

A. No refuse or other waste materials and no liquids shall be dumped on any lot or dumped or discharged into any river, stream, water course, aquifer, storm drain, pond, lake or swamp so as to constitute a source of water pollution.

B. No garbage, sewage, trash, refuse, junk, machinery, vehicles or parts thereof, or waste materials of any kind shall be disposed of by abandonment or accumulated for commercial purposes, including the establishment, operation of maintenance of a motor vehicle junk yard or motor vehicle junk yard business, except by or under the direction of the Town or with the approval of the Commission.

7.10.10 Interference with Communications

No use on any lot shall cause interference with radio and television reception on any other lot, and any use shall conform to the regulations of the Federal Communications Commission with regard to electromagnetic radiation and interference.

7.10.11 Storm Water Runoff

Uses requiring Site Plan approval shall, when appropriate and practical, provide a storm water and site development design that maximizes the amount of storm water runoff that can directly precipitate on and percolate into the soil. Alternatively, wherever commercial and/or industrial use(s) greatly inhibit natural percolation, said use(s) shall detain all storm water runoff from parking areas and roof drains, for discharge to surface watercourses during and after site development, so as to minimize adverse ground water quality impacts. Mechanisms for this purpose shall be designed to accommodate storm water runoff in amounts up to and including the fifty (50) year, twenty-four (24) hour storm peak discharge.

Section 7.20 Erosion and Sedimentation Control Requirements

7.20.1 Activities Requiring a Certified Soil Erosion and Sedimentation Control Plan

A soil erosion and sediment control plan shall be submitted with any application for development when the disturbed area of such development is cumulatively more than one-half (½) acre.

7.20.2 Exemptions

A single-family dwelling that is not a part of a subdivision of land shall be exempt from these soil erosion and sediment control regulations.

7.20.3 Soil Erosion and Sedimentation Control Plan

To be eligible for certification, a soil erosion and sediment control plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from storm water runoff on a proposed site based on the best available technology. Such principles, methods and practices necessary for certification are found in the "Connecticut Guidelines for Soil Erosion and Sediment Control" (1985), as amended. Alternative principles, methods and practices may be used with prior approval of the Commission. Such plan shall contain, but not be limited to:

A. A narrative describing
   i. The development;
   ii. The schedule for grading and construction activities
   iii. Start and completion dates;
   iv. Sequence of grading and construction activities;
   v. Sequence for installation and/or application of soil erosion and sediment control measures; and
   vi. Sequence for final stabilization of the project site.
   vii. The design criteria for proposed soil erosion and sediment control measures and storm water management facilities;
   viii. The construction details for proposed soil erosion and sediment control measures and storm water facilities.

ix. The installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities; and

x. The operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities.

B. A Site Plan map at a sufficient scale to show:

i. the location of the proposed development and adjacent properties;

ii. the existing and proposed topography including soil types, wetlands, watercourses and water bodies;

iii. the existing structures on the project site, if any

iv. the proposed area alterations including cleared, excavated, filled or graded areas and proposed structures, utilities, streets and, if applicable, new property lines;

v. the location of and design details for all proposed soil erosion and sediment control measures and storm water management facilities;

vi. the sequence of grading and construction activities;

vii. the sequence of installation and/or application of soil erosion and sediment control measures; and

viii. the sequence for final stabilization of the development site.

C. Any other information deemed necessary and appropriate by the applicant or requested by the Commission, its designated agent, or the Department of Public Works.

7.20.4 Minimum Acceptable Standards

A. Plans for soil erosion and sediment control shall be developed in accordance with these regulations using the principles outlined in Chapters 3 and 4 of the "Connecticut Guidelines for Soil Erosion and Sediment Control" (1985), as amended. Soil erosion and sediment control plans shall result in a development that minimizes erosion and sedimentation during construction; is stabilized and protected from erosion when completed; and does not cause off-site erosion and/or sedimentation.

B. The minimum standards for individual measures are those in the "Connecticut Guidelines for Soil Erosion and Sediment Control" (1985), as amended. The Commission or the Hartford County Soil and Water Conservation District may grant exceptions when requested by the applicant if technically sound reasons are presented.

C. The appropriate method from Chapter 9 of the "Connecticut Guidelines for Soil Erosion and Sediment Control" (1985), as amended, shall be used in determining peak flow rates and volumes of runoff unless an alternative method is approved by the Commission.

7.20..5 Issuance of Denial of Certification

A. The Commission shall either certify that the soil erosion and sediment control plan, as filed, complies with the requirements and objectives of these Regulations or deny certification when the development proposal does not comply with these Regulations.

B. Nothing in these Regulations shall be construed as extending the time limits for the approval of any application under Chapters 124 or 126 of the Connecticut General Statutes.

C. Prior to certification, any plan submitted to the Town may be reviewed by the Hartford County Soil and Water Conservation District which may make recommendations concerning such plan, provided such review shall be completed within 30 days of the receipt of such plan.

D. The Commission may forward a copy of the soil erosion and sedimentation control plan to the Director of Public Works or other agencies and/or advisors for review and comment.

7.20.6 Conditions Relating to Soil Erosion and Sedimentation Control

A. The estimated costs of measures required to control soil erosion and sedimentation, as specified in the certified plan, shall be covered by a completion bond or other assurance acceptable to the Commission and the Director of Finance. A cost breakdown forming the basis of the amount of bond to be posted shall be prepared and submitted to the Commission by the applicant with the application for approval of a soil erosion and sedimentation control plan.
B. Site development shall not begin unless the soil erosion and sediment control plan is certified and those control measures and facilities in the plan scheduled for installation prior to site development are installed and functional and a completion bond has been posted in a form and an amount acceptable and approved by the Commission and the Director of Finance.
C. Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan.
D. All control measures and facilities shall be maintained in effective condition to ensure the compliance of the certified plan.

7.20.7 Inspection and Bond Release

A. Inspections shall be made at the Director of the Department of Public Works during development to ensure compliance with the certified plan and that control measures and facilities are property performed or installed and maintained. The Commission may require the permittee to verify through progress reports that soil erosion and sediment control measures and facilities have been performed or installed according to the certified plan and are being operated and maintained.
B. Upon completion of all work specified in the certified plan, the applicant shall notify the commission thereof and submit a report, including maps as necessary, certifying that the soil erosion and sediment control measures have been completed as approved or may have been modified with the prior approval of the Commission. Upon receipt of the report and inspection of the site by the Director of Public Works, the Commission may release any bond posted upon the finding that the provisions of the certified plan have been complied with and a written request for the release of the bond from the party placing the bond.

ARTICLE VIII SPECIAL REGULATIONS

Section 8.00 Purposes

It is the purpose of this article to provide standards for a variety of uses so that their location and operation will be consistent with the protection of the public's health, safety, and welfare.

Section 8.10. Retail Sale of Alcoholic Liquor

All uses operating under a permit issued by the State Liquor Control Commission shall comply with the requirements of this section. Furthermore, a Special Permit shall be required for the sale of alcoholic liquor.

8.10.1 Definitions

All definitions of words used in this chapter shall be the same as defined in Section 30-1 of the Connecticut General Statutes, Revision of 1958, as amended, unless herein specifically otherwise stated. "A Regional Shopping Development" shall mean only a planned commercial development permitted to be constructed in a Business Regional District (Section 5.30). "Permit premises" shall mean only that area of a particular building that is actually used for the sale or storage of alcoholic beverages. “Specified land use” shall mean a lot or part of a lot used or reserved to be used for the purposes of a public school, public playground, a church, or a building used as a place of worship.

8.10.2 Classification of Permit Premises

All permit premises are classified as follows:

A. CLASS 1 A hotel permit, a hotel permit for the sale of beer only, a restaurant permit, a restaurant permit for the sale of wine and beer only, a restaurant permit for the sale of beer only.
B. CLASS 2 Tavern Permits and Cafes.
C. CLASS 3 Package store for the sale of all alcoholic beverages, and druggist permits for the sale of alcoholic beverages.
D. CLASS 4 Package store for the sale of beer only, grocery stores for the sale of beer only, and druggist permits for the sale of beer only.
E. CLASS 5 Premises holding a club permit.

8.10.3 Separation Requirements

A. Measurement of separation distances: Separation distances shall be measured along the center line of the public right of way from the principal front entrance of the existing use to the principal front entrance of the building where the proposed use will be conducted. Included in this measurement will be the distance to the entrance to the building(s) as measured from the centerline of the street.
B. Permit premises shall observe the following separation requirements:

Table 8.10.3 – Separation Distances

Classes	Separation from Same Class	Separation from Specified Land Use
Class 1	0	1,000 feet[1]
Class 2	1,000 feet	1,000 feet
Class 3	1,000 feet	1,000 feet
Class 4	1,000 feet	1,000 feet
Class 5	1,000 feet	1,000 feet[1]

[1] The Commission may grant a special permit to reduce or waive this separation requirement.

8.10.4 Requirements Concerning Retail Sale of Alcoholic Liquor Within Planned Commercial Developments within a Business Regional District

A. The Commission may, using Special Permit procedures, waive any of the separation requirements between permit premises and specified land uses.
B. The Commission may, using Special Permit procedures, waive the separation requirements between like classes providing the following conditions are met:
    i. The development contains a minimum of 120,000 square feet of gross floor area. This threshold may permit up to two like classes to exist in the development without the specified separation requirements.
    ii. Additional like class permit premises may be approved providing there shall be at least 75,000 square feet of gross floor area for each two permit premises for any one class.
    iii. The Commission shall take into consideration the number of approved locations for all classes of permits within the Business Regional District, the effect which a new permit location may have on the Business Regional District, and whether another permit premises in the locality is in the best public interest.

Section 8.20 Wireless Communication Facilities

8.20.1 Purpose

The purpose of this section is to permit wireless communication facilities within the Town while protecting the public and the Town's neighborhoods and minimizing the adverse visual and operational effects of wireless communication facilities. More specifically, the purposes are:

A. To encourage creative design measures to minimize adverse visual effects;
B. To provide standards for design, siting, and vegetative screening to minimize adverse visual effects;
C. To reduce the number of antennas and towers needed in the future;
D. To accommodate the need for wireless communications towers and antennas while not unreasonably regulating their location and number; and
E. To encourage the joint use of any existing or new towers

8.20.2 Locational Preferences

The order of preference for siting the equipment associated with wireless communication facilities shall range from 1, as the most preferred, to 6, as the least preferred, as noted below:

1. On existing structures such as buildings, water towers, and utility poles;
2. On existing approved towers;
3. On new towers less than 80 feet in height located in commercial or industrial zones;
4. On new towers less than 80 feet in height located in residential zones;
5. On new towers 80 feet or greater in height located in commercial or industrial zones; or
6. On new towers 80 feet or greater in height located in residential zones.

8.20.3 Special Standards

A. No lights shall be mounted on towers unless required by the Federal Aviation Administration (FAA). Strobe lighting shall be avoided where possible.
B. Towers not requiring special FAA painting or marking may be galvanized, painted a non-contrasting blue, gray, or other neutral color, or other such color as needed to blend into its location.
C. Towers may not be used to exhibit any signage or advertising.
D. Towers shall be designed in all respects to accommodate both the applicant's antennas and comparable antennas for two (2) additional users if the proposed antenna is over 100 feet in height; if over 50 feet in height, it shall be designed to accommodate one (1) additional comparable antenna.

E. Towers shall be set back from all property lines a distance equal to their height. The Commission may waive this requirement when there is adequate documentation that the tower structure has been designed to collapse in a manner which will not impact adjacent properties.
F. Antennas or equipment buildings/boxes mounted to or on buildings or structures shall to the greatest degree possible blend with the color and/or design of such structure/building.
G. Roof top antennas shall not exceed a height of 15 feet above the highest part of a structure or building. Additionally, such antennas shall be set back from the roof edge a minimum of ten (10) feet or 10 percent of the roof depth, whichever is greater.
H. Antennas mounted on the facade of a building shall match the color of the building and shall project not more than three (3) feet horizontally from the wall or facade of the building and project not more than five (5) feet vertically above the cornice line of the building or wall to which attached.
I. Unless waived by the Commission, dish antenna shall comply with the following:
    i. Dish antennas shall not exceed two (2) feet in diameter in residential zones.
    ii. Dish antennas shall not exceed six (6) feet in diameter in non-residential zones.

    The Commission may waive the above requirements when there is satisfactory documentation that such antennas are screened from view from adjacent lots and from public streets.
J. Accessory buildings, to be used for housing only telecommunications equipment, are permitted. Such buildings shall not exceed 750 square feet in area and shall be architecturally designed to blend into the neighborhood. Such buildings shall not exceed a height of 12 feet.
K. A fence of appropriate design eight (8) feet in height shall enclose the facility. This requirement may be waived when the design of the facility does not warrant a fence, e.g., a flag pole design or a similar stealth design. Landscape buffers shall be provided around the perimeter of the facility as provided for in Section 10.20.B.
L. No proposed wireless communications facility shall be designed, located, or operated so as to interfere with existing or proposed public safety communications.
M. The design and operation of the wireless communication facility shall comply with the Federal Communications Commission (FCC) standards regulating non-ionizing electromagnetic emissions.
N. All utilities to serve the facility shall be installed underground unless otherwise approved by the Commission.
O. Generators, if utilized, shall comply with all state regulations and the Town Noise Ordinance..

8.20.4 Permits

Wireless communication facilities shall be permitted in all zones subject to the following:

A. Site Plan: Where the Commission determines that an antenna proposed on an existing structure or building meets the following criteria (i, ii or iii below), such antenna and wireless communication facilities may be allowed subject to the submission and approval of a Site Plan in accord with the requirements of Article IX.
    i. An omni-directional or whip antenna with a length of 20 feet or less and seven (7) inches or less in diameter, provided its material and or color blends with the exterior of the structure.
    ii. A directional or panel antenna six (6) feet or less in height and two (2) feet or less in width provided its location and appearance blends with the exterior of the structure.
    iii. 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.
B. Special Permits: Wireless communication facilities that do not qualify for Site Plan approval under Section 8.20.4. above may be permitted only after the approval of a Special Permit as provided for in Article IX and this Section.

8.20.5 Application Requirements

In addition to complying with other application requirements of Section 8.20, an application for a wireless communication facility shall include the following:

A. A Site Plan application meeting the standards of Section 9.10.1 and 9.10.2.
B. A map showing the extent of planned coverage within the town and adjacent communities, and the location and service area of the proposed facility. This map shall be accompanied by a report that documents the need for the wireless communications facility. At the minimum, this report will document that the facility is needed to provide acceptable coverage and/or capacity for wireless communications.
C. A statement containing a description of the siting criteria and the process by which other possible sites were considered.
D. Architectural renderings and/or photo simulations of views of the tower from nearby properties.
E. A report from a qualified radio frequency engineer that the proposed facility will meet the FCC requirements for radio frequency radiation at the time that the facility will be operating at maximum capacity.
F. A report from a qualified radio frequency engineer that the proposed facility will not interfere with existing or proposed public safety communications.
G. When a tower is proposed, 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 ground mounted 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. A legal notice of the scheduled balloon raising shall be published in a local newspaper. Proof of such publication shall be submitted at the public hearing.
H. In all cases in which the Commission determines that an expert peer review of the applicant's service area, tower sharing, alternative location or other technical issues is reasonably warranted, the applicant shall be required to reimburse the Town for the cost of performing such peer review.

8.20.6 Removal

A wireless communication facility not in use for 12 consecutive months shall be removed by the service facility owner. This removal shall occur within 90 days of the end of such 12 month period. Upon removal, the site shall be restored to its previous appearance and, where appropriate, re-vegetated to blend with the surrounding area. The Commission may require that a bond in a form acceptable to the Commission and the Director of Finance be submitted prior to the issuance of any building permits for the full costs of the removal of such wireless communications facilities and full site restoration as estimated by the Town.

Section 8.30 Municipal and Public Utility Uses

8.30.1 Purposes

The purpose of this section is to permit necessary municipal and public utilities in a manner that minimizes conflict with adjacent uses and the surrounding area, and protects the health and safety of the public.

8.30.2 Special Permit Required

A. Municipal and public utility uses, buildings, and structures, including governmental and emergency services communication towers and/or antennas, may be authorized by the Commission as a Special Permit in any zone under the applicable criteria of Article IX and provided that the following conditions are met:

i. The proposed use is compatible with existing development and the site development blends with the character of the area.
ii. All of the requirements of the zoning district are met. The Commission may exempt uses from meeting floor area, lot area, and lot width requirements when the proposed use does not involve use by the general public.
iii. When the Commission exempts a use from the minimum floor area, lot area, and/or lot width requirements, the Commission must determine that the land is of sufficient area and width to protect the public health, safety, and welfare.

B. These requirements shall not apply to standard utility distribution systems.

Section 8.40 Excavation Operations

8.40.1 Purpose

The purpose of this section is to prevent conditions detrimental to the public health, safety and general welfare, including, but not limited to, erosion, creation of dangerous open pits, stagnant water bodies, nuisances, or permanent damage to the landscape. These regulations are also directed at minimizing any deleterious effects on adjacent or nearby land uses.

8.40.2 General Requirements

A. Authorization: Excavation operations are authorized only after the owner of the premises has received a Special Permit in accordance with the provisions of these Regulations, except in the case of the following operations:
   i. Excavation operations within the actual rights-of-way of public streets or highways of either the Town or the State or within streets or roads as shown on a subdivision map or a Plan of Conservation and Development map approved by the Commission;
   ii. Excavation operations within a premise as a result of bona-fide construction operations, such as building erection, for which operation a building permit has been issued by the Building Official;
   iii. Excavation operations completely within a premises as a result of bona-fide landscaping, agricultural, or construction operation for which operation no building permit is required, provided that no such excavation operation shall result in removal or filling in of more than 600 cubic yards of earth products for each individual premises; and
   iv. The Town shall be exempt from the provisions of this Section.
B. Site Plans: In addition to the requirements of Article IX, Site Plans for excavation operations shall show the following:
   i. The Site Plan shall provide for proper drainage of the area of the operation after completion;
   ii. Slopes shall not exceed a vertical rise of one (1) foot over two (2) feet of horizontal distance;
   iii. The site plan shall note and show that at the conclusion of the operation or of any substantial portion thereof, the whole area where removal takes place shall be covered with not less than four (4) inches of top soil and seeded with suitable crop cover.
   iv. Excavation shall not occur within 30 feet of any side or rear property line unless authorized by the Commission. Natural vegetation within this 30 foot area shall be preserved.
C. Hours of Operation: Excavation and removal may occur only on weekdays between the hours of 7 a.m. and 5 p.m. No excavation /removal shall take place on weekends or holidays.
D. On-Site Equipment: Except in an Industrial District, no stone crusher or other machinery not required for actual removal of the material shall be used.
E. Bonding: Prior to the start of any excavation operation authorized as a special permit, the applicant shall post a bond in accordance with Section 9.10.4 of these Regulations. Any bond for excavation activities shall include funds adequate to guarantee restoration of the site.

F. Criteria for Approval: When approving such applications, the Commission shall consider the effect of such removal on the surrounding property and the future usefulness of the premises when the operation is completed.
G. Modification of Site Plans: The applicant may request modifications to the approved Site Plan provided that any bonding as required in Section 8.40.2.E. shall not be reduced until all of the requirements of this Section have been satisfied.
H. Duration of Permit: Such permits shall be issued for a period not exceeding two (2) years. Permits may be renewed providing there is compliance with the provisions of this Section.

Section 8.50 Conservation Zone Regulations

8.50.1 Purposes

The purpose of this Section is to provide standards for the preservation and usage of land within the conservation zone along the Connecticut River. These standards are designed to promote development practices which will support the following goals:

i. Protecting and improving the water quality of the Connecticut River;
ii. Preserving the necessary flood storage capacity of flood plains;
iii. Preserving unique natural, historic and scenic areas and the natural topography of riverfront land;
iv. Preserving and encouraging the development of agricultural land uses which contribute to conservation of the area's soil and water resources and which increase a long-term food producing capacity;
v. Promoting the recreational potential of the river area and public access to the riverfront which is consistent with the ability of the land and the river to support such use;
vi. Influencing the visual impact of riverfront development; and
vii. Encouraging the preservation and rehabilitation of the Connecticut River greenbelt.

8.50.2 Definitions

For the purposes of this Section, the following definitions shall apply:

A. Clearing Plan: A plan showing the existing mix of forest tree species, their approximate height, age and density; a description of the cutting or removal activities to be undertaken.
B. Greenbelt: An area of natural vegetation bordering the Connecticut River that is either publicly or privately managed.

8.50.3 Location

The Conservation Zone is an overlay zone and is shown on the official zoning map of the Town. The area of the Conservation Zone is as defined in Public Act 82-296 of the State of Connecticut, Title 25, Chapter 477c of the Connecticut General Statutes.

8.50.3 Standards for Uses within the Flood Plain

A. Purpose: Flood plain use is regulated so as to preserve the necessary flood storage capacity; to promote public health, safety and general welfare through minimizing flood losses in flood plain areas; and to promote flood plain uses which are compatible with beneficial flood plain functions.
B. Activities Permitted as of Right.
   i. Agricultural or farming uses, excluding farm buildings and farm structures.
   ii. Fences accessory to farm or agricultural uses.
C.

Obstructions and Encroachments within the Flood Plain: In acting upon any proposal for obstruction or encroachment in the flood plain, the Commission shall use the following guidelines:

i. The following activities are generally considered compatible with flood plain values :

a. Conservation activities which do not require significant physical alteration of watercourses and flood plains (e.g., wild life and nature preserves, game farms, fish hatcheries, etc.).

b. Parks and recreation areas provided that the placement of small piers, catwalks, floats, docks, piles and other similar structures including trails and pedestrian access routes providing such facilities:

1. do not include dredging or filling of the watercourses and do not require significant physical alterations of flood plains;
2. are elevated on low-impact pile foundations;
3. do not interfere with or obstruct navigation; and
4. do not restrict circulation or tidal flushing.

c. The repair, relocation and/or rearrangement of floating docks, open pile docks, and similar structures within an established marina or boat basin which involves no disturbance of the watercourse or floodplain other than removing or relocating anchors or pilings.

d. The construction of boat launching ramps where encroachment is to the minimum necessary to provide access to navigable waters.

e. Erection of water-dependent industrial and commercial facilities when:

1. Elevated pile-supported construction is utilized;
2. The facilities do not interfere with the circulation of navigable or tidal waters;
3. The facilities are designed to minimize the destruction of indigenous vegetation;
4. They do not significantly affect native wildlife;
5. Their encroachment is limited to that minimally necessary to provide structural stability;
6. There is no alternative for accomplishing the applicant's objective which is prudent and technically feasible and which further minimizes adverse impacts;
7. The height, width and length of structures are limited to the minimum dimensions necessary to accomplish their intended function; and
8. The facilities are floodproofed.

ii. The following activities are incompatible with flood plain activities.

a. Activities which require incremental filling of the flood plain, where incremental shall mean fill, including any material or structure, which would have the effect of displacing water or the flood storage capacity of the property. (Shifting existing contours without the addition of new fill from off site and which does not reduce the existing flood storage capacity of the subject property is not considered incremental filling.)

b. Construction of any structure whose lowest floor, including basement, is lower than the flood elevation.

c. Construction of any structure which is not anchored to prevent flotation, collapse, or lateral movement of the structure.

d. Construction of waste disposal systems which are not floodproofed to avoid impairment to them or contamination from them during flooding.

e. Construction of industrial facilities using, producing or storing hazardous or toxic substances (nuclear power plants, chemical factories, oil storage tanks, etc.) which are not protected against a flood of rare occurrence.

D. Lot Coverage: No residential building or an accessory building thereto shall be constructed, reconstructed, enlarged, extended, moved or structurally altered in such a manner as to exceed the maximum percentage of total lot coverage allowed for such buildings in the aggregate on any single lot as indicated in the following table.

Table 8.50.3 - D
Maximum Lot Coverage - Residential Zones

Required Lot Size	Maximum Lot Coverage
Up to 25,000 s. f.	20%
25,001 to 44,000 s. f.	15%
Above 44,000 s. f.	10%

8.50.4 Required Plans

A. The Zoning Enforcement Officer shall not sign off on any Building Permit submitted in connection with any subdivision, multi-family project or permitted non-residential use in any district unless a Site Plan and an Soil Erosion and Sedimentation Control Plan shall have been submitted to and approved by the Commission. (Subdivision plans need not show house locations, driveways or other lot specific improvements unless the subdivision is also a senior residential development or a special residential development.) **(Amended 08/01/10)**

B. A Cutting Plan shall be submitted as part of the supporting documentation filed with a required site plan or as one of the required exhibits to be submitted for land subdivision.

Section 8.60 King Street/ Enfield Street Design Overlay District

A. Purpose: These standards are intended to promote the use of design elements which respect traditional architectural styles common to the traditional New England Town. The standards contained herein are directed at guiding new development and renovations such that their scale and character will harmonize with the surroundings and reflect and/or complement traditional New England architectural styles. These standards apply to the King Street/Upper Enfield Street Design Overlay District as shown on the Zoning Map.

B. Siting: All spaces and structures visible to the public from public roadways shall be designed to add to the visual amenities of the area. Building setbacks from the street, side setbacks from adjacent buildings, and orientation of the axis of buildings shall be consistent with and recognize the location, spacing, and orientation of other adjacent buildings. Visually important landscapes and vistas shall be preserved. Existing site features such as stone walls, large trees, and other features shall be incorporated into all new designs to the greatest extent possible. When feasible, new development proposals shall include creative reuse of existing buildings of significant historical and architectural interest.

C. Building Design Elements: Materials, texture, and color used on the exterior walls and roofs shall be those associated with traditional New England architecture. Preferred building materials shall be brick, stone, and wood including narrow width siding, clapboards, wood shingles, or reasonable equivalents.

D. Architectural Details: Architectural details characteristic of the particular style and period proposed should be incorporated into the design for any new construction and should relate harmoniously to adjacent buildings. It is not intended that the architectural details of old buildings be duplicated precisely, but they should be regarded as suggestive of the extent, nature and scale of details that would be appropriate on new buildings or alterations. Desirable architectural features, where appropriate for a particular style, include gabled roofs, multi-pane windows, chimneys, porches, shutters, gothic arches, white columns and entablature, and fanlights. Examples of designed architectural style include Colonial, Georgian, Federal, Greek Revival, Romantic Revival and Victorian styles. Stonewalls, picket-type fences, wrought iron fences, and decorative wrought iron street-furniture are encouraged.

E. Signs: Design and placement of signs should complement the building's composition and architectural details. Signs shall consist of materials and colors which are appropriate to facade design and materials, use lettering styles, sizes, and composition that relate to architectural style within the district, and be illuminated externally. The Commission may approve an internally lit sign that is deemed appropriate in design for its setting, its location, and its proximity to residential areas during the application review process for new or expanded businesses An applicant for a sign permit may also request Commission review and approval of an internally lit sign for an existing businesses that does not otherwise have a pending application before the Commission. **(Amended 9/25/07**)

F. Waiver of Yard Requirements: The Commission may waive up to 50% of any required yard/setback when, in its sole discretion, such waiver will accomplish one or more of the following:
   i. Permit a more functional use of the site relative to building location, parking, or access;
   ii. Provide for the preservation of existing site features to include specimen trees and other plantings; or
   iii. Allow for a superior building site design meeting the purposes of the District.
   iv. Waivers shall require a special permit application.

G. **(Effective 5/23/05)** Waiver of Building Height: The Commission may waive the maximum height of the proposed building(s) when, in its sole discretion, such a waiver will accomplish one or more of the following:
   i. Permit a more functional use of the site relative to overall site design meeting the purposes of the District; or
   ii. Provide for the preservation of existing site features to include wetlands or watercourses, specimen trees and other plantings; or
   iii. Allow for a superior building site design meeting the purposes of the District.
   iv. No building shall contain more than three (3) stories)
   v. Waivers shall require a special permit application.

Section 8.70 Hazardville Design Districts

A. Purpose: These use and design standards contained herein are intended to promote a variety of residential and commercial uses which will complement and enhance the existing historical character of the Hazardville section of Enfield. The standards contained herein shall apply to the Hazardville Design District A as shown on the Zoning Map. The standards for the overlay design district shall be in addition to the requirements of the underlying zone.

B. Special Standards for the HDDA Overlay District:
   i) All requirements of Section 4.20 regarding Home Occupations, Home Professional Offices shall apply to properties zoned R-33 except that within the HDDA, there shall be no limitation as to non-resident employees/employer. Additionally, any structure proposed for such use shall have such use limited to the ground floor of the structure and the second floor shall be devoted to residential use.
   ii) Any property located within the HDDA shall also be designated as being in the Limited Office District under the provisions of Section 5.70 of the Zoning Regulations.
   iii) Any property located within the HDDA may apply for development approval under a Planned Design Special Permit. Such special permit may allow a use of land, buildings and other structures, and related site development, not permitted within the existing zoning district where the lot is located but which would be beneficial to and consistent with the orderly development of the Town and the neighborhood, and consistent with the purposes of these Regulations and the Plan of Conservation and Development. In order to be approved for a PDSP, the proposed development must be shown to accomplish the following:
      a) Successfully addresses a specific goal for Hazardville as contained in the Plan of Conservation & Development.

b) Provides for a new or renovated building the design of which complements and improves the appearance of Hazardville.
c) Provides pedestrian amenities such as gathering areas, sidewalk cafes, new sidewalks or extensions thereof.
d) Provides a service or business to address the needs of the neighborhood.

iv) Planned Design Special Permits shall require applications for Site Plan and Special Permit approval. Applications shall also include a narrative statement detailing the uses proposed, the lot, building, and yard requirements proposed for the property, and the manner, if any, in which such uses and standards differ from those of the underlying zone.

v) Minimum lot size required for a PDSP is 1 acre.

vi) Permitted sign areas for attached and free standing signs may be in creased by 20% when the Commission determines that the design of the sign has incorporated appropriate historical details relevant to the Hazardville area.

vii) New or expanded residential structures may observe a 15 foot front yard setback providing that the new or expanded structure incorporates an open porch along the full frontage of the structure, and that the width of the width of the structure along the frontage is at least 85% of the width of the widest part of the structure parallel to Hazardville Avenue.

C. Building Design Elements: Materials, texture, and color used on the exterior walls and roofs shall be those associated with traditional New England architecture. Preferred building materials shall be brick, stone, and wood including narrow width siding, clapboards, wood shingles, or reasonable equivalents.

D. Architectural Details: Architectural details characteristic of the particular style and period proposed should be incorporated into the design for any new construction and should relate harmoniously to adjacent buildings. It is not intended that the architectural details of old buildings be duplicated precisely, but they should be regarded as suggestive of the extent, nature and scale of details that would be appropriate on new buildings or alterations. Desirable architectural features, where appropriate for a particular style, include gabled roofs, multi-pane windows, chimneys, porches, shutters, gothic arches, white columns and entablature, and fanlights. Examples of designed architectural style include Colonial, Georgian, Federal, Greek Revival, Romantic Revival and Victorian styles. Stonewalls, picket-type fences, wrought iron fences, and decorative wrought iron street-furniture are encouraged.

E) In addition to the standards set forth above and in the evaluation criteria found in Article IX of these regulations all applications for development within the Hazardville Design District A as shown on the Enfield Zoning Map shall contain a review of the application's consideration of the guidelines contained in the Hazardville Study Design Review Guide which is found in the appendix of these Regulations. **(Amended 06/02/08)**

ARTICLE IX SITE PLAN AND SPECIAL PERMIT STANDARDS AND PROCEDURES

Section 9.00 Purposes

This article provides general criteria for judging the appropriateness of Special Permit uses, as well as specific standards for the form and content of Site Plans.

Section 9.10 Site Plan Standards and Procedures

9.10.1 General Requirements

A. Site Plan approval shall be required for the following:
   i. Special Permit uses;
   ii. Home occupations and home professional offices;
   iii. All business uses;
   iv. All industrial uses; and
   v. All Class C signs.

B. Applications for Site Plan approval shall include the following:
   i. A completed application form signed by the applicant and the owner of the property;
   ii. A fee in the amount prescribed by the Commission or by ordinance; and
   iii. Twelve copies of the maps and plans listed in Section 9.10.2.

C. Filing fees may include additional costs incurred by the Town of Enfield, including but not limited to, the expense of retaining experts to analyze, review and report on areas requiring a detailed, technical review in order to assist the Planning and Zoning Commission in its deliberations. Said costs will be estimated by the Commission, based on preliminary estimates from such experts, and said estimate of costs times 150% will be paid over to the Commission prior to proceeding on the application. Upon completion of the technical review and a determination of the costs incurred, any excess will be refunded to the applicant. Applicant shall not be responsible for costs incurred in excess of 150% of the Commission's estimate.

9.10.2 Site Plan Requirements

A. General: Site Plans shall be prepared by appropriate design professionals, (surveyor, engineer, architect, and landscape architect) licensed to practice in the State and shall bear appropriate registration stamps. All drawings shall be at a scale of not less than one (1) inch equals 60 feet and where practical, the scale shall be one (1) inch equals 40 feet. All Site Plan drawings shall be in sufficient detail and accuracy, (generally A-2), to enable the construction of all site improvements shown and approved on the drawings. All site improvements shall be constructed to the standards of the Town's Technical Subdivision Regulations.

B. Site Plan Contents: Site Plans shall include the following:
   i. Title Block with name of developer, property owner, north arrow, scale of not more than 1":40' nor less than 1":60', seals and signatures of all appropriate design professionals;
   ii. A location map at the scale of 1" to 1000' showing the proposed project and the nearest street intersection;
   iii. Boundary survey of site including distances with angles or bearings;
   iv. Zoning classification of property;
   v. Area of lot;
   vi. Name of adjacent owners and zoning classification of their property;
   vii. Existing and proposed contours or spot grades at no more than two (2) foot intervals;

viii. Locations of existing and proposed buildings with dimensions, area, elevations and number of stories and distances between all buildings and property lines;
ix. Existing and proposed sanitary and storm water drainage facilities with elevations,
x. Existing and proposed sidewalks, curbs and curb cuts, and adjacent streets;
xi. Soil erosion and sedimentation control measures as required by Section 7.20;
xii. Drainage design for roof area, parking lot and driveways consistent with Section 7.10.11;
xiii. Locations and descriptions of all existing and proposed easements and rights-of-way;
xiv. Location of existing trees. Trees larger than 12" in diameter shall be so labeled.
xv. Proposed landscaping with specific location, size and common name.
xvi. Layout of all off street parking areas showing details of aisles, driveways, each parking space, all loading and unloading areas, pavement markings, location of directional signs,
xvii. Existing and proposed locations, height and size of all outdoor lighting and sign locations;
xviii. Fire lanes and traffic control signs as required by Police and Fire authorities;
xix. Outside storage areas with proposed screening;
xx. Location of outside recycling and refuse storage area and proposed screening;
xxi. Provisions for water supply;
xxii. Where development is proposed to be in phases, phase lines shall be shown;
xxiii. In tabular form show in one column the required standards contained in the bulk table or elsewhere in these Regulations and in a second column in line with the standards in the first column the standards proposed for a specific facility;
xxiv. The applicant shall submit 12 copies of preliminary architectural plans which shall describe the appearance, size, use and occupancy of all proposed structures; said plans shall be at a scale not less than one (1) foot equals 16 inches, and shall include the following:
a. Floor plans for each floor or level of each proposed structure, which plans shall indicate spatial arrangement, use, occupancy, seating arrangement, ingress and egress;
b. Exterior elevations (side views) of each side or elevation of each proposed structure; such elevations shall indicate proposed materials, roofscape, if any, and building height;
c. All exterior mechanical equipment shall be shown and fully screened from the public view in a manner compatible with the architectural style of the building and designed in a manner that is integral to the architectural design of the building; and
d. Where alterations and/or additions to existing buildings are proposed, description in both plan and elevation adequate to explain the proposal shall be provided; and
xxv. Copy of preliminary application for access to State highways and to State-owned storm drainage facilities where such state permit is necessary.

C. Waiver: The Commission may waive the submission of all or part of the information required under this section if it finds that the information is not necessary in order to decide on the application's conformance with these Regulations.

9.10.3 Site Plan Review Procedure

Public hearings are not required for Site Plan applications. However, the Commission may hold public hearings for such applications when they have determined it is in the public interest to do so. When a public hearing is held, the notice requirements of Section 9.20 shall be followed.

9.10.4 Site Plan Approval Criteria

In addition to determining that the site plan complies with all of the standards of the zoning regulation, the Commission will be guided by the following:

A. Traffic Access: That all proposed traffic access ways are:
i. Adequate but not excessive in number;
ii. Adequate in width, grade, alignment and visibility; and
iii. Appropriately separated from street corners or other places of public assembly.

B. Circulation and Parking: That adequate off-street parking and loading spaces are provided to prevent parking in public streets of vehicles of any persons connected with or visiting the use and that the interior circulation system is adequate to provide safe accessibility to all required off-street parking.
C. Landscaping and Screening: That all playground, parking and service areas are reasonably screened at all seasons of the year from the view of adjacent residential lots and streets and that the general landscaping of the site is in character with that generally prevailing in the neighborhood. Existing trees over 12" in diameter shall be preserved to the maximum extent possible.
D. Design Standards: That the proposed improvements adhere to the standard details and cross sections depicting the Town standards for construction and site improvements found in the Technical Subdivision Regulations and, where standards are not stated, as promulgated by the Director of Public Works.

9.10.5 Site Plan Bonding– Certificates of Compliance (Amended 11/01/06)

A. Prior to application for any building permit, a performance bond for 100 percent of the cost of landscaping and any required public improvements shall be posted with the Town in a form approved by the Director of Finance. The Directors of Public Works and Planning, or their designees, shall determine the amount of the bond.
B. No Certificate of Occupancy or other final approval may be issued until the applicant has received a Certificate of Site Plan Compliance from the Planning Department. When minor site work cannot be completed because of weather or other pertinent reason, a conditional Certificate of Site Plan Compliance may be issued for a period not to exceed 180 days, providing satisfactory surety shall be posted with the Town of Enfield in an amount sufficient to complete the site work. Upon receipt of a request for Certificate of Site Plan Compliance by the Planning Department, members of the Administrative Review Team (including but not limited to: Building Official, North central District Health, Public Works Department, Fire Marshal, Traffic Safety Officer and Utilities) will 1) be notified of the request; 2) be given the opportunity to review those site development items which fall within their purview; and 3) make a report to the Planning Department of the site's acceptability and compliance. Improvements which have not been made will be noted and bond estimates made where appropriate. The Planning Department will notify the applicant of the results of these reviews. The Planning Department will notify the Building Official when a Certificate of Site Plan Compliance or a conditional Certificate of Site Plan Compliance is issued and its conditions. A request for Certificate of Site Plan Compliance from the Planning Department must be made at least 10 days before a Certificate of Occupancy or other, final approval is requested from the Building Official. Upon written request of the applicant and satisfactory completion of the site work, the Planning Commission or its designee shall release any surety posted under this provision
C. A separate bond shall be required for soil erosion and sedimentation control measures and site restoration prior to the issuance of any building permit.
D. The Commission shall have the sole authority for release of such required performance bonds in whole or in part. All requests for the release of any bond or part of a bond shall be made in writing to the Commission.
E. The applicant may request, and the Commission may grant, a phasing of bond posting. All phasing of the bonding shall match the phasing on the approved Site Plan and the applicant shall supply written detail of all work to be completed in each phase, which shall match the phasing lines on the final plans. All work within a particular phase must be fully completed to the satisfaction of the Directors of Planning and Public Works prior to the start of any work associated with any subsequent phase or phases.
F. Bonds for landscaping shall not be released until one (1) year after completion of site improvements. For any landscaping installed during the months of June, July, or August, the period shall be two (2) years.

9.10.6 Submission of Approved Plans

The applicant shall submit to the Director of Planning final plans as approved by the Commission. Such plans shall be submitted on paper and/or mylar in addition to a digital format prescribed by the Director of Planning. By a majority vote of the Commission members present and voting on the application, the Commission may waive the requirement for plans in a digital format.

9.10.7 Modifications to Approved Site Plans

A. All modifications to approved Site Plans shall require the filing of an Application to Modify a Site Plan with appropriate drawings and the payment of the appropriate fee.
B. When unforeseen or field conditions require, the Director of Planning in consultation with relevant departments may approve minor changes. Plans indicating such changes shall be filed in the Commission's files. The Director of Planning shall report all such approvals to the Commission at its next meeting.
C. When minor changes to an approved Site Plan are requested which do not require additional parking spaces, are limited to minor alterations of existing additional parking spaces, or are limited to minor alterations of existing buildings or sites, and which do not impact on approved landscaping and which do not alter driveway access to the site, approval may be granted by the Director of Planning in consultation with relevant departments. The Director of Planning shall report all such approvals to the Commission at its next meeting.

9.10.8 Validity

A Site Plan application approved by the Commission, as required by State Statutes, shall be valid for a period of five (5) years from the effective date of approval of such application. Extensions may be granted by the Commission for up to five (5) additional years for a total of ten (10) years.

9.10.9 – Site Maintenance (Added 11/01/06)

All improvements required on the approved site plan must be maintained in good order and repair and in proper appearance, on a continuing basis. All landscaped areas and plantings, including any planters or like receptacles, shall be maintained free of debris, sand, salt, litter, weeds and other unsightly or deleterious vegetation, growth or matter. Required plantings shall be replaced when the same have died. All parking areas, sidewalks, walkway areas, light standards, berms, curbs, bumpers, signs and all parts of storm drainage systems shall be maintained in good order and repair and in proper appearance on a continuous basis. The site shall be maintained free of debris, sand, salt, litter, weeds and other unsightly or deleterious matter. Where appropriate, the Planning and Zoning Commission may require a written agreement between the Town and the applicant/owner, to insure continued maintenance of site improvements

Section 9.20 Special Permit Standards and Procedures

9.20.1 General

A. Special Permits are required for all uses so identified in Tables 4.20, 5.20, 5.40.2 and 6.20, and all proposed signs except Type A and B signs.

B. Public hearings are required for all Special Permit applications.

C. Applications for a Special Permit shall include the following:

   i. A completed application form signed by the applicant and the owner of the property;

   ii. A fee in the amount prescribed by the Commission or by ordinance; and

   iii. A Site Plan application and the accompanying maps and data as required under Section 9.10.

D. Filing fees may include additional costs incurred by the Town of Enfield, including but not limited to, the expense of retaining experts to analyze, review and report on areas requiring a detailed, technical review in order to assist the Planning and Zoning Commission in its deliberations. Said costs will be estimated by the Commission, based on preliminary estimates from such experts, and said estimate of costs times 150% will be paid over to the Commission prior to proceeding on the application. Upon completion of the technical review and a determination of the costs incurred, any excess will be refunded to the applicant. Applicant shall not be responsible for costs incurred in excess of 150% of the Commission's estimate.

9.20.2 Special Permit Criteria

A. In authorizing a Special Permit use, the Commission shall take into consideration the public health, the safety and general welfare, the comfort and convenience of the public in general, and of the residents of the immediate neighborhood in which the proposed development is located in particular, and may attach reasonable conditions and safeguards as a condition to its approval. The Commission shall also consider the following objectives:

   i. The extent to which the proposed use complies with specific criteria and standards assigned to a Special Permit use as stated in Articles IV, V and VI of these Regulations;

   ii. That all proposed <u>structures</u>, equipment or material shall be readily accessible for fire and police protection;

   iii. That the proposed use shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the district in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties; and

   iv. That, in addition to the above, in the case of any use located in, or directly adjacent to, a residential district:

      a. The location and size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to, or incongruous with, the said residential district or conflict with the normal traffic of the neighborhood; and

      b. The location and <u>height</u> of buildings, the location, nature and height of walls and fences, and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings, or impair the value thereof.

9.20.3 Validity

A Special Permit approved by the Commission shall be valid for a period of one (1) year from the effective date of approval of such application. The Commission may grant an extension of this period for an additional one (1) year upon written request of the applicant.

Section 9.30 Public Hearing Requirements and Procedures

A. Whenever a public hearing is scheduled by the Commission, or by the Zoning Board of Appeals, the applicant shall place a sign on the affected property which can be seen from all abutting streets. The sign is to be placed at or near the street line or traveled way and shall be clearly visible to the general public. Such sign, to be provided by the Office of the Director of Planning, shall be installed by the applicant no less than ten (10) days before the hearing, and shall be removed by the applicant within five (5) days after the close of such hearing. An affidavit will be executed by the applicant or his agent certifying that this sign will be installed and maintained in accordance with the provisions of this section. **(amended 9/8/03 & 03/03/11)**

B. When a zone change is sponsored by the Commission and affects multiple properties, in lieu of the requirement to post hearing signs, the Commission shall place a public notice no less than two (2) columns by four (4) inches in size to be printed in a newspaper having a substantial circulation in the community.

ARTICLE X SITE DEVELOPMENT REGULATIONS

Section 10.00 Purposes

The purpose of this article is to guide site development activities to assure that such activities are conducted in a manner that protects the health, safety and the general welfare of the citizens in Enfield.

Section 10.10 Off Street Parking and Loading Regulations

A. The following Regulations are designed to provide adequate off street parking and loading facilities and safe vehicle movements while minimizing any detrimental effects to adjacent properties, neighborhoods and the environment. Accessory off street parking facilities in existence on the effective date of these Regulations shall not hereafter be reduced below, or if already less than required, shall not be further reduced below, the requirements for a similar new building or use under the provisions of these Regulations.

B. No building or structure shall be erected, enlarged, modified, or its use changed to a use requiring additional off street parking and/or loading spaces unless permanently maintained off-street parking and loading spaces are provided for the new use in accordance with the provisions of these Regulations, except where such change of use, new building, alteration or increase in floor area requires no increase in parking over what presently exists.

10.10.1 General Requirements

A. Accessory off street parking and off street loading facilities shall be provided as required by these Regulations for all buildings and structures erected and all uses of land established in each district after the effective date of these Regulations.

B. When the intensity of use of any building, structure or lot shall be increased through the addition of dwelling unit gross floor area, seating capacity, or other units of measurement in the amount specified herein requiring parking or loading facilities, such additional parking and loading facilities as required herein shall be provided.

C. Whenever the existing use of a building or structure shall hereafter be changed to a new use, parking or loading facilities shall be provided as required for such new use. However, if the said building or structure was erected prior to the effective date of these Regulations, additional parking or loading facilities are mandatory only in the amount by which the requirements for the new use would exceed those for the existing use if the latter were subject to the parking and loading provisions of these Regulations.

D. In situations where parking facilities are permitted on land other than the lot on which the building or use being served is located, such facilities shall be in the same possession as the lot occupied by the building or use to which the parking facilities are accessory. Such possession may be either by deed or long-term lease, the term of such lease to be determined by the Commission. The owner of the land on which the parking facilities are to be located shall be bound by covenants, filed on record in the Office of the Town Clerk, requiring such owner, his or her heirs and assigns, to maintain the required number of parking facilities for the duration of the use served or of said lease, whichever shall terminate sooner.

E. Off street parking facilities required as an accessory use to all uses permitted by these Regulations shall be solely for the parking of passenger vehicles of patrons, occupants, and employees of those uses.

F. When the application of these off street parking Regulations results in a requirement of not more than three (3) spaces on a single lot in any Business District, such parking spaces need not be provided. However, where two (2) or more uses are located on a single lot only one of these uses shall be eligible for the above exemption. This exemption shall not apply to dwelling units.

G. Not more than one camping-type vehicle and/or boat may be parked on any lot in a HR-33, R-33, R-44 or R-88 zone. Such vehicle shall be parked or stored only in a garage or on a paved surface located no closer to the front property line than the front wall of the residence. Such paved area shall not be located within any required side yard or within five (5) feet of the rear lot line. Commercial Vehicles in residential districts may be parked only in accordance with Section 3.30.13 of these regulations. **(amended 11/25/03)**

10.10.2 Number of Required Parking and Loading Spaces.

Parking and loading spaces shall be provided in all zones in sufficient number to accommodate the motor vehicles of all occupants, employees, customers and any others normally visiting the premises for each new, expanded or change in use in accordance with the following schedule:

Table 10.10.2 Parking Standards

USE	PARKING REQUIRED	
Accessory Apartments	2	Dwelling Unit
Adult & Child Day Care Facilities (All Day Care Facilities)	1 1	Employee 6 Students
Animal Hospitals	1 3	Staff Member on largest shift Examining Room
Assisted Living Facilities	1 1 1	2 Dwelling Units 2 Employees Shuttle or Vehicle owned by facility
Auditoriums, Theaters, Stadiums, Convention Halls or similar Places of Public Assembly	1	4 Seats
Automotive Service Stations	1 3 6 1	Employee Service Bay (BG District) Service Bay (BR District) Service Vehicle
Bed & Breakfast Inns	1 1	Bedroom Employee
Bowling Alleys	3	Lane
Building Material Stores	2.5 1	1,000 sq. ft. Gross Floor Area 1,000 sq. ft. of Exterior Display Space
Business or Trade Schools, Junior Colleges, Colleges or Universities	1 1	Faculty or Staff Member Student
Business Service	1	150 sq. ft. Gross Usable Floor Area
Business/Professional Offices	5	1,000 sq. ft. of Gross Useable Floor Area
Car Washes	2	Vacuum Facility In addition to the above, each self-service bay shall have 4 stacking spaces, and each full-service bay 12 stacking spaces.
Clubs, Non-profit	1 1	4 Seats in Main Meeting Room Guest Room
Commercial Recreation Facilities, Indoors	1 8	250 sq. ft of Gross Floor Area or; Tennis Court

Table 10.10.2 Parking Standards, Continued

USE		PARKING REQUIRED
Commercial Recreation Facilities, Outdoors	3 1	Court, Tee or Position Employee
Continuing Care Facilities	1 1 1	2 Employees 2 Beds Doctor assigned to Facility
Convalescent/Nursing Homes	1	3 Beds
Conversion to Residential Use	2	Dwelling Unit
Elementary or Middle Schools	1 1	Faculty Member or Employee 4 Seats in Auditorium
Financial Institutions	3 1 1	Teller Window Desk Employee
Funeral Homes/Undertaking Businesses	1 1 1	3 Seats in largest Room Vehicle maintained on Lot Employee
Furniture Stores	1.25	1,000 sq. ft. of Gross Floor Area
Health Clubs	1 1	Employee 4 participants and/or members
Hotel, Motel	1 1	Guest Room Employee, plus spaces for accessory uses such as a restaurant.
Housing for the Elderly	.75 1	Dwelling Unit Shuttle Vehicle maintained on lot
Industrial (Non-warehouse) Uses	1.1 1	Employee Vehicle maintained on the lot
Medical Offices ≤ 10,000 s.f. Medical Offices > 10,000 s.f .	6 5	1,000 sq. ft. of Gross Floor Area **(Amended)** 1,000 sq. ft. of Gross Useable Floor Area **(01/01/09)**
Motor Vehicle Sales	1 1	500 sq. ft. of Gross Floor Area, including Service Areas 3,000 sq. ft. of Outdoor Display Area
Multiple Family Dwellings	2	Dwelling Unit
Music or Dance Schools or Studios	1 1	Employee 4 Students
Personal Service Businesses	1	150 square feet of sales/customer area
Places of Worship	1 1	4 Seats Employee
Professional Office in a Residential Dwelling	2 1	Office Non-resident employee
Public Libraries, Galleries or Museums	1	200 sq. ft. of space accessible to public

Table 10.10.2 Parking Standards, Continued

USE	PARKING REQUIRED	
Radio and TV Stations or Towers	1 1	Employee Studio
Research Facilities	1 1	2 Employee Vehicle maintained on lot
Restaurants	1 1	3 Seats Employee
Restaurants, Drive-in or Fast Food	1 10	75 sq. ft. of Gross Floor Area/3 Seats, whichever is greater Stacking spaces each service window
Retail Sales	1	150 square feet of sale/customer area
Senior High Schools	4 1 1	Classroom Faculty Member and Employee 4 Seats in auditorium
Senior Residential Developments	2	Dwelling Unit
Shopping Centers 20,000 to 40,000 square feet More than 40,0000 square feet	 6.0 5.0	 Gross Usable Floor Area Gross Usable Floor Area (See Section 10.10.3 for special requirements applicable to Regional Shopping Centers.)
Single Family Dwellings	2	Dwelling Unit, maximum of 6 spaces
Veterinary Offices	1 3	Staff member Examining Room
Visitor Information Booths	1	Employee plus 2 stacking spaces
Warehouse, Distribution, Storage, Wholesale, and Mail Order Establishments	1 1	Employee Vehicle maintained on the lot
Wireless Telecommunications Facilities	1	Office on site

10.10.3 Determination of Required Parking Spaces

A. The parking space requirements for a use not mentioned or variations of above uses shall be determined by the Commission. Where a determination must be made, the decision shall be based upon: (1) standards set forth herein for uses with similar characteristics, (2) previous experience with similar uses and (3) studies or standards such as those promulgated by the Institute of Traffic Engineers (ITE) of the parking requirements of such uses.

B. Multiple Uses: Where two or more different uses occur on a single lot, the total amount of parking facilities to be provided shall be the sum of the requirements of the uses computed separately for each individual use on the lot. However, the Commission may reduce this total where it can be demonstrated that the uses on a site have peak parking needs at different hours of the day.

C. Fractional Measurements: Where fractional spaces result from calculation of parking space requirements equal or greater than one-half (½) total parking spaces required shall be the next highest whole number.

10.10.4 Special Requirements for Regional Shopping Centers

A. The number of parking spaces required shall be five (5) for each 1,000 square feet of gross usable floor area. The applicant may attain such parking ratio either: (i) by constructing spaces in a number sufficient to provide five (5) spaces for each 1,000 square feet of gross usable floor area; or (ii) by constructing not less than four and one-half (4.5) spaces for each 1,000 square feet of gross usable floor area and showing on its site plan "reserved future parking areas" or "restriping areas" containing parking spaces in a number which, when combined with the constructed parking, shall result in a total ratio of five (5) spaces for each 1,000 square feet of gross usable floor area. If the applicant selects option (ii) set forth above, then the applicant shall provide off-site parking on "Peak Shopping Days", which shall be designated as employee parking, in a number sufficient to bring the ratio of available spaces up to five (5) for each 1,000 square feet of gross usable floor area. For the purposes thereof, "Peak Shopping Days" means the Friday after Thanksgiving and each Saturday between Thanksgiving and Christmas. The applicant shall provide to the Commission evidence that it has the right to use such off site parking. Such evidence of availability of off site parking shall be provided to the Commission not later than September 30th of each year.

B. If the applicant attains a 5.0 parking ratio by virtue of utilizing reserved future parking/restriping areas and off-site employee parking, then, one (1) year following the granting of a Certificate of Occupancy for the building that results in a 4.5 ratio of constructed on-site spaces, the applicant shall submit a parking analysis to the Zoning Enforcement Officer, which analysis shall demonstrate the adequacy of the number of on-site parking spaces during the non-holiday peak shopping hour and the Peak Shopping Days. The Zoning Enforcement Officer shall review the analysis, seeking input from the Town Traffic Safety Officer. If the Zoning Enforcement Officer determines that the number of existing on-site parking spaces are insufficient, he shall notify the applicant of such finding and the applicant shall construct, in the reserved future parking area or the restriping area, such additional spaces as may be required to solve the parking deficiency, but not to exceed a total ratio for the Regional Shopping Center of five (5) spaces for each 1,000 square feet of gross usable floor area. If the applicant fails, in any year, to provide evidence of the availability of off site employee parking spaces in the requisite number, then the Zoning Enforcement Officer shall have the ability to order the applicant to provide the requisite parking spaces on-site by constructing them in the reserved figure parking area or by modifying the restriping area.

10.10.5 Special Requirements for the Thompsonville Village Center District

A. The following standards shall apply to the Thompsonville Village Center District:

Table 10.10.5

Use	Required Spaces
Retail Sales	4 per 1,000 G.S.F.
Personal Services Businesses	4 per 1,000 G.S.F.
Offices	3 per 1,000 G.S.F.
Residential Uses	1 per unit
Elderly Housing	0.5 per unit

B. Reduction: The Commission may authorize a reduction in these standards where the applicant has provided a report which demonstrates that the nature of the particular use(s) does not require the normal amount of parking or where due to mass transit, carpooling, or other such features, less rigorous parking standard should apply.

C. Off Site Parking: Legally permissible on street parking and parking within municipal parking lots, providing these are within 500 feet of the site in question, may be used to satisfy the parking requirements of this section.

D. Location of Spaces: No parking spaces shall be allowed between the face of the building and the street right-of-way.

E. Repair and Service: No motor vehicle repair work or service of any kind shall be permitted in conjunction with any parking or loading area. No gasoline or motor oil shall be sold in conjunction with any accessory parking facilities.

10.10.6 Parking Design, Layout, and Location

The standards of this section shall apply to all parking areas that serve three (3) or more vehicles or two (2) or more uses.

A. General Design Requirements:

i. All off street parking areas and driveways shall be designed, to include drainage design, and constructed to the standards of the Director of Public Works. The Commission may allow an alternate surface to be used for the parking area when such surface is designed to minimize storm water runoff. In such situations, a maintenance plan for the surface must be approved by the Commission.

ii. Lighting: Any lighting used to illuminate off-street parking areas shall be directed away from residential properties so as not to create a nuisance. In a parking area containing three (3) or more parking spaces, such lighting shall be extinguished one-half (½) hour after the close of the business, except as may otherwise be permitted or required by the Planning and Zoning Commission.

iii. All parking areas must be designed in a manner as to provide safety for vehicles, pedestrians, landscaping and signage.

iv. Up to 25% of the minimum number of required parking spaces may be allocated for compact cars and correspondingly reduced in size subject to the approval of a compact car parking layout plan. A compact car space shall not be less than eight (8) feet wide and 16 feet long. All such spaces must be identified by signs indicating that the parking spaces are only for the use of compact cars.

B. Layout Requirements:

i. All parking areas shall be designed to provide safe turning movements from streets into the parking areas and within the parking areas.

ii. Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement.

iii. Each required parking space, exclusive of driveways and aisles, shall be at least nine (9) feet wide and 18 feet long. The dimensions for parking spaces and drive aisles shall conform to the following table:

		90°	60°	45°
A.	Double Parking Bay	60 ft.	58 ft.	53 ft.
B.	Depth of Bay	18 ft.	20 ft.	19 ft.
C.	Width of Aisle	24 ft.	18 ft.*	15 ft.*
D.	Width of Space	9 ft.	9 ft.	9 ft.
E.	Depth of Space	18 ft.	18 ft.	18 ft.

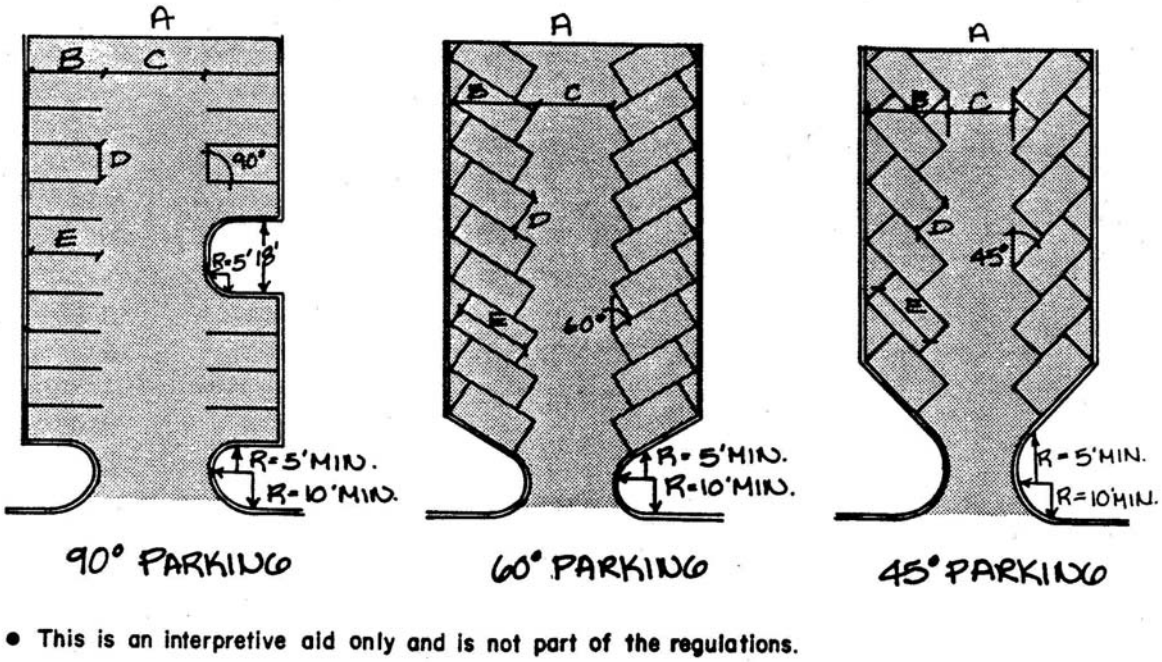
Aisles for 90° parking are for two-way circulation and aisles for 60° and 45° parking are for one-way circulation.

*provided that if the aisle is a fire lane the width shall be 20 ft.

In addition to the requirements set forth in the above table, the Commission may require collector drive aisles to be 30 feet in width and may require major entry and exit drive aisles to be of such a width and to contain sufficient lanes as may be necessary to safely accommodate projected traffic volumes and turning movements.

Figure 10.10.6 illustrates possible layouts and the dimensions for parking areas, aisles and driveways.

Figure 10.10.6



iv Notwithstanding the foregoing, in the BR, BP, I-1, I-2 and I-P Zones, the dimensions of a parking space may be decreased to 8.5 feet wide by 18 feet long in a professional office building complex provided that the professional office building complex has at least 300,000 SF of gross floor area and at least eighty percent (80%) of the gross floor area is occupied either by not more than three tenants or by the owner of the building and its affiliated entities and that the complex has at least 1,100 parking spaces. **(amended 04/01/04**)

v. Every parking area shall be landscaped to the standards of Sections 10.10.7 and 10.20.

C. Locational Requirements:

i. Off street parking may be located in any yard and shall be located on the same lot as the building or use unless otherwise provided for in these regulations.

ii. Off street parking for buildings or uses existing on the on the effective date of these Regulations that are altered so as to require additional parking spaces, or new uses established in any business district, may be served by parking areas located on lots other than those on which the building or use is located only if such off site parking areas are within 500 feet of the main entrance to the use being served. Such off site parking areas shall be located in a zoning district where off street parking is a permitted or special permit use.

10.10.7 Parking Area Setbacks and Landscaping Standards

A. Landscape Setback Requirements: Excluding driveway crossings, landscaped areas adjacent to streets shall be provided as follows:

i. Any parking area designed and intended for use by at least three (3) but not more than 25 parking spaces shall have a minimum landscaped setback from the right-of-way of ten (10) feet.

ii. Any parking area designed or intended for use by more than 25 parking spaces shall have a minimum landscaped setback from the right-of-way of 25 feet.

iii. Any parking area designed or intended for use by more than 100 parking spaces shall have a minimum landscaped setback from the right-of-way of 50 feet.

iv. Landscaped areas shall be planted with ground cover and one canopy tree for each 50 feet of frontage.

v. If required by the Commission, a sidewalk not less than six (6) feet wide shall be constructed and may be located in either the landscaped setback or street right-of-way.

vi. Any parking area designed or intended for use by at least three (3) parking spaces shall have a minimum landscaped setback of all parking spaces and driveways/aisles from all side and rear property lines of ten (10) feet; and, except for loading areas, shall have a minimum landscaped separation of all parking spaces and driveway/aisles from buildings of ten (10) feet. However, in the Thompsonville Village Center Zone, a three (3) foot landscaped setback shall be required. **The Commission may also reduce or waive the required side yard parking setback for any Lot in any Industrial District that abuts another lot in such District if there is a shared access agreement between the properties or it is determined that there will be no adverse impacts to the abutting property from such reduction or waiver**. (amended 11/25/02)

B. Parking Lot Landscaping:

i. Any parking area designed or intended for use by at least three (3) parking space shall have a minimum of 15 percent of the gross parking area in landscaped areas except in the Thompsonville Village Center Zone where seven (7) percent shall be required. These landscaped areas shall occur in interior or end parking lot islands all of which shall be at least ten (10) feet wide.

ii. Notwithstanding the foregoing, in connection with the expansion of an existing facility, the percentage of landscaping required shall apply only to the newly constructed area of the parking lot. When existing facilities are expanded, the Commission shall have the right to approve the location of the required landscaping in areas other than interior or end parking lot islands in the newly constructed areas, to approve a modification of the size of the required landscaped areas and to approve other modifications to the landscaping requirements so as to spread the new landscaping throughout the existing and newly constructed parking area.

iii. The minimum amount of landscaping materials required in landscape areas shall be suitable ground cover and one canopy tree for each five (5) parking spaces except in the Thompsonville Village Center Zone where the number of landscaping materials shall be as approved by the Commission on an individual basis for each Site Plan.

iv. The Commission may decide that all or portions of existing landscaped areas that are to be saved and that some or all of the existing materials satisfy the standards and intents of this section and may modify the parking area landscaping plan to reflect such a decision.

10.10.8 Loading Area Requirements

A. On any lot which is hereafter developed for a non-residential use, there shall be provided adequate space suitably located on the lot for the loading and unloading of goods and material. Loading areas shall meet the following standards:

i. Loading areas associated with loading docks shall be screened from the street in the BR, BP and IP zones.

ii. All loading spaces that abut a residential district or an intervening alley separating an industrial district from a residential district shall be screened by walls or fences uniform in color, at least eight (8) feet high.

iii. Loading spaces shall not be located within 40 feet of an intersection.

iv. Loading spaces shall not be in a required front or side yard.

v. No motor vehicle repair work shall be permitted in conjunction with loading facilities.

Section 10.20 Landscaping Standards

A. Site Plans for all construction, including new developments and changes to existing developments, shall meet the following landscaping standards.
   i. Canopy trees shall be a minimum of two and one-half (2 1/2) inches in caliper.
   ii. Evergreen trees shall be a minimum of six (6) feet in height.
   iii. Understory trees shall be a minimum of one and one-half (1 1/2) inches in caliper.
   iv. Deciduous shrubs shall be a minimum of two and one-half (1/2) feet in spread.
   v. Evergreen shrubs shall be a minimum of two and one-half (1/2) feet in height with a mature height of at least six (6) feet.

B. Buffer Yards: Any lot developed or proposed to be developed with commercial or industrial uses which abuts or is located across the street from a Residential District shall establish and maintain buffer yards as a minimum to the standards which follow. Additionally, the Commission may require that a buffer yard be placed on any lot in a Residential District when a Special Permit is being approved for such a lot abutting another lot in a Residential District. Buffer Yard examples are shown in Figure 10.20.
   i. "A" Buffer Yard – These standards shall be required where any Business District is across the street from any Residential District. Additionally, the Commission may require this buffer yard be placed on any lot in a Residential District when a Special Permit is being approved for such a lot abutting another lot in a Residential District. An "A" Buffer Yard is 25 feet deep.
   ii. "B" Buffer Yard – These standards shall be required where any Industrial District is located across the street from any Residential District. A "B" Buffer Yard is 50 feet deep.
   iii. "C" Buffer Yard – These standards shall be required where any Business District abuts a Residential District. A "C" Buffer Yard is 35 feet deep.
   iv. "D" Buffer Yard – These standards shall be required where any Industrial District abuts a Residential District. A "D" Buffer Yard is 100 feet deep.

C. The Commission may modify the buffer yard standards when, in the opinion of the Commission, the adjoining land users are sufficiently protected.

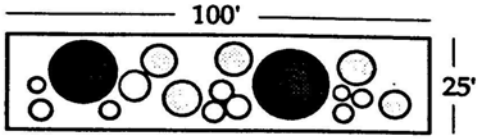
D. Additional Requirements: The Commission may, in addition to requiring buffer yards, require that a berm as shown in Figure 10.20 be built and may require the substitution of evergreen trees for understory trees in those instances where it determines that it is necessary to screen a site from adjacent uses.

Figure 10.20

LANDSCAPED BUFFERYARDS

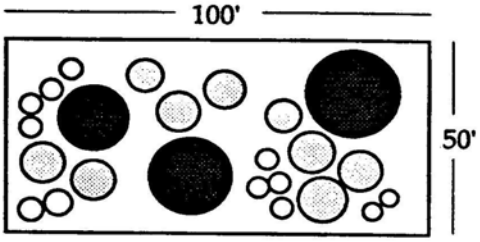
"A" Bufferyard

2 Canopy Trees
6 Understory or Evergreen
9 Shrubs



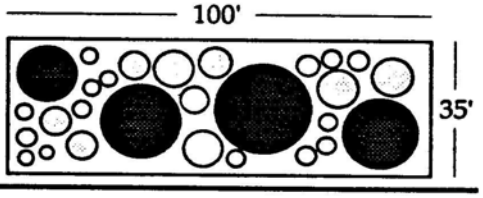
"B" Bufferyard

3 Canopy Trees
9 Understory or Evergreen
12 Shrubs



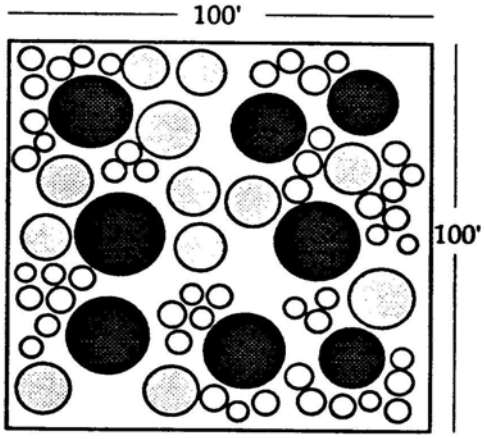
"C" Bufferyard

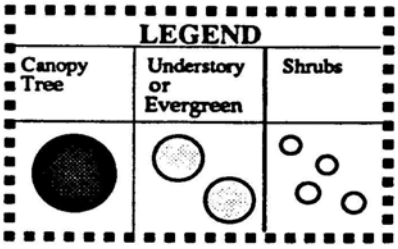
4 Canopy Trees
9 Understory or Evergreen
15 Shrubs

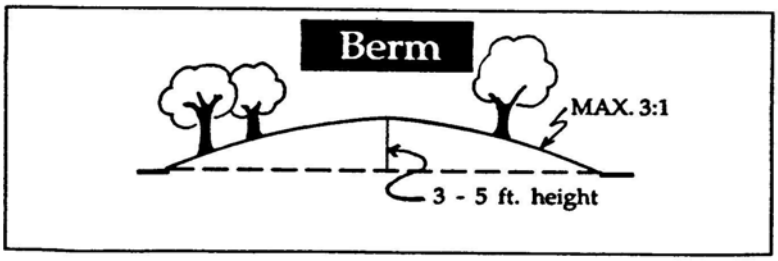


"D" Bufferyard

8 Canopy Trees
12 Understory or Evergreen
50 Shrubs







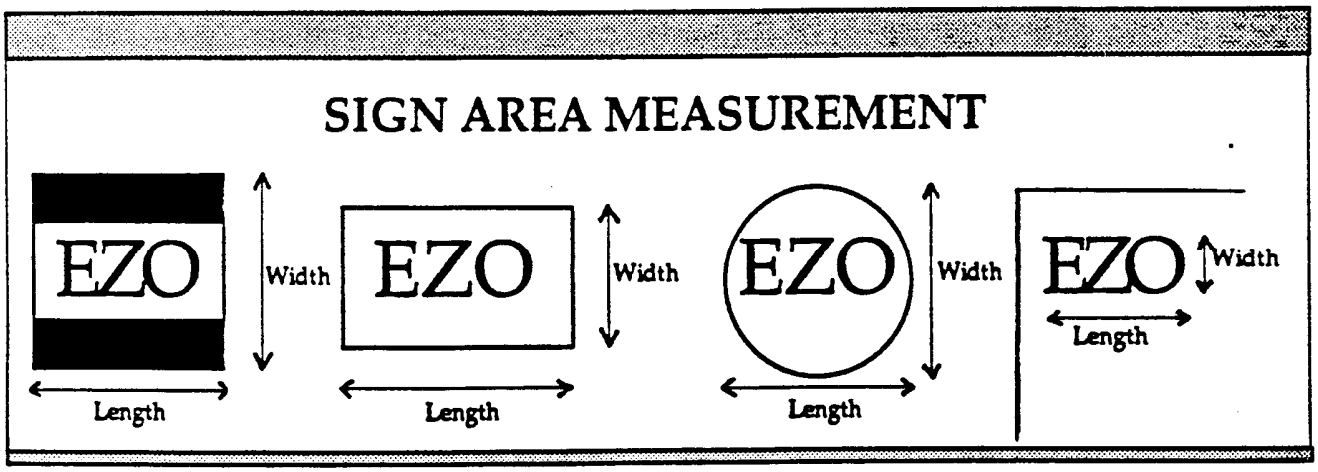
Section 10.30 Sign Regulations

A. The purpose of these Regulations is to control the height, size, and location of signs in the community in order to ensure public safety, protect property values, encourage economic development, insure neighborhood compatibility and to further the general purpose of the Zoning Regulations.

10.30.1 General Requirements

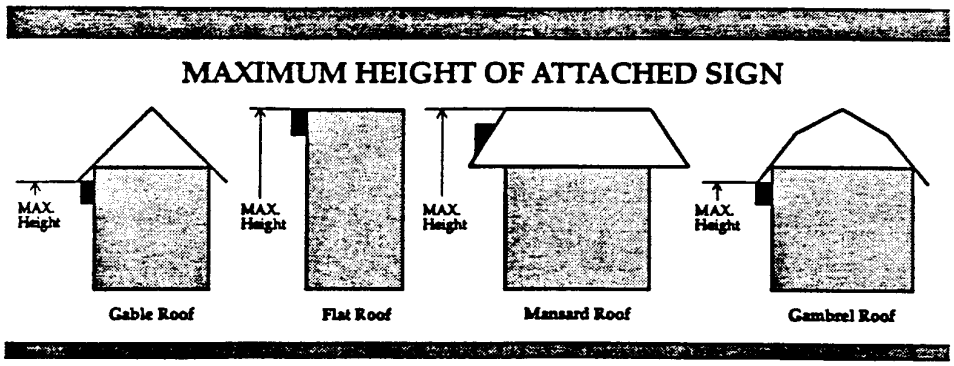
A. Measurement Of Sign Area: The area of a sign shall be considered that of the smallest rectangle or triangle which encompasses all lettering, wording design or symbols together with any background which is designed as an integral part of and obviously related to the sign. See Figure 10.30.1.

Figure 10.30.1 Sign Area Measurements



B. Square feet limitations contained in this article refers to the area of each face of two-faced signs.
C. Sign Location: No attached sign shall project more than 12 inches from the face of a structure. All freestanding signs must be at least ten (10) feet back from the street line unless otherwise stated. Signs must be located so that only a single side is visible from any viewing point.
D. Height Of Signs: The height of a freestanding sign is to be measured from the ground to highest point of the sign.
E. No sign, or portion thereof, attached to a structure shall project above the exterior wall of the said structure. No sign shall be erected above those locations illustrated in Figure 10.2.

Figure 10.30.2 Maximum Height of Attached Sign



F. Sign Illumination/ Sign Movement: A sign may be illuminated if illumination is confined to or directed toward the surface of the sign.

i. No flashing, rotating or intermittent illumination shall be permitted except signs indicating time and/or temperature by means of intermittent lighting, provided the longest dimension of such signs does not exceed five (5) feet.

ii. The light sources of signs shall be so designed and shielded that they cannot be seen from beyond the property lines on which the said sign is located and to minimize night glare.

iii. Signs with exposed neon tubes shall be permitted in all Business Districts. **The outlining of buildings or structures, ornamental features or architectural elements such as windows by use of exposed neon tubing, strings of lights, Light Emitting Diodes or otherwise is allowed by Special Use Permit only. (amended 7/28/03)**

G. No signs, or any parts of any signs, shall be permitted to be mechanically rotated or moved.

10.30.2 Sign Review Procedures

A. Type A Sign: All signs designated herein as Type A Signs are permitted as a matter of right and require no formal application.

B. Type B Sign: All signs designated herein as Type B Signs shall be approved by the Office of the Director of Planning in accordance with the following procedures:

i. The Office of the Director of Planning shall review plans for compliance with the applicable provisions of this chapter. Upon completing the review, the Office of the Director of Planning shall approve or deny such application within five (5) working days. The following shall constitute an application:

a. Application form (available in the Office of the Director of Planning);

b. Filing fee as determined by the Commission or by Ordinance; and

c. Drawing and/or photograph of the proposed signage, indicating its dimensions, height (as measured from the ground), location, color and content of the proposed sign.

ii. Should the Office of the Director of Planning determine the application does not conform to these Regulations, the application must be altered to conform. An applicant may appeal a determination of the Director of Planning to the Commission.

iii. Nothing in this Section shall prevent an applicant from seeking approval of a Class B Sign by the Commission in association with any use requiring a Site Plan approval or a Special Permit approval. An approval of signage by the Commission shall constitute a Class B Sign approval.

C. Class C Sign: All signs designated as Class C Signs shall require the filing of an application for a Site Plan in accordance with Article IX of these Regulations. Application requirements for a Class C Sign permit shall be the same as that required for a Class B Sign.

D. Signs Associated With Multi-Tenant Buildings: During the review of a Site Plan or Special Permit of any building or development containing more than one tenant, the Commission shall review and approve a sign theme for the building or development, showing uniform location and sizes of all wall signs for all tenant spaces. Future applications for individual signs shall be generally consistent with the approved theme.

10.30.3 Signs Permitted in Single Family Residence Districts

A. The following Table describes all signs permitted in Single Family Residence Districts:

Table 10.30.3 Signs Permitted in Single Family Residential Districts

Type of Sign	Max. Area	Number	Type	Duration
Sale, Lease, Rental of Property	8 s.f.	1	A	Until sale, lease, rental occurs
Subdivision Promotion	32 s.f.	1	B	18 Months, renewable
Construction	16 s.f.	1 per frontage	A	18 months or upon completion
Public Information & Political Campaign	32 s.f. Ft.	No limit	A	30 Days
Occupant Name & Add.	2 s.f.	1	A	
Home Occupation & Professional Office	2 s.f.	1	B	
Municipal Buildings (including schools) **Amended (6/3/03)**	12 s.f. in HR33 / 32 s.f. per side in other Res. Zones [7]	1	**B**	
Non-profit Organizations & Special Permit Uses **Amended (6/3/03)**	12 s.f. in HR33 / 12 s.f. per side in other Res. zones	1	**B**	
Farm Stands Freestanding (Content may change per available produce)	20 s.f. per side	2 per frontage	B	Freestanding signs identifying seasonal produce to be removed at end of growing season
Farm Stands - Attached	2 s.f. per linear ft. of building; not to exceed 32 s.f.		B	
Open or Welcome Flags	15 s.f. per flag	1 per tenant, maximum of 15	C	

Notes to Table 10.30.3

1. Only municipal, non-profit, and Special Permit Uses signs may be illuminated. Lighting must be external, incorporated into the sign structure, and shine down from the top onto the sign face. Lighting must be completely shielded to prevent off-site glare. **(amended 6/03/03)**
2. Open or welcome flags are permitted for non-conforming business uses or Special Permit uses only. The Commission shall consider any possible negative impact on any abutting residences and on the overall character of the neighborhood. Flags may display only colors and/or the words "Open" or "Welcome"
3. Open or welcome flags shall be mounted on building wall and shall not project above wall.
4. All freestanding signs shall be at least ten (10) feet from the street line; farm stand signs shall be 15 feet from the edge of street pavement.
5. Height of freestanding signs limited to 12 feet.
6. Home occupation & professional signs must be of a simple round, square, or rectangular design. **(amended 6/03/03)**
7. Up to 32 square feet allowed by Special Use Permit provided the property has a minimum of 150 feet of frontage. 12 sq.ft. per side maximum otherwise. **(amended 6/03/03)**

10.30.4 Signs **in Permitted in Special Residential Developments**

A. The following Table describes all signs permitted in Special Residential Developments:

Table 10.30.4 Signs Permitted in Special Residential Developments

Type of Sign	Max. Area	Number	Type	Duration
Sale, Lease, Rental of Development Project	32 s.f.	1	B	18 months, renewable
Sale, Lease, Rental of Individual Units	8 s.f.	1	A	Until sale, lease, rental occurs
Construction	32 s.f.	1 per frontage	A	18 months
Public Information & Political Campaign	32 s.f. Ft.	No limit	A	30 Days
Occupant Name & Add.	2 s.f.	1	A	
Development Identification	24 s.f.	1	B	
Home Occupation & Professional Office	2 s.f.	1	B	
Civic or Non-profit Organizations & Special Permit Uses	12 s.f.	1	B	

Notes to Table 10.30.4

1. Individual unit sale/lease signs shall be located within 25 feet of entrance to unit.
2. Home occupation and professional office signs may not be illuminated and must be of a simple round, square, or rectangular design.
3. All freestanding signs shall be at least ten (10) feet from the street line.
4. Height of freestanding signs is limited to 12 feet.

10.30.5 Signs Permitted in Business Districts

A. The following table describes all signs permitted in Business Districts except that attached signs are generally covered under paragraph B.

Table 10.30.5 Signs Permitted in Business Districts

Row	Type of Sign	Max. Area	Number	Type	Duration/Comments
1	Sale, Lease, Rental	8 s.f. up to 100 ft. frontage 16 s.f. up to 500 ft. frontage 32 s.f. over 500 ft. frontage	1 per frontage	A	Until sale, lease, rental occurs
2	Subdivision Promotion	32 s.f.	1	B	18 Months, renewable
3	Construction	8 s.f. up to 100 ft. frontage 16 s.f. up to 500 ft. frontage 32 s.f. over 500 ft. frontage	1 per frontage	B	18 months or upon completion
4	Public Information and Political Campaign	32 s.f.	No limit	A	30 Days
5	Window Signs: attached to inside of window.			A	
6	Balloon Signs			C	
7	Attached Banners/Flags			B	15 Days with cumulative of no more than 60 in a calendar year.
8	Open or Welcome Flags	15 s.f.	1 per tenant, maximum of 15	B & C	B for single tenant C for multi-tenant
9	Hiring/Employment			A	Must be attached to inside of window
10	Freestanding in LO District	12 s.f. per side, height limit of 5 feet.	1	B	
11	Freestanding in Hazardville Center	12 s.f. per side if 5 to 8 ft. tall; 24 s.f. per side if under 5 ft	1	B	Lot must have min of 75 ft. of frontage
12	Freestanding, Other (Excludes Thompsonville)	32 s.f. per side if lot less than 3 acres & frontage at least 75 ft. 50 s.f. per side if lot more than 3 acres & frontage at least 75 ft.	1 1 per frontage if lot greater than 10 acres	C	Maximum height of 20 ft. See note 2
13	Message Sign	See note 5	1 per lot	C	Below Freestanding Sign
14	Gasoline Station Canopy Sign (see note 9 below)	1 s.f. per linear foot of canopy to which the sign is attached (see note 9)	1 for each canopy side not to exceed 4	B	

Notes to Table 10.30.5

1. Rows 1 through 9 apply to all business zones; Row 10 applies only to properties in the LO District; Row 11 applies only to properties in Hazardville; Rows 12 to 13 apply to all business zones, except those in Thompsonville.
2. The total sign area on any lot (sum of attached and freestanding signs) shall not exceed two (2) sq. ft. per linear foot of the front wall(s) of the building(s) on the site. No individual sign may exceed an area of 300 sq. ft. unless approved by the Commission as a Class C Sign. Front wall for the purposes of this section shall mean:
    i. for a single-tenant building, that wall of the building which contains the main entrance;
    ii. for a multi-tenant building, that wall or walls of the building (maximum of three) upon which wall signs may be attached, but shall not include the rear wall of the building which provides service entrances.

Notes To Table 10.30.5, Continued

3. On lots zoned Business Regional which are three (3) acres or greater in area, and within 1,000 feet of a limited access highway, the Commission may grant a Class C Sign permit allowing a freestanding sign greater than 20 feet in height. The maximum height of such a sign shall not exceed 20 feet above the elevation of the traveled portion of the highway closest to the site on which the sign is located.
4. All freestanding signs shall be at least ten (10) feet from the street line.
5. For those sites containing a multi-tenant building with tenants located more than 200 feet from the street, the Commission may permit a permanently mounted sign attached to the freestanding sign, which may display a temporary message associated with any business on the site.
    i. Maximum sign area not to exceed 1/3 the size of either the existing freestanding sign area or the maximum freestanding sign area allowed by these regulations, whichever is smaller;
    ii. The applicant shall demonstrate that the number of lines of text and height of letters will be easily readable from the adjacent roadways; and
    iii. The sign shall be located below the freestanding sign and shall not extend beyond the boundaries formed by the vertical extension of the existing freestanding sign.
6. Flags may display only colors and/or the words "Open" or "Welcome." Open or welcome flags shall be mounted on a building wall and shall not project above a wall.
7. Height of freestanding signs is limited to 12 feet.
8. **(amended 5/05/03)** For the purpose of this section, "parcels" and "lot" shall include "out parcels" within which are sited freestanding satellite uses within business centers, regardless of whether satellite uses occupying such land areas have been actually subdivided from the business center or are exclusive use land lease areas within such centers, and where:
    a. Such satellite uses front upon public highways with a minimum of seventy-five feet (75') of frontage at the street or highway line
    b. Such satellite uses use and occupy land areas which are accessible by motor vehicles only from within business centers

    Freestanding signs identifying such uses within Business Districts shall be subject to Special Use Permit approval by the Enfield Planning and Zoning Commission and shall:
    i. Not create a visual obstruction to both traffic within the main traveled portion of any highway upon which such use fronts, or to traffic entering and exiting the highway within the vicinity of the sign, which vicinity shall include, at a minimum, the safe sight lines in both directions required by the posted speed limit within the highway.
    ii. Be individually visible to approaching motor vehicle traffic within the main traveled portion of the highway which the sign addresses for a sufficient time to have directional value to the motoring public utilizing such sign for direction.
    iii. Not exceed six feet (6') in height and shall not exceed sixty four square feet (64 sq. ft.) in total area including both sides and shall otherwise comply with the provisions of this section.
    iv. Not be located closer than 125 feet to another free-standing sign.

    The Applicant shall reasonably demonstrate a need for the sign; the criterion for such need shall be that the sign will enhance public safety by having significant directional value.
9. **(amended 5/20/04)**
    a. No canopy sign shall exceed 32 square feet in area.
    b. No canopy sign shall extend above, below, or project beyond, the canopy.

B. Attached Signs in Business Districts, except for the TVCD, shall meet the following requirements:
    i. Attached signs for each occupant in a building are allowed on any portion of a wall facing a public street. The total attached signage shall not exceed:
        a. One (1)square foot per linear foot of wall to which the sign is attached, if any part of the building is within 25 feet of the right-of-way;
        b. One and one-half (1½)square foot per each linear foot of wall to which the sign is attached, if the closest portion of the building to the right-of-way is between 25 feet and 50 feet;
        c. Two (2)square feet per linear foot of wall to which the sign is attached, if the closest portion of the building to the right-of-way is greater than 50 feet; and
        d. Signs measuring up to two (2) square feet of sign per linear foot of wall are permitted for those uses which face a street, the traveled portion of which is 20 feet or more from the right-of-way line of the property upon which the sign is to be located.

ii. Attached signs for each occupant in a building are allowed on any portion of a wall visible from a public street. The total attached signage for such wall shall not exceed 75% of the signage area as calculated in a through d above.

C. Regulations for attached signs for the Thompsonville Village Center District are found in Section 10.30.7.

10.30.6 Signs Permitted in Industrial Districts

A. The following table describes all signs permitted in Industrial Districts, except that attached signs are generally covered under paragraph B.

Table 10.30.6 Signs Permitted in Industrial Districts

Row	Type of Sign	Max. Area	Number	Type	Duration/Comments
1	Sale, Lease, Rental	8 s.f. up to 100 ft. frontage 16 s.f. up to 500 ft. frontage 32 s.f. over 500 ft. frontage	1 per frontage	A	Until sale, lease, rental occurs
2	Subdivision Promotion	32 s.f..	1	B	18 Months, renewable
3	Construction	8 s.f. up to 100 ft. frontage 16 s.f. up to 500 ft. frontage 32 s.f. over 500 ft. frontage	1 per project	B	18 months or upon completion
4	Public Information & Political Campaign	32 s.f.	No limit	A	30 days, height up to 12 ft.
5	Window Signs: attached to inside of window.			A	
6	Balloon Signs			C	
7	Attached Banners/Flags			B	15 Days with cumulative of no more than 60 days in a calendar year.
8	Hiring/Employment	8 s.f. if attached to freestanding sign 8 s.f. if not attached to freestanding sign	1	A B	See note 8 regarding Class B sign.
9	Freestanding	50 s.f. per side	1 (1 per frontage if lot greater than 10 acres)	B	Maximum height of 8 ft. See note 2
10	Open or Welcome Flags	15 s.f. per flag	1 per tenant, maximum of 15	B & C	B for single tenant C for multi-tenant building or development
11	Industrial Park Identification	32 s.f. per side if lot of 25 to 50 acres. 75 s.f. per side if more than 50 acres.	1	B	
12	Directional	1 s.f. per tenant	1 per tenant	B	Tenant to be located within 1500' of intersection
13	Directory	1 s.f. per tenant	1 at major entrance	B	See note 3.
14	Farm Stands - Freestanding (Content may change per available produce)	20 s.f. per side	2 per frontage	B	Freestanding signs identifying seasonal produce to be removed at end of growing season
15	Farm Stands – Attached	2 s.f. per linear ft. of building; not to exceed 32 s.f.		B	

Notes to Table 10.30.6

1. The total sign area on any lot (sum of attached and freestanding signs) shall not exceed two (2) sq. ft. per linear foot of the front wall(s) of the building(s) on the site. No individual sign may exceed an area of 300 sq. ft. unless approved by the Commission as a Class C Sign. Front wall for the purposes of this section shall mean:
    i. for a single tenant building, that wall of the building which contains the main entrance; or
    ii. for a multi-tenant building, that wall or walls of the building (maximum of three) upon which wall signs may be attached, but not to include the rear wall of the building which provides service entrances.
2. If a freestanding sign is to be located over 100 feet back from the right-of-way, and the parcel is ten (10) acres or more in size, then it is to be considered a Class C Sign. In such a case, a permit may be granted allowing a maximum height of 20 feet, and a maximum area of 75 sq. ft. per side. Such a sign should be consistent with the character of the building on the site.
3. Directory signs shall be designed and located so that it is intended to be reviewed from a pull-over lane. The sign shall be located at least 100 feet back from the street line of major thoroughfare (excluding industrial park internal road system). For the purposes of this section, an Industrial Park shall mean a multiple tenant office or industrial development under unified ownership or control at the time of application, the size of which is 25 acres or greater.
4. All freestanding signs shall be at least ten (10) feet from the street line; farm stand signs shall be 15 feet from the edge of street pavement.
5. For those sites containing a multi-tenant building with tenants located more than 200 feet from the street, the Commission may permit a permanently mounted sign attached to the freestanding sign, which may display a temporary message associated with any business on the site.
    i. The maximum sign area not to exceed one-third (1/3) the size of either the existing freestanding sign area or the maximum freestanding sign area allowed by these Regulations, whichever is smaller;
    ii. The applicant shall demonstrate that the number of lines of text and height of letter will be easily readable from the adjacent roadways; and
    iii. The sign shall be located below the freestanding sign and shall not extend beyond the boundaries formed by the vertical extension of the existing freestanding sign;
6. Flags may display only colors and/or the words "Open" or "Welcome." Open or welcome flags shall be mounted on a building wall and shall not project above a wall.
7. Height of freestanding signs limited to eight (8) feet unless otherwise noted.
8. Class B hiring signs shall not be internally illuminated, shall be located back of street line, and shall be maintained for a maximum duration of 6 months.

B. Attached Signs in Industrial Districts shall meet the following requirements:
    i. Attached signs for each occupant in a building are allowed on any portion of a wall facing or visible from a public street. The total attached signage shall not exceed:
        a. One (1) square foot per linear foot of wall to which the sign is attached, if any part of the building is within 25 feet of the right-of-way;
        b. One and one-half (1½) square feet per linear foot of wall to which the sign is attached if the closest portion of the building to the right-of-way is between 25 feet and 50 feet;
        c. Two (2) square feet per linear foot of wall to which the sign is attached, if the closest portion of the building to the right-of-way is over 50 feet; and
        d. Signs measuring up to two (2) square feet per linear foot of wall are permitted for those uses which front a street, the traveled portion of which is 20 feet or more from the right-of-way line of the property on which the sign is to be located.

10.30.7 Special Sign Requirements, Thompsonville Village Center District

A. Within the Thompsonville Village Center District, all signs shall be Type B signs except for the following:
    i. Any sign over 100 square feet shall only be approved by the Commission as a Type C sign;
    ii. Flag signs for multi-tenant buildings shall be Type C signs;
    iii. A marquee sign may be allowed by the Commission for a film theater or performing arts theater as a Type C sign. The size, height and length of projection from the face of the building shall be determined and approved by the Commission; and

iv. Decorative street pole or pedestrian oriented banners within the public right-of-way installed and maintained by the Town identifying the Thompsonville Village Center or civic or seasonal holidays are permitted as Type A signs.

B. No freestanding or pole signs or roof signs shall be allowed, except the Commission may allow monument type freestanding signs for a building existing as of August 1, 1993 if the building is set back from the street line at least 20 feet, and if the sign does not exceed eight (8) feet in height, nor exceed thirty-two (32) square feet in area.

C. Attached sign shall be so located on the building in a manner compatible to the architecture of the building;

D. Projecting signs may be permitted by the Commission where the sign is no larger than 12 square feet, extends no more than three (3) feet from the face of the building, where the bottom of the sign is at least ten (10) feet above the sidewalk and where the sign does not extend above the sills of the windows on the second floor.

E. Attached signs shall not exceed one (1) square foot of sign area for each one (1) foot of building facade to which it is attached, which fronts on a street, and shall not extend above the sill of the windows of the second floor.

F. Awning signs may be placed on canvas or fabric awnings where the awnings are part of the overall building design approved by the Commission in accordance with the design theme of the Thompsonville Revitalization Strategy.

G. Flags shall be permitted under this section provided they comply with the following criteria:

i. A maximum of one flag for each single tenant building;
ii. The number of flags per multi-tenant buildings as approved by the Commission;
iii. A maximum size of 15 square feet for each flag;
iv. Flags mounted exclusively to wall of building; and
v. Flag shall not project beyond the top of the building wall for single story buildings, or extend above the sill of the windows of the second floor.

H. A sign theme shall be presented as part of a Site Plan application, for approval of the Commission with any proposed multi-tenant building; and no sign shall be erected that is not in compliance with the approved sign theme.

I. Public informational and directional signs may be erected identifying destinations of uses to the public such as parking, parks, types of businesses, municipal or government uses, public restrooms, public telephones and similar uses. Such signs shall be only in locations and of a design approved by the Commission as part of the Site Plan approval.

J. No internally illuminated signs shall be allowed, except where only the sign's letters are illuminated and the background is non-illuminated; each sign may be externally illuminated in a manner approved by the Commission.

K. Temporary signs shall be allowed in the same manner as set forth in Rows 1 through 8 of Table 10.4, above.

10.30.8 Special Sign Requirements, Hazardville Design District A (HDDA) (amended 6/03/04)

A. Signs within the Hazardville Design District overlay shall comply with the requirements for the underlying district except as specified in Section 8.50 B.vi. and the following:

i. Decorative street pole or pedestrian oriented banners within the public right-of-way installed and maintained by the Town, or an organization designated by the Town Council, identifying the Hazardville Design District or containing a civic or seasonal theme are permitted as Type A signs. Such signs may display sponsor's names in a traditional font but may not contain any corporate logos or advertising messages

ARTICLE XI ZONING BOARD OF APPEALS

Section 11.00 Powers and Duties

The Zoning Board of Appeals (ZBA) shall have all the powers and duties prescribed by Chapter 124, Section 8 and by Chapter 250, Section 14 of the Connecticut General Statutes, 1958 Revisions, and by these Regulations, which powers and duties are summarized and more particularly specified below:

A. Appeals: The ZBA shall have the authority to hear and decide upon any appeal where it is alleged that there is an error in the order, requirements, decision or determination of the Zoning Enforcement Officer (ZEO). No question of hardship shall be involved in such an appeal, and the action of the ZBA thereon shall be limited to the question of whether or not, and to what extent such order, requirement, decision, or determination was a correct interpretation of the subject provision of these Regulations.
B. Variances: The ZBA shall have the authority to vary or adjust the strict application of these Regulations in those cases where the unusual size, shape or topography of a lot or other unusual physical conditions pertaining to it or to any building situated thereon make it impossible to strictly apply a specific provision of these Regulations to such lot without resulting in exceptional difficulty or unusual hardship, so that substantial justice shall be done and the public health, safety and welfare secured.
C. Location of Motor Vehicle Uses: The ZBA shall have the authority to hear and decide upon all requests for Certificates of Approval for motor vehicle sales, services and repair uses in accordance with the Connecticut General Statutes.

Section 11.10 Procedures

A. All applications made to the ZBA shall be in writing, on forms prescribed by the ZBA and each application shall fully set forth the circumstances of the case. Each application shall refer to the specific provision of these Regulations involved, and shall exactly set forth as the case may be, the interpretation that is claimed or the details of the variance that is applied for and the grounds on which it is claimed that the same should be granted.
B. All appeals and applications made to the ZBA shall be accompanied by a scaled descriptive drawing as is applicable to the case and the appropriate fee.
C. All appeals to the ZBA from an order, requirement, decision or determination of the ZEO shall be taken within 30 days of such action by the ZEO.
D. Where, under the provisions of these Regulations, the ZBA may grant a variance or variances to the requirements of these Regulations with respect to any business or industrial use of property which may entail alterations to the site and or building(s) wherein such business or industrial use is to be or is proposed to be conducted, the Commission shall review all site and building plans in a manner consistent with Article IX of these regulations.

Section 11.20 Decision

A. No variance shall be granted by the ZBA unless it finds:
    i. That there are special circumstances or conditions, fully described in the findings of the ZBA, applying to the lot or structure for which the variance is sought, which are peculiar to such lot or structure and do not apply generally to lots or structures in the neighborhood and which have not resulted from any willful act of the applicant subsequent to the date of adoption of the regulation from which the variance is sought, whether in violation of the provisions herein or not;
    ii. That, for reasons fully set forth in the findings of the ZBA, the aforesaid circumstances or conditions are such that the particular application of the provisions of these Regulations would deprive the applicant of the reasonable use of the lot or structure, that the granting of the variance is necessary for the reasonable use of the lot or structure, and that the variance as granted by the ZBA is the minimum adjustment necessary to accomplish this purpose;

iii. That the granting of the variance shall be in harmony with the general purposes, and intent of these Regulations and the Town's Plan of Conservation and Development, and shall not be injurious to the neighborhood or otherwise detrimental to the public health, safety and welfare

ARTICLE XII ADMINISTRATION

Section 12.00 Purposes

Certain administrative procedures have been established to enable the Commission to make changes to these Regulations, to enforce these Regulations and to oversee the administration of these Regulations.

Section 12.10 Zoning District Boundary Changes

The boundaries of any zoning district established hereunder may from time to time be amended, modified, changed or repealed by the Commission in accordance with the provisions of Chapters 124 and 126 of the Connecticut General Statutes, revision of 1958, as amended.

12.10.1 Applications

A. Applications for amendments to these Regulations, including the maps that are included as a part of these Regulations, shall be made to the Commission at the Office of the Director of Planning. Such application shall be on forms provided by the Commission and shall be accompanied by the following:
   i. Twelve (12) copies of the completed application form;
   ii. Twelve (12) copies of a map showing the property or properties to be rezoned and all abutting property within a five hundred (500) foot radius. Ownership and use of all such abutting properties shall be indicated; and
   iii. The fee as determined by the Commission or by Ordinance.

B. The requirements of this section shall not apply to applications for comprehensive revisions of the Regulations, including all maps included as a part of these Regulations, made by the Commission. Legal advertisements shall be required in accordance with Title 124, Section 8-3 of the Connecticut General Statutes.

Section 12.20 Enforcement and Administration (Amended 08/01/10)

A. The Commission shall designate the individual who shall serve as the Zoning Enforcement Officer (ZEO), who shall be responsible to the Commission.
B. No Building Permit shall be issued until the ZEO has signed off on the permit for such use or work certifying that a proposed use and/or structure is in conformance with these Zoning Regulations.
C. A Zoning Permit shall be required for signs.
D. Where a Zoning Permit is required by these regulations it shall be applied for in a form prescribed by the Commission and be accompanied by fee as may be determined by the Commission or by Ordinance.

E. After a building or structure is completed, and prior to the occupancy of such building or structure, an applicant shall apply for a Certificate of Zoning Compliance from the ZEO. This Certificate shall state that such building, use or structure is in conformance with all Zoning Regulations or is a valid non-conforming use under such regulations.

i. For uses that do not require site plan approval, the ZEO may require that an applicant prepare and submit an as-built plan in order to determine compliance with the Zoning Regulations.

ii. For uses requiring Site Plan approval, and all new residential dwellings, an as-built plan, certified by a land surveyor who is licensed to practice in the State, shall be submitted as an aid for a determination of Zoning Compliance by the ZEO. The as-built plan shall show the actual installation of all site improvements, the exact location of buildings, and other required items at a level of detail at or exceeding that of the approved Site Plan. The as-built shall also show spot elevations in sufficient number and detail to ensure that the approved drainage scheme has been followed. (**Amended 10/1/06)**

a. In the event that seasonal weather conditions prevent completion of certain of the above improvements, a Certificate of Zoning Compliance may be issued when it is determined that the applicant has provided acceptable temporary safeguards to ensure the public health and safety, and where the applicant has provided written assurance that those remaining improvements will be completed as soon as seasonal weather conditions permit.

F. (**Added 10/1/06)** Upon placement of the foundation or lowest floor, including the basement, and prior to backfilling or further vertical construction, the builder shall submit documentation prepared, signed and sealed by a Connecticut registered land surveyor showing the location of the foundation as well as the as-built elevation of the lowest floor, including basement, and the elevation of the top of the foundation wall. The as-built document shall also include the locations and elevations of any footing-drain outlets when footing drains are required by soil conditions or shown on the approved site plan. The elevations shall be not lower than those on the approved site plan and not more than six inches higher than those on said plan. Any deviations from these tolerances shall subject the site plan to further review. A signed and sealed recommendation and explanation from the Connecticut registered professional engineer who designed the approved site plan shall be submitted prior to approval of any changes. This section shall not apply to residential additions that are less than 50 percent of the original floor area of the building, excluding garages, porches, and breezeways.

G. No non-conforming use of land, buildings, or premises, the use of area or construction of which has been changed, extended, enlarged or altered after the adoption of these Regulations shall be occupied or used in whole or in part until a Certificate of Zoning Compliance shall have been issued showing compliance with the provisions of these Regulations.

Section 12.30 Separability

If any section, paragraph, subdivision, clause or provision of these Regulations shall be adjudged invalid or unconstitutional for any reason, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged, and the remainder of these Regulations shall be deemed to be and shall continue to be valid and in full force and effect.

Section 12.40 Adoption, Effective Date and Repeal

These Regulations, adopted by the Commission on December 20, 2001, shall become effective on January 31, 2002, and the existing Zoning Regulation is hereby repealed on the effective date of these Regulations.