

TOWN OF HARWINTON, CONNECTICUT
ZONING COMMISSION

ZONING REGULATIONS

Adopted by the Harwinton Zoning Commission

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ZONING REGULATIONS FOR THE TOWN OF HARWINTON

Preamble: In order to provide for the highest and best use of land in the Town of Harwinton, Connecticut, the Zoning Commission of said Town, in pursuance of the authority conferred by Chapter 124 of the Connecticut General Statutes, 1958 Revision, as amended, hereby adopts the following Zoning Regulations for the Town of Harwinton.

SECTION 1 - PURPOSE, ADMINISTRATION AND ENFORCEMENT

1.1 PURPOSE. The purpose of the Zoning Regulations for the Town of Harwinton, Connecticut, is as follows:

- To encourage the most appropriate use of land;
- To conserve the value of buildings and property;
- To promote health, safety and general welfare;

- To regulate and determine size and location of yards;
- To provide adequate open spaces for light and air;
- To secure safety from fire, panic, flood and other dangers;
- To prevent overcrowding of land;
- To lessen congestion in the streets;
- To facilitate adequate provision for transportation, water, sewage, schools, parks and other requirements;
- To encourage where feasible and appropriate housing which is affordable and meets a wide range of housing types and opportunities consistent with soil types, terrain and roads and public facilities;
- To provide reasonable consideration for the protection of historic factors;
- To protect existing and potential public surface and ground drinking water supplies;
- To provide proper provision for soil erosion and sediment control;
- To encourage energy efficient patterns of development.
- To provide, through a Board of Appeals, a process to review and act on situations that do not conform to the normal situation anticipated by these regulations.

1.2 EFFECT OF REGULATIONS. In order to accomplish the above stated purposes, these Zoning Regulations:

Divide the Town into zones of such number, size, shape and area that may be best suited to carry out the purposes of these regulations.

Regulate the density of population and the location and use of buildings, structures, land for business, industry, residence or other purposes.

Regulate the erection, construction, reconstruction, alteration, or use of buildings or structures and the use of land in each zone.

Permit certain classes of uses or kinds of buildings and structures only after securing a Special Permit.

Regulate the height, number of stories and size of buildings and other structures; and the percentage of the lot area developed, the area of yards, open spaces and buffer strips.

Regulate height, size, location of signs, parking areas and other uses of land.

Regulate development to minimize its impact on wetlands, watercourses, flood hazard areas, steep slopes and other sensitive and significant features of the natural environment.

1.3 ADMINISTRATION - GENERAL REQUIREMENTS AND PROCEDURES.

1.3.1 Minimum Requirements of Zoning Regulations. These Regulations are the minimum requirements for the Protection of public health, safety and welfare.

Any use which is not specifically permitted in a zone is prohibited and any use that is not specifically permitted in any zone is prohibited in the entire Town.

Where these Regulations impose a greater restriction on the use of buildings or land or impose higher standards than by provision of any other law, regulation or private agreement, these Regulations shall control.

Where greater restrictions or standards are imposed by any law, regulation or private agreement than required by these Regulations such greater restriction shall not be affected by these Regulations.

1.3.2 Administration of Zoning Regulations. These Regulations shall be administered by the Zoning Commission (hereinafter “the Commission”) or by its authorized agent, the Zoning Enforcement Officer (hereinafter “the ZEO”) or other duly appointed Town employees, officials or agents.

The Commission or its agents shall receive applications, issue certificates of compliance and collect fees as established by these Regulations or by Town Ordinance.

- 1.3.3 General Requirements and Procedures. The following general requirements and procedures shall apply to all applications for a zoning permit:
- a. Zoning Permit. No land shall be occupied or used and no building shall be erected, moved, enlarged, or changed to another use and no use shall be authorized to be established or changed until the Commission has issued a Zoning Permit in writing. The ZEO may issue a zoning permit upon the direction of the Commission.
 - b. Fee. A fee for a zoning permit shall be required as specified in Appendix A of these Regulations.
 - c. Certificate of Compliance. No Certificate of Occupancy shall be issued by the Building Official until the Commission or the ZEO has issued in writing a Certificate of Compliance which states that the provisions of these Regulations have been complied with.
 - d. Site Plan. A site plan shall be required for all permitted uses, unless officially waived by the Commission. **(See Section 7)**
 - e. Site Plan and Special Permit Uses Involving Wetlands. Where a site plan or special permit application involves an inland wetlands or watercourse as defined in Harwinton's Inland-Wetlands Regulations, the following shall apply:
 1. The applicant shall provide the Zoning Commission with documentation that an application has been submitted to the Harwinton Inland Wetlands Commission not later than the day the application is filed with the Zoning Commission.
 2. The Zoning Commission shall not render its decision on the site plan or special permit application until the Inland Wetlands Commission has submitted a report to the Zoning Commission with its final decision.
 3. In making its decision, the Zoning Commission shall give due consideration to the report of the Inland Wetlands Commission.
 4. Where the Zoning Commission deadline is scheduled to lapse and no report has been received on an application pending before the Inland Wetlands Commission, the Zoning Commission's decision deadline may be extended to the thirty fifth (35) day after the date of decision by the Inland Wetlands

Commission, if such action is requested in writing by the applicant, and conforms with applicable State regulations.

- f. Sewage Disposal and Water Supply Approval Required. Prior to the approval of a Zoning Permit, the applicant shall obtain from the Health Officer written approval of the plans for sewage disposal and water supply. Sewage disposal plans shall be in accordance with Harwinton Town Ordinance and Public Health Code of the State of Connecticut. A permit from the Health Officer shall also be required for extensive sewage disposal system repairs.
- g. Erosion and Sediment Control Plan. An erosion and sediment control plan, approved by the Soil and Erosion Control Officer, shall be required for any application for development when the cumulative disturbed area is more than one-half acre. A single family dwelling that is not part of a subdivision of land shall be exempt from the requirement for an erosion and sediment control plan. (See Section 7)
- h. Fire Marshal Approval. When a building or use is intended to accommodate the public, plans and specifications must be approved in writing by the Fire Marshal.
- i. Grading in a Town Road Right-of Way. Before beginning any grading work adjacent to a highway of the Town of Harwinton, the applicant shall obtain written approval from the Board of Selectmen.
- j. Non-Conforming Use. No non-conforming use shall be changed or extended without a zoning permit first being issued by the Commission or ZEO. (See Section 12)
- k. Where Subdivision is in Question, Planning Commission will decide. Where there is a question of whether a lot or lots proposed for building or development constitutes or is part of a subdivision or re-subdivision, the applicant shall be referred to the Planning Commission for a determination.
- l. Private Water Companies. No proposal for development using water supplied by a company incorporated on or after October 1, 1984, shall be approved by the Commission unless such company has been issued a certificate pursuant to Section 16-262 m of the Connecticut General Statutes.
- m. Expiration and Renewal. Any Zoning permit issued under these Regulations shall expire twelve (12) months from the date of issuance unless (a.) a valid building permit is in effect, or (b.) the Commission renews the Zoning Permit, for one period not to exceed twelve months when it is determined that the use, building and/or site development authorized by the Zoning Permit conforms

with these Regulations. Where actions are covered by state or federal regulations, such regulations shall apply.

When a change is adopted in the Zoning Regulations or boundaries of zoning districts, no improvements or proposed improvements shown on a site plan for residential property which has been approved by the Zoning Commission prior to the effective date of such change, either pursuant to an application for a Special Permit or otherwise, and filed or recorded with the Town Clerk, shall be required to conform to such change.

All work in connection with an approved site plan shall be completed within five years after the approval of the plan. The approval of such site plan shall state the date on which such five year period expires. Failure to complete all work within such five year period shall result in automatic expiration of the approval of such plan. 'Work', for purpose of this subsection means all physical improvements required by the approved plan.

- n. Maintenance of improvements for Special Permit Uses. Required improvements shown on an approved site plan , including landscaping, must be maintained by the owner of the property for a period of ten years from the date of the approval.
- o. Records. The Land Use Coordinator shall maintain a record of all Zoning Permits and Certificates of Compliance.

1.4 ENFORCEMENT.

- 1.4.1 These Regulations shall be enforced by the Commission through its authorized agent, the Zoning Enforcement Officer, the Soil and Erosion Control Officer or any and all other public officials or staff whose legal assignment or duties includes such enforcement responsibilities.
- 1.4.2 The ZEO is hereby authorized to cause any building, or use of land to be inspected and to order in writing the correction of any condition found to exist in violation of these Regulations.
- 1.4.3 The Commission, the ZEO or other official having jurisdiction may institute legal action to prevent the unlawful construction, alteration, or use of any building or to prevent the illegal occupation of buildings or land or to prevent any violation of these Regulations.
- 1.4.4 The penalties for violation of these Regulations shall be as provided for in the General Statutes of the State of Connecticut.

SECTION 2 - RULES AND DEFINITIONS

- 2.1 RULES. In the interpretation of these Regulations, the rules and definitions contained in this section shall be observed and applied, except where the context clearly indicates otherwise.
- 2.2 WORDS USED in the singular shall include the plural, and the plural the singular; and words used in the present tense shall include the future.

The word *shall* is mandatory and not discretionary. The word *may* is permissive. The word *lot* shall include the words *piece* and *parcel*. The words *zone*, *zoning district*, and *district* have the same meaning. The phrase *used for* shall include the phrases *arranged for*, *designed for*, *intended for*, *maintained for*, and *occupied for*. The phrase *these Regulations* shall refer to the entire Zoning Regulation. Uses of land, buildings, or structures not clearly permitted in the various zones are prohibited.

- 2.3 DEFINITIONS.

Accessory Building or Use - A building structure or use which is subordinate and customarily incidental to the principal building and/or use on the same lot and carried on by the occupants of the principal use. A building attached to the principal building by a covered passageway or having a wall or part of a wall in common with the principal building shall be considered an integral part of the principal building (not an accessory building) and therefore shall be permitted according to the height and yard requirements applicable to the principal building. A detached private garage on a residential lot is an accessory building. (See also Section 2 of definitions for swimming pool and Section 6 - Disk Antennas and Swimming Pools). No accessory building or use shall be established in the absence of a principal building or use.

Buildable Area – That amount of land on a lot (in a Country Residential zone) consisting of one contiguous acre of land excluding the following:

- 1) Land classified as inland wetlands and watercourses as defined in the Harwinton Inland Wetlands and Watercourses Regulations;
- 2) Land with naturally occurring pre-development slope equal to or greater than 25% as determined by a 10-foot vertical change of grade in a horizontal distance of 40 feet or less (based on field topography or USGS topography);
- 3) Land subject to public utility easements or rights of way with the exception of those public utility services directly servicing the lot.

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Building - Any structure having a roof supported by columns or walls resting on its own foundation and intended for the shelter, housing or occupancy of persons, animals or materials.

Building Height - The vertical distance from the highest point of the roof to the average level of the outside ground level along all walls of a building.

Commission - The Zoning Commission of the Town of Harwinton, Connecticut.

Condominium - Shall be defined the same as in the Common Interest Ownership Act as amended. For descriptive purposes a condominium is an arrangement where a tenant in a dwelling unit within a multiple dwelling unit complex holds full title to the dwelling unit and joint ownership in the common grounds and facilities.

Dwelling - A building or portion thereof designed exclusively for residential occupancy including one family, two family or multiple family dwellings but not including hotels, motels, inns or bed and breakfast establishments.

Dwelling Unit - A building or portion thereof designed for housekeeping and occupied by a single family.

Elderly Housing - Dwelling units designed exclusively for the needs of single people ages 62 or over or couples with at least one member aged 62 or over and conforming to State and Town requirements for housing for the elderly.

Family - One or more related individual (s) or not more than six unrelated individuals living together as a single housekeeping unit and doing cooking on the premises not including a group occupying hotel or motel.

Family Day Care Home - A private family home caring for not more than six children including the provider's own children, not at school full time, where the children are cared for not less than three nor more than twelve hours during a twenty-four hour period and where care is given on a regular recurring basis. This use shall not change the residential character of the home and shall be clearly secondary to the use of the home for residential purposes.

Garage, Public - A building other than a private garage used for the maintenance and repair of motor vehicles or for the storage of five or more vehicles.

Group Day Care Home - A private family home which offers or provides a program of supplementary care for no fewer than seven or more than twelve unrelated children on a regular basis for a part of the 24 hours in one or more days of the week.

Habitable Floor Area - The area of a building which has a minimum headroom of 7 feet measured vertically from a finished floor. The area immediately below the roof shall be counted only if it is connected with the floor below by a permanent inside stairway. Areas not included as habitable floor area are open or enclosed porches, verandahs, garages, basements, cellars, utility room, breezeway or other attached structures.

Hazardous Material - Hazardous materials are defined as those substances identified by the U.S. EPA as listed in 40 C.F.R. section 302.4 (1981) as amended. The amount of any substance which shall constitute a significant quantity is as listed in said table 302.4. Additionally, hazardous material shall include: oil and oil based derivatives as listed in 40 C.F.R. section 112.1 (1981). As used herein, a significant quantity of said material is equivalent to the “Reportable Quantity” of such substance as listed in 40 C.F.R. section 112.1 (1981) and Section 302.4 (1981).

Hotel or Motel - A building designed and used primarily for temporary occupancy by travelers, which provides or offers accommodations for a consideration for five (5) or more persons exclusive of employees living on the premises and which may provide rooms for public assembly and may include the serving of food.

Impervious Surfaces - Man-made surfaces that do not absorb rain. All buildings, parking areas, driveways, roads, sidewalks and any areas in concrete and asphalt not including retention basins shall be considered impervious within the meaning of this definition.

Junk - Any worn out, cast-off or discarded articles or materials and inoperable equipment or motor vehicles which are ready for destruction or have been collected or stored for salvage or conversion to some use.

Junk Yard - A lot, land or structure or any part thereof, in excess of 50 square feet, used for collecting, storage and sale of waste paper, rags, scrap metal or other discarded material or for collecting, dismantling, storage and salvaging of machinery and for the sale of parts thereof.

Junk Yard (Motor Vehicle) - Any business and any place of storage or deposit whether in connection with another business or not which has stored or deposited two or more unregistered motor vehicles which are no longer intended or in condition for legal use on public highways or used parts of motor vehicles or the accumulation of old iron, metal, glass, paper, cordage or other waste or discarded or secondhand material which has been a part or intended to be a part of a motor vehicle, the sum of which parts or material shall be equal in bulk to two or more motor vehicles.

Kennel - An establishment in which there are more than five (5) dogs over the age of six months are housed, groomed, bred, boarded, trained or sold. (This definition shall not apply to the keeping of one litter of dogs for a period not exceeding six months).

Lot - A parcel of land occupied or approved to be occupied by a building (s) or structure which meets the minimum requirements of these Regulations for lot width, lot area, and other dimensional requirements of the zone in which it is located. (See also Section 5 - Lot of Record, and Section 12 - Non-Conforming Lot)

Lot Coverage - The percentage of the total lot area that is covered by the footprint of buildings and/or all impervious surfaces. (See definition of impervious surface above)

Non-conforming Lot. A parcel of land which does not conform to the area and/ or dimensional requirements of these Regulations, and which was legally in existence on the effective date of these Regulations or any pertinent amendment thereto.

Non-conforming Structure. A building or structure, the size or location of which is not permitted by any provision of these Regulations for the zone in which it is located, but which was legally in existence at the effective date of these Regulations or any pertinent amendment thereto.

Non-conforming Use. Any use of land or buildings, structures or portions thereof, which is not permitted by these Regulations in the zone where it is located, but which was legally in existence at the effective date of these Regulations or any pertinent amendment thereto.

Parking Space - An off-street space of not less than nine (9) feet in width and not less than eighteen (18) feet in length. Each space shall be of usable shape, exclusive of driveways and access areas, and shall have access to a public street.

Principal Building - A building other than a barn within which a use permitted by these Regulations (other than as accessory use) is or may be carried on.

Professional Office - An office for use by a person who through specialized training or experience and is licensed by the State of Connecticut is qualified to perform services of a professional as distinguished from a business nature such as doctors, dentists, lawyers, accountants, engineers, architects and licensed teachers.

Restaurant, High Turnover - An establishment which exhibits one or more of the following characteristics: (1) Serves ready-to-eat foods, frozen desserts, or beverages in edible or paper, plastic or disposable containers; (2) Serves food over a general service counter and customers carry food to the restaurant's seating facilities, to motor vehicles, or off premises; or (3) Devotes 45 percent or more of the establishment's gross floor area to food service preparation, storage, or related activities.

Restaurant, Low Turnover - A public eating establishment which provides at least 20 seats and waiting on tables and not meeting the criteria of a Restaurant, High Turnover.

Story - A story is that portion of a building between the surface of any floor and the surface of the floor, ceiling, or roof next above. Attics not used for human occupancy shall not be considered a story. When the ceiling of a basement is five (5) feet or more above the average ground level within ten (10) feet of the building the basement shall be considered a story.

Street Line - The dividing line between a public street and a lot.

Street, Public - A State highway or a Town maintained street as shown on the current Town of Harwinton, State of Connecticut, approved Town Aid Road list which is on file in the office of the First Selectman.

Structure - A structure is anything other than signs constructed or erected which requires location on the ground or attached to something having a location on the ground.

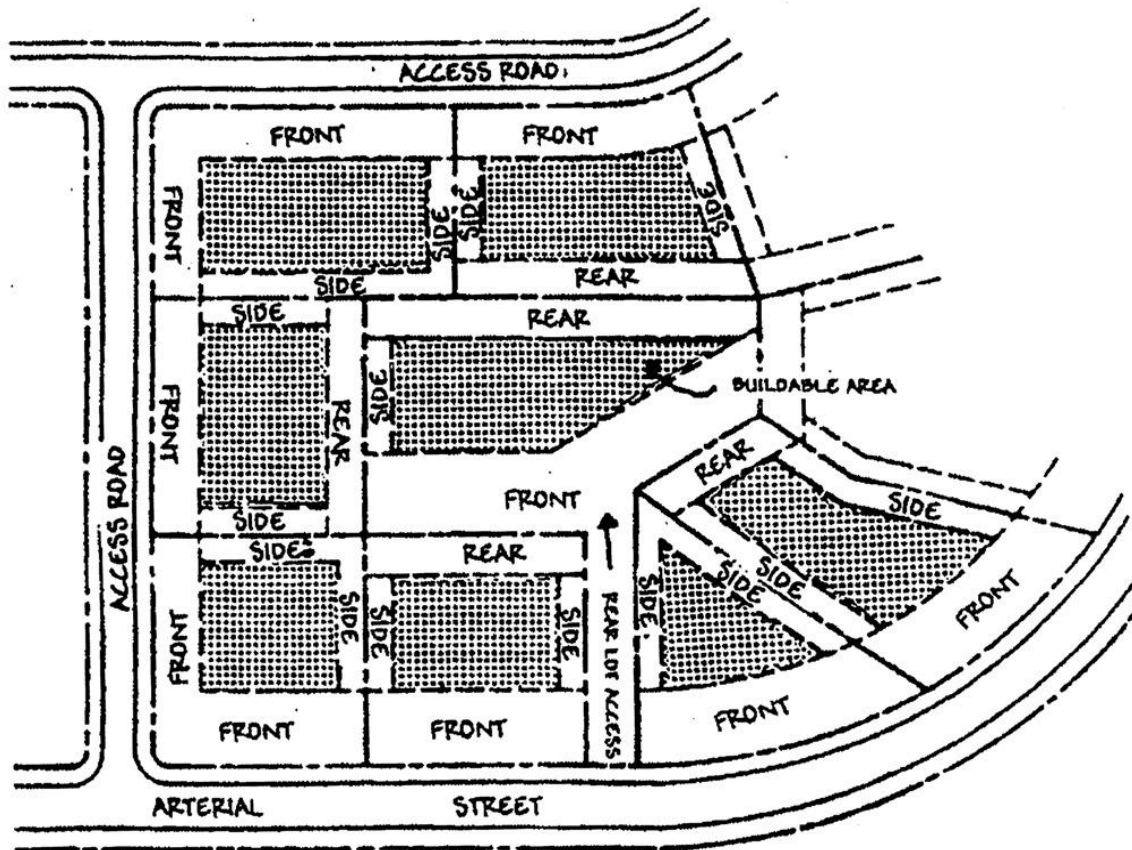
Swimming Pool - A swimming pool shall be considered an accessory use where the pool is 24 inches or more deep or has a surface area of more than two hundred fifty (250) square feet or where such pools are permanently equipped with a water circulating system. *In locating and constructing any swimming pool, Connecticut State regulations must be followed.*

Trailer or Mobile Home - A vehicle originally or presently designed to be drawn by a motor vehicle, designed or used for living, sleeping or business purposes and standing on wheels or rigid supports.

Yard, Front - A space extending across the full width of the lot between the street line and a parallel line set back a distance equal to the front yard requirement.
 Rear lots shall have a front yard requirement measured from that lot line which most closely parallels the street from which the rear lot gains access.

Yard, Rear - A space extending across the full width of the lot between the rear lot line and a parallel line set back a distance equal to the rear yard requirement. On a lot with no rear yard, the side yard shall extend to the opposite lot line.

Yard, Side - A space extending from the front yard to the rear yard between the side lot line and a parallel line set back a distance equal to the side yard requirement. On a lot with no rear yard, the side yard shall extend to the opposite lot line.



YARD LOCATION AND BUILDABLE AREAS

SECTION 3 - LIST OF ZONES AND ZONING MAP

3.1 LIST OF ZONES. For the purpose of these Regulations, the Town of Harwinton is hereby divided into the following zones:

- CR - Country Residential Zone
- TR - Town Residential Zone
- LH - Lake Harwinton Charter Zone (Association Land)
- LHA - Lake Harwinton Area Zone (Non-Association Lands)
- RS-A - Retail Service Zone A (formerly Retail Service)
- RS-B - Retail Service Zone B (formerly Planned Retail Service)
- LI-A - Light Industrial Zone A (formerly Light Industrial)
- LI-B - Light Industrial Zone B (formerly Planned Industrial Park)
- MF - Multi-Family Zone
- FH - Flood Hazard Overlay Zone

3.2 ZONING MAPS.

3.2.1 Zoning Map - Part of Regulations. The boundaries of zones are established as shown on map entitled “Zoning Map for the Town of Harwinton, Connecticut” dated April 28, 1955 as amended. This map is filed in the Office of the Town Clerk and map is hereby declared to be a part of these Regulations.

When in accordance with the provisions of these Regulations an amendment is made to the zone boundaries on the Zoning Map, such amendment shall be shown on the Zoning Map together with an entry as follows: “As amended to (effective date of the amendment)”.

3.2.2 Boundaries. For the purpose of these regulations and unless otherwise indicated on the Zoning Map by fixed lines or dimensions, the boundaries are either street lines or lines drawn parallel to street lines and dimensioned as to depth. In case of uncertainty the Zoning Commission shall determine the location of boundaries.

SECTION 4 - PERMITTED USES AND SPECIAL PERMIT USES FOR EACH ZONE

This Section lists the uses which are permitted by right and by special permit in each zone.

All uses are subject to the minimum lot area and other dimensional and space requirements of Section 5, unless otherwise specified.

Uses requiring a site plan are subject to the requirements of Section 7.

Special permit uses require a public hearing, submission of site plan and are subject to the General Standards and specific requirements of Section 8.

For certain uses the supplemental requirements of Section 6 also apply. For signs and parking uses the requirements of Sections 9 and 10 shall apply.

Uses of land or structures not clearly permitted in the various zones are prohibited.

4.1 PERMITTED USES IN RESIDENTIAL ZONES.

CR - Country Residential Zone

TR - Town Residential Zone

LH - Lake Harwinton Residential Zone (Association lands)

LHA- Lake Harwinton Area Residential Zone (Non-Association lands)

In the residential zones (CR, TR, LH, LHA) buildings and land may be used and buildings may be erected, altered or moved, to be used for the following permitted uses:

- a. Single family dwellings.
- b. Agricultural and horticultural uses, provided only the slaughtering of livestock and poultry raised on the premises shall be permitted.
- c. Roadside stand for sale of farm produce provided that the produce offered for sale is produced on the farm on which the stand is located.
- d. Family Day Care Home where such use shall not change the residential character of the lot or the neighborhood.

4.2 SPECIAL PERMIT USES IN THE CR - COUNTRY RESIDENTIAL AND TR - TOWN RESIDENTIAL ZONES. Subject to securing of a Special Permit from the Zoning Commission as provided in Section 8 of these Regulations, the following uses may be permitted in the CR and TR Zones.

- a. Church, school, library, museum, private or community club or building, provided such club shall not have as its chief activity a service that is customarily carried on as a business.
- b. Park, playground, athletic field, or other similar outdoor recreational use not conducted for profit.
- c. Hospital.
- d. Home occupations
- e. Professional office for the owner occupant and not more than two non-resident employees on the premises at any one time in a single family dwelling.
- f. Accessory apartments.
- g. Bed and breakfast use.
- h. Public utility building or structure not including service or storage yard.
- i. Cemetery provided no plot shall be within 75 feet of any property line.
- j. Buildings, structures and uses of the Town of Harwinton.
- k. Elderly housing.
- l. Fairgrounds, golf courses, and related accessory uses.
- m. Permanent landscaped entry signs to a subdivision
- n. Group day care home

4.3 SPECIAL PERMIT USES IN THE LHC - LAKE HARWINTON CHARTER ZONE AND THE LHA - LAKE HARWINTON AREA ZONE. Subject to securing of a Special Permit from the Zoning Commission as provided in Section 8 of these Regulations, the following uses may be permitted in the LH and LHA Zones.

- a. Park, playground, athletic field or other recreation area not conducted for a profit.
- b. Home occupations.
- c. Accessory apartments.
- d. Public utility structure, not including service or storage yard.
- e. Permanent landscaped entry signs to a subdivision.
- f. Group day care home

4.4 RS-A - RETAIL SERVICE ZONE A.

4.4.1 Special Permit Uses.

Subject to the securing of a Special Permit from the Zoning Commission as provided in Section 8 of these Regulations the following uses may be permitted.

- a. Store for retail trade, shop for custom work.
- b. Restaurant (low turnover), theater, motion picture theater, hotel, motel, office, office building.
- c. Bank or financial service institution, photographic studio, job printing, mortuary.
- d. Gasoline or other motor fuel filling stations.
- e. General business and professional office.

- f. Veterinary hospital and office provided only animals under medical treatment are permitted to stay overnight.
- g. Contractors business office and storage including electric, plumbing, heating, painting, mason and general contractor, provided storage of all materials and equipment is in a fully enclosed building.
- h. Commercial day care center.
- i. Barber shop, beauty salon, hair salon and similar personal services.
- j. Exercise gym, dance studio, indoor tennis or squash facility, indoor facility for soccer, lacrosse or other similar sports.
- k. Miniature golf or indoor driving range.
- l. Accessory apartment use in a business building. One accessory apartment may be established in a business building subject to the following requirements:
 - minimum floor area 500 square feet.
 - a letter of approval required from the Fire Marshall and the Health Officer.
 - the apartment shall have its own bathroom, toilet, and kitchen facilities.
 - two off-street parking spaces shall be reserved for the accessory apartment.

4.5 LI-A - LIGHT INDUSTRIAL ZONE A.

- 4.5.1. Statement of Purpose. This zone is established to provide areas for light industrial uses and certain other uses and insure that such uses will:

- not adversely impact the Harwinton's health, safety, welfare, and convenience or environment, and
- not potentially expose the Town to sources of pollution.

- 4.5.2 Special Permit Uses. Subject to the requirements of Section 7 - Site Plan and Section 8 - Special Permit requirements and the performance standards and requirements set forth herein the following uses may be permitted, providing the applicant proves that the use proposed is appropriate for the property itself as well as the properties in the vicinity.

- a. Any special permit use allowed in a RS-A zone (see 4.4 above) shall be a special permit use in the LI-A zone.
- b. Light manufacturing, light assembly and fabrication uses provided the materials involved in such uses are limited to the use of chemically stable, prepared materials and components such as wood, metal, glass, plastics, leather or paper. This excludes the manufacturing of plastics and other material involving a chemical conversion process.
- c. Wholesaling of goods and materials uses.
- d. Plants for processing stone or gravel materials.
- e. Dog kennel, veterinary hospital, and dog pounds, providing all buildings shall be at least 150 feet from all property lines and all animals shall be kept in buildings at night.

In each of the following Special permit categories, (f - j) the Commission may permit such other uses which it determines are of the same character.

- f. Storage and warehousing of goods and materials, such as building materials, contractor's equipment storage, dry goods, feed, and other similar uses.
- g. Motor vehicle or farm equipment sales, storage and service, equipment rental, service and repair, small machine shop uses and other similar uses.
- h. Indoor recreational uses, such as tennis courts, skating rink and other similar uses.
- i. Shop and storage uses for sheet metal, woodworking and millwork, blacksmith and welding operations and other similar uses.
- j. Landscaping, lawn services, arborists, crane services, excavation contracting services and other similar uses.
- k. Permanent landscaped entry signs.

4.5.3 Standards and Requirements. An application for a Special Permit in the LI-A zone shall be subject to the following standards and requirements in addition to the requirements of Section 8 - Special Permits.

4.5.4 Special Permit Approval - Conditions. In granting a Special Permit, the commission shall determine that the proposed application meets the requirements and performance standards stated herein.

The Special Permit approval shall authorize only the particular use(s) specified in the permit approval. The Special Permit and any condition(s) attached thereto shall be recorded with the property description in the Town Land Records in accordance with the requirements of the Connecticut General Statutes. Any violation of a Special Permit condition shall be the basis for revocation.

The Commission shall attach such conditions to the Special Permit as may be required to meet the performance standards stated herein and/or the general standards for Special Permits and to insure continued compliance with these Regulations. Such conditions may include but shall not be limited to hours and methods of operation, the types of vehicles, the number of vehicle trips per day, requirements for maintenance of on site improvements, such a storm water detention facilities, and limits on the activities conducted outside a building.

4.5.5 Application Requirements - Statement of Use. The applicant shall provide sufficient information to enable the Commission to insure compliance with the performance standards and requirements set forth below. The applicant shall submit a complete proposed use and the activities involved especially as such activities relate to the following requirements and standards.

- 4.5.6 Water Quality Requirements. The Statement of Use shall identify any hazardous waste material, external effects or other conditions which could pose a threat to surface and ground water quality in accordance with Section 8.2 of these Regulations.
- 4.5.7 Performance Standard - Noise. No use may generate noise that exceeds the requirements established in the State Health Code as administered by the Torrington Area Health District.

Where the Commission determines that a proposed use is of a type that could produce a level of noise at the property boundary line approaching the thresholds established in the State health Code, the Commission shall be empowered to require the applicant to demonstrate that special building design and construction standards have been incorporated in the building plans for the purpose of reducing the effect of noise on surrounding property. For the purpose of reducing noise levels the Commission, as a condition of the permit, may limit hours of operation of an activity or use or require the modification of an activity or use.

- 4.5.8 Performance Standard - Vibration. No use, other than transportation, may generate any ground-transmitted vibration that is perceptible to the human sense of touch measured at the property line.
- 4.5.9 Performance Standard - Odor and Air Quality. Where it is determined by the Commission that the proposed use is of a type that could produce an odor or have an effect on air quality the Commission may require that applicant's engineer to certify that the building design and construction plan have been designed to incorporate air quality and odor controls.
- 4.5.10 Performance Standard - Electrical Disturbance or Interference. No use may create an electrical disturbance that adversely affects any operation of equipment other than those of the creator of such disturbance, nor shall it cause, create, or contribute to interference with electronic signals to the extent that the operation of any equipment not owned by the creator of such disturbance is adversely affected.
- 4.5.11 Storage Requirements. All storage shall be confined to the rear of the building or such other location(s) approved by the Commission and as specified on the site plan. Alternative locations shall be considered to minimize the visibility of outside storage from off-site. All storage shall be maintained in a manner that does not create a mess or hazard. All display merchandise shall be located inside a building unless otherwise specifically allowed as part of the Special Permit.
- 4.5.12 Sign and Parking Requirements. In addition to the requirements of Section 10 of the following shall apply. The applicant shall submit plans for signs showing:
- a. The design, size, construction, and proposed location of all signs.

- b. Positions of sign(s) and its relation to adjacent buildings and structures. Internally illuminated signs shall not be permitted (see Section 10). However, illuminated signs may be permitted subject to the review by the Commission and provided the light source is shielded or hooded so it is not visible off premises.

Parking spaces and parking and loading areas shall be provided in accordance with the requirements of Section 9.

4.5.13 Additional Required Information. The Commission may within thirty-five (35) days after submission of an application for a Special Permit, require the applicant to submit additional information if the Commission finds that such information is necessary or would be helpful in determining whether the proposed buildings, structures or uses conform to the regulations. Such information may include but is not limited to the following:

- a. Depths to seasonal high groundwater levels and bedrock.
- b. Chemical analysis of existing surface water and groundwater.
- c. Hydrological analysis of runoff and peak flows, both before and after development.
- d. Analysis of local air quality and/or noise and/or vibration levels, both before and after development.
- e. A list of federal, state or other town permits or licenses which the applicant will need to implement the uses applied for and the status of any applications for such permits or licenses.

If the applicant elects to furnish the additional information required by the Commission, the applicant shall file with the Commission a written consent to extend for an additional thirty-five (35) days the time within which the Commission would otherwise be required by law to commence a public hearing. If the applicant declines or fails to furnish the additional information, the Commission shall proceed to act upon the application pursuant to these regulations.

4.6 FLOOD HAZARD OVERLAY ZONE. All uses allowed in the zone underlying the Flood Hazard Overlay Zone shall be allowed in the Flood Hazard Overlay Zone subject to the granting of a special permit by the Zoning Commission according to the requirements of Section 8 and the following requirements and standards. The Flood Hazard Overlay Zone includes all special Flood Hazard areas designated as Zone A, A1-30 on the Harwinton Flood Insurance Rate Maps, (FIRM), and the Flood Boundary and Floodway Maps, dated February 17, 1982, on file with the Zoning Commission or as updated. These maps as well as the Harwinton Flood Insurance Study are incorporated herein by reference.

- 4.6.1 Development Regulations. The following regulations apply within Zone A, A1-30.
- a. Residential Construction: New construction and substantial improvement of any residential structures shall have the lowest floor, including basement, elevated to or above the base flood elevation.
 - b. Non-residential Construction: New construction and substantial improvement of non-residential structures shall be constructed in accordance with the above and together with attendant utility and sanitary facilities shall:
 - be flood-proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water,
 - have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy, and
 - be certified by a registered professional engineer or architect that the standards of this subsection are satisfied.
- 4.6.2 Flooding. Within the floodway, (as designated on the Flood Boundary and Floodway Map), all encroachments, including fill, new construction, substantial improvements to existing structures, and other developments are prohibited unless certification by a registered professional engineer is provided by the applicant demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the 100-year flood.
- 4.6.3 Zone A. Within Zone A, the applicant shall obtain any existing base flood elevation data and it shall be reviewed by the Commission for its reasonable utilization toward meeting the elevation or flood-proofing requirements of this district.
- 4.6.4 General Standards. Within Zone A, A1-30, the following standards must be met prior to the issuing permits for any proposed construction development.
- a. Anchoring. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
 - b. Construction Materials and Methods. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

c. Utilities.

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems.
2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into flood waters.
3. On-site sewage disposal systems shall be located to avoid impairment to the systems or contamination from the systems during flooding.

4.7 MF – Multi-Family Zone.

- 4.7.1 Procedure. Upon the effective date of this amendment (July 15, 1994) an application for a change of zone to MF shall be accompanied by a Special Permit application subject to these regulations. The change of zone application and the Special Permit application shall be submitted and considered simultaneously. A decision and vote shall be made on each application in the following order, first the application for change of zone then the application for Special Permit.

Fiscal Impact Study. The application for a change of zone to a MF zone shall include a fiscal impact study prepared by the applicant meeting the following requirements.

The fiscal impact study shall estimate (i) new municipal expenditures (based on a projected Town Budget) attributable to the application; (ii) the increase in local property tax revenues attributable to the application; and (iii) a comparison of these two estimates in order to develop a basic understanding of the fiscal impact of the application on the Town. The study shall be based on the following assumptions:

- a. Current average municipal operation costs for services per capita and per student are the best estimates of future operation costs attributable to growth.
- b. Current levels of municipal service are the best indicators of future levels of service.
- c. The current composition of the population contributing to current municipal costs is similar to the population contributing to future municipal costs.
- d. The number of residents and students introduced locally varies primarily with the size of the dwelling unit (number of bedrooms) and secondarily with the type of dwelling unit which shall be used as the basis for projected population.
- e. The current distribution of municipal expenditures will remain relatively constant.

The fiscal impact study shall specify the present capacity of schools and other public services and the effect of the application upon those capacities.

- 4.7.2 Special Permit Uses. Subject to securing a Change of Zone to MF and a Special Permit from the Zoning Commission in accordance with Section 8 of these Regulations the following uses are permitted in a MF zone.
- a. Dwellings (single, two family or multifamily) including condominiums as defined under the Common Interest Ownership Act, Connecticut General Statutes.
 - b. Parking, recreation and accessory structures associated with the development and limited to the use of the residents.

- 4.7.3 The site plan accompanying the Special Permit application shall set forth the proposed development for the entire Multi-Family zone. If the change of zone is approved, the Multi-Family zone shall contain no more than the number of dwelling units set forth on the site plan regardless of subsequent applications for Special Permits.

Further, regardless of the number of dwelling units allowed in any Multi-Family Zone, an application for a Special Permit in a MF Zone shall consist of no more than 30 dwelling units. The Commission shall consider only one application for a Special Permit at a time and shall accept no further applications for a Special Permit within the Multi-Family Zone until such time as 70% of the dwelling units for any previously approved Special Permit in that Zone have been built and at least 50% of the total approved dwelling units have been occupied.

- 4.7.4 Standards and Regulations. A petition to establish a MF zone and the Special Permit application for any use allowed in a MF zone shall be subject to the following standards and requirements.
- a. Minimum Lot Area, Dimensional and Space Requirements. The minimum lot area shall be five (5) usable acres (as defined in c. below) and the lot shall have an average width of 250 feet. Other dimensional and space requirements shall be as specified in Section 5 of these Regulations.
 - b. Minimum Area Per Dwelling Unit Within an Existing or Proposed Public Water Supply Watershed. Within an existing or proposed public water supply watershed as classified and delineated by the State of Connecticut and as shown on the current State of Connecticut Water Quality Classification Map, Connecticut Water Resources Atlas Series, the minimum required land area per dwelling unit shall be *80,000 square feet not including regulated inland wetlands and watercourses* as defined in the Harwinton Inland Wetlands Regulations and shown on the Harwinton Inlands Map, the boundaries of which shall be located in the field by a certified soil scientist and mapped by a Connecticut licensed surveyor.
 - c. Minimum Area Per Dwelling Unit Outside of an Existing or Proposed Public Water Supply Watershed. Outside of the above defined watershed areas the minimum required land area per dwelling unit shall be 45,000 square feet of

usable land area for each dwelling unit unless the development is served by a public water system approved by the State Department of Health Services and public sewer facilities approved by the Water Pollution Control Authority in which case the maximum number of dwelling units shall be 3.5 per *usable* acre.

For the purpose of this section “public sewer facilities” shall not include a “community sewer system” as defined in the Connecticut General Statutes.

For the purpose of this section “*usable*” area shall be defined as land other than the following areas which shall be shown on a site plan map:

- *regulated inland wetlands and watercourses* as defined in the Harwinton Inland Wetlands Regulations and shown on the Harwinton Inland Wetlands Map, the boundaries of which shall be located in the field by a certified soil scientist and mapped by a Connecticut licensed surveyor,
- *100 year flood hazard areas* as defined by the Federal Emergency Management Agency (see Flood Hazard Areas Map on file in the office of the Planning and Zoning Commission), the boundaries of which shall be certified by a Connecticut licensed professional engineer.
- *land subject to existing easements which prohibit building development*, the boundaries of which shall be certified by a Connecticut licensed professional engineer,
- *50% of all land with a slope in excess of 25%* as delineated on the site plan map showing topographic contours based upon a field or aerial survey and certified by a Connecticut licensed land surveyor.

Based upon the above required information the applicant’s engineer shall certify the total “usable” area of land on the site.

- d. Traffic and Circulation. Harwinton’s road system consists of State Highways, rural Town roads and local subdivision streets. Most of the Town’s roads have a narrow paved travelway surface, segments with steep grades and/or substandard sight lines. In general these roads have a low capacity to safely accommodate traffic and typically do not have sidewalks causing pedestrian use of the street and vehicular - pedestrian conflicts.

The following standards and requirements are established to insure that new multi-family development will be in locations with access to roads, which will safely accommodate the proposed development and will not have a significant adverse impact upon the safety. These standards are also established to insure that the location and design of the multi-family development will be such that it maintains property values of neighboring properties, especially single family residential neighborhoods.

1. Any development with 30 or more dwelling units *or* 250 or more projected vehicle trips per day shall have its primary vehicular access either:

- directly onto a State Highway *and* shall have more than one point of vehicular access to a State Highway or Town road, or
 - directly onto a Town road leading to a State Highway where the Town road has a minimum paved surface width of 22 feet and no grade in excess of 12% and shall have more than one point of vehicular access to the Town road.
2. Any development with less than 30 dwelling units *or* less than 250 projected vehicle trips per day shall have its primary access to a public road, which is capable of safely accommodating the proposed development.

For both 1 and 2 above where the access to the site is proposed from a Town road, the applicant shall provide an analysis of the traffic and circulation impact of the proposed development prepared by a qualified traffic engineer. This shall include a comprehensive assessment of the Town roads to be used for access to the development by its residents. It shall show that the proposed access meets the above stated standards.

The engineer shall cite and apply accepted traffic planning standards in assessing the width, grade and sight lines of the Town roads and the impact of the projected traffic on public vehicular and pedestrian travel safety.

3. The placement, size, arrangement and use of the proposed accessway and circulation system for the development site shall be shown on a construction plan prepared by a Connecticut registered professional engineer. Accessway construction design shall comply with the "Street Construction" and "Drainage Planning and Design" requirements of the Harwinton Subdivision Regulations, and drawn to the specifications for construction plans as stated in the Town Subdivision Regulations, except that the minimum paved width of the travelway shall be not less than 20 feet.
4. Every building on the site shall be accessible by emergency vehicles.
5. The intersection of the accessway to the development and any State Highway or Town road shall comply with the standards for intersections as set forth in the Subdivision Regulations and shall be designed to minimize interference with the flow of traffic and shall not pose danger to pedestrians or vehicles traveling on abutting streets.
- e. Drainage. The standards and requirements of the Harwinton Subdivision Regulations Section 4.13 Drainage Planning and Design, as revised, shall apply to the design and construction of drainage systems in a development proposed under this section.

In addition the following shall apply:

1. Streets and driveways shall be designed so that there will be no discharge of storm drainage to the travel surface of an existing or proposed street, nor into the immediate area of an existing or proposed water supply well or sewage system.
 2. Where the Town engineer determines that an existing watercourse or Town storm drain system is inadequate for the projected drainage from a development it shall be the responsibility of the applicant to upgrade the drainage facility at no cost to the Town. No Special Permit application shall be approved unless the application includes satisfactory plans for upgrading the drainage facility and legally binding agreement for completing the required improvements which has been reviewed and approved by Town Counsel.
 3. Where a project has frontage on an existing Town road and the Town Engineer determines that the Town road drainage system is inadequate for the proposed project, the applicant shall be responsible for improvements to the road and drainage system to insure proper channeling of gutter flows and correction of existing drainage deficiencies to control erosion, flooding and other hazards.
- f. Grouping of Building and Standards for Architectural Design. There shall be a maximum of four (4) dwellings per building.

The shortest distance between any two buildings shall be not less than the height of the highest building. The Commission may permit a lesser separation requirement if the design of the proposed development is benefited by closer spacing.

The architectural design, scale and mass of buildings and other structures, including among other elements the exterior building materials, roof lines, and building elevations, shall be residential in character in accordance with the standards listed below so as to harmonize and be compatible with the neighborhood, to protect property values, and to preserve and improve the appearance and beauty of the community.

1. Pitched roofed buildings shall be encouraged.
 2. Roof-top mechanical equipment, including antennas but not including solar energy panels, shall be concealed from all sides.
 3. No building with more than one dwelling unit shall extend in a continuous plane without an offset or stagger.
 4. Buildings shall be designed and located on the site so as to retain the existing topography and natural features of the land to the greatest extent possible.
 5. The applicant shall show consideration was given to energy efficient patterns of development and solar orientation of residential buildings.
- g. Open Space. There shall be a minimum area of 3,500 square feet of landscaped open space for each dwelling unit. Landscaped open space shall consist of an

acceptable balance of viable existing or proposed trees, shrubs and grass as designed by a landscape architect registered in the State of Connecticut. The landscape open space area may include land within the required yard setback area.

- h. Yard and Landscape Buffer Requirement. The minimum yard requirement for the front, side and rear shall be 75 feet. Where the MF Zone abuts a residential zone the requirements of Section 11 shall apply except that the requirement for a visual screen of plantings (Section 11.1a) along the front property line only shall be increased as follows. Along the front property line there shall be a landscape buffer of a minimum of 20 feet deep consisting of approved hardy indigenous plant materials of which at least 50% shall be evergreen trees.
- i. Parking. Two off street parking spaces shall be provided for each dwelling unit. One of these two spaces shall be an enclosed garage parking space for not less than 75% of the total number of dwelling units. The area of the garage apron shall not be included in the calculation of required off street parking space. No portion of any required parking space shall be located more than 200 feet from the dwelling that it serves.
No more than 10 parking spaces may be located along an access driveway or in a parking lot without a separating landscape buffer strip of at least 10 feet in width. Garages detached from a principal dwelling shall not exceed one story in height and shall be fully enclosed. Garage buildings shall be used solely for the storage of passenger vehicles of residents.
- j. Dwelling Floor Area. Each multiple family dwelling unit shall consist of at least two rooms, exclusive of hall and bathroom, and there shall be at least 600 square feet of habitable floor space for a two room unit and at least 725 square feet of habitable floor space for a three room unit. In no case shall a dwelling unit have more than three bedrooms.
Single family and two family dwelling unit minimum habitable floor area requirements shall be as established for the Town Residential Zone.
(Note: A dwelling unit as defined in these Regulations is a building or portion thereof designed for housekeeping and occupied by a single family.)
- k. Pedestrian Walkways. Where it is determined necessary for public safety, the Commission shall require pedestrian walkways with all-weather surfacing to provide safe pedestrian access to school bus routes or for other reasons of convenience and safety.
- l. Lighting. All access roads, sidewalks, parking areas and common facilities shall be sufficiently illuminated to ensure security of property and safety of persons. All outdoor lighting shall be fully shielded and shall not illuminate beyond the site property line. Fully shielded shall mean that light rays shall be projected below a horizontal plane running through the lowest part of the light fixture.
- m. Signs. The requirements for Signs in Residence Zones shall apply in a MF zone. In addition each MF development shall be permitted a single sign with exterior illumination for the purpose of identifying the development. The identification sign shall be no more than 8 square feet in area, no more than 5 feet in height and shall set back from the front property line a minimum of 20 feet.

- n. Common Facilities. Common Facilities such as laundry rooms, dining rooms, common food preparation area, provision for medical treatment may be permitted as part of a proposed development.
- o. Sales Office. A temporary sales or rental office may be permitted for use only until completion of the initial sale or rental of units is complete.
- p. Manager's Office. A manager's office appropriate for the proposed development may be provided.
- q. Home Occupations. A Special Permit for a home occupation as defined in these regulations shall not be permitted in a dwelling unit in a MF zone.
- r. Bond. All site improvements other than buildings shall be subject to the requirement for a bond as specified in the Harwinton Subdivision Regulations.
- s. Certificate of Zoning Compliance. A certificate of zoning compliance shall not be issued by the Zoning Enforcement Officer until a Connecticut registered engineer has certified that the site work has been completed in accordance with the approved site development plan.

4.8 RS-B – Retail Service Zone B

4.8.1 Special Permit Uses. Subject to securing a Special Permit from the Zoning Commission as provided for in Section 8 of these Regulations the following uses are permitted in the RS-B Zone.

- a. Store for retail trade, shop for custom work.
- b. Restaurant (low turnover or high turnover), theater, motion picture theater, hotel, motel, office building.
- c. Bank or financial service institution, photographic studio, job printing, mortuary.
- d. Gasoline or other motor vehicle filling station.

4.8.2 Standards and Requirements. A petition to establish a RS-B Zone and a special permit application for any use allowed in a RS-B Zone shall be subject to the following standards and requirements.

- a. Lot Area. The minimum lot area shall be five (5) acres.
- b. Access. Primary access to the proposed zone and uses shall be from a State Highway.
- c. Maximum Lot Coverage. Not more than 50% of the total lot area shall be covered with buildings, structures, paved or other impervious surfaces.
- d. Yards and Landscape Buffer. The minimum front, side and rear yard requirement shall be 100 feet. Where a RS-B Zone abuts a single family residential zone the landscaped buffer requirements in Section 11 shall apply. Where a RS-B Zone abuts another retail zone or an industrial zone, the minimum side and/or rear yard requirement may be reduced to 50 feet.
- e. Parking and Sign Requirements shall be the same as for the RS-A Zone.

4.9 LI-B – Light Industrial Zone B

4.9.1 Special Permit Uses. Subject to securing a Special Permit from the Zoning Commission as provided for in Section 8 of these Regulations the following uses are permitted in the LI-B Zone.

- a. Any special permit use allowed in the RS-B Zone (see 4.9.1 above).
- b. Storage in bulk or warehouse for such material as building material, contractors' equipment, dry goods, feed, fertilizer (to be stored in such a manner that no offensive odor shall be emitted), food, fuel, furniture, hardware, metals, oils and petroleum products, paint and paint materials, pipe, rubber, shop supplies.
- c. Wholesale business.
- d. Motor vehicle repair shop, motor vehicle sales room, steam laundry, cold storage plant.
- e. Creamery, bakery, bottling or distributing station.
- f. Foundry, veterinary hospital, kennel, stone crusher.
- g. Indoor tennis court, indoor skating rink or similar indoor recreation activity.
- h. Wireless Communication Facility subject to special permit under Section A8.10

4.9.2 Standards and Requirements. A petition to establish a LI-B Zone and a special permit application for any use allowed in a LI-B Zone shall be subject to the following standards and requirements.

- a. Lot Area. The minimum lot area shall be ten (10) acres.
- b. Access. Primary access to the proposed zone and uses shall be from a State highway.
- c. Maximum Lot Coverage. Not more than 50% of the total lot area shall be covered with buildings, structures, paved or other impervious surfaces.
- d. Yards and Landscape Buffer The minimum front yard requirement shall be 250 feet. The minimum side and rear yard requirement shall be 150 feet. Where a LI-B Zone abuts a single family residential zone the landscape buffer requirements of Section 11 shall apply.
The front yard requirement may be reduced to 125 feet where a LI-B Zone abuts a retail or other industrial zone. The side and rear yard requirement may be reduced to 75 feet where a LI-B Zone abuts another retail or industrial zone.
- e. Parking and Sign Requirements. The standards and requirements provided under the LI-A Zone Sections 4.5.4 to 4.5.13, inclusive, shall apply to Special Permit uses in the LI-B Zone

Section 5 - LOT AREA. OTHER DIMENSIONS AND SPACE REQUIREMENTS								
ZONE	Minimum Lot Area (Sq. Ft.)	Minimum Lot Width On Public Street (1)	Minimum Front Yard (2) (-5)	Minimum Side Yard (2)	Minimum Rear Yard (2)	Minimum Habitable Floor Area (Sq.Ft.) (2)	Maximum Lot Coverage (3)	Maximum Building Height
CR COUNTRY RESIDENTIAL	87,120	200'	60'	35'	75'	950 1st Fl	15%	2 story or 30' (2)
TR TOWN RESIDENTIAL	65,340	175'	50'	25'	50'	950 1st Fl	15%	2 story or 30'
LAKE (LC) HARWINTON CHARTER (ASSOC. LAND) (4)	65,340	150'	35'	25'	50'	950 1st Fl	15%	2 story or 30'
LAKE (LA) HARWINTON AREA (NON-ASSOC. LAND)	65,340	175'	50'	25'	50'	950 1st Fl	15%	2 story or 30'
MF MULTI-FAMILY APARTMENT	5 ACRES	150'	75'	75'	75'	600 2 Rm 725 3 Rm	35%	2 story or 30'
RETAIL SERVICE ZONE (RS-A)	43,560	200'	100'	10'	20'		50%	3 story or 45'
RETAIL SERVICE ZONE (RS-B)	5 ACRES	200'	100'	100'	100'	2,000	50%	3 story or 45'
RETAIL SERVICE ZONE (LI-A)	87,120	200'	100'	35'	50'		50%	3 story or 45'
RETAIL SERVICE ZONE (LI-B)	10 ACRES	500'	250'	150'	150'	10,000	50%	3 story or 45'
FLOOD HAZARD OVERLAY ZONE	Same requirements as underlying zone except as provided in Section 4.6							
See following page for footnotes to this table								

LOT AREA AND OTHER DIMENSION AND SPACE REQUIREMENT TABLE
FOOTNOTES

1. Lot Width - The distance between the side lines of a lot measured along the front street line. Where the front streetline is on a curve or the side lot lines converge toward the front street line, lot width may be measured at the required front yard setback line. Where lot width is measured at the front yard setback line the lot width along the front street line shall be not less than 2/3 of the required lot width.

Rear Lot - A lot which does not meet the minimum lot width requirement is a rear lot. A rear lot may be permitted by special subject to the requirements of Section 8.

Public Street - (see Section 2 - Definitions).

2. See Section 2 for Definitions of Yard and Story and Habitable Floor Area.

3. Maximum lot coverage of all buildings and other impervious surfaces (see Section 2 - Definitions).

4. All applications for zone change, special permit or zoning permit from properties located within the legal authority of the Lake Harwinton Association must be accompanied by an official report from the Lake Harwinton Association certifying compliance or non-compliance with Association regulations.

5. The Zoning Commission may require that front yards on lots which have frontage on State Highways or roads designated as arterial roads in the Harwinton Plan of Development be increased by 15' in the CR Zone and 10' in the TR Zone. Prior to imposing this requirement, the Commission shall request a report from the Planning Commission, which report shall state the Planning Commission's reasons and this report shall be entered into the record of the decision.

6. Lots in a CR Zone created after October 6, 2008 shall contain at least one contiguous acre of Buildable Area as defined in these Regulations. This requirement shall not prevent the construction of permitted buildings or structures in a CR Zone on a lot created before this date provided that such construction complies with Section 6.3 (Existing Lots) and Section 12 (Non-Conforming Situations) of these Regulations. (effective 10/6/08)

SECTION 6 - SUPPLEMENTARY REGULATIONS

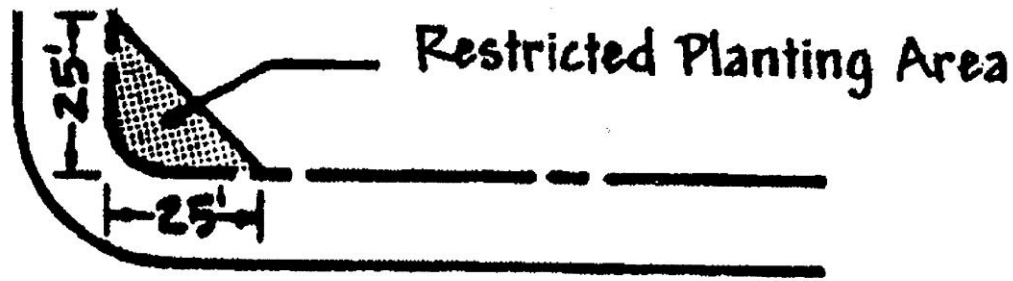
This section sets forth the regulations that apply to a specific class of uses or a use which is permitted in more than one zone.

- 6.1 ONE PRINCIPAL BUILDING OR USE ON A LOT in a Single Family Residential Zone. Except as may be specifically otherwise provided for in these Regulations only one principal building or use is permitted on a lot in single family Residential Zones. (CR, TR , LH and LHA).
- 6.2 MIXED USES. The Commission may permit more than one non-residential use on a lot in a commercial or industrial zone.
- 6.3 EXISTING LOTS. Nothing in these Regulations shall prevent the construction of a permitted building or the establishment of a permitted use on a lot containing less than the required lot area or width as set forth in these Regulations on the original effective date (April 28, 1955) or on the effective date of any pertinent amendment thereto, if:
 - 6.3.1 Lot of Record. The lot was recorded in the land records of the Town of Harwinton prior to the adoption of these Regulations, April 28, 1955, or any pertinent amendment hereto.
 - 6.3.2 Water and Sewers. Safe and adequate disposal of sewage and a safe water supply can be provided without endangering the health and safety of adjoining resident.
 - 6.3.3 Approved Subdivision Lot. The lot is shown on a subdivision plan approved by the Planning Commission and recorded in the land records of the Town, provided such subdivision plan approval has not expired subject to the Subdivision Regulations and Section 8-26c of Chapter 126 of the Connecticut General Statutes.
- 6.4 DRIVEWAYS AND ACCESSWAYS. All Driveway construction, relocation, changing of grade or layout requires Zoning review/approval. Driveway location and design shall meet the following standards:
 - 6.4.1 Driveways and accessways shall be located on the owner's property and must be designed and constructed to prevent erosion and prevent excessive drainage onto streets or adjacent land.
 - 6.4.2 All lots shall have a corridor of land for location of a driveway which is suitable for safe access. Driveway location and design shall meet the standards of the Town of Harwinton in accordance with Ordinance 94.

- 6.4.3 Driveways in excess of 200 feet in length or in excess of 10% gradient, the Commission may require submission of a driveway construction and drainage plan prepared by a Connecticut licensed professional engineer. Engineer Certification for driveways in excess of 200 feet or in excess of 10% gradient is required. Pull-offs at intervals may be required by the Zoning Commission for driveways in excess of 200 feet or in excess of 10% gradient. Cross-sections of driveways in excess of 200 feet or in excess of 10% gradient is required.
- 6.4.4 Driveway intersections with the street and separating distances between driveway intersections shall be located to provide adequate sight line distances based upon the street traffic volume and conditions and requirements of the Board of Selectmen or the State Department of Transportation.
- 6.4.5 Driveways in excess of 10% grade shall be paved where erosion could enter out into highway.
- 6.4.6 Driveways shall be capable of accommodating automobile access from street to a parking space or spaces on the lot by means of a driveway not exceeding 4% gradient for the first 30 feet in length, having safe alignment and sight distances and meeting the street in a manner that maintains the standard cross section for the street.
(Section 6.4 Amended 10/6/08)
- 6.5 KEEPING OF ANIMALS. No enclosure, shelter or building for use of animals, including horses, cows, pigs, goats, etc., shall be constructed or maintained closer than 150 feet to a lot line. No enclosure, shelter or building for use of poultry shall be constructed or maintained closer than 300 feet to a property line.
- Where the maintenance of animals or poultry is primarily for the benefit of the occupants of the premises and not in connection with any business or agricultural operation such building shall be constructed and maintained not closer than 50 feet to a property line.
- The minimum land area for the keeping of horses (including ponies and donkeys) shall be 65,000 square feet for one horse, 87,000 square feet for two horses and one acre for each additional horse. Watercourses and water bodies, including ponds, swamps and bogs shall not be included in the calculation of the minimum land area required for the keeping of horses. No horse shall be kept or pastured within a radius of 25 feet of any septic tank leaching field system or water supply well.
- 6.6 EXCAVATION FOR FOUNDATION. The excavation or filling of earth for a foundation or for building site improvements shall be considered a part of erecting or moving a building and no such work shall start before a zoning permit and where required, a soil and erosion permit is granted.

- 6.7 NO OCCUPATION OF CELLAR. No structure designed as a basement or cellar or garage shall be used or occupied for residential purposes prior to the completion of the residence.
- 6.8 SPECIAL PERMIT FOR NON-CONFORMING TEMPORARY BUILDING. A non-conforming temporary building or use shown to be necessary pending construction of a conforming building or use may be permitted by Special Permit subject to the requirements of Section 8 for not more than one year, but renewal permits for successive periods of six months each may be granted.
- 6.9 TRAILERS AND CONSTRUCTION TRAILERS AND MOBILE HOMES. No person shall occupy a trailer, mobile home or recreational vehicle for domestic or business purposes , except that the owner of land not engaged in the business of renting rooms or parking space may permit the occupancy of said land by a guest using a trailer, mobile home or recreational vehicle for living purpose for a period not exceeding two weeks.
- Construction trailers used for a business office or storage purposes in connection with a bona fide construction operation may be allowed by the Commission for a period not to exceed six months and may be renewed for six month periods. No construction trailers may be permitted within the front yard and shall be removed from a permitted site no later than 30 days from the time the construction operation is completed.
- 6.10 AREA LIGHTS AND FLOOD LIGHTS. No light shall be transmitted outside the lot from which it originates so as to endanger the public health or safety, including the public safety on any street or highway, or to impair the value or reasonable use of any other lot.
- 6.11 SWIMMING POOLS. All swimming pools must be located in conformance with the setback and other dimensional requirements of Section 5 of these Regulations. A Zoning Permit must be obtained to construct said pool, also approval of the Health Officer is required.
- 6.12 DISK ANTENNAS. A disk antenna shall be considered an accessory use and may be permitted in a rear yard. A disk antenna may be permitted in a side yard if provided with a permanent landscape screen.

- 6.13 ON A CORNER LOT no planting, structure or other obstruction to vision of more than three feet in height shall be placed or maintained within the triangular area formed by the intersecting street right-of-way lines and a straight line connecting points on said street lines, each of which points is 25 feet distant from the point of intersection.



- 6.14 ON CORNER LOTS, front yard requirements (setback) per Section 5 shall be enforced on both streets
- 6.15 HEIGHT EXCEPTIONS. The maximum height requirements of Section 5 of these Regulations shall not apply to restrict the height of a church spire, tower or belfry, flagpole, radio tower, radio or television antenna, chimney, water tank or silo.
- 6.16 FENCES. Fences are permitted in any yard except fences located on a corner of a corner lot which are subject to the height restrictions of Section 6.13.
- 6.17 STORAGE SHEDS. Storage sheds in the Lake Harwinton Association only, in the Lake Harwinton zone, shall be permitted as temporary structures only under permit from the Association. At all times such temporary structures shall be kept in good repair and appearance and suitably painted. Exceptions to the side yard set back requirement set forth in Section 5 will be considered.
- Structures used for storage of lawn furniture and equipment and other household uses, the minimum side yard distance will be 10 feet. When agreeable to adjacent property owners these sheds may be placed “back to back” on a mutually agreed boundary.
- 6.18 SOIL AND EROSION CONTROL PERMITS A soil and erosion permit is required for all excavation or filling exceeding fifty yards or within 50 feet of a mapped or designated Inland Wetland Soil, whatever the volume. A Soil And Erosion Plan, as required by Section 7, or an Earth Excavation Special Permit as required by Section 13 may also be necessary.

6.19 USE OF HOME FOR PERSONAL BUSINESS. Nothing in these regulations shall restrict the use of a private home for personal business by the owner or occupant where there are no employees other than the occupants, no signs indicating a non-residential use, no clients coming to the house and a reasonable neighbor would not know that such an operation is taking place.

6.20 OVERNIGHT PARKING OF COMMERCIAL VEHICLES IN A RESIDENTIAL DISTRICT.

Commercially operated or commercially registered vehicles having a gross vehicle weight in excess of 19,500 pounds or greater than two axles are not allowed to park or be stored on private property in a residential zone overnight except when:

They are providing a service related to the property where they are parked or kept overnight.
They are in conjunction with the need for an emergency repair, but only on an occasional basis.

On-call vehicles (Municipal, Water Co., CL&P, Gas Co., Service Vans, etc.) shall be exempt from this regulation. Farm vehicles, as listed as Code 4 with the Harwinton Assessor's office, in conjunction with a farm are also exempt.

In accordance with the above three exceptions the following shall apply:

- One commercial vehicle shall be permitted per property.
- The commercial vehicle must be operated only by owner of the vehicle who derives his livelihood from the operation of the vehicle and not family members or employees.
- The number of trips permitted in a 24-hour period is six (6) which means no more than three (3) round trips to the residential home where the vehicle is permitted to be parked onsite.
- Commercial vehicles cannot idle for more than 15 minutes.

(effective 10/6/08)

SECTION 7 - SITE PLAN AND EROSION AND SEDIMENT CONTROL PLAN

- 7.1 APPLICABILITY. The Commission may require a site plan for any application it is required to review where the Commission feels that it is necessary to render a considered judgment.

A site plan, as prescribed in this section, shall accompany the application for any permits required by section 1.3.3. d of these regulations. The Commission may waive or modify the requirement for a site plan where in its judgment such a plan is not required.

The site plan shall be approved by the Commission or its authorized agent prior to the issuance of a zoning permit or special permit when in the opinion of the Commission it is needed to aid in determining conformance with these Regulations.

A permit for decks under 200 sf may be issued by the Land Use Coordinator without a site plan.

- 7.2 PURPOSE OF SITE PLAN. The site plan is intended to provide the Commission with information that will enable it to determine that the proposed building, use or structure is consistent with the specific requirements of these Regulations. A site plan may be modified or denied only if it fails to comply with the specific requirements of these Regulations.

- 7.3 EXPIRATION AND RENEWAL OF A SITE PLAN (See Section 1.3.3m).

- 7.4 PERFORMANCE GUARANTEE. The Commission may, as a condition of approval of any site plan, require a performance guarantee in the form of a savings passbook, letter of credit or other acceptable form of surety. The performance guarantee shall be in an amount payable to the Town of Harwinton and with surety and conditions satisfactory to its securing that any modification of such plans are made.

The performance guarantee shall be held by the Commission. The Commission shall not release the performance guarantee until it has certified that all of the requirements of the zoning permit have been met. Where required 'as built' drawings shall be submitted before the performance guarantee is released.

- 7.5 SITE PLAN REQUIREMENTS. The site plan shall be prepared by a registered land surveyor to a Class "A - 2" level of accuracy. For a parcel in excess of the minimum lot size a Class "D" survey may be accepted for the perimeter boundary where the perimeter survey is not essential to the evaluation of the proposed use.

Where the plan proposes substantial grading or new improvements the plan shall be prepared, signed and sealed by a Connecticut registered professional engineer, and if plans of buildings are involved, by a Connecticut registered Architect. The Commission may waive these requirements where they in their sole judgment feel the endorsements are not required. All plans requiring a professional seal must contain an original signature on all required copies.

The plan shall be drawn at a scale not smaller than one inch equals forty feet or at such other appropriate scale as may be approved by the Commission. The plan shall contain the following, as applicable:

- 7.5.1 Name of applicant and owner of property.
- 7.5.2 Scale and north arrow.
- 7.5.3 Property boundary, dimensions, angles, area of the lot (in square feet) prepared by a Connecticut registered land surveyor.
- 7.5.4 Names of record owners or abutting properties.
- 7.5.5 Locations and dimensions of all existing and proposed buildings, driveways, parking and loading areas, walkways, storage areas. Also all regulated inland wetlands and watercourses drainage features, fences and walls, wetlands, and exposed ledge rock.
- 7.5.6 Location and type of any easement. Identification of any site development related condition required by any local or other agency.
- 7.5.7 A table or chart showing the proposed and required number and types of uses, lot area (in square feet), lot width, yards, building heights, coverage, floor area, parking spaces, landscaping, open spaces or other requirements of these Regulations.
- 7.5.8 Floor plans of proposed apartments, condominiums, offices or commercial buildings showing square feet (and habitable floor area for residential uses) within each room. Illustrations, elevations and renderings of proposed buildings and recreation and landscaped areas to clearly show what is proposed.
- 7.5.9 A rendering of any proposed sign and its location, dimensions, and means of illumination.
- 7.5.10 Locations and methods of water supply and sewage disposal facilities, location of power and telephone lines.
- 7.5.11 Landscaped areas, including types of trees and shrubs to remain or to be planted.

- 7.5.12 Certification by the Health Officer concerning satisfactory conditions for water supply and sewage disposal, consistent with the Health Code.
- 7.5.13 Certification by the Fire Marshal for any building proposed to accommodate the public.
- 7.5.14 Where grading is required or where site improvements are proposed, a Connecticut registered land surveyor shall plot existing and proposed contours at two-foot intervals, unless the Commission agrees that ground surface conditions can be adequately represented by contours with larger intervals or by spot indication of elevations. Sufficient information shall be required to clearly show existing and post-construction surface drainage patterns. [Note: Where the cumulative disturbed area is more than one-half acre the requirements of Section 7.6 (below) - Erosion and Sediment Control Plan shall apply].
- 7.5.15 The site plan shall include an approval block which shall include a space for the date of approval of the site plan and the date of expiration of the site plan which shall be five (5) years from the date of approval (see Section 1.3.3m).

The Commission may specify that one or more of the above requirements need not be included on the site plan if it agrees that the information is not needed to evaluate the proposal.

- 7.6 EROSION AND SEDIMENT CONTROL PLAN. A soil erosion and sediment control plan shall be submitted for certification by the Soil and Erosion Control Officer with any application for development when the cumulative disturbed area is more than one-half acre, or where any Timber Harvest Permit has been obtained from the State. A single family dwelling that is not part of a subdivision of land shall be exempt from this section on erosion and sediment control.

A lot in a subdivision is subject to the requirement for an erosion and sedimentation control plan both as part of the subdivision plan and as part of a zoning permit/application.

The applicant shall describe in mapped and narrative form the measures to be taken to control erosion and sedimentation both during and after construction. The plan and its specific measures shall be based upon the best available technology and shall be in accordance with the principles and the minimum standards of the *Connecticut Guidelines for Erosion and Sediment Control (2002)*.

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

7.6.1 Narrative describing the following:

- a. Development project and construction time schedule for:
 - All major construction activities indicating the anticipated start and completion of development.
 - Creating and stabilizing disturbed areas.
 - Grading operations.
 - Applying erosion and sediment control measures and facilities onto the land.
- b. Design criteria, construction details, detailed installation/application procedures and maintenance program.
- c. Soil erosion and sediment control measures.

7.6.2 Site Plan Map at a sufficient scale to show:

- a. Within the disturbed areas topography contours shall be at a detail adequate to evaluate the proposal based upon the standards defined below. Where determined necessary the Commission may require 2 foot contour intervals based upon field or aerial survey.
- b. Proposed site alterations and disturbed areas, including cleared, filled or graded areas.
- c. The sequence of grading, construction activities, installation of erosion and sediment control measures and final stabilization.

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

SECTION 8 - SPECIAL PERMITS

- 8.1 PROCEDURES. After public hearing, the Commission may approve an application to permit the establishment of one or more of the uses listed in these Regulations for which a Special Permit must be secured if it finds that the proposed use and the proposed buildings and structures will conform to the General Standards and to the specific requirements for particular uses specified in this Section.

All applicants for any special permit use must notify all property owners within 200' of his property, by registered mail that he has applied for a special permit use and the date of the hearing. Receipts for the mailings must be submitted to the Commission at the public hearing.

All special permit applications shall be accompanied by a site plan prepared in accordance with Section 7. The Commission may also require as a condition of the grant of any special exception that the applicant post a performance guarantee acceptable to the Town of Harwinton to assure the satisfactory completion of all improvements, excluding buildings shown on the site plan. The applicant shall provide an estimate of improvements to be subject to a performance guarantee together with a description of the basis of the estimate.

Upon completion of the public hearing the Commission may grant or deny the special permit. In either case the Commission shall:

- State upon its records the reason for its decision.
- Publish a notice of its decision in the newspaper.
- Send the notice of its decision by certified letter to the applicant within 15 days of its decision.

The special permit shall be effective upon the filing of a copy thereof by the applicant in the office of the Town Clerk.

- 8.1.1 General Standards. The following general standards shall apply to all Special Permit applications.
- a. The location, types, character and size of the use and of any building or other structure in connection therewith shall be in harmony with and conform to the appropriate and orderly development of the Town and the neighborhood and shall not hinder or discourage the appropriate development and use of adjacent property or substantially or permanently impair the value thereof;
 - b. The nature and location of the use and of any building or other structure in connection therewith shall be such that there will be adequate access to it for fire protection purposes;

- c. The streets serving the proposed use shall be adequate to carry prospective traffic, that provision is made for entering and leaving the property in such a manner that no undue hazard to traffic or undue traffic congestion is created and that adequate off-street parking and loading facilities are provided;
- d. The lot on which the use is to be established shall be of sufficient size and adequate shape and dimension to permit conduct of the proposed use and placement of buildings, other structures and facilities;
- e. The property shall be suitably landscaped to protect the neighborhood and adjacent property.

8.2 STANDARDS FOR ANY SPECIAL PERMIT USE INVOLVING TOXIC OR HAZARDOUS MATERIALS.

- 8.2.1 General. Any special permit use which involves the manufacture, storage, use, transportation or disposal of toxic or hazardous materials, as defined in Section 2, other than that associated with normal household use, shall include additional information on the permit application and the site plan and comply with the design and performance standards specified in this Section.

Examples of uses involving toxic or hazardous materials include, but are not limited to underground storage of petroleum products or any materials listed in the definition of toxic and hazardous materials in Section 2 (also carwashes, automotive service and repair shops, gas stations, fuel storage depots, truck terminals, petroleum, chemical, and other hazardous materials, warehousing, dry cleaning and dyeing establishments and laundries that utilize organic cleaning solvents, printing and photo-processing establishments, metal plating or etching, research laboratories, veterinarians and kennels, beauty parlors, commercial lawn care businesses and golf courses).

- 8.2.2 A List of Materials Required. A complete list of all chemicals, pesticides, fuels or other hazardous materials as defined in Section 2 to be used or stored on the premises in quantities greater than associated with normal household use shall be required as part of the site plan application.
- 8.2.3 Control Plan Required. Plans designed to protect all storage containers from vandalism, corrosion, leakage and spillage and for control of spilled materials shall be required as part of the site plan and may be sent by the Commission to the Harwinton Water Pollution Control Authority for its review and comment.
- 8.2.4 Decision. A Special Permit may be granted for a use involving a toxic or hazardous material if the Zoning Commission determines that the intent of these Regulations are met, and if it determines that the proposed activity will not, during construction or thereafter, have an adverse environmental impact on any aquifer or recharge area in the Town and will not adversely affect an existing or potential water supply.

8.2.5 Floor Drain Standards.

- a. No interior floor drains from any areas where possible contaminants are handled shall be directed to any stream, storm drain, or subsurface leaching system.
- b. No interior floor drains from any areas where possible contaminants are handled shall be directed to a sanitary sewer without adequate pre-treatment as required by DEP and the Harwinton Water Pollution Control Authority.

8.2.6 Hazardous Materials and Waste Storage and Disposal.

- a. Hazardous materials and waste storage tanks located outside shall be surrounded by an impervious containment dike. Containment dikes for most chemicals should be concrete or coated metal and shall have an adequate holding capacity for all hazardous materials. The tank and dike shall either be protected from rainwater accumulation with a permanent roof, or the dike shall have a drain valve which will allow clear storm water to be manually released. Tanks shall be supplied with a mechanical type level gauge, not a sight tube, and may have a top vent pipe or overfill pipe which is directed to the inside of the containment area.
- b. All storage drums shall be sealed or covered. For outside storage, drums or other containers shall either be protected from rain water accumulation with a permanent roof, or the dike shall have a drain valve which will allow clear storm water to be manually released.
- c. Plans for other storage areas not included in (a) and (b) above shall provide for acceptable containment.
- d. Dumpsters utilized in conjunction with uses regulated under this Section shall be covered or located within a roofed area and shall have drain plugs intact.

8.3 ACCESSORY APARTMENT IN AN EXISTING RESIDENCE MAY BE PERMITTED UNDER SPECIAL CIRCUMSTANCES.

The intent of this provision is to permit separate living quarters as accessory apartments under special circumstances related to the need of the owner/occupant of the single family house. It is not the intent to limit these circumstances to resident domestic employees or estate caretakers or in-laws or grown children or the caretaker needs of the elderly or infirm, but to list these uses and needs as typical.

There shall be a limit of one (1) accessory apartment for each eligible residence.

- 8.3.1 The apartment shall contain a minimum of 450 square feet and shall be no larger than one third of the floor area of the principal use.
- 8.3.2 A letter of approval is required from the Fire Marshall, the Building Inspector or any appropriate professional or public official stating that all safety codes have been met.

- 8.3.3. A letter of approval is required from the Health Officer.
 - 8.3.4 The accessory apartment shall have its own bathroom, toilet and kitchen facilities.
 - 8.3.5 Off street parking - 2 spaces for the accessory apartment are required.
 - 8.3.6 Any portion of the basement used for living quarters must be approved by the Zoning Commission.
 - 8.3.7 Because the intent of this section is to permit uses which are accessory to the principal single family use, the applicant must be the owner and occupant of the principal use.
 - 8.3.8 So that proposals may be properly reviewed during the application, construction and occupancy stages, the proposal must be accompanied by a set of drawings prepared and originally sealed by an architect registered in Connecticut. The Commission and any reviewing official may request any other information necessary to properly review and act on the request.
 - 8.3.9 A new Zoning permit is required if the alterations require a change in the footprint of the principal use building.
 - 8.3.10 In approving any application for an accessory apartment the Commission must rule that the essential single-family character of the neighborhood has not been affected by the accessory apartment.
- 8.4 HOME OCCUPATIONS. A Special Permit for a Home Occupation in a residential zone will be granted after the Zoning Commission determines that the application meets the above general standards and the following specific requirements.
- 8.4.1 In no way shall the appearance of the structure be so altered or the conduct of the occupation within the structure be such that the structure is recognized as serving a non-residential use (either by color, materials, construction, lighting, signs, sounds or noises, vibrations, etc.).
 - 8.4.2 Said proposed use will not tend to depreciate the value of property in the neighborhood or be otherwise detrimental to the neighborhood or its residents or alter the neighborhood's residential characteristics.
 - 8.4.3 There shall be no outside employee other than members of the resident family.

- 8.4.4 The use shall not generate pedestrian or vehicular traffic beyond that which the Commission determines is typical of the traffic pattern in the zone and location in which it is proposed
- 8.4.5 It shall not involve the use of signs other than one sign no larger than two (2) square feet.
- 8.4.6 There shall be no display of products or materials and no external evidence that the premises are being used for any purpose other than residential.
- 8.4.7 Home Occupation permits shall expire on the last day of the calendar year. The permit must be renewed annually for its continuance.
- 8.4.8 Home Occupation Renewal Forms are provided and a renewal fee shall be collected as specified on the fee schedule in the Appendix to these Regulations.
- 8.5 BED AND BREAKFAST ESTABLISHMENT. A Special Permit for the provision of rooms for transient visitors in an owner occupied residential dwelling may be permitted by the Commission subject to the above general standards and the following specific requirements.
- 8.5.1 In order to qualify for and maintain this special permit in a residence, the residence must be owner occupied for the duration of the permit.
- 8.5.2 The lot shall be of adequate size and shape to provide one off-street parking space for each guest room. The parking space shall be located to the rear of the building or screened from view from the street.
- 8.5.3 The building must be sound, safe and of adequate size to accommodate guest rooms without reducing the habitable floor area for the principal residential use below the required minimum (see Section 5).
- 8.5.4 No more than three guest rooms shall be permitted.
- 8.5.5 The Torrington Area Health District shall certify that the existing or proposed modified subsurface sewage disposal system is adequate to serve the proposed use.
- 8.5.6 Minor additions of no more than a total of 200 square feet may be made to the building for improvements related to and necessary for this special permit use.
- 8.5.7 At least one complete bathroom shall be provided accessible to the guest room or rooms.
- 8.5.8 The operation of a Bed and Breakfast use shall require a written permit which shall expire on the last day of the calendar year. The permit must be renewed annually for

its continuance. Bed and Breakfast renewal forms are provided and a renewal fee shall be collected as specified on the fee schedule in the Appendix to these Regulations. Willful failure to abide by these Regulations is cause for the Commission to revoke such permit.

- 8.6 REAR LOTS. A rear lot is a lot that does not meet the requirement for minimum lot width on a public street as defined in Section 5. A rear lot may be permitted by special permit in a residential zone for a single family residential lot subject to the above general standards and following requirements.
- 8.6.1 The minimum lot area for a rear lot shall be double the minimum lot area of the residential zone in which the lot is located.
- 8.6.2 The rear lot shall be served by an accessway to a public street of not less than 50 feet in width at all points.
- 8.6.3 The accessway shall be owned in fee simple by the owner of the interior lot.
- 8.6.4 The area of the accessway shall not be included in the calculation of the required minimum lot area.
- 8.6.5 The rear lot shall meet all of the setback requirements of these Regulations. However, the minimum lot width requirement shall be measured along the lot line of the rear lot which intersects the accessway and is most parallel to the street line.
- 8.6.6 Only one rear lot shall be served by an individual driveway.
- 8.6.7 The Commission may require a driveway construction and drainage plan where the driveway grade is in excess of 10% or its length is in excess of 200 feet.
- 8.6.8 Rear lots may be permitted by the Planning Commission in a subdivision as follows:
- A maximum of 20% of all of the lots in a subdivision may be interior lots.
 - This maximum may be increased to permit not more than 50% of the lots in a subdivision as rear lots where all of the following conditions are met.
 - a. The applicant must clearly demonstrate that the increased number of rear lots will result in permanent preservation of a natural resource feature or other significant natural or cultural feature, view or vista that would not be so protected under the conventional subdivision requirement.
 - b. Such natural resource, significant natural or cultural feature, view or vista shall be as recommended in the Town Plan or as documented in the application in writing by a qualified expert.

- c. The application shall clearly delineate on the plan map the land, water, historic and/or other cultural feature that will be preserved and shall also include legal documentation assuring its permanent protection.

8.7 RESTAURANT, GRILL, TAVERN, PACKAGE STORE OR OTHER BUILDING OR ESTABLISHMENT SELLING OR SERVING ALCOHOLIC LIQUOR. A Special Permit for these uses may be permitted subject to the above general standards and the following specific requirements.

8.7.1 No building or land shall be used and no building shall be erected, altered or moved to be used for a restaurant, grill, tavern, package store or other building or establishment selling or servicing alcoholic liquor (as defined in the Liquor Control Act) for consumption on or of the premises, if any of said building or land is located within a radius of 1000 feet of any of the following:

- From the boundary line of the Town of Harwinton.
- From the property line of a lot on which there is a church, school, library, park or playground.
- From the property line of a lot on which there is an existing restaurant, grill or tavern or other such building or establishment selling or serving alcoholic liquor.

8.8 MOTOR VEHICLE SALES OR SERVICE STATION. A Special Permit for a motor vehicle sales or service station may be permitted subject to the above general standards and the following specific requirements.

8.8.1 No building or land shall be used and no building shall be erected, altered or moved to be used for a motor vehicle sales or service station if any portion of said building or land is located within a radius of 500 feet from the property line of a lot on which there is a church, school, library, park, playground, theater, hospital, nursing home, fire station, or building for public assembly.

8.9 TOWN SPONSORED HOUSING FOR THE ELDERLY. A Special Permit for Town sponsored (approval at Town meeting) Housing for the Elderly may be permitted by special permit subject to the above general standards and the following requirements.

8.9.1 No elderly housing building shall have more than five dwelling units contained herein.

8.9.2 On site parking shall be provided, using the ratio of one and one-half cars per dwelling unit.

8.9.3 Where the housing is served by both public water and sewer systems there shall be not more than six (6) dwelling units for each forty thousand square feet of site area. Where the housing is served by on-site sewer and a public or private community

water system there shall be not more than four (4) dwelling units for each forty thousand square feet of site area.

- 8.9.4 No building shall be less than thirty feet from any other building.
- 8.9.5 Recreational facilities, open spaces and facilities suitable for active and passive use of said elderly housing project shall be provided to serve the same, said area shall be adequately protected from streets, driveways and parking areas.
- 8.9.6 The main interior walks shall be of sufficient width and construction to serve emergency vehicles and apparatus if a structure is not served by a roadway or parking lot on one side along its length.
- 8.9.7 Each property line except street lines shall be parallel by a continuous buffer strip at least fifteen feet wide of natural and mixed planting, which shall be maintained in order to protect adjacent property and the neighborhood in general from detriment.
- 8.9.8 Approval of any plans for an elderly housing project shall be by Torrington Area Health District in regard to septic locations, well locations, etc.
- 8.9.9 Units shall be at least four hundred fifty square feet of habitable floor area for each single occupancy (efficiency) dwelling unit, and at least five hundred seventy square feet of habitable area for each double occupancy (one bedroom) dwelling unit.
- 8.9.10 At the time of application, the applicant shall submit a site development plan which should include the information required in Section 7 of these Regulations and in addition shall show the following where applicable:
 - a. A plan showing location and size of property.
 - b. Location of building or buildings, septic tank fields, walls and drainage.
 - c. Parking, recreation and restricted areas.
 - d. Number of dwelling units proposed.
 - e. All statistical data to show that the requirements of the regulation are met.
 - f. All the land and the lot together with such detail of adjacent properties as will relate the proposed development to the neighborhood and to the street pattern within fifty (50) feet.
 - g. The relation of proposed buildings to the existing and estimated future development of the area, if any.
 - h. Proper provision for the protection of existing residences and districts through the use of landscaping, fencing or buffering, subject to the Commission's approval, and planting and landscaping around buildings and parking areas as required by the Commission.
 - i. Floor plans of proposed efficiency and double occupancy units and recreation buildings, if any, showing square footage of habitable floor area within each room and the location of all recreational facilities.

- j. Illustrations and elevations of the proposed buildings and project areas sufficient to show clearly what is proposed; and
- k. Underground utilities (electric and telephone) if required by the Zoning Commission.

8.9.11 Minimum lot area shall be five acres and the minimum lot width on a public highway shall be no less than fifty feet, and shall be served by an access strip to a public highway, which access strip shall be not less than fifty (50) feet wide.

SECTION A8.10 WIRELESS COMMUNICATION FACILITIES **Effective Date: March 3, 2000**

ADDENDUM: A.8.10 WIRELESS COMMUNICATION FACILITIES

- A.8.10.1 Statement of Purpose
- A.8.10.2 Definitions
- A.8.10.3 Use Regulations
- A.8.10.4 General Standards and Requirements for Permitted and Special Exception Uses
- A.8.10.5 Additional Standards and Requirements for Ground Mounted Tower Special Exception Uses
- A.8.10.6 Application Filing Requirements
- A.8.10.7 Co-location
- A.8.10.8 Modifications
- A.8.10.9 Monitoring and Maintenance
- A.8.10.10 Abandonment or Discontinuation of Use
- A.8.10.11 Reconstruction or Replacement of Existing Towers and Monopoles
- A.8.10.12 Term of Special Permit

Section A.8.10 WIRELESS COMMUNICATION FACILITIES

A8.10.1 Statement of Purpose: This regulation is adopted pursuant to Connecticut General Statutes, 8-2(a), and in furtherance of the Plan of Conservation and Development and of the Town of Harwinton, adopted in 1995 by the Harwinton Planning Commission pursuant to Connecticut General Statutes, Section 8-23(a), specifically, in order to maintain “the rural character of the Town” (p.3), “preserve ridge lines from development” (p.4), “to regulate future land use” (p.6), to preserve the Town’s two Historic Districts (pp.68-9), “to protect the natural environment” (p.98), and “to preserve the Town’s rural quality” (p.99).

This regulation establishes standards and requirements and permitting procedures for wireless communication facilities that are subject to local zoning regulation in Connecticut. Its purpose is to regulate the placement of antennas, towers, and other regulated wireless communication facilities to protect the health, safety and welfare of the Town, and to provide for locations consistent with the Town Plan of Conservation and Development and the purposes of these Regulations, to minimize adverse visual effects through proper design, siting and screening, to avoid potential damage to adjacent properties, and to provide for orderly removal of abandoned facilities.

A.8.10.2 Definitions

In addition to the definitions and requirements set forth elsewhere in the Zoning Regulations the following definitions shall apply to this Addendum.

Antenna. The surface from which wireless radio signals are sent and received by a personal wireless service facility.

Camouflaged. A wireless communication facility that is disguised, hidden, part of an existing or proposed structure, or placed within an existing or proposed structure is considered "camouflaged".

Carrier. A company that provides wireless services.

Co-location. The use of a single mount on the ground by more than one carrier (vertical co-location) and/or several mounts on an existing building or structure by more than one carrier.

Commission. The Zoning Commission of the Town of Harwinton.

Elevation. The elevation at grade or ground level may be given in many ways, usually Above Mean Sea Level (AMSL). The height of a wireless service facility is often given in Above Ground Level (AGL). AGL is a measurement of height from the natural grade of a site to the highest point of a structure. The Total elevation of the wireless service facility is AGL plus AMSL.

Environmental Assessment (EA). An EA is the document required by the Federal Communications Commission (FCC) and the National Environmental Policy Act (NEPA) when a wireless communication facility is placed in certain designated areas.

Equipment Shelter. An enclosed structure, cabinet, shed or box at the base of the mount within which are housed batteries and electrical equipment.

Fall Zone. The area on the ground within a prescribed radius from the base of a wireless communication facility. The fall zone is the area within which there is a potential hazard from falling debris (such as ice) or collapsing material.

Guyed Tower. A monopole or lattice tower that is tied to the ground or other surface by diagonal cables.

Lattice Tower. A type of mount that is self-supporting with multiple legs and cross-bracing of structural steel.

Licensed Carrier. A company authorized by the FCC to construct and operate a wireless communication facility.

Monopole Tower. The type of mount that is self-supporting with a single shaft of wood, steel or concrete and a platform (or racks) for panel antennas arrayed at the top.

Mount. The structure or surface upon which antennas are mounted, including the following four types of mounts:

1. Roof-mounted. Mounted on the roof of a building.
2. Side-mounted. Mounted on the side of a building.
3. Ground-mounted Tower. Mounted on the ground.
4. Structure-mounted. Mounted on a structure other than a building.

Omnidirectional (whip) antenna. A thin rod that beams and receives a signal in all directions.

Panel Antenna. A flat surface antenna usually developed in multiples.

Radiofrequency (RF) Engineer. An engineer specializing in electrical or microwave engineering, especially the study of radio frequencies.

Radio frequency Radiation (RFR). The emissions from wireless communication facilities.

Regulated Facility, Service and/or Site. All facilities including mounts, towers and antennas and the site(s) these facilities are located on relating to personal communication services and any other wireless telecommunication service subject to local zoning regulation.

Security Barrier. A locked, impenetrable wall, fence or berm that completely seals an area from unauthorized entry or trespass.

Separation. The distance between one carrier's array of antennas and another carrier's array.

A.8.10.3. Use Regulations

8.10.3.1 Exemptions. The following shall be exempt from this regulation.

8.10.3.1.1 Repair and maintenance of towers and antennas.

8.10.3.1.2 Antenna used solely for residential television and radio reception.

8.10.3.1.3 Satellite antenna measuring 2 meters or less in diameter and located in commercial districts, and satellite antenna measuring 1 meter or less in diameter regardless of location.

8.10.3.2 Permitted Uses. The following Regulated facilities located on existing structures or co-located shall be Permitted Uses in all districts subject to Site Plan approval:

8.10.3.2.1 Camouflaged. A regulated facility which is completely camouflaged and not recognizable as part of a wireless facility such as within a flagpole, steeple, chimney, or similar structure.

8.10.3.2.2 Existing Structure. A regulated facility on an existing structure (whether or not it is conforming in terms of height) including but not limited to a guyed, lattice, or monopole tower, fire tower or water tower, provided it does not increase the height and does not impair the structural integrity of the existing structure.

8.10.3.2.3 Utility Structures. An antenna(s) located on an electric transmission and distribution tower, telephone pole and similar existing utility structure. The installation may increase the height of the existing structure by no more than twenty feet, except in designated historic districts (or other historic or scenic areas of the town as shown on a map on file in the Planning and Zoning Office) or within 150 feet of the paved portion of a Town road or State highway proposed for or designated as a scenic road or highway.

8.10.3.2.4 Building (roof or side) mounts provided it does not project either above the building or the height limit of the zoning district by more than 10 feet.

8.10.3.2.5 Building (roof or side) mounts may locate on a building or structure legally nonconforming with respect to height, provided it does not project above

the existing building or structure height, or more than 10 feet above the height limit of the zoning district.

8.10.3.2.6 Police and Emergency Services. A regulated facility intended solely for the purpose of Police, Fire, Ambulance and other Emergency Dispatch. A Tower may be erected as a Permitted Use for these purposes unless it is to be shared by a commercial wireless service carrier which shall require a Special Permit.

8.10.3.3 Special Exception Use. The following co-located regulated facilities and ground mounted towers shall require a Special Exception and Site Plan approval:

8.10.3.3.1 Regulated facilities located on existing structures or co-located that do not qualify as a Permitted Use as set forth in 8.10.3.2 above.

8.10.3.3.2 All Ground Mounted Towers.

A.8.10.4.0 General Standards and Requirements for Permitted and Special Exception Uses.

8.10.4.1 Location. Wherever feasible, regulated facilities shall be located on existing structures, including but not limited to buildings, water towers, existing telecommunications facilities, utility poles and towers provided the installation preserves the character and integrity of those structures.

8.10.4.1.1 Applicants are urged to consider use of existing telephone and electric utility structures as sites for regulated facilities.

8.10.4.1.2 The following zoning districts are considered preferred locations for new freestanding towers: Retail Service (RS), Light Industrial (LI), Planned Retail Service (PRS) and Planned Industrial Park (PIP) zones.

The following zoning districts, as designated on the zoning map attached to and made part of this regulation, are the least preferred locations for freestanding towers: Country Residential (CR), Town Residential (TR), Lake Harwinton (LH), Lake Harwinton Area (LHA) and Planned Residential (PR) zones.

8.10.4.1.3 Site Justification for Ground Mounted Tower.

An application for a ground mounted tower shall include a detailed site justification report which:

- a.** Establishes the location and defines the elevation of all proposed antenna facilities on the tower consistent with federal regulations and accepted engineering practice,
- b.** Demonstrates that the proposed location (which includes both tower position and antenna height) is superior to other potential locations for the proposed uses,

- c. Documents that signal strength service objectives are consistent with accepted engineering practice for all proposed uses of the tower,
- d. Includes complete and accurate propagation plots in relation to scaled elevation drawings addressing all facilities to be installed on the tower,
- e. Demonstrates that for each proposed use of the tower the proposed height is the minimum necessary to provide adequate coverage as defined in federal guidelines and accepted engineering practice.

8.10.4.2 Visibility - Camouflage and Color. The Commission shall apply the following standards and requirements to minimize the visual impact of proposed regulated facilities.

8.10.4.2.1 Requirements for Existing Buildings or Structures.

- a. **Roof Mount.** Where a roof mount extends above the roof the applicant shall demonstrate every effort has been made to conceal the mount within or behind existing architectural features to limit visibility from public streets.
- b. **Side Mount.** Side mounts shall blend with the existing architecture and, if over 5 square feet, shall be painted or shielded with material consistent with the design features and materials of the building.
- c. Mounts and antennas located on an historic structure shall be fully removable without diminishing the historic quality of the structure.
- d. Regulated facilities in an historic district shall be concealed within or behind existing architectural features, or shall be located so that they are not visible from public roads and viewing areas within the district.

8.10.4.2.2 Requirements for proposed Ground Mounted Towers.

Proposed ground-mounted towers shall provide a vegetated buffer of sufficient height and a depth of not less than 50' to screen the facility to the extent feasible. Trees and vegetation may be existing on the subject property or installed as part of the proposed facility or a combination of both. Where it is not feasible to fully buffer a facility, the applicant shall submit a landscape plan prepared by a Connecticut Licensed Landscape Architect. The landscape plan shall recommend the type of tree and plant materials and depth of buffer appropriate to the site, design, height and location of the facility. The Commission may require reasonable modifications to the landscape plan where it determines such are necessary to minimize the visual impact of the facility on the neighborhood and community character.

8.10.4.2.3 Scenic Roads and Areas.

- a. The Commission may approve a ground mounted tower located in an open area visible from a public road, recreational area, or residential zone only where it has been demonstrated by the applicant to the satisfaction of the Commission that the proposed service cannot be

reasonably provided in a location on an existing structure or a co-location.

b. A regulated facility located within 300 feet of a scenic area or Historic District identified in the Town Plan and as shown on a map on file in the Planning and Zoning Office, or Town or State designated scenic road, shall not exceed the height of vegetation at the proposed location.

8.10.4.2.4 Tree Cover and Sight Line Information. Where the Commission determines that tree cover and/or sight line information, including viewpoints (points from which view is taken) and visible points (points being viewed), are necessary to determine compliance with the standards in this section it shall require the following:

a. Tree cover on the subject property and adjacent properties within 300 feet, by dominant species and average height, as measured by or available from a verifiable source.

b. Sight lines and photographs.

A sight line representation shall be drawn from any public road within 300 feet and the closest facade of each residential building (viewpoint) within 300 feet to the highest point (visible point) of the regulated facility. Each sight line shall be depicted in profile, drawn at one-inch equals 40 feet. The profiles shall show all intervening trees and buildings. In the event there is only one (or more) residential building within 300 feet there shall be at least two sight lines from the closest habitable structures or public roads, if any.

Existing (before) condition photographs. Each sight line shall be illustrated by one four-inch by six-inch color photograph of what can currently be seen from any public road within 300 feet.

Proposed (after) condition photographs. Each of the existing condition photographs shall have the proposed regulated facility superimposed on it to show what will be seen from public roads if the proposed personal wireless service facility is built.

c. Sight elevations. Siting elevations, or views at-grade from the north, south, east and west for a 50-foot radius around the proposed regulated facility plus from all existing public and private roads that serve the subject property. Elevations shall be at either one-quarter inch equals one foot or one-eighth inch equals one foot scale and show the following:

1. Antennas, mounts and equipment shelter(s), with total elevation dimensions and AGL of the highest point.
2. Security barrier. If the security barrier will block views of the regulated facility the barrier drawing shall be cut away to show the view behind the barrier.

3. Any and all structures on the subject property.
4. Existing trees and shrubs at current height and proposed trees and shrubs at proposed height at time of installation, with approximate elevations dimensioned.
5. Grade changes, or cuts and fills, to be shown as original grade and new grade line, with two-foot contours above mean sea level.

8.10.4.4 Environmental and Safety Standards.

- a. Regulated Facilities shall not be located in wetlands. Locating of facilities in wetland buffer areas shall be avoided whenever possible and disturbance to wetland buffer areas shall be minimized.
- b. No hazardous or contaminating waste shall be discharged on the site of and Regulated Facility. If any hazardous or contaminating materials are to be used on site, there shall be provisions for full containment of such materials. An enclosed containment area shall be provided with a sealed floor, designed to contain at least 110% of the volume of the hazardous materials stored or used on the site.
- c. Stormwater run-off shall be contained on-site.
- d. Ground-mounted equipment for regulated service facilities shall not generate noise in excess of 45 dbA at the property line.
- e. Roof-mounted or side-mounted equipment for Regulated Facilities shall not generate noise in excess of 50 dbA at ground level at the base of the building closest to the antenna.
- f. **Radio frequency Radiation (RFR) Standards and Requirements.** The applicant shall provide documentation that all equipment proposed for a regulated facility is authorized according to FCC Guidelines for Evaluating the Environmental Effects of Radio frequency Radiation (FCC Guidelines) or its successor publication.

A8.10.5.0 Additional Standards and Requirements for Ground Mounted Tower Special Exception Uses.

8.10.5.1 Lot Size and Use. A ground mounted tower and its equipment shelter shall require its own lot of sufficient area such that the size and shape of the lot shall be not less than the minimum fall zone setback surrounding the base of the tower on all sides. The ground mounted tower shall be considered the principal use and principal structure to which the lot is dedicated, and no other use or principal structure shall be allowed on the lot while the tower is in place. The lot shall have a safe and suitable accessway or legal right-of-way from a public street.

The driveway shall comply with the driveway and parking requirements of the Zoning Regulations applicable to single family dwellings.

8.10.5.2 Setback. In order to ensure public safety, the minimum distance from the base of any new proposed ground-mounted tower to any property line, road, habitable dwelling, business or institutional use, or public recreational area shall be the height of the tower including any antennas or other appurtenances.

A8.10.6.0 Application Filing Requirements. The following shall be included with an application for a Special Permit or Site Plan Application for all regulated facilities. The Commission may waive one or more of the following for a Permitted Use Site Plan application.

8.10.6.1 General Filing Requirements

- a. Name, address and telephone number of applicant and any co-applicants as well as any agents for the applicant or co-applicants.
- b. Co-applicants may include the landowner of the subject property, licensed carriers and tenants for the Regulated Facility.
- c. A licensed carrier shall either be an applicant or a co-applicant and shall provide documentation of qualifications as a “licensed carrier.”
- d. Original signatures for the applicant and all co-applicants applying for the Special Permit. If the applicant or co-applicant will be represented by an agent, an original signature authorizing the agent to represent the applicant and/or co-applicant is required. Photo reproductions of signatures will not be accepted.

8.10.6.2 Location Filing Requirements

- a. Identify the subject property by including the Town as well as the name of the locality, name of the nearest road or roads, and street address, if any.
- b. Tax map and parcel number of subject property.
- c. Zoning district designation for the subject parcel (Submit copy of Town Zoning Map with parcel identified).
- d. A line map to scale showing the lot lines of the subject property and all properties within 300 feet and the location of all buildings, including accessory structures, on all properties shown.
- e. A town-wide map showing the other existing non-residential wireless service facilities in the Town and outside the Town within three miles of its boundary.
- f. The proposed locations of all existing and future wireless service facilities in the Town on a Town-wide map for this carrier.

8.10.6.3 Site Plan Requirements. The following Site Plan requirements shall be in addition to the requirements of Section 7 of these regulations regarding Site Plan. Where the requirements of this section are more

restrictive than that of Section 7 these requirements shall apply. For a Permitted Use the Commission may determine that the information specified under subsections 8.10.7 and 8.10.8 is not needed to determine compliance with this regulation. A one-inch-equals-40 feet vicinity plan shall be submitted showing the following:

1. Property lines for the subject property.
2. Property lines of all properties adjacent to the subject property within 300 feet.
3. Outline of all existing buildings, including purpose (e.g. residential buildings, garages, accessory structures, etc.) on subject property and all adjacent properties within 300 feet.
4. Proposed location of antenna, mount and equipment shelter(s).
5. Proposed security barrier, indicating type and extent as well as point of controlled entry, including necessary security signs.
6. Location of all roads, public and private, on the subject property and on all adjacent properties within 300 feet including driveways proposed to serve the regulated facility.
7. Distances, at grade, from the proposed regulated facility to each building on the vicinity plan.
8. Contours at each two feet AMSL (see definition section) for the subject property and adjacent properties within 300 feet.
9. All proposed changes to the existing property, including grading, vegetation removal and temporary or permanent roads and driveways.
10. Representations, dimensioned and to scale, of the proposed mount, antennas, equipment shelters, cable runs, parking areas and any other construction or development attendant to the personal wireless service facility.
11. Lines representing the sight line showing viewpoint (point from which view is taken) and visible point (point being viewed) from "Sight Lines" subsection below.

8.10.6.4 Design Filing Requirements

- a. Equipment brochures for the proposed Regulated Facility such as manufacturer's specifications or trade journal reprints shall be provided for the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any.
- b. Materials of the proposed Regulated Facility specified by generic type and specific treatment (e.g., anodized aluminum, stained wood, painted fiberglass, etc.). These shall be provided for the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any.
- c. Colors of the proposed Regulated Facility represented by a color board showing actual colors proposed. Colors shall be provided for the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any.

- d. Dimensions of the Regulated Facility specified for all three directions: height, width and breadth. These shall be provided for the antennas, mounts, equipment shelters and security barrier, if any.
- e. Appearance shown by at least two photographic superimpositions of the Regulated Facility within the subject property. The photographic superimpositions shall be provided for the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any, for the total height, width and breadth. The Commission may determine that this information is not needed for a Permitted Use.
- f. Landscape plan prepared by a Connecticut licensed landscape architect including existing trees and shrubs and those proposed to be added, identified by size of specimen at installation and species.
- g. Within 21 days of filing an application for a Special Permit, the applicant shall arrange for a balloon or crane test at the proposed site to illustrate the height of a ground mounted tower. The date, time and location of such test shall be advertised in a newspaper of general circulation in the Town at least 15 days, but not more than 21 days, prior to the test.
- h. If lighting of the site is proposed, the applicant shall submit a manufacturer's computer-generated point-to-point printout, indicating the horizontal footcandle levels at grade, within the property to be developed and twenty-five (25) feet beyond the property lines. The printout shall indicate the locations and types of luminaries proposed.

8.10.6.5 Noise Filing Requirements

The applicant shall provide a statement listing the existing and maximum future projected measurements of noise from the proposed Regulated Facilities, measured in decibels Ldn (logarithmic scale, accounting for greater sensitivity at night), for the following:

- 1) Existing or ambient: the measurements of existing noise.
- 2) Existing plus proposed personal wireless service facilities: maximum estimate of noise from the proposed personal wireless service facility plus the existing noise environment.

Such statement shall be certified and signed by an acoustical engineer, stating that noise measurements are accurate and meet the Noise Standards of this regulation.

8.10.6.6 Radiofrequency Radiation (RFR) Filing Requirements

The applicant shall provide a statement listing the existing and maximum future projected measurements of RFR from the proposed regulated facility, for the following situations:

- 1) Existing or ambient: the measurements of existing RFR
- 2) Existing plus proposed facilities: maximum estimate of RFR from the proposed Regulated Facility plus the existing RFR environment.
- 3) Certification, signed by a RF engineer, stating that RFR measurements are accurate and meet FCC Guidelines as specified in the Radiofrequency Radiation Standards sub-section of this regulation.

8.10.6.7 Federal Environmental Filing Requirements

The National Environmental Policy Act (NEPA) applies to all applications for wireless communication facilities. NEPA is administered by the FCC via procedures adopted as Subpart 1, Section 1.1301 et seq. (47 CFR Ch. I). The FCC requires that an environmental assessment (EA) be filed with the FCC prior to beginning operations for any wireless communication facility proposed in or involving any of the following:

1. Wilderness areas.
 2. Wildlife preserves.
 3. Endangered species habitat.
 4. Historical site.
 5. Indian religious site.
 6. Flood plain.
 7. Wetlands.
 8. High intensity white lights in residential neighborhoods.
 9. Excessive radio frequency radiation exposure.
- b.** At the time of application filing, an Environmental Assessment that meets FCC requirements shall be submitted to the Commission for each Regulated Facility site that requires such an environmental assessment to be submitted to the FCC.
- c.** For all Special Permit uses the applicant shall identify and assess the impact of the proposed facility on areas recommended for conservation as presented in the Town Plan and State Plan of Conservation and Development.
- d.** The applicant shall list location, type and amount (including trace elements) of any materials proposed for use within the facility that are considered hazardous by the federal, state or local government.

A8.10.7.0 Co-location

8.10.7.1 Licensed carriers shall share facilities and sites where feasible and appropriate,

thereby reducing the number of facilities that are stand-alone. All applicants for a Special Permit for a Regulated Facility shall provide sufficient documentation proving that co-location with other carriers is not feasible. Such proof shall include:

1. A survey of all existing structures that may be feasible sites for co-locating wireless service facilities;
2. Contact with all the other licensed telecommunication facility carriers operating in the service area of the proposed facility; and
3. Sharing information necessary to determine if co-location is feasible under the design configuration most accommodating to co-location.

8.10.7.2 In the event that co-location is found to be not feasible, a written statement of the reasons for the infeasibility shall be submitted to the Commission. The Commission may retain a technical expert in the field of RF engineering to verify if co-location at the site is not feasible or is feasible given the design configuration most accommodating to co-location. The cost for such a technical expert will be at the expense of the applicant as provided in the Town Ordinance on Land Use Fees. The Town may deny a Special Permit to an applicant that has not demonstrated a good faith effort to provide for co-location.

8.10.7.3 If the applicant does intend to co-locate or to permit co-location, the Commission shall request drawings and studies which show the ultimate appearance and operation of the Regulated Facility at full build-out.

8.10.7.4 If the Commission approves co-location for a Regulated Facility site, the Special Permit shall indicate how many facilities of what type shall be permitted on that site. Facilities specified in the Special Permit approval shall require no further zoning approval. However, the addition of any facilities not specified in the approved Special Permit shall require a new Special Permit.

Estimates of RFR emissions will be required for all facilities, including proposed and future facilities.

A8.10.8.0 Modifications.

A modification of a Regulated Facility may require a Special Permit application where the following events apply:

- a. The applicant and/or co-applicant wants to alter the terms of the Special Permit by changing the Regulated Facility in one or more of the following ways:
 1. Change in the number of facilities permitted on the site;
 2. Change in technology used for the Regulated Facility.
- b. The applicant and/or co-applicant wants to add any equipment or additional

height not specified in the original design filing.

A8.10.9.0 Monitoring and Maintenance

8.10.9.1 After the Regulated Facility is operational, and where required by the Commission, the applicant shall submit, within 90 days of beginning operations, and at annual intervals from the date of issuance of the Special Permit, existing measurements of RFR from the facility. Such measurements shall be signed and certified by a RF engineer, stating that RFR measurements are accurate and meet FCC Guidelines as specified in the Radio frequency Standards section of this Regulation.

8.10.9.2 After the Regulated Facility is operational, and where required by the Commission, the applicant shall submit, within 90 days of the issuance of the Special Permit, and at annual intervals from the date of issuance of the Special Permit, existing measurements of noise from the regulated facility. Such measurements shall be signed by an acoustical engineer, stating that noise measurements are accurate and meet the Noise Standards sub-section of this regulation.

8.10.9.3 The applicant and co-applicant shall maintain the Regulated Facility in good condition. Such maintenance shall include, but shall not be limited to, painting, structural integrity of the mount and security barrier, and maintenance of the buffer areas and landscaping.

A8.10.10.0 Abandonment or Discontinuation of Use

8.10.10.1 At such time that a licensed carrier plans to abandon or discontinue operation of a Regulated Facility, such carrier will notify the Commission by certified U.S. mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than 30 days prior to abandonment or discontinuation of operations. In the event that a licensed carrier fails to give such notice, the Regulated Facility shall be considered abandoned upon such discontinuation of operations.

8.10.10.2 Upon abandonment or discontinuation of use, the carrier shall physically remove the facility within 90 days from the date of abandonment or discontinuation of use. "Physically removed" shall include, but not be limited to:

- a. Removal of antennas, mount, tower structure, equipment shelters and security barriers from the subject property.
- b. Proper disposal of the waste materials from the site in accordance with local and state solid waste disposal regulations.
- c. Restoring the location of the facility to its natural condition, except that any landscaping and grading shall remain in the after-condition.

8.10.10.3 If a carrier fails to remove a Regulated Facility in accordance with this section of this regulation, the town shall have the authority to enter the subject property and physically remove the facility. The Commission may require the applicant to post a bond at the time of construction to cover costs for the removal of the Regulated Facility in the event the Town must remove the facility.

A8.10.11.0 Reconstruction or Replacement of Existing Towers and Monopoles.

Guyed towers, lattice towers, utility towers and monopoles in existence at the time of adoption of this regulation may be reconstructed, altered, extended or replaced on the same site by Special Permit, provided that the Commission finds that such reconstruction, alteration, extension or replacement will not be substantially more detrimental to the neighborhood and/or the Town than the existing structure. In making such a determination, the Commission shall consider whether the proposed reconstruction, alteration, extension, or replacement will create public benefits such as opportunities for co-location, improvements in public safety, and/or reduction in visual and environmental impacts.

A8.10.12.0 Term of Special Exception

A Special Permit issued for any ground mounted tower over fifty (50) feet in height shall be valid for fifteen (15) years. At the end of that time period, the regulated facility shall be removed by the carrier or a new Special Permit shall be required which shall be subject to the regulations in effect at that time.

Note: The existing Section 8.10 shall remain in the Zoning Regulations. Wireless communication tower applications received prior to the effective date of the above amendment shall be reviewed in accordance with Section 8.10.

8.10 TRANSMISSION TOWERS. A special permit may be granted for the erection and operation of radio relay and similar towers in any zone. In approving applications the Commission must find the following:

- 8.10.1 That the tower is located a distance from any property line which exceeds the height of the tower.
- 8.10.2 That the tower is required for the public interest, convenience or necessity.
- 8.10.3 That the proposed location is necessary and that alternate locations where similar special permit uses are located are not available.
- 8.10.4 That the visual inconvenience of the location is clearly less than the public necessity which requires the tower.

SECTION 8.11 – WIND TURBINES (effective 9-14-09)8.11 WIND TURBINES

Wind turbines are designed to generate electricity to supplement or supplant power from the local electric utility company. This regulation covers residential/commercial not-for-resale electric generating systems and metrological test towers.

Wind turbines may be permitted through a Special Permit and Site Plan Approval from the Harwinton Zoning Commission. The following requirements and conditions shall apply.

8.11.1 ONE TURBINE AND TOWER PER PROPERTY

A single wind turbine shall be permitted per lot. Minimum lot acreage to support a wind turbine shall be five (5) acres. Tower shall be located on the property in a location to provide minimal visual impact. Only monopole or lattice frame towers shall be considered unless otherwise approved per following:

Application details

All tower designs shall be free-standing, not requiring support guy wires.

Fall distance and ice throw distance of tower and turbine blades shall be calculated at 1.5 times the total height of tower and blades and be within property boundaries.

Maximum generating power shall be 10 KW. Only one turbine assembly permitted per tower.

Maximum tower plus blade height to be determined by the Commission based on location and application details, but not to exceed 125 feet above ground level.

8.11.2 VISUAL

Impact shall be assessed on a site-specific basis. Advertisements on towers shall be prohibited. Blades shall be painted/fabricated a neutral color in a low-gloss finish to minimize blade glare. A six (6) foot high fenced enclosure with a locking gate shall be required with a warning sign posted on the fencing. All electrical cables shall be underground. Painting of ancillary control facilities shall be a neutral color.

8.11.3 INTERFERENCE

The wind turbine shall not interfere with satellite and/or cell phone reception on adjacent properties as depicted on site plan. Wind Turbines shall be inaudible at surrounding residences in a 25 MPH wind.

8.11.4 REMOVAL

A plan for decommissioning and removing the structure once it has reached its lifespan shall be included in the application. On larger units a performance bond may be required. If a turbine ceases operation for two or more years the owner shall be required to dismantle the structure.

8.11.5 APPROVAL

Applicant shall submit proof of notification of adjoining property owners and all other property owners within 200 feet of the property on which the tower is to be located. Applicant shall submit a complete application including all items as listed below. Following this the Commission will schedule a Public Hearing.

8.11.6 APPLICATION SUBMITTAL

Application shall include all the following:

- A) Site plan including all adjoining properties per 8.11.5 above, distances to these structures, location of tower, contour lines, distances to and heights of any potential wind barriers, i.e., trees, buildings, hills, etc.
- B) Manufacturer's data including photographs, KW rating, sound dB rating at specified distances and wind speed, factory supplied tower design details including specified foundation and mounting data. Data on maximum safe sustainable wind velocities shall be included.
- C) If the support tower and the foundation design are not being provided by a manufacturer, certified tower design and support drawings are required, with as-built drawings signed by a professional engineer.
- D) If the power generated is proposed to be integrated with the local electric utility company, proof of acceptance of the system from the electric company is required prior to final approval of the installation, per CL&P "Certification for Generating Facilities, 10 KW and Less."
- E) Applicant shall provide Before and Test color photographs of the proposed Tower location taken from residential, historical or environmental sites as selected by the Commission. The Before photographs shall show the location where the tower would be located and the Test photographs shall show the same view with a tethered colored balloon flying at the height and location of the proposed tower. Date and time of balloon test shall be included in the notification to surrounding property owners per 8.11.5 and shall be conducted prior to the public hearing.

SECTION 9 - OFF-STREET PARKING AND LOADING

- 9.1 GENERAL. Off-street parking facilities shall be provided to serve all buildings and uses according to the following standards and requirements.
- 9.2 OFF-STREET PARKING PLAN REQUIRED. An application for a building permit for the erection or enlargement of any building or structure for which off-street parking is hereinafter required, or an application for uses requiring a public hearing or site plan approval shall be accompanied by a site plan of not less than 1" = 40' scale showing parking area and space, including the means of access and interior circulation and traffic control.
- 9.3 DESCRIPTION OF PARKING SPACES AND AREAS. Each parking space shall have an area of not less than nine (9) feet by eighteen (18) feet, plus adequate driveways and aisles.

No area shall be credited as a parking space which is in any part also credited or used as a loading space.

All required parking spaces (except for single-family residences and other special permit uses related to a single family residence) shall be located on paved surfaces, drained and permanently marked to delineate individual parking spaces (also note provisions of Section 9.7). Parking areas shall be maintained by the owner of the premises.

- 9.4 LOCATION OF PARKING AREAS. No parking space shall be located within twenty five (25) feet of a front property line, fifteen (15) feet of a side property line or ten (10) feet of a rear property line. Where parking areas for a non-single family residential use abut a residential zone, parking areas and circulation drives shall not be located within the required front, side or rear yards. No parking areas shall be permitted within a Landscape Buffer Area as required in these Regulations.
- 9.5 OFF-STREET PARKING LOT LANDSCAPE REQUIREMENT. The Commission may require landscape planting, parking islands and site improvements to reduce the visual and noise impact of proposed parking areas.
- 9.5.1 Interior Landscape. Off-street parking areas shall have at least ten(10) square feet of interior landscape for each parking space excluding those parking spaces which abut the perimeter of the parking area where said perimeter is landscaped in conformance with the requirements of these Regulations for a landscape buffer area.
- 9.5.2 Minimum Dimensions. Each interior parking lot landscape area shall contain a minimum of fifty (50) square feet and shall have a minimum dimension of at least five (5) feet and shall include at least one (1) tree (having a clear trunk of at least five (5) feet, with the remaining area adequately landscaped with shrubs, ground cover or

other authorized landscaping material not to exceed three (3) feet in height.
 Landscape areas shall be located to divide and break up the expanse of paving.

9.6 OFF-STREET PARKING REQUIREMENTS

<u>Use</u>	<u>Required Off-Street Parking Spaces</u>
Single family dwelling	2/dwelling unit
Multi-family dwelling	2/dwelling unit
Elderly housing	1.5/dwelling unit
Accessory apartment	2/apartment unit
Bed and Breakfast	1/guest room
Hospital, rest home and nursing home	1/each 3 beds
Day Care facility	2/1000 sq. ft. of gross floor area←
Bank	10/1000 sq. ft. of gross floor area
Church, theater, assembly hall	1/each 3 seats
Office, professional/business	5/1000 sq. ft. gross ft. area
Medical office/vet clinic	6.5/1000 sq. ft. gross ft. area
Retail store up to 10,000 sq. ft of gross fl. area	6.5/1000 sq. ft. gross ft. area
Shopping center over 10,000 sq. ft. of gross fl. area	5/1000 sq. ft. gross ft. area
Restaurant, low turnover	6.5/1000 sq. ft. gross ft. area
Restaurant, high turnover	15/1000 sq. ft. gross ft. area
Bowling alley, tennis court, etc.	5/each alley or court
Club	6.5/1000 sq. ft. of gross ft. area
Funeral Home	20/1000 sq. ft. of gross ft. area
Motor vehicle service/repair	5 bay, minimum 10
Motor vehicle showroom	10/1000 sq. ft. of gross ft. area
Hotels and motels	1/guest room & 1/each employee
Industrial, warehouse or manufacturing	1/each employee on largest shift

←In all cases the calculation of gross floor area shall not include an unfinished basement.

9.7 SPECIAL PERMIT RELATED TO PARKING REQUIREMENTS. The Commission may, after a public hearing, grant a special permit to:

- 9.7.1 Decrease the number of parking spaces required up to fifty percent (50%) by creating a future reserve parking area shown on the site plan, or
- 9.7.2 Modify the surface construction requirements of the proposed reserve parking area to decrease storm water run-off and increase groundwater infiltration.
- 9.7.3 Modify the surface construction requirements to allow alternative all-weather surfaces.

The Commission may require a site plan prepared in accordance with Section 7 and information concerning the number of employees, visitors, and other persons expected to use the parking area. In considering the request for special permit, the Commission shall apply the general standards set forth in Section 8.

As a condition of approval for a decrease in the number of parking spaces required, 9.7.1 above, the site plan shall stipulate that the owner and all successive owners will install any or all of the reserve spaces, as the Commission deems necessary within six (6) months of the Commission's request.

9.8 OFF-STREET LOADING REGULATIONS.

9.8.1 In any zone, in connection with every building or part thereof hereafter erected, having a gross floor area of 10,000 square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, hospital, laundry, dry cleaning, or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained on the same lot with such building, one (1) off-street loading space for each 20,000 square feet or major fraction thereof of gross floor area so used in excess of 20,000 square feet.

- a. Each loading space shall be not less than ten (10) feet in width, twenty-five (25) feet in length, and fourteen (14) feet in height.
- b. No such space shall be located within the required setback line or within fifty (50) feet of a residential zone unless wholly within a completely enclosed building or unless enclosed on all sides by a wall or uniformly painted board fence not less than six (6) feet in height.

9.9 CLASSIFICATION OF USES. Where separate parts of a land use building or structure are used for more than one of the uses listed in Section 9.6, the number of required spaces shall be determined by adding the number of spaces required for each type of use.

9.10 JOINT USE. As a Special Permit, joint parking areas and loading spaces may be established by the owners of separate lots in order to provide the total number of off-street parking and loading spaces required for the uses for each lot. The Commission may require a long term lease or other legal agreement as a condition of approval for a joint parking use.

SECTION 10 - SIGNS

10.1 SIGN IN RESIDENCE ZONES. In residence zones, the following signs only are permitted:

- 10.1.1 A non-illuminated nameplate or sign giving only the name of occupant or use of the premises not over two (2) square feet in area.
- 10.1.2 A non-illuminated real estate sign not over eight (8) square feet in area and set back from the front lot line at least twenty (20) feet, advertising the sale or lease of the premises on which the sign is displayed, except that a sign not over thirty-two (32) square feet in any area may be allowed under a permit for not more than six (6) months to advertise a real estate development.
- 10.1.3 A contractor's sign not over twelve (12) square feet in area when displayed on the premises while active construction is in progress.
- 10.1.4 Bulletin boards on premises of churches and education institutions not over twelve (12) square feet in area when located at least ten (10) feet back from the front lot lines.

10.2 SIGNS IN RETAIL, OFFICE AND INDUSTRIAL ZONES. In these zones the following signs are permitted:

- 10.2.1 Signs permitted in residential zones. (See 10.1)
- 10.2.2 Business signs for permitted uses, except that a total area of all wall, or canopy, or free standing signs shall be limited to one (1) square foot for every running foot of building frontage. In no case, however, shall more than one (1) free standing sign be used for each lot and such sign shall be limited to thirty-two (32) square feet. Both sides of a sign may be used, but not more than sixty-four (64) square feet shall be used in a business zone. No flashing, rotating, or intermittent illumination shall be permitted.

10.3 PERMITTED SIGNS FOR USES IN ZONES REQUIRING SITE PLANS.

- 10.3.1 No sign shall be permitted in any zone within which an approved site plan is required unless such sign is shown on an approved site plan, and the illustration of such sign has been approved by the Commission.
- 10.3.2 In reviewing the signs in these zones, the Commission shall consider the size and scale of the sign in relation to its specific location, purpose of the sign, and other buildings in its immediate vicinity.

- 10.3.3 No sign shall be approved which is internally lighted or which in the judgment of the Commission is not required to identify the use to which it relates. Replacement of approved signs which are the same size and shape, with only the wording changed shall not require reapproval. The location of traffic directional signs must be shown on the site plan, but the area of these signs is not included in the calculation of maximum allowed total sign area.
- 10.4 MULTIPLE SIGNS.
- 10.4.1 Multiple signs required for multiple uses on single lots shall be limited to the area requirements of this Section, and further shall be limited to one (1) wall or canopy sign per use and one (1) free standing sign for the total area. The Commission may vary this requirement where, in its judgment, the specified use and its related sign requirement are of such peculiar or extraordinary nature as to require such variation.
- 10.5 TEMPORARY OUTDOOR SIGNS. Temporary outdoor signs for political, charitable, and civic purposes shall be permitted in all zones under the following conditions:
- 10.5.1 A temporary permit is issued by the Zoning Enforcement Officer which clearly states the purpose, size, location and tenure of the sign or signs.
- 10.5.2 No permit shall exceed sixty (60) days and the sign or signs shall be removed by the applicant prior to the expiration of the permit.
- 10.5.3 No sign shall exceed thirty-two (32) square feet, but both sides may be used for a total display area not to exceed sixty-four (64) square feet.
- 10.6 PERMANENT SIGNS FOR PUBLIC PURPOSES. Permanent signs for municipal, civic, charitable, or non-profit purposes are permitted as a special exception in any zone following a public hearing.
- 10.6.1 No sign shall be approved which is internally lighted.
- 10.6.2 Written permission from the property owner or agency having jurisdiction over the property where the sign is to located shall be obtained.
- 10.6.3 No sign shall exceed thirty-two (32) square feet, but both sides may be used for a total display area not to exceed sixty-four (64) square feet.
- 10.6.4 All signs specified in the “Manual On Uniform Traffic Control Devices for Streets and Highways” by the U.S. Department of Transportation, Federal Highway Administration, as amended, shall be exempt from the provisions of this Section.

10.7 PERMANENT SIGNS AS ENTRY TO SUBDIVISIONS AND INDUSTRIAL PARKS

Permanent landscaped signs showing only the name of the subdivision or industrial park shall not be considered as “signs” within the context of these regulations. They are listed as special permit uses in the appropriate zone.

10.8 REMOVAL OF SIGNS BY THE TOWN

Any sign not conforming to the zoning requirements of the zone in which it is located may be removed by the Town.

SECTION 11 - LANDSCAPE BUFFER REQUIREMENTS

- 11.1 LANDSCAPE BUFFER REQUIRED ABUTTING RESIDENTIAL ZONE. Where a Multi-Family, Retail Service or Light Industrial abuts a single family Residential Zone (CR, TR, LH), a landscape buffer at least 50 feet in depth along the abutting property line shall be provided and maintained by the owner. The landscape buffer area shall be a part of the setback requirement listed in Section 5. This area shall not be used for storage of materials or parking of cars and trucks.

The landscape buffer shall consist of:

- a. Trees and shrubs planted according to a planting plan designed by a Connecticut registered landscape architect to provide a visual screen of plantings at least 15 feet deep using approved, hardy indigenous plant materials of which at least 30% shall be evergreen.
- b. The remainder of the depth of the 50 foot landscape buffer shall be planted with trees or shrubs or shall be planted and maintained as lawn consisting of acceptable permanent grasses.
- c. Existing suitable natural landscape growth shall be preserved where practical and supplemented with new planting according to the foregoing regulations in order to provide the required landscape screening.
- d. Permanent structures such as fences, walls, etc. may be approved to supplement existing or proposed plantings where in the opinion of the Commission the intent of these Regulations will be served.
- e. Existing and proposed grading shall also be considered in evaluating the proposed landscape buffer plan.

SECTION 12 - NON-CONFORMING SITUATIONS12.1 INTENT.

12.1.1 General. Within the zones established by these Regulations there exist lots, buildings, structures and uses which were lawful before these Regulations were adopted or amended, but which would be prohibited, regulated or restricted at present. Where such a non-conforming situation has not been changed to conformity with these Regulations or otherwise terminated it may remain and be continued and shall not be required to conform to these Regulations.

12.1.2 Non-conforming Uses Incompatible. Non-conforming uses are declared by these Regulations to be incompatible with permitted uses in the zones involved.

12.1.3 Building on Non-conforming Lots. A permit may be issued for the erection of a building on any lot, recorded in the Harwinton Land Records, that was made non-conforming with respect to area, frontage or width requirements, by the adoption of, or any amendment to, these Regulations or the Zoning Map, provided:

- a. The owner of any such lot did not own sufficient adjoining land at the time of the adoption of said Regulations April 28, 1955 or said amendments to conform therewith, or more nearly therewith, and
- b. All yard and open space requirements of the Regulations are met, and
- c. Adequate provision is made for protecting the general health, safety, and welfare and providing adequate access, drainage facilities, and protection of the nearby properties, and
- d. The lot has not been used in conjunction with adjacent property to the extent that its identity has merged with adjacent property in the same ownership. Uses or activities that may cause the identity of a lot to be merged with adjacent properties include, but are not limited to the following:
 1. Allowing two or more parcels to be assessed as one building lot, or
 2. Construction of a structure crossing the property line, or
 3. Location of an accessory structure (tool shed, pool, garage, etc.) on the lot, or
 4. Having utilities and/or services (electrical, telephone, sewer, water, septic system, etc.) on or crossing the lot without having an easement or documented distinction between the parcel being serviced and the lot in question, or
 5. Having a driveway, parking area, accessway or similar facility on or crossing the lot, or
 6. Planting and/or maintaining a garden, lawn, row of planted trees or shrubs, fence, or similar improvement (s) on or encompassing the lot or portion of the lot, or

7. Other actions of the lot owner that indicate that they have treated the lot as a portion of the adjoining property.

When the owner of two or more adjacent non-conforming lots abandons the separate, non-conforming status of the lots by failing to comply with any of the above standards, the non-conforming lots shall be eliminated and the parcels shall, for purposes of these Regulations, be considered merged into one or more conforming lots or a single more nearly conforming lot. This shall apply even if one or more of the non-conforming lots has been developed. Once considered merged the lots may not be sold, conveyed, altered, or otherwise used as separate lots.

12.2 RESTRICTIONS ON NON-CONFORMING LOTS.

- 12.2.1 A non-conforming lot may be used, and a structure thereon may be constructed, reconstructed, enlarged, extended, moved or altered, provided that the use and structure shall conform to all other requirements of these Regulations.

12.3 RESTRICTIONS ON NON-CONFORMING STRUCTURES.

- 12.3.1 A non-conforming structure shall not be enlarged except in conformity with these Regulations.
- 12.3.2 A non-conforming structure damaged or destroyed by fire, flood, explosion, Act of God or the public enemy may be restored and used as before if such restoration is completed with 2 years after the damage or destruction occurred.

Restoration of non-conforming structures shall not further reduce established setbacks or increase the floor area or the lot area occupied.

- 12.3.3 A non-conforming structure which is moved for any reason and for any distance shall thereafter conform to the regulations for the zone in which it is located.

12.4 RESTRICTIONS ON NON-CONFORMING USES.

- 12.4.1 A non-conforming use of land, where no structure is involved, may be continued, provided that:
 - a. It shall not be enlarged or increased, or moved, or extended to occupy more land than at the effective date of these Regulations.
 - b. If it is changed to a conforming use, future use of the land shall be in conformity with these Regulations.
 - c. Any structure erected in connection with the non-conforming use shall be in conformity with these Regulations.

- 12.4.2 Non-conforming uses of buildings or structures, or of buildings or structures and land in combination:
- a. A building or structure the use of which is non-conforming may be extended only throughout those parts of the structure which were manifestly arranged or designed for such use at the effective date of these Regulations.
 - b. A building or structure, the use of which is non-conforming, shall not be enlarged, extended, altered, reconstructed or moved, unless the use therein is changed to a conforming use.
- 12.5 TERMINATION. Except as provided for in 12.4.2 above, no non-conforming situation or use shall be resumed or restored.
- 12.5.1 If such use or situation has in fact not existed (without regard to any intent to abandon or resume) for a period of one year from the date of cessation or from the effective date of the pertinent prohibiting regulation whichever is later; or
- 12.5.2 If it is abandoned.

SECTION 13 – EXCAVATION, GRADING, FILLING OR REMOVAL OF EARTH

- 13.1 GENERAL. There shall be no excavation grading, filling, redistribution, introduction or removal of earth-based material of any nature in excess of 50 cubic yards without a special permit.
- 13.2 EXCEPTIONS. The provisions of this Section and the requirements to obtain a permit shall not apply to the following cases:
- 13.2.1 Excavation for the foundation/basement of a building or alteration of a structure for which a building permit has been issued, provided that less than 50 cubic yards is disturbed or removed.
- 13.2.2 The landscaping and/or improvement of an existing structure that will not adversely affect the surrounding area and the neighboring residences provided that less than 50 cubic yards is disturbed or removed.
- 13.2.3 Excavation, grading, filling or removal in conformance with an approved permit for installation of underground utilities.
- 13.2.4 Excavation, grading, filling, redistribution, introduction or removal in conformance with an approved subdivision and/or site development plan, except as provided hereafter. When the Planning Commission or Zoning Commission determine that subdivision or site development plans include significant grade changes that require extensive excavation and grading operations in terms of time duration and/or material removed, an Excavation and Grading permit prior to commencement of construction may be required.
- 13.3 SPECIAL PERMIT APPLICATION. Application for special permit under this section shall be submitted in writing to the Zoning Commission and shall be accompanied by the following:

A general description of the proposed work and its location.

Four (4) copies of maps and plans prepared by a professional engineer or land surveyor licensed to practice in the State of Connecticut, showing all of the following information:

- a.) Property lines and streets adjoining the lot and the names of owners of property adjoining the lot.
- b) The location and exterior limits of the area to be excavated, graded or filled.
- c) Existing contour lines on the lot, drawn to a scale of not less than 40 feet to the inch and with a contour interval not exceeding two (2) feet.

- d) Proposed contour lines within the area to be excavated, graded, filled or removed drawn to a scale of not less than 40 feet to the inch and with a contour interval not exceeding two (2) feet.
- e) Existing and proposed drainage on the lot and existing rivers, streams, watercourses, ponds, swamps and wetlands on or within 200 feet of the lot.
- f) Proposed vehicular access to the lot and any proposed work roadways.
- g) The location on the lot of any wooded areas, rock outcrops and existing and proposed buildings, structures and processing equipment.
- h) An estimate of the number of cubic yards of material to be excavated, graded, filled or removed.

Other: The Zoning Commission may request the submission of such additional information that it deems necessary in order to decide on the application.

13.4 APPROVAL. After a public hearing is held the Commission may grant the application to permit the excavation, grading, filling or removal if it shall find that the following standards and conditions will be met:

13.4.1 The excavation, grading, filling or removal shall be carried out in accordance with the maps and plans as approved by the Commission and within the exterior limits shown thereon;

13.4.2 The excavation, grading, filling or removal shall not result in sharp declivities, pits or depressions or soil erosion, drainage or sewerage problems or condition which would impair the reasonable reuse and development of the lot for purposes permitted under these Regulations in the zone where the lot is located;

13.4.3 At all stages of the work, proper drainage shall be provided to avoid stagnant water soil erosion problems, excessive runoff, silting of streams and damage to public property, streets and drainage facilities.

13.4.4 Truck access to the lot and the work area shall be so arranged as to minimize traffic hazards on streets and to avoid nuisance to residents of the neighborhood.

13.4.5 There shall be no washing or crushing of material except in a Light Industrial zone.

13.4.6 No building or other structure shall be erected on the lot except as may be otherwise permitted in the zone or, as approved by the Commission, as a temporary shelter for equipment and field office;

13.4.7 The work shall be limited to such hours as are determined reasonable by the Commission and to such days as specified by the Commission. The Commission may restrict the type of operation, the types and location of equipment, the use of explosives or any other aspect of the operation which may have adverse impacts on the surrounding properties.

13.4.8 Proper measures shall be taken to minimize nuisance from noise, dust, vibration and flying debris; all trucks shall be covered; suitable fences or other barricades shall be provided around the excavation to protect pedestrians and vehicles; roads which have been damaged as a result of the applicant's operations shall be repaired by the applicant.

Any deviation from the plan and above conditions without the consent of the Zoning Commission shall be cause for the Commission to revoke the permit.

- 13.5 BONDING. Before a permit is granted under this section, the applicant may be required to post a cash bond or letter of credit with the Town of Harwinton in an amount approved by the Commission as sufficient to guarantee conformity to the provisions of the permit.
- 13.6 TIME LIMIT. Each application granted under this Section shall be valid for a period of one (1) year or for such shorter period as may be requested by the applicant or fixed by the Commission. The Commission may, by resolution, renew the permit annually when the applicant presents copies of site plans, prepared by and bearing the seal of a professional engineer or land surveyor, showing that the excavation, grading, filling or removal is progressing as approved. The special permit shall not be renewed unless the excavation completed to date conforms with the approved site plan.
- 13.7 EXISTING OPERATIONS. All legal existing operations which were established prior to the effective date of this Regulation (9/14/09) may continue as they are for a period of one (1) year from such effective date, after which time they shall be subject to all requirements of this Section.
- 13.8 RETURN OF BOND. Upon completion of the operation, in accordance with the terms of the permit, the applicant may apply to the Commission for the return of the bond filed as provided in this Section, and if the Commission is satisfied that the work has been completed as required, the bond shall be returned to the applicant, but otherwise the bond shall remain in full force and effect. Final Grade Site Plans shall be required prior to return of any bond.

The Commission and Zoning Enforcement Officer, or their authorized agents, shall at all times have reasonable access to the lot for the purpose of inspection and determination of compliance with this Section. The Commission may require the applicant to submit periodic reports, prepared by and bearing the seal of a land surveyor or engineer, showing the status and progress of the work.

(Amended 9/14/09)

SECTION 14- ZONING BOARD OF APPEALS

14.1 AUTHORITY. The Zoning Board of Appeals is duly constituted pursuant to Chapter 124, Section 8-5 of the Connecticut General Statutes.

14.2 POWERS AND DUTIES. The Zoning Board of Appeals shall have the following powers and duties, all of which shall be exercised subject to appropriate conditions and safeguards in harmony with the purpose and intent of these Regulations, the Plan of Development and in accordance with the promotion of the health, safety, welfare and maintenance of property values in the Town of Harwinton:

14.2.1 Appeals.

To hear and decide appeals where it is alleged that there is an error in any order or decision made by the Zoning Enforcement Officer in the enforcement of these Regulations.

14.2.2 Variances.

- a. To vary the strict application of the requirements of these Regulations in cases of exceptionally irregular, narrow, shallow, or steep lots or other exceptional physical conditions as a result of which strict application would result in exceptional difficulty and unusual hardship that would deprive owners of the reasonable use of land or buildings involved.
- b. No variance in the strict application of any provision of these Regulations shall be granted by the Board of Appeals unless it finds:
 1. That there are special circumstances or conditions, fully described in the findings of the Board, applying to the land or buildings for which the variance is sought and that these circumstances or conditions are peculiar to such land or buildings and do not apply generally to land or buildings in the zone in which they are situated and have not resulted from any act subsequent to the adoption of these Regulations whether in violation of the provisions hereof, or not.
 2. That for reasons fully set forth in the findings of the Board, the aforesaid circumstances or conditions are such that the strict application of the provisions of these Regulations would deprive the applicant of the reasonable use of such land or buildings, that the granting of the variance is necessary for the reasonable use of the land or buildings, and that the variance as granted by the Board is the minimum variance that will accomplish this purpose.

3. That the granting of the variance will be in harmony with the purposes and intent of these Regulations and the Plan of Development and will not be injurious to the neighborhood or otherwise detrimental to the public health, safety and welfare.

c. The Zoning Board of Appeals shall not permit by variance any use of land or building not allowed by the provisions of these Zoning Regulations, and shall not permit by variance in any zoning district a use of land or building not allowed in such zoning district.

14.3 RULES AND PROCEDURES. The Zoning Board of Appeals shall adopt such rules and regulations as may be deemed necessary to carry out the provisions of this Section.

SECTION 15 - AMENDMENTS

These Regulations and boundaries of zones may be amended only after public hearing and other procedures required by Chapter 124 of the Connecticut General Statutes, 1958 Revision, as amended.

SECTION 16 - INVALIDATION

The invalidity of any section or provision of these Regulations shall not invalidate any other section or provision thereof.

APPENDIX A
FEE SCHEDULE

Fee for:
Zoning Permit
where no Site Plan
Review is required

\$5.00 for each \$1,000 (or fraction thereof) of fair market value of the permitted construction, i.e., sheds, pools, etc.
Minimum fee - \$10.00 Maximum fee - \$30.00

Zoning Permit with
Site Plan Review:

\$5.00 for each \$1,000 (or fraction thereof) of fair market value of the permitted construction.
Maximum fee - \$100.00

THE FOLLOWING FEES ARE IN ADDITION TO THE FEE FOR A ZONING PERMIT

Fee for:
Special Permit or other
Permit involving a
Public Hearing plus
Site plan review, if appropriate

\$210.00. The Special Permit fee is used to defray the cost of newspaper notice publication and other costs associated with conduct of a public hearing. (Includes \$30 state fee).

Site Plan Review:

Retail Service Zone, Light \$300.00 for \$100,000 value or less;
Industrial Zone, Planned \$500.00 for more than \$100,000 value up to \$500,000 value
Multi-Family Zone, Planned \$200.00 additional for each \$100,000
Retail Service Zone, Planned
Industrial Park Zone

Site Plan Review where
required for all other zones: \$200.00

Petition to establish or change
Zoning District Boundary Lines

- a. For any single family,
Residential zoning districts
(CR, TR, LH zones) \$500.00
- b. For all other Zoning
Districts (RS, LI, PMF,
PIP, FH) \$1000.00

Petition for change to Zoning

Regulations (text)	\$500.00
Fee for:	
Erosion and Sediment Control Plan Inspection	\$50.00 for each inspection
Site Inspection that does not include soil and erosion control, i.e., set back inspections	
	\$25.00 per inspection
Fee for:	
Home Occupation and Professional Office	\$200.00 Special Permit fee plus \$25.00 annual renewal
Fee for:	
Bed and Breakfast	\$300.00 Special Permit fee plus \$50.00 annual renewal
Fee for Certificate of Compliance	\$50.00

\$30.00 State fee PA92-235 amended by PA03-6 to be collected for each application.

(effective 10/6/08)

IF PROPERTY OWNER DOES NOT COME INTO COMPLIANCE, A CEASE AND DESIST ORDER WILL BE ISSUED AND INSPECTION AND REVIEW FEES WILL BE CHARGED AT THE RATE OF \$50.00 PER HOUR (OR A FRACTION THEREOF).

Fees: The schedule of fees to be charged for applications shall be as set forth in Addendum A of these regulations.

In addition, estimated fees for outside consultant services required to review and inspect a project shall be paid at the time application is received. If the appropriate fee is not paid when due, the application shall be deemed incomplete and may be denied for that reason.

In accordance with Ordinance 102, Base Application Fees shall be considered the minimum application fee required for a routine application. When the anticipated cost of processing an application exceeds the base application fee due to the need for additional outside consultant services, beyond the standard fees, the Zoning Commission may charge the applicant an additional surcharge fee to cover the estimated reasonable cost of such consultant services. Any portion of the estimated surcharge fee not expended by the Town on such services shall be refunded to the applicant. In addition, the Zoning Commission may charge the applicant an additional surcharge fee to cover the actual, reasonable cost of outside consultant services required to review and inspect a project with approval contingent upon final payment of those fees once an approval has been issued in order to ensure compliance with the regulations and conditions of approval.

