

**CITY OF  
TORRINGTON  
CONNECTICUT  
ZONING  
REGULATIONS**

**Torrington Planning and Zoning Commission  
Revised to February 26, 2009**

**Effective date of Zoning Regulations:  
12/24/57**

# **TORRINGTON PLANNING AND ZONING COMMISSION**

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**CITY OF TORRINGTON**  
**ZONING REGULATIONS**  
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## Section 1.0 GENERAL

### 1.1 Purpose

The purpose of these regulations is to promote the health, safety and general welfare, to protect public water supply areas, to promote quality of life and economic viability and to encourage the most appropriate use of land throughout the City of Torrington in accordance with a Comprehensive Plan. To accomplish these purposes, it is necessary to regulate the height and size of buildings and other structures, the density of population, and the location and use of buildings, structures, signs and land. It is also necessary to establish zoning districts and define their boundaries and to provide procedures for the administration and amendment of these regulations. All applications made under these regulations will be processed as expeditiously as possible.

### 1.2 Zoning Districts

The City of Torrington is divided into the following zoning districts.

Watershed Protection Zone	R-WP
Outlying Residence Zone	R-60
Outlying Residence Zone	R-40
Residence Zone	R-25
Residence Zone	R-15
Single Family Residence Zone	R-15s
Residence Zone	R-10
Single Family Residence Zone	R-10s
General Residence Zone	R-6
Restricted Residential Community	RRC
General Business Zone	G.B.
Local Business Zone	L.B.
Industrial Zone	I
Industrial Park Zone	I.P.
Restricted Commercial & Industrial Zone	CIR

### 1.3 Zone Map

The boundaries of the zoning districts are established as shown on the map entitled "Torrington Connecticut Zoning Map" which is displayed in the Planning and Zoning Office and which is hereby made a part of this regulation.

### 1.4 Zoning Boundaries

1.4.1 Where uncertainty exists as to the boundaries of zoning districts as shown on the Zoning Map, the following rules shall apply.

- A. Where zone boundaries are indicated as approximately following the center line of a street, highway, railroad, brook, stream, right-of-way or easement, such lines shall be construed to be such zone boundaries.

- B. Where zone boundaries are indicated as approximately following lot lines, such lot lines at the time of adoption of these regulations shall be construed to be such boundaries.
- C. In cases of uncertainty, the exact location of the zone boundary shall be determined by the Planning and Zoning Commission.

1.4.2 Where the boundary of a zoning district divides a lot into two or more zoning districts, the structures, parking and other activities permitted for the portion of such lot lying within the less restrictive zone may extend not more than twenty feet into the more restrictive zone provided the following condition is met.

- A. The lot is in existence, as evidenced by a deed recorded in the land records of the City of Torrington, on the effective date of these regulations or on the effective date of any amendment to these regulations establishing a zoning boundary.

## 1.5 Basic Requirements

1.5.1 No land shall be used, and no building or structure shall be erected, altered, moved, used or occupied except in conformance with these regulations.

1.5.2 No lot, or part thereof, shall be conveyed if the conveyance results in either:

- A. a reduction of any setback, area, lot width, off-street parking, open space, impervious surface ratio or buffer below that required by these regulations; or
- B. a reduction of any non-conforming setback, area, lot width, off-street parking, open space, or buffer.

1.5.3 Two or more lots are to be treated as a single lot if one or more of the lots are:

- A. non-conforming as to area, setbacks, lot width, off-street parking, open space or buffer area;
- B. contiguous; and
- C. under the same ownership prior to December 24, 1957.

Such lots shall be conveyed as one lot.

1.5.4 Within a residential zone, the erection of a single family dwelling on a lot which is smaller in area or lot width than required by these regulations is permitted provided all the following conditions are met.

- A. Such lot has been either:
  - 1. duly recorded by deed in the City of Torrington land records prior to December 24, 1957; or
  - 2. is in a subdivision or resubdivision approved by the Planning and Zoning Commission and recorded in the City of Torrington land records.
- B. The owner of the lot does not own sufficient contiguous land to make a conforming, or more nearly conforming, lot (see Section 1.5.3 above).

### **1.5.5 Conservation Restrictions and/or Preservation restrictions (Effective 2/26/09)**

- 1.5.5 For any permit application involving property subject to a conservation restriction or preservation restriction, the following shall apply:
- a. for purposes of this section, “conservation restriction” means a limitation, whether or not stated in the form of a restriction, easement, covenant or condition, in any deed, will or other instrument executed by or on behalf of the owner of the land described therein, including but not limited to, the state or any political subdivision of the state, or in any order of taking such land or water areas predominantly in their natural, scenic, or open condition or in an agricultural farming, forest or open space use.
  - b. For purposes of this section, “preservation restriction” means a limitation, whether or not stated in the form of a restriction, easement, covenant or condition, in any deed, will or other instrument executed by or on behalf of the owner of land, including, but not limited to, the state or any political subdivision of the state, or in any order of taking of such land whose purpose is to preserve historically significant structures or sites.
  - c. No person shall file a special exception application, site plan application or zoning permit application, other than for interior work in an existing building or for exterior work that does not expand or alter the footprint of an existing building, relating to property that is the subject to a conservation restriction or preservation restriction unless the applicant provides proof that the applicant has provided written notice of such application, by certified mail, return receipt requested, to the party holding such restriction not later than sixty days prior to the filing of the permit application.
  - d. In lieu of such notice pursuant to subsection 1.5.5.c, the applicant may submit a letter from the holder of such restriction or from the holder’s authorized agent, verifying that the application is in compliance with the terms of the restriction.
  - e. In the case of an application where the applicant has provided written notice pursuant to subsection 1.5.5.c of these regulations, the holder of the restriction may provide proof to the Planning and Zoning Commission or Zoning Enforcement Officer that granting of the permit application will violate the terms of the restriction. Upon a finding that the requested land use violates the terms of such restriction, the Planning and Zoning Commission or Zoning Enforcement Officer shall not grant the permit approval.
  - f. In the case of an application where the applicant fails to comply with the provisions of subsection 1.5.5.c or 1.5.5.d of these regulations, the party holding the conservation or preservation restriction may, not later than fifteen days after receipt of actual notice of permit approval, file an appeal with the Planning and Zoning Commission or Zoning Enforcement Officer, subject to the rules and regulations of such agency relating to appeals. The Planning and Zoning Commission or Zoning Enforcement Officer shall reverse the permit approval upon a finding that the requested land use violates the terms of such restriction.

## Section 2.0 DEFINITIONS

### 2.1 General Terms

The following words and phrases shall be construed throughout these regulations to have the meaning indicated in this section.

- 2.1.1 Words used in the present tense include the future.
- 2.1.2 Words uses in the singular include the plural; the plural includes the singular.
- 2.1.3 The word "City" means the City of Torrington, Connecticut.
- 2.1.4 The word "regulation" means the City of Torrington Zoning Regulations.
- 2.1.5 The word "shall" is mandatory; the word "may" is permissive.
- 2.1.6 The word "Board" means the City of Torrington Zoning Board of Appeals.
- 2.1.7 The word "Commission" means the City of Torrington Planning and Zoning Commission.
- 2.1.8 The term "City Planner" means the City of Torrington City Planner or his or her designee.

### 2.2 Specific Terms

**Accessory Apartment** - a dwelling unit which is smaller and secondary in nature to the principal dwelling unit and is contained within the same building as the principal dwelling unit.

**Accessory Building** - any building detached from the principal building and customarily incidental, subordinate and related to the principal building or use. The accessory building is on the same lot as the principal building or use.

**Accessory Structure** - any structure detached from the principal building and customarily incidental, subordinate and related to the principal building or use. The accessory structure is on the same lot as the principal building or use.

**Accessory Use** - any use of land, building or structure which is incidental, subordinate and related to the principal building or use. The accessory use is on the same lot as the principal building or use.

**Accessway** - A strip of land fronting on a City accepted street that serves as the means of obtaining access to the useable portion of a flag lot. The accessway is part of the lot which it serves.

**Active Adult Housing** - A residential community intended to provide housing for residents aged 55 and over, without the provision of regular in-home medical services. (Added 2/2/05)

**Adult Day Care Center** - A facility designed to meet the needs of functionally impaired adults through a structured, comprehensive program that provides a variety of health, social and related support services, including appropriate therapy, rehabilitation and supervision services, in a protective setting during any part of a day. **(Rev. 12/19/98)**

**Affordable Housing** - dwelling units for which households pay thirty percent (30%) or less of their annual income in either rent or mortgage payments and real estate taxes where such income based on family size is less than or equal to 80% of the area median income for the City as determined by the United States Department of Housing and Urban Development.

**Aisle** - an accessway through a parking area which has direct access to one or more parking spaces.

**Alcoholic Liquor** - any liquid or solid defined as "alcoholic liquor" in the Connecticut General Statutes. It includes alcohol, beer, spirits, and wine.

**Automobile Establishment** - any lot used, in whole or part, by a motor vehicle dealer or motor vehicle repairer. Any lot used, in whole or part, for an automobile service station.

**Automobile Service Station** - any lot on which gasoline is sold.

**Banner** - any sign of lightweight fabric or similar material that is permanently mounted to a pole, building or other structure by a permanent frame at one or more edges.

**Beacon** - any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; any light with one or more beams that rotate or move.

**Bed and Breakfast** - an owner occupied residential structure that rents rooms on a daily basis. **(Rev. 12/19/98)**

**Best Management Practice** - techniques that are effective practical ways for preventing or reducing pollution. **Rev. 2/1/06**

**Boarding House** - a building in which individual rooms or individual rooms and meals are provided for compensation. The individual rooms are less than 200 square feet in area and do not contain facilities for food preparation. The rooms are rented for a minimum period of one week.

**Building** - any structure having a roof and intended to be used for the sheltering of people, animals, property, or materials of any kind. Buildings include houses, garages, sheds, greenhouses, stables, factories, and barns. Temporary structures such as tents are not buildings.

**Building Coverage Ratio** - the gross ground floor area of all buildings on a parcel divided by

the area of the parcel.

**Caliper** - the diameter of a tree trunk measured in accordance with the American Association of Nurserymen Standards.

**Canopy Sign** - any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, sidewalk, or outdoor service area. A marquee is not a canopy.

**Child Day Care Center** - a facility which provides a program of supplementary care to thirteen or more children outside the children's homes on a regular basis for a part of the twenty-four hour hours in one or more days in the week.

**Congregate Care Facility** - a form of residence in which the residents are assisted by congregate meals, housekeeping, medical assistance, or personal care assistance. Any medical assistance provided is at a level less than that provided by a nursing home or hospital. The facility does not contain individual dwelling units.

**Construction Area** - any area to be graded, cleared or otherwise disturbed or in which trees are to be cut.

**Construction Sign** - a sign erected on the lot on which construction is taking place during the period which construction is occurring. A construction sign may indicate only the name of the project, the names, affiliation and location of those involved in the construction and information related to the sale or leasing of the project.

**DBH** - See 'Diameter Breast Height'.

**Density Bonus** - the number of units permitted by a special exception for affordable housing above the density limit.

**Density Limit** - the maximum number of dwelling units that could be built on a lot or the maximum number of lots that could be subdivided from a single lot in accordance with all applicable zoning regulations and inland wetland regulations. No variances, zone changes, or special exceptions affecting density would be required.

**Development** - any construction or grading activities to improved or unimproved lots.

**Diameter Breast Height** - the diameter of a tree measured 4.5 feet from the ground.

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

**Drip Line** - the farthest distance where the tree branches reach out from the tree trunk.

**Driveway** - an accessway which has no parking along it and either connects a street with a parking area or connects two distinct parking areas.

**Dwelling Unit** - One or more rooms, designed, occupied or intended for occupancy as separate living quarters with facilities for food preparation, sleeping, and sanitary facilities. The rooms and facilities are provided for the exclusive use of a single household.

**Elderly Retirement Housing and Assisted Living Facility** - A facility consisting of independent living dwelling units and assisted living dwelling units. Each dwelling unit occupied by not more than two residents per dwelling unit, at least one of whom is 55 years of age or older, said facilities shall have available on-site passive and active recreational facilities, supervised and unsupervised activities, housekeeping assistance, and fulltime health and personal care personnel to provide assisted living and personal care services including but not limited to, bathing, grooming, dressing, monitoring of medications, and other personal care assistance which may be needed. (Eff. 10/18/08)

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

**Excavation** - the removal or recovery by any means whatsoever of rock, minerals, topsoil, gravel, sand, or other earthen product from a lot.

**Family Care Facility** - a residential facility which provides services to less than seven unrelated individuals who are handicapped, aged, disabled, or in need of adult supervision. A residential facility licensed by the state for six or fewer mentally retarded persons and necessary staff persons which is not located within 1000 feet of another such residence, shall not be treated in a manner differently than a single family, detached use. A residential facility for mentally ill adults shall be a permitted use in any zone which allows two family uses. **(Rev. 6/24/00)**

**Family Day Care Home** - a residence which provides care to less than seven children, including the day care provider's own children, on a regular basis for a part of the twenty-four hours in one or more days in the week. The residence is occupied by the day care provider.

**Farm** - a lot with a minimum area of 3 acres that is used for the raising of plants or farm animals.

**Farm Animal** - any animal that is customarily kept in a barn, stable, coop, or pen. Farm animals include, but are not limited to, horses, cattle, sheep, geese, chickens, ducks, pigs, and llamas.

**Farm Directional Sign** - An off premise sign to direct drivers to a farm.

**Farm Stand** - a structure used to sell on a retail basis the products of a farm. At least 75 per cent of the products sold at the farm stand must be produced on the farm on which the farm stand is located.

**Flag** - a sign made of fabric or similar material containing distinctive colors, patterns or symbols used as a symbol of a government, political subdivision or other entity.

**Flag Lot** - a lot which has less than the minimum required lot width on a City accepted street and which is accessed by an accessway.

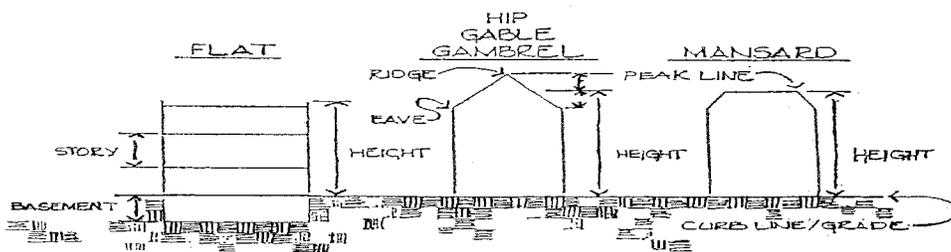
**Free Standing Sign** - any sign that is not attached to a building and is meant to be permanent.

**Grading** - any excavating, grubbing, filling (including hydraulic fill) or stockpiling of earth material or any combination thereof, including the land in its excavated or filled condition.

**Group Care Facility** - a residential facility which provides services to seven or more unrelated individuals who are handicapped, aged, disabled, in need of supervision, or undergoing rehabilitation. This includes, but is not limited to, facilities licensed by the Federal or State government such as group homes, halfway houses, and orphanages. It does not include a residential facility for mentally ill adults in any zone that allows two family uses. **(Rev. 6/24/00)**

**Group Day Care Home** - a residence or facility which provides a program of supplementary care to not less than seven nor more than twelve children on a regular basis for a part of the twenty-four hours in one or more days of the week.

**Height** - The vertical distance of a structure measured from the average finished grade ten feet out from the walls of a building to the highest part of the roof for flat roofs; to the decline of mansard roofs and; to not more than five feet above the average height between the eaves and the ridge for gable, hip and gambrel roofs. The provisions with respect to height shall not apply to roof top mechanical utility structures. **(Rev. 8/2/99)**



**Home Occupation** - any activity carried out for monetary gain by a resident as an accessory use in the resident's dwelling unit.

**Home Site** - a portion of either a mobile home park or recreational vehicle park that is used for a single mobile home or recreational vehicle.

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

**Hotel/Motel** - a facility offering transient lodging accommodations on a daily rate to the general public and providing additional services such as meeting rooms and recreational facilities.

**Impervious Surface** - areas which are generally not penetrable by moisture. This includes the building area, sidewalks, parking areas, driveways and aisles, loading areas, outside storage areas, dumpster pads, and utility fixtures. Impervious surface includes areas that are paved, unpaved, or graveled. Impervious surface does not include areas used for storm water management.

**Impervious Surface Ratio** - the area of a lot that is covered by an impervious surface divided by the total area of the lot.

**Incidental Sign** - an informational sign that is meant for the convenience and safety of those using the parcel. This includes signs such as "no parking", "loading zone", "entrance", "telephone", and "one way".

**Infiltration** - the process of percolating precipitation into the subsoil. **Rev. 2/1/06**

**Interior Road** - a road lying entirely within a mobile home park or recreational vehicle park.

**Junk** - any scrap, waste, reclaimable material, debris or other materials which are so worn, deteriorated or obsolete as to make them unusable, in their present form, for their original purpose. Junk includes vehicles, tires, vehicle parts, equipment, paper, rags, metal, glass, building materials, and household appliances.

**Junk Yard** - any parcel, used in whole or part, for the storage, processing, dismantling, disposal, sale or salvage of junk except junk used as a raw material in manufacturing processes on the same parcel.

**Kennel** - any structure(s), other than a residence, housing a total of five or more dogs, cats or other households pets.

**Landscape Gardener** - owner or operator of a commercial greenhouse, nursery, or landscaping business.

**Lot** - a contiguous piece of land described by plat, subdivision, or deed in the land records of the City Clerk's Office. The lot can be used, developed, sold, or rented as a single piece. The term "parcel" is synonymous with lot.

**Lot, Corner** - a lot either at the intersection of two or more streets or upon two parts of the same street which form an interior angle of less than 135 degrees.

**Lot, Interior** - a lot other than a corner lot.

**Lot Line** - a line of record which describes the boundaries of a lot.

**Lot Line, Front** - the lot line separating the lot from a street.

**Lot Line, Rear** - the lot line opposite and most distant from the front lot line.

**Lot Line, Side** - any lot line which is not a front or rear lot line.

**Lot, Through** - an interior lot bordering two or more streets which do not intersect at the boundaries of the lot.

**Lot Width** - the horizontal distance between side lot lines measured both at the minimum required front yard setback line and at the front lot line.

**Low Impact Development (LID)** - a site design strategy intended to maintain or replicate predevelopment hydrology through the use of small-scale controls integrated throughout the site to manage runoff as close to its source as possible **Rev. 2/1/06**

**Marquee** - any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building. It is designed and constructed to provide protection from precipitation.

**Mobile Home** - a structure, transportable in one or more sections, which is at least 8 feet in width and 32 feet in length. It is built on a permanent chassis and designed to be used as a permanent dwelling unit, with or without a permanent foundation, when connected to the required utilities.

**Mobile Home Park** - a parcel with two or more mobile homes.

**Motel** - see Hotel

**Motor Vehicle Dealer** - any person, firm or corporation engaged in the sale of motor vehicles.

**Motor Vehicle Repairer** - any person, firm or corporation engaged, on a profit or non-profit basis, in repairing, overhauling, adjusting, assembling, disassembling, or servicing motor vehicles.

**Multi-Family Dwelling Unit** - a individual dwelling unit located on a lot that has four or more dwelling units.

**Multi-Family Residence** - any lot with four or more dwelling units.

**Non-Conforming Structure** - a structure whose size, dimensions, or location was lawful prior to the adoption or amendment of the zoning regulations but which fails, because of such adoption or amendment, to conform to the present requirements of the zoning regulations.

**Non-Conforming Use** - a use or activity which was lawful prior to the adoption or amendment of the zoning regulations but which fails, because of such adoption or amendment, to conform to the present requirements of the zoning regulations.

**Nonpoint Source Pollution** - pollution caused by diffuse sources that are not regulated as point sources and are normally associated with precipitation and runoff from the land **rev. 2/1/06**

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

**Off-Premises Sign** - a sign which directs attention to a business, commodity, service or other activity conducted, sold, offered or held at a location other than the lot on which the sign is located. A "billboard" is an off-premise sign.

**Package Store** - a building where packaged alcoholic liquors are sold at retail for consumption off premises under a valid package store permit issued by the State of Connecticut.

**Parcel** - same as "Lot"

**Pawnbroker** - A business that loans money on the deposit or pledge of wearing apparel, jewelry, ornaments, household goods or other personal property or purchases such property on condition of selling the same back again at a stipulated price or purchases such property from a person who is not a wholesaler. **Added 4/28/07**

**Pennant** - any lightweight plastic, fabric or similar material suspended from a rope, wire, string or similar support designed to move in the wind. A pennant may or may not contain a message of any kind.

**Permeable Paving** - materials that are alternatives to conventional pavement surfaces and that are designed to increase infiltration and reduce stormwater runoff and pollutant loads **rev. 2/1/06**

**Pet, Household** - small animals that are customarily kept for personal use or enjoyment within the home and that are not raised for retail sale. Household pets include, but are not limited to, dogs, cats, rabbits, rodents, reptiles, and birds.

**Place of Worship** - a building or lot primarily used for organized religious services. This includes, but is not limited to, churches, temples, synagogues, and mosques.

**Portable Sign** - any sign not permanently attached to the ground, building or other permanent

structure. This includes such signs as signs on wheels, sandwich board signs, and balloons.

**Principal Dwelling Unit** - a dwelling unit which is in the same building as an accessory apartment.

**Projecting Sign** - any sign attached to a building that projects more than ten inches in a horizontal direction from the building.

**Protected Tree Area** - the area within:

- a. the required front, side and rear yard setback areas and
- b. the required buffer areas.

**Rain Gardens/Biofiltration** - a practice to manage and treat stormwater runoff by using a specially designed planting soil bed and planting materials to filter runoff stored in a shallow depression **rev. 2/1/06**

**Recreational Vehicle** - a vehicular type portable structure without permanent foundation which can be towed, hauled or driven. It is designed as temporary living accommodations for recreational, camping or travel use. It includes, but is not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes.

**Recreational Vehicle Park** - a parcel with two or more recreational vehicles that provides temporary - less than 180 days - accommodation for recreational vehicles.

**Residential Development Sign** - a sign identifying the entrance to a residential subdivision or multi-family development.

**Residential District** - an R-6, R-10, R-10s, R-15, R-15s, R-25, R-40, R-60, R-WP or RRC zoning district.

**Residential Sign** - a sign located on a property used for one, two, or three family residences.

**Roof Sign** - any sign attached, in part or entirely, to the roof of a building.

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

**Setback Line** - the line that is the minimum required distance from a lot line. Setback lines establish the area within which structures, parking, signs and other uses can be erected, placed or occur.

**Shopping Center** - fifteen or more retail stores, restaurants or professional offices located on the same lot and having a total building area of 60,000 square feet or more.

**Sign** - any device, fixture, placard, or structure that uses any color, form, illumination, symbol or writing to convey information of any kind to the public.

**Significant Trees** - trees which measure at least 12 inches DBH but less than 30 inches DBH.

**Single Family Residence** - one dwelling unit on a lot.

**Social and Fraternal Clubs** - a structure used by a group of people formally organized on a not for profit basis for a common interest usually cultural, religious, or entertainment.

**Soil** - any mineral or organic material of any origin.

**Soil Erosion and Sediment Control Plan** - a scheme that minimize soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.

**Specimen Trees** - trees which measure 30 inches DBH or greater.

**Stable, Commercial** - a structure in which horses or other farm animals are boarded or kept for hire or sale.

**Stable, Private** - any structure with a floor area greater than 100 square feet, accessory to a residence, in which horses or other farm animals are kept for the exclusive use of the owners or renters of the entire parcel. The horses or other farm animals are not boarded or kept for hire or sale.

**Stacking Space** - an area used by vehicles awaiting service at a drive in window, car wash or similar facility where the vehicle's occupants receive service while remaining in the vehicle.  
**(Rev. 12/19/98)**

**Stormwater Management Plan** - plan describing the potential water quality and quantity impacts associated with a development project both during and after construction. It also identifies selected source controls and treatment practices to address those potential impacts, the engineering design of the treatment practices, and maintenance requirements for proper performance of the selected practices **rev. 2/1/06**

**Stormwater Runoff** - above ground water flow resulting from precipitation or snowmelt. **Rev. 2/1/06**

**Stormwater Treatment Practice** - devices constructed for primary treatment, pretreatment or supplemental treatment of stormwater. **Rev. 2/1/06**

**Street** - any vehicular thoroughfare which is:

- a. accepted by the City or State; or
- b. shown on a subdivision plan approved by the Planning and Zoning Commission as a private thoroughfare.

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

feet, and tents.

**Temporary Sign** - any sign not permanently affixed to the ground, building or other permanent structure and meant to be used for a period of time not to exceed 90 days.

**Tent site** - a home site used exclusively for tents.

**Three Family Residence** - three dwelling units in the same building on one lot.

**Two Family Residence** - two dwelling units in the same building on one lot.

**Wall Sign** - any sign attached parallel to the wall of a building or structure. The sign is supported by the building or structure and, at its closest point, is within 10 inches of the supporting building or structure.

**Water Quality Swales** - vegetated open channels designed to treat and attenuate the water quality volume and convey excess stormwater runoff **rev. 2/1/06**

**Water Quality Volume** - the volume of runoff generated by one inch of rainfall on a site. **Rev. 2/1/06**

**Window Sign** - any non-illuminated sign painted or attached to the inside of a window. The sign is visible from the exterior of the building.

**Yard** - the open space that lies between the principal or accessory structure or structures and the nearest lot line.

**Yard, Front** - a space extending the full width of the lot between any building, or part of a building - e.g. canopy, building overhang, marquee, etc. - and the front lot line. The front yard is measured perpendicular to the building at the closest point to the front lot line. Such front yard is unoccupied and unobstructed from the ground upward except as specifically provided for by these regulations. (Rev. 4/23/05)

**Yard, Rear** - a space extending across the full width of the lot between any building, or part of a building - e.g. canopy, building overhang, marquee and the rear lot line. The rear yard is measured perpendicular to the building to the closest point of the rear lot line. Such rear yard is unoccupied and unobstructed from the ground upward except as specifically provided for by these regulations. (Rev. 4/23/05)

**Yard, Side** - a space extending from the front yard to the rear yard between any building, or part of a building - e.g. canopy, building overhang, marquee and the side lot line. The side yard is measured perpendicular to the building to the closest point of the side lot line. Such side yard is unoccupied and unobstructed from the ground upward except as specifically provided for by these regulations. (Rev. 4/23/05)

## Section 3.0 USES

### 3.1 Table of Uses

Table 1 of this section is part of these regulations. Land and structures shall be used for one or more of the uses specified in Table 1. Any use not specified is prohibited. The symbols in Table 1 mean the following:

p -	use permitted;
e -	use permitted by special exception;
p/e -	use permitted by either special exception and site plan or site plan only depending on conditions specified in Addendum: Wireless Communication Facilities;
blank -	use not permitted.

The uses in Table 1 are classified according to a code in the first column. There are twenty one major use classifications - e.g. 9.0 Parking & Storage. These classifications are also used in Section 5.13 to indicate the number of required parking spaces.

Table 1														
Uses		RWP	R-60	R-40	R-25	R-15	R15s	R10	R10s	R6	LB	GB	I	IP
1.00	Residential Uses													
1.10	Single Family, Detached	p	p	p	p	p	p	p	p	p	e	e		
1.15	Affordable Housing, Single Family Detached		e	e	e	e	e	e	e	e	e	e		
1.20	Two Family				p	p		p		p	e	e		
1.25	Primary Residence plus Accessory Apartment		p	p	p	p	e	p	e	p	e	e		
1.27	Three Family Residence									e	e	e		
1.30	Multi-Family Residence			e	e	e		e		e	e	e		
1.31	Residential Use and Dormitory Use for Educational programs, 2 <sup>nd</sup> and 3 <sup>rd</sup> floors											p		
1.35	Active Adult Housing					e								
1.39	Affordable Housing, Multi-Family Residence		e	e	e	e		e		e	e	e		
1.40	Nursing Homes		e	e	e	e	e	e	e	e	e	e		
1.50	Congregate Care Facilities		e	e	e	e	e	e	e	e	e	e		
1.55	Elderly Retirement Housing & Assisted Living Facility		e	e	e	e		e		e	e			
1.60	Boarding Houses													
1.65	with less than 3 boarders		e	e	e	e		e		e	e	e		
1.66	with more than 2 and less than 15 boarders		e	e	e	e		e		e	e	e		
1.67	with 15 or more boarders										e	e		
1.80	Care Facilities													
1.83	Group Care Facility with 7 to 12 Residents	e	e	e	e	e	e	e	e	e				
1.84	Group Care Facility with more than 12 residents		e	e	e	e		e		e	e	e		

1.85	Family Care Facility	e	e	e	e	e	e	e	e	e	e	e		
1.90	Mobile Home Park & Recreational Vehicle Park		e	e	e			e		e				
<b>Uses</b>		<b>R-WP</b>	<b>R-60</b>	<b>R-40</b>	<b>R-25</b>	<b>R-15</b>	<b>R15s</b>	<b>R10</b>	<b>R10s</b>	<b>R6</b>	<b>LB</b>	<b>GB</b>	<b>I</b>	<b>IP</b>
2.00	Educational, Cultural, Religious, Child Care, Philanthropic, Social & Fraternal Uses		e	e	e	e	e	e	e	e	e	e	e	e
2.05	Elementary & Secondary Schools		e	e	e	e	e	e	e	e	e	e	e	e
2.08	Trade & Vocational Schools		e	e	e	e	e	e	e	e	e	e	e	e
2.09	Colleges & Universities: Including dormitories, athletics fields & offices		e	e	e	e	e	e	e	e	e	e	e	e
2.10	Churches, Synagogues & Other Places of Worship including associated residential units for religious personnel & other associated buildings		e	e	e	e	e	e	e	e	e	e	e	e
2.15	Libraries & Museums		e	e	e	e	e	e	e	e	e	e		
2.20	Social & Fraternal Clubs, Union Halls		e	e	e	e	e	e	e	e	e	e		
2.30	Child Day Care Center		e	e	e	e	e	e	e	e	e	e	e	e
2.40	Group Day Care Homes		e	e	e	e	e	e	e	e	e	e	e	e
2.50	Family Day Care Home	p	p	p	p	p	p	p	p	p				
2.60	Hospitals		e	e	e	e	e	e	e	e	e	e		
2.70	Adult Day Care		e	e	e	e		e		e	p	p	e	e
3.00	Sales & Rental of Goods, Merchandise or Equipment - No storage or display of goods outside of fully enclosed building										p	p		

3.05	Sales of Building & Earthen Materials including but not limited to the outside storage and/or display of lumber, piping, dimension stone, bricks, masonry, aggregate and other building materials										e		e	
3.10	Retail Stores										p	p		
	<b>Uses</b>	<b>R WP</b>	<b>R-60</b>	<b>R-40</b>	<b>R-25</b>	<b>R-15</b>	<b>R-15s</b>	<b>R10</b>	<b>R10s</b>	<b>R6</b>	<b>LB</b>	<b>GB</b>	<b>I</b>	<b>IP</b>
3.12	Retail stores with Drive Through Windows										p	p		
3.15	Bakeries - Retail										p	p		
4.00	Personal Services													
4.10	Banks										p	p		
4.15	Banks with Drive-In Windows										p	p		
4.20	Funeral Home										p	p		
4.30	Beauty Parlor										p	p		
4.40	Dry Cleaners										p	p		
4.50	Barber Shops										p	p		
4.60	Gymnasiums & Physical Fitness Centers										p	p		
4.70	Tailor Shops										p	p		
4.75	Pawnbroker										e			
4.80	Shoe Repair Shops										p	p		
4.90	Hotels and Motels										p	p		
4.95	Bed and Breakfast		e	e	e					e	p	p		
4.99	Other Personal Services										p	p		
5.00	Professional Offices - Operations Designed to Attract and Serve Customers and Clients on the Premises													
5.10	Attorneys										e	p	p	p

5.20	Physicians									e	p	p	p	p
5.30	Nurse Practitioners									e	p	p	p	p
5.40	Insurance Agents									e	p	p	p	p
5.50	Stock Brokers									e	p	p	p	p
5.60	Real Estate Agents									e	p	p	p	p
5.70	Accountants									e	p	p	p	p
5.80	Other Offices									e	p	p	p	p
<b>Uses</b>		<b>R-WP</b>	<b>R-60</b>	<b>R-40</b>	<b>R-25</b>	<b>R-15</b>	<b>R-15s</b>	<b>R10</b>	<b>R10s</b>	<b>R6</b>	<b>LB</b>	<b>GB</b>	<b>I</b>	<b>IP</b>
5.90	Radio & TV Stations										p	p		
6.00	Recreation, Amusement & Entertainment													
6.10	Activity Conducted entirely within a Building										p	p		
6.15	Bowling Alleys, Skating Rinks, Indoor Tennis, Squash & Raquetball Courts, Billiard and Pool Halls										p	p		
6.18	Theaters for Movies & Plays										p	p		
6.20	Activity Conducted Primarily Outside Enclosed Building										p			
6.22	Golf and Country Clubs		e	e	e	e		e			p			
6.24	Tennis and Swim Clubs		e	e	e	e		e			p			
6.26	Golf Driving Ranges, Miniature Golf Courses, Skateboard Parks, Water Slides & Similar Uses										p			
6.27	Golf Courses		e	e	e	e		e			p			
6.28	Automobile & Motorcycle Racing Tracks		e											
6.29	Drive-in Movie Theaters											e		
6.99	Other Outdoor Activities	e	e	e	e	e	e	e	e	e	e	e	e	
7.00	Restaurants, Bars & Night Clubs													

7.10	No substantial carry-out or delivery service; no drive-in service; no service or consumption outside fully enclosed structure										p	p		
7.20	No substantial carry-out or delivery service; no drive-in service; service & consumption allowed outside fully enclosed structure										p	p		
7.30	Carry-out & delivery service allowed, consumption outside fully enclosed structure allowed										p	p		
<b>Uses</b>														
		<b>R-WP</b>	<b>R-60</b>	<b>R-40</b>	<b>R-25</b>	<b>R-15</b>	<b>R-15s</b>	<b>R10</b>	<b>R10s</b>	<b>R6</b>	<b>LB</b>	<b>GB</b>	<b>I</b>	<b>IP</b>
7.40	Carry out & delivery service, drive-in service, service or consumption outside fully enclosed structure										p	e		
7.50	Restaurants, including taverns & other places licensed to sell alcoholic beverages										p	p		
8.00	Automobile Establishments													
8.10	Motor Vehicle Sales or Rental; Mobile Home Sales or Rental										p		p	
8.20	Service & Sales with Installation of Motor Vehicle Parts or Accessories (eg tires, mufflers, etc.)										p	p	p	
8.30	Motor Vehicle Repair or Service										p	p	p	
8.40	Sales of Gasoline										e	e		
8.50	Car Wash										p	e		
8.60	Motor Vehicle Painting & Body Work										e		e	
9.00	Parking & Storage													
9.10	Automobile Garages or Parking Lot which is the Principle use on the Lot									e	p	p		



14.00	Cemetery & Crematorium	e	e	e	e	e	e	e	e	e	e	e	e	e
15.00	Off Premise Signs											e	p	e
16.00	Bus Station & Train Station										p	e	p	
17.00	Towers, Antennas & Related Structures	p/e	p/e	p/e	p/e	p/e	p/e	p/e	p/e	p/e	p/e	p/e	p/e	p/e
18.00	Building & Uses of the City of Torrington	e	e	e	e	e	e	e	e	e	p	p	e	e
19.00	Manufacturing, Processing, Creating, Repairing, Renovating, Painting, Cleaning or Assembling of Goods, Merchandise or Equipment												p	p
<b>Uses</b>		<b>R-</b>												
		<b>R-WP</b>	<b>R-60</b>	<b>R-40</b>	<b>R-25</b>	<b>R-15</b>	<b>15s</b>	<b>R10</b>	<b>R10s</b>	<b>R6</b>	<b>LB</b>	<b>GB</b>	<b>I</b>	<b>IP</b>
19.05	Print Shops, Sign Painters, Photocopying Centers, Newspaper Production										p	p	p	p
20.00	Utility Companies & Energy Production	e	e	e	e	e	e	e	e	e	e	e	e	e
21.00	Temporary Outdoor Uses - Carnivals, Fairs, Auctions		e	e	e	e	e	e	e	e	p	p		

## Section 4.0 AREA AND SETBACK REQUIREMENTS

### 4.1 General Area and Setback Requirements

- 4.1.1 All measurements are minimums unless otherwise noted.
- 4.1.2 Area and setback regulations for multi-family developments are in Section 6.8.
- 4.1.3 Regulations governing distances from electric transmission lines are in Section 7.1.
- 4.1.4 Yards are to be unoccupied by structures except as follows: (Rev. 12/19/98)
- A. Flag poles, fences, mail boxes, newspaper tubes, basketball poles, children's play sets, and other minor structures which are of a strictly ornamental or recreational nature;
  - B. Septic systems and wells; and
  - C. as provided for elsewhere in these regulations.
- 4.1.5 All buildings containing one or more dwelling units shall be on a lot abutting a street.
- 4.1.6 A corner lot shall comply with the setback requirements for two front yards and two side yards.
- 4.1.7 For residential buildings, decks, porches, steps, ramps and similar structures may extend to within 5 feet of any property line provided:
- A. The deck, porch, step, ramp, or similar structure is not covered by a roof; and
  - B. The deck, porch, step, ramp, or similar structure is at least 5 feet from an accessory structure.
- 4.1.8 For one, two and three family residences, the total area in the required front yard setback used for either parking or covered by impervious surface shall not exceed 50% of the required front yard setback area.
- 4.1.9 Where an existing building is in violation of front, side, or rear yard setbacks or buffer and the applicant has requested an expansion of the building, the Commission may, by special exception, allow a reduction of the setback and/or buffer for such building expansion to the lesser of:
- A. twenty percent of the required setback or buffer; or
  - B. the setback of the existing building.
- 4.1.10 Where an existing use exceeds the maximum impervious surface ratio and a property owner purchases additional contiguous property to expand the use, the maximum impervious surface area on the expanded parcel shall be the sum of:
- A. the impervious surface area of the original parcel; and
  - B. the maximum impervious surface area allowed on the additional parcel.

#### 4.1.11 **Legally Non-Conforming Lots**

- A. In the R-WP, R-60, R-40, and R-25 zoning districts, a single family dwelling may be constructed or expanded on a lot that is legally non-conforming in terms of area or lot width provided:
  - a. the lot is less than 25,000 square feet in area; and
  - b. the building conforms to the height, setback and building coverage requirements of an R-15 zoning district.
- B. In the R-15, R-15s, R-10 and R-10s zoning districts, a single family dwelling may be constructed or expanded on a lot that is legally non-conforming in terms of area or lot width provided:
  - a. the lot is less than 10,000 square feet in area; and
  - b. the building conforms to the height, setback and building coverage requirements of an R-6 zoning district.

#### 4.2 **R-WP Zone**

For one dwelling unit on a lot:

Lot size: 87,000 sq. ft. excluding inland wetlands if lot is unsewered  
65,000 sq. ft. excluding inland wetlands if lot is sewerer

Lot Width: 200 ft.  
Front Yard Setback: 50 ft.  
Side Yard Setback: 25 ft. on each side  
Rear Yard Setback: 100 ft.  
Maximum Height: 35 ft.  
Maximum Impervious Surface Ratio: .3 for any use  
Maximum Building Coverage Ratio: .1 for any use

Each lot shall contain a minimum “net buildable” area that has within it a 30,000 square foot rectangle or square area of contiguous land, the shortest being 150 feet and containing

- . No ledge rock within 4 feet of the natural ground surface encountered during septic testing in conformance with the Connecticut Public Health Code.
- . No inland wetland soils or watercourses
- . No land within the areas of special flood hazard as identified by the Federal Emergency Management Agency.
- . No naturally occurring slopes exceeding 25% in grade.
- . No utility or access easements and rights of way, no conservation easements, and other easements for public or private facilities. (Rev. 2/1/06)

#### 4.3 **R-60 Zone**

For all uses:

Lot Size: 60,000 sq. ft.  
Lot Width: 200 ft.  
Front Yard Setback: 50 ft.  
Side Yard Setback: 25 ft. on each side  
Rear Yard Setback: 100 ft.  
Maximum Height: 35 ft.  
Maximum Impervious Surface Ratio: .3 for non-residential uses only

Maximum Building Coverage Ratio: .1

Each lot shall contain a minimum “net buildable area” that has within it a 30,000 square foot rectangle or square area of contiguous land, the shortest being 150 feet and containing:

- . No ledge rock within 4 feet of the natural ground surface encountered during septic testing in conformance with the Connecticut Public Health Code.
- . No inland wetlands soils or watercourses.
- . No land within the areas of special flood hazard as identified by the Federal Emergency Management Agency.
- . No naturally occurring slopes exceeding 25% in grade.
- . No utility or access easements and rights of way, no conservation easements, and other easements for public or private facilities. (Rev. 2/1/06)

#### **4.4 R-40 Zone**

For all uses:

Lot Size: 40,000 sq. ft.

Lot width: 150 ft.

Front Yard Setback: 50 ft.

Side Yard Setback: 25 ft. on each side

Rear Yard Setback: 75 ft.

Maximum Height: 35 ft.

Maximum Impervious Surface Ratio: . 3 for non-residential uses only

Maximum Building Coverage Ratio: .1

Each lot shall contain a minimum “net buildable area” that has within it a 30,000 square foot rectangle or square area of contiguous land, the shortest being 150 feet and containing:

- . No ledge rock within 4 feet of the natural ground surface encountered during septic testing in conformance with the Connecticut Public Health Code.
- . No inland Wetlands soils or watercourses.
- . No land within the areas of special flood hazard as identified by the Federal Emergency Management Agency.
- . No naturally occurring slopes exceeding 25% in grade.
- . No utility or access easements and rights of way, no conservation easements, and other easements for public or private facilities. (Rev. 2/1/06)

#### **4.5 R-25 Zone**

##### **4.5.1 For one dwelling unit on a lot:**

Lot Size: 25,000 sq. ft.

Lot Width: 125 ft.

Front Yard Setback: 30 ft.

Side Yard Setback: 25 ft. on each side

Rear Yard Setback: 50 ft.

Maximum Height: 35 ft.

Maximum Building Coverage Ratio: .20

- 4.5.2 For two dwelling units on a lot:  
Lot Size: 37,500 sq. ft.  
Lot Width: 175 ft.  
Front Yard Setback: 30 ft.  
Side Yard Setback: 25 ft. on each side  
Rear Yard Setback: 50 ft.  
Maximum Height: 35 ft.  
Maximum Building Coverage Ratio: .20
- 4.5.3 For all other uses:  
Lot Size: 25,000 sq. ft.  
Lot Width: 125 ft.  
Front Yard Setback: 30 ft.  
Side Yard Setback: 25 ft. on each side  
Rear Yard Setback: 50 ft.  
Maximum Height: 35 ft.  
Maximum Impervious Surface Ratio: .3

#### **4.6 R-15 Zone**

- 4.6.1 For one dwelling unit on a lot:  
Lot Size: 15,000 sq. ft.  
Lot Width: 100 ft.  
Front Yard Setback: 25 ft.  
Side Yard Setback: 15 ft. on each side  
Rear Yard Setback: 50 ft.  
Maximum Height: 35 ft.  
Maximum Building Coverage Ratio: .25
- 4.6.2 For two dwelling units on a lot:  
Lot Size: 22,500 sq. ft.  
Lot Width: 150 ft.  
Front Yard Setback: 25 ft.  
Side Yard Setback: 15 ft. on each side  
Rear Yard Setback: 50 ft.  
Maximum Height: 35 ft.  
Maximum Building Coverage Ratio: .25
- 4.6.3 For all other uses:  
Lot Size: 22,500 sq. ft.  
Lot Width: 150 ft.  
Front Yard Setback: 25 ft.  
Side Yard Setback: 15 ft. on each side  
Rear Yard Setback: 50 ft.  
Maximum Height: 35 ft.  
Maximum Impervious Surface Ratio: .3

#### **4.7 R-15s Zone**

##### **4.7.1 For one dwelling unit on a lot:**

Lot Size: 15,000 sq. ft.  
Lot Width: 100 ft.  
Front Yard Setback: 25 ft.  
Side Yard Setback: 15 ft. on each side  
Rear Yard Setback: 50 ft.  
Maximum Height: 35 ft.  
Maximum Building Coverage Ratio: .25

##### **4.7.2 For all other uses:**

Lot Size: 30,000 sq. ft.  
Lot Width: 150 ft.  
Front Yard Setback: 25 ft.  
Side Yard Setback: 15 ft. on each side  
Rear Yard Setback: 50 ft.  
Maximum Height: 35 ft.  
Maximum Impervious Surface Ratio: .3

#### **4.8 R-10**

##### **4.8.1 For one dwelling unit on a lot:**

Lot Size: 10,000 sq. ft.  
Lot Width: 80 ft.  
Front Yard Setback: 25 ft.  
Side Yard Setback: minimum 8 ft. one side; total of both sides - 20 ft.  
Rear Yard Setback: 40 ft.  
Maximum Height: 35 ft.  
Maximum Building Coverage Ratio: .3

##### **4.8.2 For two dwelling units on a lot:**

Lot Size: 15,000 sq. ft.  
Lot Width: 120 ft.  
Front Yard Setback: 25 ft.  
Side Yard Setback: minimum 8 ft. one side; total of both sides - 20 ft.  
Rear Yard Setback: 50 ft.  
Maximum Height: 35 ft.  
Maximum Building Coverage Ratio: .3

##### **4.8.3 For all other uses:**

Lot Size: 15,000 sq. ft.  
Lot Width: 120 ft.  
Front Yard Setback: 25 ft.  
Side Yard Setback: minimum 8 ft. one side; total for both sides - 20 ft.  
Rear Yard Setback: 50 ft.  
Maximum Height: 35 ft.

Maximum Impervious Surface Ratio: .3

#### **4.9 R-10s**

4.9.1 For one dwelling unit on a lot:

Lot Size: 10,000 sq. ft.

Lot Width: 80 ft.

Front Yard Setback: 25 ft.

Side Yard Setback: minimum of 8 ft. on one side; total of both sides - 20 ft.

Rear Yard Setback: 40 ft.

Maximum Height: 35 ft.

Maximum Building Coverage Ratio: .3

4.9.2 For all other uses:

Lot Size: 15,000 sq. ft.

Lot Width: 120 ft.

Front Yard Setback: 25 ft.

Side Yard Setback: 15 ft.

Rear Yard Setback: 50 ft.

Maximum Height: 35 ft.

Maximum Impervious Surface Ratio: .3

#### **4.10 R-6**

4.10.1 For one dwelling unit on a lot and for one principal dwelling unit and one accessory apartment on a lot:

Lot Size: 6,000 sq. ft.

Lot Width: 60 ft.

Front Yard Setback: 25 ft.

Side Yard Setback: minimum of 8 ft. on one side; total of both sides - 20 ft.

Rear Yard Setback: 30 ft.

Maximum Height: 60 ft.

Maximum Building Coverage Ratio: .4

4.10.2 For all other uses:

Lot Size: 7,500 sq. ft.

Lot width: 75 ft.

Front Yard Setback: 25 ft.

Side Yard Setback: minimum of 8 ft. on one side; total of both sides - 20 ft.

Rear Yard Setback: 30 ft.

Maximum Height: 60 ft.

Maximum Impervious Surface Ratio: .5

#### **4.11 General Business**

4.11.1 For non-residential buildings and uses:

Lot Size: no minimum area

Lot Width: no minimum

Front Yard Setback: none

Side yard Setback: 20 ft. only if adjacent to a residential zone

Rear Yard Setback: 20 ft. only if adjacent to a residential zone  
Maximum Height: 60 ft.

4.11.2 For building with one or more dwelling units:  
requirements are the same as for residential buildings  
in the R-6 zone

#### **4.12 Local Business**

4.12.1 For non-residential buildings and uses:

Lot Size: 10,000 sq. ft.

Lot Width: 80 ft.

Front Yard Setback: 10 ft.

Side yard Setback: 25 ft. only if adjacent to a residential zone

Rear Yard Setback: 25 ft. only if adjacent to a residential zone

Maximum Height: 50 ft.

Maximum Impervious Surface Ratio: .75

4.12.2 For building with one or more dwelling units:  
requirements are the same as for residential buildings in the R-6 zone

#### **4.13 Industrial**

Lot Size: 10,000 sq. ft.

Lot Width: 80 ft.

Front Yard Setback: 10 ft.

Side Yard Setback: 25 ft. only if adjacent to a residential zone

Rear Yard Setback: 25 ft. only if adjacent to a residential zone

Maximum Height: 60 ft.

Maximum Impervious Surface Ratio: .75

#### **4.14 Industrial Park**

Lot Size: 40,000 sq. ft.

Lot Width: 150 ft.

Front Yard Setback: 25 ft. or 75 ft. if adjacent to or across the street from a residential zone \*Note the Commission may reduce this setback by Special Exception to not less than 50 feet. (Effective 8-22-02)

Side Yard Setback: 25 ft. or 75 ft. if adjacent to or across the street from a residential zone \*Note the Commission may reduce this setback by Special Exception to not less than 50 feet. (Effective 8-22-02)

Rear Yard Setback: 50 ft. or 75 ft. if adjacent to or across the street from a residential zone \*Note the Commission may reduce this setback by Special Exception to not less than 50 feet. (Effective 8-22-02)

Maximum Height: 60 ft.

Maximum Impervious Surface Ratio: .65

END OF SECTION

## **Section 5.0 SUPPLEMENTARY REGULATIONS**

**Note: See Sec. 5.7.4; accessory apartments are not allowed on flag lots.**

### **5.1 Accessory Apartments**

Accessory apartments are permitted provided all of the following conditions are met.

- 5.1.1 In the R-15s and R-10s zoning districts, a special exception must be obtained for an accessory apartment.
- 5.1.2 The accessory apartment has a minimum habitable floor area of 400 square feet and a maximum habitable floor area of 700 square feet.
- 5.1.3 The principal dwelling unit has a habitable floor area that is at least fifty per cent (50%) greater than accessory apartment.
- 5.1.4 The accessory apartment is in the same building as the principal dwelling unit. The Commission, however, may allow by special exception the accessory apartment and principal dwelling to be in different buildings.
- 5.1.5 Only one accessory apartment and one principal dwelling unit are permitted on a lot.
- 5.1.6 To maintain the appearance of a single family dwelling unit, only one external entrance to the building shall face the front yard. Buildings on corner lots may have one entrance facing each front yard. The Commission, however, may allow by special exception two external entrances to the building to face the front yard.
- 5.1.7 To prevent excessive increases in density, the lots on which accessory apartments and principal dwelling units are located shall be larger than the minimum lot size applicable in the zoning district.
  - A. In the R-60, R-40, R-25, R-15, R-15s, R-10s and R-10 zoning districts the lot size shall be 25 percent greater in area than the minimum lot area applicable in the zoning district.
- 5.1.8 The building shall conform to all front, side and rear yard setbacks applicable to a single family dwelling unit.
- 5.1.9 The building shall conform to the parking requirements in Section 5.12.

### **5.2. Accessory Buildings and Accessory Structures (Rev. 8/2/99)**

- 5.2.1 One, Two and Three Family Residences  
On lots with one, two, or three dwelling units, accessory structures and accessory buildings, except for those located on farms or those buildings used for private stables, shall conform to the following requirements.

**A. Lot Size:** Up to and including 10,000 sq. ft.  
**Maximum Building/Structure Size:** 600 sq. ft. or 75% of footprint of dwelling unit (including attached garage) whichever is less.  
**Maximum Height:** 20 feet  
**Setbacks:** Front: Applicable to zone where property is located (see Sec. 4.0)  
Side: 5 ft.  
Rear: 5 ft.  
**Maximum number of accessory structures:** 2

**B. Lot Size:** Greater than 10,000 sq. ft. up to and including 40,000 sq. ft.  
**Maximum Building/Structure Size:** 600 sq. ft. or 75% of footprint of dwelling unit (including attached garage) whichever is less.  
**Maximum Height:** 20 feet  
**Setbacks:** Front: Applicable to zone where property is located (see Sec. 4.0)  
Side: 10 ft.  
Rear: 10 ft.  
**Maximum number of accessory structures:** 2

**C. Lot Size:** Greater than 40,000 sq. ft. up to and including 60,000 sq. ft.:  
**Maximum Building/Structure Size:** 900 sq. ft. or 75% of footprint of dwelling unit (including attached garage) whichever is less.  
**Maximum Height:** 20 feet  
For structures up to 200 sq. ft. in size:  
**Setbacks:** Front: Applicable to zone where property is located (see Sec. 4.0)  
Side: 10 ft.  
Rear: 10 ft.  
For structures greater than 200 sq. ft. in size:  
**Setbacks:** Front: Applicable to zone where property is located (see Sec. 4.0)  
Side: 25 feet  
Rear: 25 feet  
**Maximum number of accessory structures:** 2

**D. Lot Size:** Greater than 60,000 sq. ft.:  
**Maximum building/structure size:** 100% of footprint of dwelling unit (including attached garage).  
**Maximum Height:** 35 ft.  
For structures up to 200 sq. ft. in size or up to and including 20 feet in height:  
**Setbacks:** Front: applicable to zone where property is located (see Sec. 4.0)  
Side: 10 ft.  
Rear: 10 ft.  
For structures greater than 200 sq. ft. in size or greater than 20 feet in height:  
**Setbacks:** Front: Applicable to zone where property is located (Sec.4.0)  
Side: 25 ft.

Rear: 50 ft.

**Maximum number of accessory structures: N/A**

- E. Accessory buildings or structures shall be located at least ten (10) feet from the principle structure and shall not be attached to the dwelling by a roofed structure.
- F. The size, placement and number of accessory buildings or structures shall also be regulated by building coverage and impervious surface coverage ratios specified in Section 4.0 of these regulations.

#### 5.2.2 **Accessory Structures - Multi-Family Residences**

On lots used for multi-family residences, accessory buildings and accessory structures shall conform to the following requirements.

- A. No accessory building or accessory structure shall be placed within the buffer required by Section 6.8.
- B. The accessory building or accessory structure shall meet the same front yard setback requirements as required for the multi-family residence (see Section 6.8).
- C. The accessory building or accessory structure shall be at least ten feet from the dwelling units and shall not be attached to the dwelling units.
- D. No more than one accessory building per two dwelling units shall be allowed on a lot.
- E. The gross floor area of the accessory building(s) shall not exceed 25% of the gross floor area of the dwelling unit(s).
- F. The maximum height of an accessory building or structure shall be 20 feet. (Rev. 8/2/99)

#### 5.2.3 **Accessory Structures - Non-Residential Uses**

For non-residential uses, accessory buildings and accessory structures shall conform to the following requirements:

- A. In an R-6 zone, accessory buildings and accessory structures shall meet the requirements for one, two or three dwelling unit(s) as described in Section 5.2.1 above.
- B. In all zoning districts other than R-6, accessory buildings and accessory structures shall meet the same front yard, side yard and rear yard setbacks as required for the principal building. No accessory building or accessory structure shall be placed within, or overhang, the landscaped buffer required in Section 5.10.

#### 5.2.4 **Farms**

For farms, accessory buildings and accessory structures shall conform to the following requirements.

- A. No accessory building or accessory structure used to shelter animals shall be placed within 100 feet of a property boundary.
- B. All accessory buildings and accessory structures used for the operation of the farm, except those used to shelter animals, shall conform to the same front, side, and rear yard setback requirements as required for the principal building.

#### 5.2.5 **Private Stables**

Private stables for horses are permitted on lots with one, two and three family residences provided all of the following conditions are met. Must first meet 'farm' requirement as stated in definitions.

- A. The lot contains a minimum of 3 acres to meet farm requirement. To calculate the number of horses permitted: 60,000 sq. ft. for first horse, 20,000 sq. ft. for each additional horse. Horses less than 6 months old are not included in this calculation.
- B. The stable for the horses are at least 100 feet from any property line and at least ten feet from any other building or structure.
- C. No waste material from the horse or the barn is to be stored within 100 feet of any property line. In addition, no waste material from the horse or barn shall be stored within 100 feet of a wetland or watercourse **rev. 2/1/06**

**5.2.6 Retail as an Accessory Use** (Effective 1/11/96)

In the Industrial and Industrial Park zones, retail uses are allowed as an accessory use provided all of the following conditions are met:

- A. The retail use is clearly incidental and subordinate to the principal use. The principal use and the retail use shall be owned by the same individual, partnership or corporation.
- B. The products sold on a retail basis shall be made on, or distributed on a wholesale basis from, the property.
- C. The floor area of the retail use shall occupy the lesser of 500 square feet or 10% of the floor area of the building in which the retail use is located. By special exception, the Commission may allow the floor area of the retail use to increase to the lesser of 1,000 square feet or 20% of the building's floor area.
- D. There shall be no additional signage allowed for the retail use.
- E. There shall be no outside display of the products sold at retail.
- F. Parking requirements for the retail use shall be calculated on the basis of the principal use.
- G. The parking on the property must meet the minimum parking requirements for the principal use.

**5.3 Alcoholic Beverages**

**5.3.1 Location of Package Stores**

- A. The public entrance to a package store shall not be:
  - a. within 1,500 feet as measured within a City accepted right of way of the public entrance to any other package store;
  - b. within 500 feet as measured within a City accepted right of way of any lot used for a place of worship, public or private school, hospital or library.
  - c. within 200 feet as measured within a City accepted right of way of any lot in a residential zoning district.
- B. Retail stores with a grocery store beer permit or a druggist permit from the Connecticut Department of Liquor Control are not package stores.
- C. If a package store ceases operation for more than 180 consecutive days, the package store shall resume operation only if it is in conformance with Section

5.3.1.A above.

### 5.3.2 **Sale of Alcoholic Liquor for Consumption on Premises**

- A. A special exception shall be obtained for any building with a tavern, restaurant, bowling center, cafe permit or other permit for the consumption of alcoholic liquor on premises from the Connecticut Department of Liquor Control if the public entrance to the building is within 1,500 feet of the public entrance to any other building with a tavern, restaurant, bowling center, cafe permit or other permit for the consumption of alcoholic liquor on premises from the Connecticut Department of Liquor Control.
- B. No building with a tavern, restaurant, bowling center, cafe permit or other permit for the consumption of alcoholic liquor on premise from the Connecticut Department of Liquor Control shall have its public entrance within 500 feet of the public entrance to a place of worship, public or private school, hospital, or library.
- C. A special exception shall be obtained for any building with a tavern, restaurant, bowling center, cafe permit or other permit for the consumption of alcoholic liquor on premise from the Connecticut Department of Liquor Control if the public entrance to the building is within 150 feet of any lot in a residential zoning district.
- D. In shopping centers, Section 5.3.2.A above shall not apply to restaurants with restaurant permits from the Connecticut Department of Liquor Control.
- E. If a building with a tavern, restaurant, bowling center, cafe permit or other permit for the consumption of alcoholic liquor on premise from the Connecticut Department of Liquor Control ceases operation for more than 180 consecutive days, it shall not resume operations except in conformance with Sections A, B, C, and D above.
- F. In the General Business zoning district, Sections A, B, C and D above shall not apply.

### 5.4 **Front Yard Setback Exception**

#### 5.4.1. **Front Yard Setbacks**

In R-6, R-10, R-10s, R-15 and R-15s zoning districts, the front yard setback for a building may be reduced to the average of the front yard setbacks of the existing buildings on lots abutting each side of the lot in question provided all the following conditions are met:

- A. There are existing buildings on both abutting lots.
- B. The reduction in front yard setback is for a new building on a vacant lot.
- C. The front yard setback is not reduced to less than ten feet.

This reduction in front yard setback shall not apply to additions to existing buildings.

### 5.5 **Commercial & Industrial Restricted**

No additional Commercial and Industrial Restricted (C.I.R.) zoning districts shall be

allowed. The C.I.R. districts in existence at the time of the passage of this regulation shall remain. Any change to the development plans approved as part of the adoption of a C.I.R. district shall be brought before the Planning and Zoning Commission. Any change must conform to the C.I.R. regulations in effect at the time of the C.I.R. district's adoption. If the Commission determines the changes are significant, the Commission shall require the applicant to apply for approval of the changes. The application for the changes to the development plans shall be subject to the regulations that apply for a change to the zoning map.

## 5.6 Conservation Subdivisions

Rev. 12/9/04

### 5.6.1 Purpose

The purpose of this section is:

- A. Allow for greater flexibility & creativity in the design of residential subdivisions provided that the overall density of the development is no greater than what would be normally allowed in that zone;
- B. Encourage permanent preservation & protection of open space, greenway connections, scenic vistas, agricultural lands, forest lands, water quality and other cultural, historical or natural resources, which has an overall effect of increasing land values;
- C. Facilitate the construction of streets, utilities, building sites and public services in a more economical and efficient manner with reduced maintenance costs;
- D. Provide wildlife corridors connecting open spaces and protecting wildlife habitat;
- E. Provide land for active recreation where needed.
- F. Reduce demand for public-funded greenspace and providing means for expanding public trails and greenways.
- G. To encourage low impact development. **Rev. 2/1/06**

### 5.6.2 Zone Districts

Conservation subdivisions are allowed in R-10, R-10s, R-15, R-15s, R-25, R-40, R-60 and R-WP zoning districts.

### 5.6.3 Minimum Lot Sizes and Area Requirements

- A. The following are the minimum lot sizes and area requirements allowable in a conservation subdivision.
- B. Areas of inland wetlands, watercourses and bodies of water, naturally occurring slopes exceeding 25% in grade, utility or access easements and rights of way cannot be included when calculating the minimum lot size.

Residential District	Minimum Lot Sizes in Cluster	Area Requirements
R-WP	60,000 sf/unsewered	R-60
R-WP	40,000 sf/sewered	R-40
R-60	40,000 sq. ft.	R-40
R-40	20,000 sq.ft.	R-15
R-25	12,500 sq. ft.	R-10
R-15	7,500 sq. ft.	R-6
R-15s	7,500 sq. ft.	R-6
R-10	6,000 sq.ft.	R-6

R-10s	6,000 sq.ft.	R-6
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**5.6.4 Minimum Area for a Conservation Subdivision**

The minimum gross acreage for a conservation subdivision shall be not less than ten times the minimum standard lot size in the zoning district.

**5.6.5 Maximum Number of Lots**

The maximum number of lots shall not be greater than would be allowed in a standard subdivision.

- A. The developer shall provide a conceptual layout of the property as a standard subdivision that would meet all Zoning, Subdivision, and Inland Wetland regulations to illustrate the maximum number of lots allowed. The Yield Plan is conceptual in nature and not intended to involve significant engineering but must be realistic and not show potential house sites or streets in areas that would not be permitted in a conventional layout per the City of Torrington Subdivision Regulations.
- B. On sites not served by public sewer, soil suitability for individual septic systems shall be documented in a written certified statement by a CT licensed Professional Engineer or Torrington Area Health Department Sanitarian.
- C. On sites not served by public water, site suitability for private wells shall be documented in a written certified statement by the Torrington Area Health District.

**5.6.6 Minimum Open Space**

- A. The minimum acreage of open space shall be 50% of the gross acreage of land to be subdivided.
- B. The open space required by the Subdivision Regulations shall be counted towards meeting the minimum open space required in Section A above.

**5.6.7 Open Space**

The location and configuration of the open space shall be subject to the approval of the Commission. The purposes include, but are not limited to, protection of historic features, protection of scenic vistas, provision of areas for active recreation, buffering of adjacent properties, protection of natural areas and protection of farmland.

To the extent practicable, the open space shall be contiguous and useable. Fragmentation of open space should be minimized so that resource areas are not divided into numerous small parcels located in various areas of the development, unless the conservation feature in linear or unless such configuration is necessary to connect with other streams or trails.

Open Space shall be consistent with the Torrington Open Space Plan and/or Torrington Plan of Conservation and Development. **Rev. 2/1/06**

### 5.6.8 **Disposition of Open Space**

The method of preservation and disposition of the open space shall be subject to the approval of the Commission. The methods used may include, but are not limited to, the following:

- A. establishment of a neighborhood, or homeowners, association to own and maintain the land for the open space purposes intended;
- B. transfer of the land to a not for profit organization or similar entity to own and maintain the land for the open space purposes;
- C. transfer of the land to the City of Torrington; or
- D. endow maintenance of usable public open space, developed as part of the subdivision.

### 5.6.9 **Adjoining Properties**

To ensure compatibility with existing residential subdivisions, the Commission may require that proposed lots adjacent to, or across the street from, residentially zoned areas conform to the zoning district. The Commission may also require a buffer to separate the conservation subdivision from adjoining properties.

### 5.6.10 **Site Planning Procedures**

Plans prepared under the Conservation Subdivision section shall meet the provisions, procedures and design standards of the Torrington Zoning Regulations unless otherwise stated. Elements of the Conservation Subdivision process are:

- A. **Pre-Application Conference:** Before submitting an application for a conservation subdivision, the subdivider shall schedule a meeting introducing the applicant to the City staff too review the Zoning Regulations, procedures for approval including submittal requirements and design standards. This meeting is to facilitate better communication between the City and the subdivider thereby saving time and creating a better subdivision for all parties. For the meeting, the subdivider is to prepare preliminary mapping including an Existing Resources and Site Analysis Map along with a Preliminary Development Sketch Plan.
  - 1. **Existing Resources and Site Analysis Map** - a review and analysis of the site's unique or sensitive natural areas including:
    - a. Hydrological characteristics, including surface water bodies, floodplains, groundwater recharge and discharge areas, wetlands, vernal pools, natural and manmade swales, watershed divides, drainage ways and steep slopes (25%).
    - b. Land cover on site (pasture, woodland etc.) and specimen trees with a caliper greater than 24 inches dbh. Include comments on health and condition of vegetation and identify any stands of invasive plants.
    - c. List current and past uses with the location of all buildings and structures on the land, cultivated areas, waste sites and history of waste disposal practices, paved areas, and all encumbrances such as easements or covenants.
    - d. Known critical habitat areas for rare, threatened or endangered species.
    - e. Scenic views into and out of the property.
    - f. Unique geological resources such as rock outcrops and glacial features.
    - g. Cultural resources including a brief description of the historic character of

buildings, structures, old roads and historically important landscape and archeological features. Locate fences, stone walls and other existing landscape elements.

After all existing elements are inventoried, indicate areas of development and areas to be conserved. In the absence of sewer availability provide indicate soils suitable for septic systems. Any adjacent properties with protected open space should be identified.

This map may be done as an overlay to aerial photographs or topographic survey (contours at 2' min) to a scale of 1"=100' min. and should be prepared by a landscape architect or other qualified professional such as an environmental consultant, environmental engineer, or physical planner.

2. **Concept Development Sketch Plan** - Sets out the overall concept for the proposed subdivision showing areas of proposed development and areas of conservation. The Sketch should be done as an overlay to the Existing Resources and Site Analysis Map. This plan may be hand-drawn but in sufficient detail to examine and review conditions. Homesites are to be positioned to take maximum advantage of the existing landforms, solar orientation, scenic views etc. Indicate number and type of units proposed (single family, multi-family etc.) The Concept Development Sketch Plan should compliment the Existing Resources and Site Analysis Map and when used as an overlay to the Existing Resources and Site Analysis Map will clearly show how well, or how poorly, the proposed layout avoids areas of the site prioritized for conservation. Calculations regarding the maximum number of permitted lots pursuant to Section 5.6.5 should be submitted along with the Concept Development Sketch Plan.
3. **Site Walk** - The Commission may request a site walk during the application process. The **Existing Resources and Site Analysis Map** and the **Concept Development Sketch Plan** will be used for orientation.
- B. **Application:** After the pre-application conference, the applicant can make any necessary changes to the preliminary design and develop the proposed subdivision plans. The City staff can meet as needed to review any changes to the overall design. Drawing requirements and application requirements are outlined in detail on the subdivision/resubdivision application.

## 5.7 Flag Lots

In R-15, R-15s, R-25, R-40, R-60 and R-WP zoning districts, the Planning and Zoning Commission may approve as part of a subdivision, or by special exception when no subdivision is required, the use of an access way to serve a lot which does not comply with the minimum lot width requirements provided all the following conditions are met. Flag lots are not permitted in conservation subdivisions. (Eff 12/9/04)

- 5.7.1 In R-15, R-15s, R-25 and R-40 districts, the minimum lot size, excluding the area of the accessway, shall be 40,000 square feet.

- 5.7.2 In R-60 districts, the minimum lot size, excluding the area of the accessway, shall be 60,000 square feet.
- 5.7.3 In R-WP districts, the minimum lot size, excluding both the area of the accessway and the area covered by inland wetlands, shall be 87,000 square feet.
- 5.7.4 A flag lot shall be used for no more than one dwelling unit.
- 5.7.5 The lot line to which the accessway leads shall be considered the front lot line of the flag lot.
- 5.7.6 In the R-15 and R-15s zones, the front yard setback shall be a minimum of 50 feet.
- 5.7.7 The accessway shall be a minimum of 20 feet wide. The Planning and Zoning Commission, however, may require additional width to accommodate the construction, safe operation, and maintenance of the driveway within the accessway.
- 5.7.8 The driveway from the street to the dwelling unit shall not exceed 1,200 feet in length with the following exception. The Commission may allow an increase in the 1,200 feet driveway length, if, after consultation with the Fire Chief, the Commission determines that any increased driveway length will not result in undue problems in providing fire and other emergency services to the dwelling unit. (Effective 7/28/97)
- 5.7.9 The maximum grade of the driveway shall not exceed 12%.
- 5.7.10 The minimum width of the driveway shall be 12 feet. For driveways longer than 200 feet, pull-off areas to allow two vehicles to pass on the driveway may be required by the Commission.
- 5.7.11 Driveways shall be designed to provide for proper drainage and to accommodate fire and other emergency vehicles. All driveway curves shall contain a minimum radius of 60 feet. Driveways should be designed for onsite infiltration so to drain via sheet flow and not contribute stormwater run-off to the street. **Rev. 2/1/06**
- 5.7.12 No more than two accessways shall lie contiguous to one another. Contiguous accessways shall be separated from other individual or contiguous accessways by a lot which conforms to the minimum lot width requirements of the zone in which it is located.
- 5.7.13 No flag lot served by an accessway shall be placed directly behind another flag lot served by an accessway.
- 5.7.14 The owner of an flag lot must own the accessway in fee simple. However, in the case of contiguous accessways, the Planning and Zoning Commission may permit the use of a common shared driveway provided that the width of such driveway is divided between the two accessways, the responsibility for maintenance is equally shared, and the rights to pass and repass shall be granted to each of the two owners using the common driveway.
- 5.7.15 The Planning and Zoning Commission may require the provision of a landscape

buffer along the accessway to protect existing homes from glare and noise.

5.7.16 The Planning and Zoning Commission may require a site plan, driveway plan and profile, drainage plan and a map of surrounding properties in order to aid the Commission in determining compliance with this regulation.

5.7.17 To provide directions for emergency vehicles, the address of each flag lot shall be identified by a numbered post or mailbox located at the connecting City street.

#### **5.8 Five estate lots served by common driveway (eff 12/09/04)**

The Planning and Zoning Commission may approve as part of a subdivision by Special Exception the use of a common driveway to serve not more than five estate lots in the R-60 and R-WP Zoning districts provided that:

- A. The lots shall be double the size of the minimum lot size requirements in the R-60 and R-WP Zones.
- B. Refer to City of Torrington Standards, Specifications, Rules & Regulations. A common driveway shall only be built in situations where a new road could be built and the driveway then could be constructed in lieu of a public roadway that meets the requirements of the Engineering Department's City of Torrington Standards, Specifications, Rules & Regulations. The area of the common driveway shall be a minimum of 50 feet in width at all points with frontage on a public street. For construction requirements refer to the Engineering Department's City of Torrington Standards, Specifications, Rules & Regulations. The design and layout shall provide safe access for emergency services and shall be referred to the Police and Fire Departments for their review and comment. (Rev. 2/1/06)
- C. A common driveway shall be under joint ownership of the lots it serves. The owners of lots on the common driveway shall share in the maintenance costs of the driveway unless and until the common driveway is improved, at no cost to the City of Torrington, to the requirements of a local street as specified in the current Subdivision regulations and City Road Ordinance. Applicants shall provide the Commission with copies of proposed deed or covenant that shall identify common driveway ownership and maintenance responsibilities. The Commission shall be assured that the ownership responsibility for maintenance, improvements and liability associated with the common driveway shall remain private unless and until the common driveway is upgraded and accepted as a City Street at no cost to the City. The deed or covenant shall be submitted for review and acceptance of the Corporation Counsel. The approved deed or covenant shall be filed with the City Clerk with the final subdivision map.

#### **5.9 Height Exceptions**

5.9.1 The following are exempt from the height limitations in Section 4.0:

- A. Chimneys, church spires, elevator shafts, water towers and similar structural appendages not intended for occupancy or storage;
- B. Flagpoles and similar devices;
- C. Heating and air conditioning equipment, solar collectors, and similar equipment,

fixtures, and devices;

- D. Towers, 70 feet or less in height, for non-commercial radio transmission provided the distance from the base of the tower to the closest property line is less than the height of the tower. (Rev. 12/19/98)

- 5.9.2 The following structures may exceed the height limitations in Section 4.0 provided a special exception is obtained:
  - A. Places of worship, schools, water storage tanks, hospitals or buildings owned by the City of Torrington; (rev.12/19/98)
  - B. Barns, silos, or other structures used for agricultural purposes on a farm;
  - C. Equipment or structures used for excavations.

## **5.10 Home Occupations**

5.10.1 Homes occupations are permitted as an accessory use to a dwelling unit provided all of the following conditions are met.

- A. Only full time residents of the dwelling unit are permitted to work in the home occupation.
- B. A home occupation shall be clearly incidental to the use of the dwelling unit for residential purposes. No more than five hundred square feet of floor area or 25% of the dwelling unit's floor area - whichever is less - shall be used for the home occupation.
- C. The home occupation shall be carried out entirely within the dwelling unit.
- D. Detached garages and other accessory buildings shall not be used for the home occupation with the exception of the storage of one commercial vehicle not to exceed twenty (20) feet in length. Detached garages and other accessory buildings shall not be used for storage or display.
- E. No outside storage or display of materials or products is allowed.
- F. No toxic, explosive, flammable, combustible, corrosive, or otherwise hazardous materials shall be allowed when used in amounts and types not associated with normal household use.
- G. No equipment or processes shall be used in a home occupation which create noise, vibration, glare, fumes or odors detectable to the normal senses from off the property.
- H. The residential appearance of the dwelling unit shall be maintained. No evidence of the home occupation, other than a permitted sign, shall be visible from the exterior of the dwelling unit. No separate entrance shall be used or created exclusively for the use of the home occupation.

## **5.11 Landscaping Requirements**

### **5.11.1 Purpose and Intent**

A. The purpose of this regulation is to provide minimum standards for landscaping and buffer zones in order to reduce the negative impacts between incompatible land uses; ameliorate the blighted appearance of parking areas; conserve and stabilize property values and otherwise insure the creation of an attractive and harmonious environment. To the extent practical, landscape areas shall serve multiple benefits for a site, including aesthetic, visual mitigation and storm water management. (Rev. 2/1/06)

B. The landscaping requirements contained in the following sections are the minimum required. An applicant, however, may submit to the Commission an alternative landscaping plan with greater flexibility in layout provided the alternative plan has at least the minimum number of trees and shrubs as required by these regulations. The Commission may approve the alternate landscaping plan if, in the opinion of the Commission, the plan meets the intent of these regulations.

#### 5.11.2 General Requirements

- A. At the time of planting, all required deciduous trees shall have a minimum caliper of 2.5 inches measured according to American Association of Nurserymen standards. All deciduous trees shall be shade trees and have a minimum branching height of five feet. The Commission, however, may allow the substitution of ornamental trees with a 2.5 inch caliper. A variation of .25 inches in caliper is allowed. The use of invasive or potentially invasive plants, as defined by the Connecticut Invasive Plants Council shall be prohibited. The use of Connecticut or New England native species only is encouraged. Invasive plants shall be removed in areas where predevelopment vegetation is being left in place. (Rev. 2/1/06)
- B. At the time of planting, all required non-deciduous trees shall have a minimum height of 8 feet.
- C. At the time of planting, all required shrubs shall have a minimum height of 18 inches.
- D. No required tree shall be planted on a slope that exceeds 33% (3:1).
- E. All required trees, shrubs, landscaped islands and other buffer areas must be protected from vehicular damage by curbing, railing, landscape timbers or other suitable substitute.
- F. All required trees, shrubs and landscaped areas shall be maintained in good order by the property owner. It is the responsibility of the property owner to replace any required vegetation which may be lost for any reason.
- G. Specimen trees and significant trees are regulated by Section 5.16.
- H. The landscape requirements noted in this section are minimums. Additional landscaping is encouraged.
- I. For changes of use, accessory structures, and additions to existing buildings, the Commission may limit the amount of expenditures on landscaping required by Section 5.11 to a maximum of 5% of project's final estimated cost. The applicant shall present to the Commission a planting plan and cost estimates for the project and the plantings. Both the planting plan and the estimates must be satisfactory to the Commission.

#### 5.11.3 Landscaping Requirements for Front Yards

The following minimum requirements shall apply to the entire surface of front yards of all lots when an expansion, addition, change of use or new construction occurs except in those front yard areas currently covered by an impervious surface. In the Industrial Park zone, however, the minimum requirements shall apply only to the first twenty feet of the front yard setback. No landscaping requirements shall apply to one, two or three family residences. No dumpsters shall be permitted in the required front yard setback. Driveways and sidewalks may run perpendicular - approximations expected - to the required landscaped area.

**A. Front Yards Except General Business Zones**

The required front yard setback area of lots outside the General Business Zone shall be surfaced with either lawn, evergreen ground cover or other suitable vegetative cover. This required front yard setback area - with the exception of one, two, and three family residences - shall also contain the following:

- a. One deciduous tree is required for every forty lineal feet - or portion thereof - of front yard . Alternatively, one non-deciduous tree may be planted for every twenty lineal feet - or portion thereof - of front yard. Deciduous trees, however, must account for at least 50 per cent of all the required trees. Trees shall be planted between thirty and fifty feet apart.
- b. Five shrubs are required for every forty lineal feet - or portion thereof - of front yard.
- c. Where a front yard faces a residential zone, the Commission may require that all or part of the required front yard setback area be planted with one non-deciduous tree for every eight lineal feet of front yard. These non-deciduous trees are to be planted no more than eight feet off-center. These trees are in lieu of those required in section a above.
- d. Where the number of spaces in a single parking area exceeds fifty spaces and this parking area abuts a required front yard setback, the Commission may require:
  - i. The setback be increased by an additional 10 feet in width; and/or
  - ii. A berm with an average height of four feet as measured from the lot line to the edge of the parking lot be constructed.

The intent is to screen the parking lot from view.

- e. Existing vegetation, if comparable, may be used to satisfy all or part of the requirements in sections a, b and c above. Note that the removal of specimen trees and significant trees is regulated by Section 5.15.

**B. General Business Zone**

A ten foot wide landscaped area shall be provided between all parking areas and the street frontage. The Commission may, however, allow this landscaped area to be reduced to a minimum of five feet. This required landscaped area shall be surfaced with either lawn, evergreen ground cover or other suitable vegetative cover. It shall also contain the following.

- a. One deciduous tree is required for every forty lineal feet - or portion thereof - of front yard. Alternatively, one non-deciduous tree may be planted for every twenty lineal feet - or portion thereof - of front yard. Deciduous trees, however, must account for at least 50 per cent of all the required trees. Trees shall be planted between thirty and fifty feet apart.
- b. Five shrubs are required for every forty lineal feet - or portion thereof - of front yard.
- c. Existing vegetation may be used to satisfy the requirements in subsections a and b provided comparable vegetation exists. Note that the removal of specimen trees and significant trees is regulated by Section 5.16.

**5.11.4 Landscape Requirements for Parking Areas**

- A. The following minimum requirements shall apply to:

- a. All new parking areas; and
  - b. All rearrangements of existing parking areas with more than fifty parking spaces if the rearrangement effects more than 20% of the existing spaces.
- B. *Lots with 15 or More Parking Spaces*  
 Any lot which contains a parking area having more than fifteen parking spaces shall have a landscaped island at each end of each row of parking spaces and an intermediate island after fifteen parking spaces. However, landscaped islands shall not be required between a parking space and a building wall if the building wall is within fifteen feet of the parking space. Landscaped islands shall be a minimum of eighteen feet in length and nine feet in width. Each landscaped island shall contain a deciduous tree. A non-deciduous tree may be substituted in cases where its location does not interfere with sight distances within the parking lot.
- C. *Lots with One Hundred or More Parking Spaces*  
 Where a lot contains a parking area having one hundred or more parking spaces, the landscaped islands required by Section 5.10.3.B may be combined into planting clusters or rows provided the following requirements are met.
- a. Planting clusters shall be located adjacent to, or within, the parking area.
  - b. Planting clusters shall be evenly distributed throughout the parking area with no more than 160 feet separating each cluster.
  - c. An individual planting cluster shall have minimum dimensions of nine feet by eighteen feet.
  - d. The total area of the planting clusters shall be greater than or equal to the area of the required landscape islands.
  - e. The planting cluster shall have at least the same number of trees as the required landscaped islands.
  - f. The planting clusters shall not count towards meeting any other landscaping requirements.

**5.11.5 Buffer Requirements** (Rev. 12/19/98)

- A. **General Requirements**
- a. The following minimum buffer requirements shall apply to:
    - i. All new construction;
    - ii. Additions resulting in a total increase of more than 15% in the gross floor area existing on the effective date of this regulation; and
    - iii. The expansion of parking, loading, and storage areas by more than 15% of the impervious surface existing on the effective date of this regulation.
  - b. Buffers shall not contain buildings, structures, parking, storage areas, dumpsters, signs, impervious surfaces, or other such uses.
  - c. Buffers shall be located to provide the maximum visual buffer between adjoining uses.
  - d. Where the number of spaces in a single parking area exceeds fifty spaces and this parking area abuts a required buffer, the Commission may require:
    - i. The buffer be increased by an additional 10 feet in width; and/or
    - ii. A berm with an average height of four feet as measured from the lot line to the edge of the parking lot be constructed.
 The intent is to screen the parking lot from view.
  - e. Existing vegetation may be used to satisfy the buffer requirements provided equivalent visual protection is provided and the buffer is a minimum of fifteen feet wide. Non-deciduous trees and shrubs shall be added to supplement the existing vegetation if the Commission determines it is necessary to provide a

year round visual buffer. Note that the removal of specimen trees and significant trees is regulated by Section 5.16.

**B. "BUFFER REQUIREMENTS - SPECIFIC" (Rev. 8-22-02)**

The purpose of the buffer area is to:

- a. Provide visual screening for buildings, parking areas, loading areas, outside storage areas and ground fixed mechanical equipment to protect property values and enhance the appearance of the community;
- b. To reduce surface water run off and minimize soil erosion through the natural filtering and renovation capability of landscaped areas;
- c. To minimize environmental nuisances such as glare and noise.

This regulation is intended to be a flexible, performance based regulation, that allows the applicant to demonstrate to the Commission that the buffer area proposed provides the proper physical separation and visual screening between the proposed use and the adjacent to or across the street residential zone.

Within the buffer area the applicant shall provide screening for parking areas, loading areas, outside storage areas and ground fixed mechanical equipment. Acceptable screening materials may include, existing vegetation on the property, where the existing vegetation is of a nature that it will effectively screen the use from the view of adjoining properties, earthen berms, solid fences or walls, trees and evergreen plantings of such species, height and spacing, that in the judgement of the Commission will effectively screen the use. The applicant may propose any combination of the above screening materials. The screening shall be effective year round. The placement, width and design of the screening portion of the buffer shall be approved by the Commission.

In addition to the required landscaping plan per Sections 5.11 and 8.4.3 I, the applicant shall supply sectional drawings and photographs which demonstrate through use of existing topography, existing vegetation and or screening materials above, the proposed plan provides the proper physical separation and visual screening between the proposed use and adjacent to or across the street residential zones. (See example illustrations in figure 1 below.)

The location of the proposed screening shall be located to provide the maximum visual buffer between adjoining uses. If existing woodlands are located within the required buffer area, the applicant is encouraged to preserve these woodlands and supplement with non-deciduous trees, berm, solid fence or wall to provide the required year round screening.

The Commission may require additional landscaping or more mature plantings where unusual conditions dictate more extensive screening or for noise abatement purposes to reduce depreciation of adjacent residential properties in a residential zone. At the request of the applicant, the Commission may determine that the requirement for a landscaped buffer area is not necessary along a property line adjoining a permanently protected open space or some other similar situation where property values or community appearance would not be adversely effected.

Buffer areas shall not contain buildings, accessory structures, parking, storage areas, dumpsters, impervious surfaces except as noted below. The Commission

may allow certain improvements to encroach within the buffer areas such as storm systems, detention/retention basins, underground utilities including sanitary lines, access drives for emergency vehicles, inter-lot connector drives, utility boxes, sidewalks and the like. Where possible encroachments in the buffer area will traverse the buffer area in such a manner so that the view is not continuous through the buffer.

Note: The buffer requirements are in addition to the landscaping requirements of Section 5.11 for front yards and parking areas. The removal of specimen trees and significant trees is regulated by Section 5.16.

**Section 5.11.5 C. Buffer Requirements Local Business and Industrial Zone**

All yards which are adjacent to a residential zone shall contain a twenty-five foot wide buffer.

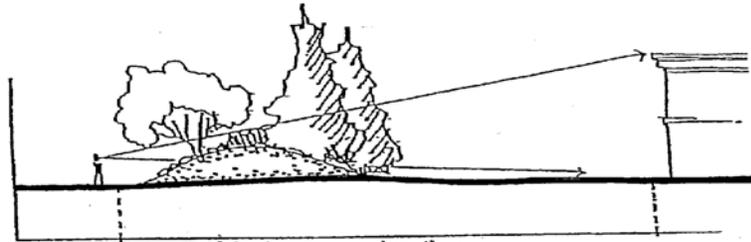
**Section 5.11.5 D. Buffer Requirements Industrial Park Zone**

All yards which are adjacent to or across the street from a residential zone shall contain a seventy-five foot wide buffer. The Commission may by special exception permit reduce this required buffer to not less than the required building setbacks. The Commission will consider the adjacent uses, existing topography and/or existing vegetation in evaluating reduction of the required buffer.

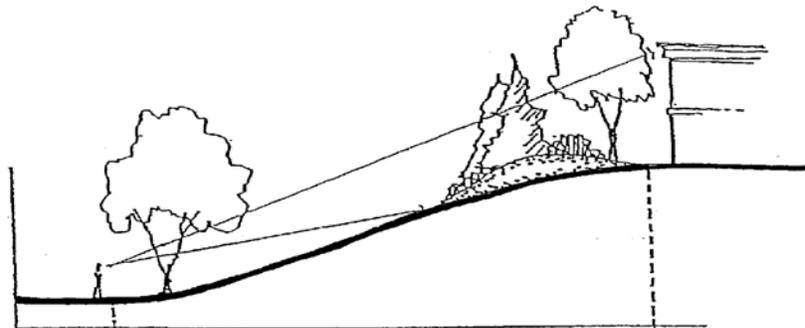
**Section 5.11.5 E. Buffer Requirements Residential Zones**

Uses permitted by special exception in a residential zone shall be separated by a landscaped buffer. The landscaped buffer area shall be designed to screen parking areas and special exception uses from adjoining residential properties.

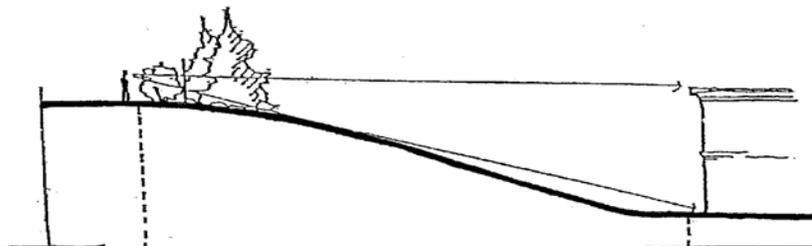
(See buffer sketches next page)



75' buffer - View into site from same elevation



75' buffer - View into site from lower elevation.



75' buffer - View into site from higher elevation.

#### **5.11.6 Enforcement** (Rev. 8/2/99)

In the case where a certificate of zoning compliance or a certificate of occupancy is requested beyond the planting season, at the request of the applicant, the Zoning Enforcement Officer, or his/her designee may accept a performance bond. The plantings covered by the performance bond shall be completed within eight months from the date of the certificate of zoning compliance or the certificate of occupancy. Such bond shall be either a certified check, a passbook, an irrevocable letter of credit, or a bond from a company licensed in the State of Connecticut. The bond shall be in a form approved by the Corporation Counsel payable to the City of Torrington and in an amount of the estimated total cost of all plant materials and installation costs. Such bond shall be made conditional upon the applicant complying with the provisions of this regulation.

#### **5.12 Non-Conforming Uses** (rev. 12/19/98)

##### **5.12.1 Continuation**

Non-conforming uses and structures may be continued provided the uses and structures were lawfully existing at the time these regulations, or amendments to these regulations, became effective. The volume, intensity, or frequency of use of a non-conforming property may be increased provided the increase is only a change in the degree of activity rather than a change in the kind of activity. If a non-conforming use is changed to a use permitted by right or by special exception the property may not revert to a nonconforming use.

##### **5.12.2 Repairs**

Minor repairs to, and routine maintenance of, a property where non-conforming uses and structures exist are permitted and encouraged.

##### **5.12.3 Structures With Non-Conforming Uses**

- A. One expansion of a structure - other than a one or two family residence - with non-conforming uses is permitted provided:
  - a. the expansion is no greater than 10% of the structure's gross floor area or 10% of the structure's cubic volume whichever is less;
  - b. all other applicable zoning regulations are observed; and
  - c. a special exception is obtained.
- B. The expansion of parking lots, outside storage areas, and other uses on a lot with a structure containing a non-conforming use is permitted provided:
  - a. the expansion is the minimum necessary to support the non-conforming structure;
  - b. all other applicable zoning regulations are observed; and
  - c. a special exception is obtained.
- C. The expansion of one and two family residences is permitted provided the expanded section does not violate the applicable height or yard setback regulations.

##### **5.12.4 Changes in Use of Existing Structures**

If the intended change in use is to another principal use that is also nonconforming, the change is permissible provided:

- A. the intended change will not require more parking than the existing non-conforming use;
- B. both the intended use and the existing non-conforming use would be permissible by right in the same zoning district; and
- C. site plan approval is obtained.

#### 5.12.5 **Non-conforming Use of Land**

A legally non-conforming use of land not involving a structure may be continued. The area covered by the non-conforming use may not be increased.

#### 5.12.6 **Non-Conforming Structures**

A structure which conforms to the use regulations but which does not conform to yard setbacks, area, parking, landscaping, or other zoning regulations may be expanded provided:

- A. the expanded section of the structure conforms to all applicable regulations; and
- B. no other non-conforming situation is created or increased by the expansion.

#### 5.12.7 **Casualty**

Any non-conforming structure or use which is damaged by fire or other natural disaster may be restored and used as before provided a zoning permit is issued for the restoration within one year of the calamity and the certificate of occupancy is issued within two years of the calamity. The zoning permit may not be reissued or renewed. Neither the floor area nor the cubic volume of a non-conforming structure may be expanded. A non-conforming use of land may occupy no greater area than before the calamity.

### 5.13 **Parking**

#### 5.13.1 **General Requirements**

- A. Off-street parking facilities shall be provided for all buildings or uses on-site at the time of the erection, alteration or enlargement of any building or change of use of premises except:
  - a. where such erection, alteration, enlargement or change of use would require no increase in the amount of parking spaces required under Section 5.13.4; and
  - b. in the case of a change of use of an existing building within the General Business Zone to any use allowed by right within the General Business district except residential uses.
- B. Off-street parking facilities shall be on the same lot with the use or building it is intended to serve except as follows:
  - a. All or part of the required off-street parking may be off-site on another lot under the same ownership or public ownership provided:
    - i. all parking spaces are within 250 feet of unobstructed walking distance of the public building entrance to which the parking is intended to serve or, in the case of no building, to the pedestrian entrance into the property; and
    - ii. a special exception is obtained.
  - b. All or part of the required off-street parking may be within the street right of way provided:

- i. all the parking spaces are within 250 feet of unobstructed walking distance to the public building entrance to which the parking is intended to serve or in the case of no building, to the pedestrian entrance into the property; and
- ii. a special exception is obtained.
- c. Where the erection, enlargement or change of use of any structure, or the change of use of any property, in the General Business Zone requires an increase in the number of parking spaces, the Commission may, by special exception, allow a reduction in the number of parking and/or loading spaces required under Sections 5.12.4 and 5.12.5. In making its decision, the Commission shall consider the availability of existing public and private parking, the impact on surrounding properties, and the impact on traffic in the area. (Effective 2/3/98)

### 5.13.2 Minimum Standards for Parking Facilities

- A. The minimum standards for parking facilities contained in this section shall apply to the following.
  - a. All proposed parking facilities and driveways on lots where none previously existed.
  - b. All proposed portions of enlarged existing parking facilities.
  - c. All existing driveways of enlarged existing parking facilities with the exception that the sight distance standards contained in Section 5.13.2.H of this regulation shall not apply to existing driveways serving one, two, and three family residences. However, where the existing sight distance of a driveway serving a one, two, or three family residence is less than that required in Section 5.13.2.H such sight distance must be increased where the improvement involves the reasonable clearing or removal of vegetation as required by the City Engineer.
- B. **Parking Spaces and Stacking Spaces** (Rev. 12/19/98)
  - a. Each parking space shall be not less than nine feet in width and eighteen feet in length and rectangular in shape.
  - b. Each stacking space shall be not less than nine feet in width and eighteen feet in length and rectangular in shape.
  - c. Parking spaces, stacking spaces and loading spaces shall not overlap or interfere with aisles or driveways.
- C. **Aisle Widths**
  - a. The aisle width for one-way travel shall be a minimum of:
    - i. twelve (12) feet for parallel parking;
    - ii. twelve (12) feet thirty (30) degree angle parking;
    - iii. twelve (12) feet for forty-five (45) degree angle parking;
    - iv. eighteen (18) feet for sixty (60) degree angle parking;
    - v. twenty feet (20) for ninety (90) degree parking for two and three family houses;
    - vi. twenty four feet for ninety (90) degree parking for all other uses.
  - b. The aisle width for two way travel shall be a minimum of:
    - i. ten feet for one, two and three family houses;
    - ii. twenty four (24) feet for all other uses.
  - c. Aisle widths shall be kept to the minimum required unless the applicant can demonstrate to the Commission that the additional width is necessary for the

safe movement of traffic.

**D. Driveway Widths** (rev. 12/19/98)

- a. The driveway width for one-way travel shall be a minimum of twelve (12) feet except for one, two, and three family residences.
- b. The driveway width for two way travel shall be a minimum of:
  - i. ten (10) feet for one, two, and three family houses;
  - ii. twenty-two (22) feet for all other uses.
- c. For driveways serving seven or fewer parking spaces, the Commission may allow the driveway to be reduced to a minimum of twelve feet. In making this determination, the Commission shall consider the amount of anticipated traffic, the length of the driveway, the type of activity on the property, and the character of the surrounding properties.
- d. Driveway widths shall be kept to the minimum required unless the applicant can demonstrate to the Commission that the additional width is necessary for the safe movement of traffic.

**E. Circulation**

All parking areas shall provide adequate means for the maneuvering of vehicles in and out of parking spaces, adequate sight distance throughout the parking area and an adequately controlled circulation pattern including where necessary the provision of traffic islands and curbing in order to insure the safety of motorists and pedestrians. Traffic islands shall be designed and situated so as to provide a turning radius of sufficient size to permit vehicles to navigate the turn into a parking space or into the proper lane of a driveway or street.

**F. Sidewalks in Parking Areas**

- a. Parking areas with more than fifty (50) spaces shall contain sidewalks:
  - i. Within such parking areas;
  - ii. Between all buildings on the site; and
  - iii. From the buildings to the public street, if sidewalks exist on the street and if required by the Commission.
- b. No parking space shall be more than 120 feet from a sidewalk.
- c. Sidewalks shall be a minimum of 4 feet wide.
- d. Sidewalks shall be protected from overhanging vehicles by wheel blocks, bollards, raising the sidewalks a minimum of five inches, or similar means.

**G. Parking Space, Aisle, and Driveway Grades**

- a. The minimum grade for all driveways, aisles, and parking spaces shall be one percent (1%).
- b. The maximum grade for all driveways and aisles shall not exceed 12%.
- c. A proposed driveway providing access from a street to seven (7) or more parking spaces shall have a maximum grade of six percent (6%) for the first forty (40) feet in from the existing edge of the street's pavement.
- d. The maximum grade along the cross slope of driveway or aisle shall be six percent (6%).
- e. The maximum grade along the length of each parking space shall be six percent (6%).
- f. The maximum grade along the width of each parking space shall be six percent (6%).

## H. Sight Distances

Each driveway which connects a street with a parking area shall possess the minimum sight distance in accordance with the following:

- a. Driveways serving parking areas with between 1 and 100 spaces.

85th Percentile Speed of Intersecting Road =  
Minimum Sight Distance in All Directions

<u>25 mph</u>	<u>30 mph</u>	<u>35 mph</u>	<u>40 mph</u>	<u>45 mph</u>
150 ft.	200 ft.	250 ft.	275 ft.	315 ft.

- b. Driveways serving parking areas with more than 100 spaces

85th Percentile Speed of Intersecting Road =  
Minimum Sight Distance in All Directions

<u>25 mph</u>	<u>30 mph</u>	<u>35 mph</u>	<u>40 mph</u>	<u>45 mph</u>
250 ft.	300 ft.	350 ft.	400 ft.	450 ft.

- I. Each parking space shall have free access to an aisle or driveway except that on lots with one, two or three family residences or in multi-family developments parking spaces may be placed one behind the other provided that both spaces are assigned by lease or by similar legal agreement to the identical dwelling unit.
- J. Parking spaces within multiple family developments and for business and industrial uses shall be clearly marked. Directional travel signs shall be provided to distinguish between driveways and aisles for one and two way travel.
- K. Parking facilities shall be for transient parking of registered motor vehicles only. They shall not be used for sales, dead storage, repair work, dismantling or servicing of any kind except as permitted for garages and service stations.
- L. No parking shall be permitted in the required front yard except for the following:
  - a. One, two and three family residences;
  - b. The parking front yard setback in an Industrial Park Zone shall be twenty (20) feet.
- M. No parking within the R.R.C. and C.I.R. Zones shall be permitted with fifty (50) feet of a residential zone boundary.
- N. The angle of intersection between a driveway and the street shall be as close to ninety (90) degrees as possible. In no case shall the acute angle of intersection between a driveway and the street be less than seventy five (75) degrees. The curb radii at the intersection of a driveway and a street shall be commensurate with the type and volume of vehicular traffic anticipated to use such driveway.
- O. Except in the case of one, two, or three family residences no parking space shall have direct access to a public street. Except in the case of one, two and three family residences, vehicles shall not be permitted to back out onto a public street.

- P. When in the opinion of the Commission after consultation with the City Engineer and the local Traffic Authority, existing and anticipated traffic volumes and anticipated driveway queuing would result in driveway congestion, multiple outbound lanes for separate turning movements shall be provided. Such outbound turning lanes shall be eleven (11) feet in width.
- Q. All parking areas in an Industrial Park Zone, Local Business Zone or General Business Zone shall be paved.
- R. All regular parking spaces except those in an Industrial Park Zone, Local Business Zone or a General Business Zone shall, at a minimum, be treated with a rolled gravel surface. For one, two or three family residences, the rolled gravel surface shall have a minimum depth of 3 inches. For all other uses, the minimum depth shall be 6 inches.
- S. All handicapped parking spaces shall be paved.

### 5.13.3 Access and Sidewalk Requirements

- A. The access and driveway requirements contained in this section apply to the following:
  - a. All proposed driveways;
  - b. Existing driveways serving proposed or enlarged parking facilities.
- B. One-way and two-way driveways which service seven (7) or fewer parking spaces shall be located a minimum of fifty (50) feet from a street intersection, as measured from the center line of such driveway to the extension of the intersecting curbs.
- C. One-way and two-way driveways which service more than seven (7) parking spaces shall be located a minimum of one hundred (100) feet from a street intersection, as measured from the center line of such driveway to the extension of intersecting curbs.
- D. Where a lot contains frontage on more than one public street the Commission, after consultation with the City Engineer and the local Traffic Authority, may require that access to parking areas containing seven (7) or more parking spaces be provided from the street having less traffic volume.
- E. Multiple driveways must be approved by the Commission, after consultation with the City Engineer and the local Traffic Authority. Multiple driveway to one lot shall only be permitted where the applicant can demonstrate that such driveway entrances are necessary for fire protection or the safe and efficient movement of vehicular traffic on site and that the presence and location of said driveways do not interfere with the normal movement or queuing of traffic on the intersecting street.
- F. Driveways shall be designed to have sufficient capacity to accommodate the anticipated number of queuing vehicles and to prevent conflicts between such queuing and any parking spaces.
- G. Driveways having access to a State Highway shall be jointly approved by the State Department of Transportation and the Commission, after consultation with the City Engineer and the local Traffic Authority, except in the case of driveways serving one, two and three family residences.
- H. Except in the case of driveways serving one, two or three family residences, the Commission, after consultation with the City Engineer and local Traffic Authority,

may require:

- a. Up to one hundred fifty (150) feet of separation distance between two-way driveways;
- b. Up to seventy-five (75) feet of separation distance between one-way driveways;
- c. Up to one hundred fifty (150) feet of separation distance between a one-way driveway and a two-way driveway.

The separation distances may be required whether or not the driveways are located on a single lot or on separate lots. The separation distances shall be measured from the center line of the driveway.

- I. All driveways and aisles in an Industrial Park Zone, Local Business Zone or General Business zone shall be paved.
- J. All driveways and aisles except in a Industrial Park Zone, Local Business Zone or General Business Zone shall, at a minimum, be treated with a rolled gravel surface. For one, two or three family residences, the rolled gravel surface shall have a minimum depth of 3 inches. For all other uses, the minimum depth shall be 6 inches. In addition, driveways for all uses shall be paved for a minimum of ten feet from the edge of pavement of the intersecting street.
- K. Where a lot has frontage on a State Highway and the abutting lots have sidewalks, the Commission, after consultation with the City Engineer, and the local Traffic Authority may, in conjunction with the State Department of Transportation, require the installation of a sidewalk with a minimum width of five (5) feet. The exact location of the sidewalk shall be determined by the above mentioned parties.
- L. Where a lot has frontage on a city street, the Commission, after consultation with the City Engineer and local Traffic Authority may require the installation of a sidewalk with a minimum width of five (5) feet. The exact location of the sidewalk shall be determined by the above mentioned parties.
- M. Access management is an approach that seeks to manage driveways and intersections on state highways and other major roads in Torrington to maximize roadway capacity and reduce congestion. Provisions for immediate or future driveway connections to adjoining lots of similar existing or potential uses shall be made when such driveway connections will facilitate efficient emergency response and/or when such connections will enable the public to travel between lots without the need to travel upon a street. The property owners' right to use and the obligation to maintain common driveways shall be assured by a written dedication and/or agreement to be recorded in the Torrington Land Records. Where street geometry, traffic volumes or traffic patterns warrant, the Commission may: **eff.**

**5/17/07**

1. Limit the number of driveways that provide access to a lot from the street.
2. Designate the location of any street access.
3. Require the use and/or provision of a common driveway with an adjoining lot, an access easement to an adjoining lot for shared access, and limit access to a major street and require access from a minor street.
4. As part of an application approval, the Commission may require an applicant or owner to:
  - a. Establish mutual driveway or other easements to provide a single point of access for two or more abutting lots in a location acceptable to the Commission.
  - b. File such easements on the land records in favor of the abutting lot

- owners and/or the City of Torrington as shall be acceptable to the Commission and the Corporation Counsel, and/or
- c. Utilize a mutual driveway or other easement that exists on an abutting lot in lieu of having a separate curb cut onto a road or street.
5. Parking spaces lost or abandoned to an interconnect may be exempted from the minimum parking requirements by the Commission.
  6. Owners shall have the right and may allow their Tenants (which may include the owners) to advertise on both free standing signs, approved in accordance with Section 5.15.4 of the Regulations, and incidental directional signs located on a lot that has a common driveway and/or a shared access easement with the owner's lot.

#### **5.13.4 Required number of Off-Street Parking Spaces**

- A. Off-street parking facilities as required by Section 5.13.1 shall contain the minimum number of parking spaces as described in Table 1 below. Where more than one land use occupies a lot, the total number of parking spaces required shall be cumulative.
- B. The Commission may, by special exception, allow a twenty five percent reduction in the amount of required parking when a change of use occurs in a building existing on the effective date of this regulation (eff. 12/1/93). The applicant must demonstrate to the satisfaction of the Commission that:
  - a. the reduction will not create, or add to, an unsafe traffic situation; and
  - b. there is no practical or feasible means of expanding the parking area.

Table 1

Use Code	Use	Parking Requirement
1.00	Residential Uses	
1.10	Single Family, Detached	2 spaces per dwelling unit
1.15	Affordable Housing: Single Family Detached	2 spaces per dwelling unit
1.20	Two Family Residence	2 spaces per dwelling unit
1.25	Two Family: Primary Residence + Accessory Apartment	3 spaces
1.27	Three Family Residence	6 spaces
1.30	Multi-Family Residences	2 spaces per dwelling unit for units with 2 or more bedrooms, OR 1.5 per dwelling unit for one bedroom units, OR 1 per unit for efficiency units  In addition to the above, 1 visitor space for every four units except in the General Business District
1.39	Affordable Housing: Multi-Family Housing	2 per dwelling unit for units with 2 or more bedrooms, OR 1.5 per dwelling unit for one bedroom units OR 1 per unit for efficiency units PLUS 1 visitor space for every four units except in the General Business District
1.40	Nursing Homes	1 for every 3 beds
1.50	Congregate Care Facilities	1 for every 3 beds
1.55	Elderly Retirement Housing & Assisted Living Facility	1.00 spaces per independent living unit 1.00 spaces per 3 bedrooms for assisted living units
1.60	Boarding Houses	
1.65	Boarding House with less than 3 boarders	1 per bedroom
1.66	Boarding House with more than 2 boarders & less than 15 boarders	1 per bedroom
1.67	Boarding House with 15 or more boarders	1 per 3 bedrooms
1.80	Care Facilities	1 per 3 residents
1.90	Mobile Home Park & Recreational Vehicle Park	2 spaces per home site
2.00	Educational, Cultural, Religious, Child Care, Philanthropic, Social & Fraternal Uses	
2.05	Elementary Schools - Grades K-8	1.1 per employee OR 1 per 4 seats in the auditorium whichever is greater
2.08	Secondary, Trade, & Vocational Schools	1 per 6 students PLUS 1 per employee OR 1 per 4 seats in the auditorium, whichever is greater
2.09	Colleges & Universities	1.5 spaces per 2 students

2.10	Churches, Synagogues & Other Places of Worship including associated residential units for religious personnel & other associated buildings	1 per 4 seats in the portion of the building used for services PLUS spaces for any residential uses as determined in accordance with the parking requirements set forth for residential uses.
2.15	Libraries & Museums	1 per 300 square feet of gross floor area
2.20	Social & Fraternal Clubs, Union Halls	1 per 300 square feet of gross floor area
2.30	Child Day Care Center	1 space per 6 children at maximum capacity
2.40	Group Day Care Center	No requirements
2.50	Family Day Care Home	No requirements
2.60	Hospital	1.5 spaces per bed
2.70	Adult Day Care	1 space per 6 individuals at maximum capacity
3.00	Sales & Rental of Goods, Merchandise or Equipment - no storage or display of goods outside fully enclosed building	
3.10	Retail Stores	1 per 250 square feet of gross floor area
3.12	Retail Stores with Drive Through Window	1 per 250 square feet of gross floor area PLUS 5 spaces per drive through window
3.15	Bakeries - Retail	1 per 350 square feet of gross floor area
4.00	Personal Services	
4.10	Banks	1 per 300 square feet of gross floor area
4.15	Banks with Drive-In Window	1 per 300 square feet of gross floor area PLUS 5 spaces in stacking area per drive-in teller window
4.20	Funeral Home	1 per 3 seats
4.30	Beauty Parlor	1 per 350 square feet of gross floor area
4.40	Dry Cleaners	1 per 350 square feet of gross floor area
4.50	Barber Shop	1 per 350 square feet of gross floor area
4.60	Gymnasiums & Physical Fitness Centers	1 per 200 square feet of gross floor area
4.70	Tailor Shops	1 per 350 square feet of gross floor area
4.80	Shoe Repair Shops	1 per 350 square feet of gross floor area

4.90	Hotels and Motels	1 space per room
4.95	Bed and Breakfast	1 space per room
4.99	Other Personal Services	1 per 350 square feet of gross floor area
5.00	Offices - Operations designed to attract and serve customers & clients on the premises	
5.10	Attorneys	1 per 350 square feet of gross floor area
5.20	Physicians	1 per 250 square feet of gross floor area
5.30	Nurse Practitioners	1 per 250 square feet of gross floor area
5.40	Insurance Agents	1 per 350 square feet of gross floor area
5.50	Stock Brokers	1 per 350 square feet of gross floor area
5.60	Real Estate Agents	1 per 350 square feet of gross floor area
5.70	Accountants	1 per 350 square feet of gross floor area
5.80	Other Offices	1 per 350 square feet of gross floor area
5.90	Radio & TV Stations	1 per 350 square feet of gross floor area
6.00	Recreation, Amusement & Entertainment	
6.10	Activity conducted entirely within a building	1 per 200 square feet of gross floor area
6.15	Bowling alleys, skating rinks, indoor tennis, squash & racquetball courts, pool & billiard halls	1 per 200 square feet of gross floor area
6.18	Theaters for Movies & Plays	1 space per 4 seats.
6.20	Activity conducted primarily outside enclosed building	1 space per 3 persons at outdoor facility's maximum capacity PLUS 1 space per 200 square feet of gross floor area of buildings
6.22	Golf & Country Clubs	1 space per 3 persons at outdoor facility's maximum capacity PLUS 1 space per 200 square feet of gross floor area of buildings
6.24	Tennis & Swim Clubs	1 space per 3 persons at outdoor facility's maximum capacity PLUS 1 space per 200 square feet of gross floor area of buildings
6.26	Golf Drive Ranges, Miniature Golf Courses, Skateboard Parks, Water Slides & similar uses	1 space per 3 persons at outdoor facility's maximum capacity PLUS 1 space per 200 square feet of gross floor area of buildings
6.27	Golf Courses	1 space per 3 persons at outdoor facility's maximum capacity PLUS 1 space per 200 square feet of gross floor area of buildings
6.28	Automobile & Motorcycle Racing Tracks	1 space per 3 seats
6.29	Other Outdoor Activities	1 space per 3 persons at outdoor facility's maximum capacity PLUS 1 space per 200 square feet of gross floor area of buildings

7.00 Restaurants, Bars, & Night Clubs		
7.10	Restaurant with no substantial carry-out or delivery service, no drive in service, no service or consumption outside fully enclosed building	4 spaces per 10 seats
7.20	Restaurant with no substantial carry-out or delivery service, no drive in service, no service and consumption allowed outside fully enclosed building	4 spaces per 10 seats
7.30	Restaurant with carry-out & delivery service allowed, consumption outside fully enclosed structure	1 space per 100 square feet of gross floor area PLUS 4 per 10 seats located outside the structure
7.40	Carry out & delivery service, drive-in service service or consumption	1 space per 100 square feet of gross floor area PLUS 6 stacking spaces per drive-in window PLUS 4 spaces per 10 seats located outside the structure
7.50	Restaurants, including taverns & other places licensed to sell alcoholic beverages	1 space per 100 square feet of gross floor area
8.00 Automobile Establishments		
8.10	Motor Vehicle Sales or Rental; Mobile Home Sales or Rental	1 space per 250 square feet of gross floor area
8.20	Service & Sales with Installation of Motor Vehicle Parts or Accessories (eg tires, mufflers, etc.)	1 space per 250 square feet of gross floor area PLUS 2 spaces per garage bay
8.30	Motor Vehicle Repair or Service	3 spaces per garage bay
8.40	Sales of Gasoline	1 space per 250 square feet of gross floor area
8.50	Car Wash	6 spaces per fixed stall equipped for washing, drying, etc. Parking spaces need not be stalls but may be waiting space in driveway
8.60	Motor Vehicle Painting & Body Work	1 space per 250 square feet of gross floor area
9.00 Parking & Storage		
9.10	Automobile Garages or Parking Lot which is the Principle use on the Lot	1 space allowed per vehicle
9.20.A	Warehouses Where All Storage is within a Completely Enclosed Structure	1 space per 2,000 square feet of gross floor area
9.20.B	Self- service storage warehouse	1 space per 10 compartments

9.30/9.3 1	Warehouse Where Storage is Inside or Outside a Completely Enclosed Structure	1 space per 2,000 square feet of area used for storage
9.40	Parking of Vehicles or Storage of Equipment Outside Enclosed Structure where Parking or Storage is more than a minor or incidental Use of the Lot. (e.g. Storage of Construction Equipment)	1 space allowed per vehicle
10.00	<b>Services &amp; Business Related to Animals</b>	
10.10	Veterinarian	1 space per 250 square feet of gross floor area
10.20	Kennel	1 space per 250 square feet of gross floor area
10.30	Public Stables	1 space per 3 persons at facility's maximum capacity
11.00	Junk Yards, Scrap Materials Salvage Yards, Recycling Centers & Automobile Graveyards	1 space per 250 square feet of gross floor area
12.00	<b>Agricultural Operations</b>	
12.10	Farms	1 space per employee at maximum shift
12.20	Farmer's Roadside Stand	1 space per 250 square feet of gross floor area
12.30	Commercial Greenhouses	1 space per 250 square feet of gross floor area
13.00	Excavating, Mining & Quarrying	1 space per employee at maximum shift
14.00	Cemetery & Crematorium	1 space per employee at maximum shift
16.00	Bus Station & Train Station	1 space per 200 square feet of gross floor area
18.00	Building & Uses of the City of Torrington	Refer to comparable use
19.00	Manufacturing, Processing, Creating, Repairing, Renovating, Painting, Cleaning or Assembling of Goods, Merchandise or Equipment	1 space per 650 square feet of gross floor area; the Commission may, by special exception, allow a maximum of 50% reduction in the amount of required parking, provided that the applicant can demonstrate that the required parking is not needed and that there is sufficient space on the lot to accommodate the required parking in the future
19.05	Print Shops, Sign Painters, Photocopying Centers, Newspaper Production	1 space per 350 square feet of gross floor area
20.00	Utility Companies & Energy Production	1 space per employee
21.00	Temporary Outdoor Uses - Carnivals, Fairs, Auctions	1 space per 1,000 square feet of area used

**B. Handicapped Parking**

- a. Except for one, two and three family residences, handicapped parking spaces shall be provided in addition to the spaces required in Section 5.13.4.
- b. Handicapped parking spaces shall be as near as possible to a building entrance or walkway they are intended to service (Effective 8-17-01)
- c. Handicapped Parking to comply with PA 04-237. Each handicapped parking space shall be 15 feet wide including 5 feet of cross hatch. Each handicapped van parking space shall be 16 feet wide including 8 feet of cross hatch located on the right side of the vehicular approach to the space. Handicapped parking spaces shall be identified by the above grade signs with white lettering on a blue background bearing the words "HANDICAPPED PARKING PERMIT REQUIRED" and "VIOLATORS WILL BE FINED" in addition to the International Symbol of Accessibility. The height of the signs shall have an 8 foot clearance from the installation surface to the bottom of the sign to conform to the Federal Manual on Uniform Traffic Control Devices (MUTCD). When such a sign is replaced, repaired or erected it shall indicate the minimum fine for a violation as imposed by the City. **Rev. 2/1/06**
- d. Each handicapped parking space shall have a surface with a gradient not more than one unit vertical to 50 units horizontal (1:50), 2% maximum slope. Accessible parking spaces for vans used by persons with disabilities shall have a height of 114 inches (9.5 feet), at the space and along the vehicular route thereto and shall have an access aisle of 96 inches (8 feet) in width minimum. (Effective 8-17-01)
- e. The minimum number of handicapped spaces shall be as follows. (Effective 08-17-01)

TOTAL NON-HANDICAPPED PARKING SPACES	REQUIRED NUMBER OF HANDICAPPED SPACES (Including Van Spaces)	REQUIRED NUMBER OF HANDICAPPED VAN SPACES
Up to 25	1	1
26 to 50	2	1
51 to 75	3	1
76 to 100	4	1
101 to 150	5	1
151 to 200	6	1
201 to 300	7	1
301 to 400	8	1
401 to 500	9	2
501 to 1000	2% of total	For every 8 or fraction of 8 handicapped accessible parking spaces, at least one shall be a van accessible parking space
over 1000	20 Plus 1 for each 100 spaces over 1000	For every 8 or fraction of 8 handicapped accessible parking spaces, at least one shall be a van accessible parking space

### 5.13.5 Off-Street Loading Requirements

- A. Off-street loading spaces shall be provided at the time of the erection, alteration, or enlargement of any building or change of use of such building except in the case of a change of use of an existing building within the General Business Zone.
- B. All off-street loading spaces shall be on the same lot with the buildings they are intended to serve.
- C. All off-street loading spaces shall be adjacent to the buildings they are intended to serve.
- D. Loading spaces shall be a minimum of ten (10) in width and thirty-five (35) feet in length and rectangular in shape.
- E. In providing the loading spaces, adequate provision shall be made for turning radius, back up area, and access.
- F. The minimum required number of off street loading spaces is as follows.

<b>Use Code</b>	<b>Use</b>	<b>Gross Floor Area (in square feet)</b>	<b>Number of Spaces</b>
1.40	Nursing Homes	10,000 - 100,000	1
		each additional 100,000	1
1.50	Congregate Care Facilities	10,000 - 100,000	1
		each additional 100,000	1
2.00	Educational, Cultural, Religious, Child Care, etc.	10,000 - 100,000	1
		each additional 100,000	1
3.00	Retail Uses	10,000 - 40,000	1
		each additional 40,000	1
4.00	Personal Services	15,000 - 100,000	1
		each additional 100,000	1
5.00	Professional Offices	15,000 - 100,000	1
		each additional 100,000	1
6.10	Recreation, Activity Conducted Entirely within Building	10,000 - 100,000	1
		each additional 100,000	1
7.00	Restaurant, Bars, & Night Clubs	10,000 - 25,000	1
		each additional 25,000	1
9.20	Warehouse except Self Storage	5,000 - 40,000	1
		each additional 40,000	1
9.30	Warehouse	5,000 - 40,000	1
		each additional 40,000	1
19.00	Manufacturing	5,000 - 40,000	1
		each additional 40,000	1

#### **5.14 Restricted Residential Community**

No additional Restricted Residential Community (R.R.C.) zoning districts shall be allowed. The R.R.C. districts in existence at the time of the passage of this regulation shall remain. Any proposed change in the development plans approved as part of the adoption of a R.R.C. district shall be brought before the Planning and Zoning Commission. Any such change shall conform to the R.R.C. regulations in effect at the time of the R.R.C. district's adoption. If the Commission determines the changes are significant, the Commission shall require the applicant to apply for approval of the changes. The application for the changes to the development plans shall be subject to the regulations that apply for a change to the zoning map.

#### **5.15 Signs** (Rev. 7/31/96)

##### **5.15.1 Computing the Area and Height of Signs**

A. The area of a sign shall be computed by including the entire area within the smallest square, circle, rectangle, triangle or combination thereof that will encompass the extreme limits of the form, illumination, symbol, writing or other display. Any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or building against which it is placed shall be included in the area.

##### **5.15.2 Signs Permitted by Type and Zoning District** (Rev. 12/19/98)

- A. Signs shall be permitted only in accordance with Tables 1 and 2 below. The letter "S" in the Tables means a sign is allowed in the zoning district only with a zoning permit. The letter "P" in the Tables means a sign is allowed without obtaining a zoning permit. The letter "N" means the sign is not allowed. The letters "NA" mean "not applicable". The letter "E" means allowed by special exception.
- B. Signs requiring a zoning permit shall also require site plan approval from the Commission if the area of the sign is greater than 50 square feet. The Zoning Enforcement Officer may refer a sign less than 50 square feet in area to the Commission for site plan approval if, in the opinion of the Zoning Enforcement Officer, the sign would have a significant impact on the appearance of the property or the surrounding area. (Rev. 8/2/99)
- C. Although a sign is permitted it must also conform to all other restrictions imposed by these regulations.

**Table 1: Signs by Type for Non-Residential Uses in Non-Residential Zoning District**

Sign Type	Zoning District				
	GB	LB	I	IP	CIR
Free Standing Sign	S	S	S	S	S
Wall Sign	S	S	S	S	S
Marquee	S	S	N	N	S
Portable Sign (rev. 7/23/03)	S*	S*	N	N	N
Temporary Sign	S	S	S	S	S
Projecting Sign (rev. 11/26/03)	S**	N	N	N	N
Window Sign	P	P	P	P	P
Roof Sign	S	S	S	S	S
Incidental Sign	P	P	P	P	P
Off-Premise Sign E	N	S	E	N	
Canopy Sign	S	S	S	S	S
Construction Sign	S	S	S	S	S
Residential Sign	NA	NA	NA	NA	NA
Banner	S	S	S	S	S
City Sponsored Banner - Lamppost placement may include off-premises advertising withing the public right of way (7/20/06)	P	N	N	N	N
Flag	S	S	S	S	S
Farm Directional	S	S	S	S	S

\* Portable signs are permitted with zoning permit approval provided that the property has a sidewalk in front of the business and is not able to post a free standing sign per Section 5.15.4. The portable sign location shall be approved by the Zoning Enforcement Officer. Portable signs shall be posted only during the hours a business is open. Only one portable sign is permitted per business and shall not exceed 10.5 sq. ft. in size. The area of the portable sign shall be included in the calculations of maximum sign area as shown in Section 5.15.3 (rev. 7/23/03).

\*\*Standards for projecting signs: (rev.11/26/03)

1. The bottom edge of a projecting sign shall be at least eight (8) feet above ground level when located in an area where the public walks.
2. No projecting sign shall extend more than six (6) feet from the wall to which it is attached or extend beyond a vertical plane that is two (2) feet inside the curb line whichever is less.
3. No part of a projecting sign shall be above the height of the building;
4. Only one side of a projecting sign shall be included in the computation of sign area.

**Table 2:** Signs by Type for Non-Residential Uses in Residential Zoning Districts and Residential Uses in All Districts

<u>Sign Type</u>	<u>Non-Res. Uses in Res. Districts</u>	<u>Res. Uses In All Districts</u>
Free Standing Sign	S	S
Wall Sign	S	S
Marquee	N	N
Portable Sign	N	P
Temporary Sign	S	P
Projecting Sign	N	P
Window Sign	N	P
Roof Sign	N	N
Incidental	P	P
Off-Premise Sign	N	N
Canopy Sign	S	N
Construction Sign	S	S
Residential Sign	NA	P
Banner	N	N
Flag	N	N
Residential Development Sign	NA	S
Farm Directional Sign	S	S

**5.15.3 Maximum Total Sign Area**

- A. Except as specified below, the maximum total sign area of all signs on a lot shall not exceed the lesser of the following four criteria found in Tables 3 and 4 below:
  - a. maximum total square feet of sign area;
  - b. total sign area as a percentage of ground floor area of building;
  - c. square foot of sign area per linear foot of street frontage; and
  - d. maximum total square feet of sign area per dwelling unit.
- B. The maximum total sign area in Section 5.15.3.A. above shall not result in a reduction of the total allowable sign area to less than 30 square feet for any non-residential use in a non-residential zoning district.
- C. In Local Business, General Business, and C.I.R. zones, any building(s) exceeding 20,000 square feet in gross floor area and with more than one tenant shall be subject to the following restrictions on sign area. **(Eff. 3/8/07)**
  - a. Each tenant shall be allowed a maximum of one square foot of sign area per linear foot of front building wall. The linear footage along the front of the building shall be measured along the part of the building actually occupied by the tenant.
  - b. The sign area of a free standing sign shall not be included in the area attributed to individual tenants.
  - c. The other restrictions on free standing signs in Section 5.15.4 shall apply.
- D. Incidental signs and unilluminated window signs are not included in the calculation of maximum total sign area.
- E. Temporary signs for residential uses are not included in the calculation of maximum total sign area.
- F. Signs required by the State or Federal Government shall not be included in the calculations of total sign area provided the number and size of such signs shall be kept to the minimum required by the State or Federal Government.

- G. Menu boards used for drive-in windows shall not be included in the calculations of total sign area provided that the messages on such menu boards are not legible from a public right of way.
- H. The area of an off premise sign allowed by special exception in the General Business zone shall not result in the total sign area for all signs on the property exceeding the property's maximum allowable sign area as determined by Sections 5.15.3.A and 5.15.3.C above. (Added 12/19/98)

**Table 3: Maximum Total Sign Area for Non-Residential Uses in Non-Residential Districts**

<b>Criteria</b>	<b>GB</b>	<b>LB</b>	<b>I</b>	<b>IP</b>	<b>CIR</b>	
Max. Total Square Feet of Sign Area		500	500	500	500	500
Total Sign Area as a Percentage of Ground Floor Area of Building		4%	6%	4%	4%	4%
Square Foot of Sign Area Per Linear Foot of Street Frontage		2	2	2	2	2
In Local Business, General Business, and C.I.R. Zones, any building(s) exceeding 20,000 square feet in gross floor area and with more than one tenant shall be subject to the following restrictions on sign area ( <b>eff. 3/8/07</b> ) each tenant shall be allowed a maximum of one square foot of sign area per linear foot of front building wall. The linear footage along the front of the building shall be measured along the part of the building actually occupied by the tenant.		1	1	N/A	N/A	1
Maximum Number of Total Square Feet per Dwelling Unit		NA	NA	NA	NA	NA

**Table 4: Maximum Total Sign Area for Non-Residential Uses in Residential Districts and Residential Uses in All Districts**

<b>Criteria</b>	<b>Non-Res. Uses in Res. Districts</b>	<b>Res. Uses in All Districts</b>
Max. Total Square Feet of Sign Area	50	50
Total Sign Area as a Percentage of Ground Floor Area of Building	2%	NA
Square Foot of Sign Area Per Linear Foot of Street Frontage	.5	NA

Max. Number of Total  
Square Feet per  
Dwelling Unit

NA

1

This section does not apply to home occupations permitted under Section 5.10 of the Zoning Regulations. Only Free-standing signs per Section 5.15.4I are permitted for home occupations. (Rev. 7/23/03)

#### 5.15.4 Free Standing Signs

- A. Except as described in Section F below, the area of free standing signs shall be included in the calculations of maximum sign area as shown in Section 5.15.3.
- B. Except as described in Section F below, there shall be a maximum of one free standing sign per street on which the lot fronts.
- C. Only one side of a free standing sign shall be included in the computation of sign area. The supporting framework or structure shall not be included in the sign area.
- D. The height of a free standing sign shall be computed as the distance from the grade at the sign's base to the top of the highest attached component of the sign. The grade cannot be altered by filling, berming, excavating or other means for the purpose of altering the height of the sign.
- E. Free standing signs shall not interfere with any sight lines on streets or driveways.
- F. In General Business, Local Business and C.I.R. zones the following requirements shall apply.
  - a. The maximum height of a free standing sign shall be **17** feet. (rev. 2/26/09)
  - b. The maximum sign area of each free standing sign shall be 125 square feet.
  - c. The free standing sign shall be at least 10 feet from a side or rear property line.
  - d. The number and size of free standing sign(s) on a lot with a building(s) exceeding 20,000 square feet in gross floor area and with more than one tenant may be increased provided a special exception is obtained.
- G. In Industrial and Industrial Park zones the following requirements shall apply.
  - a. The maximum height of a free standing sign shall be 8 feet.
  - b. The maximum sign area of a free standing sign shall be 35 square feet.
  - c. The free standing sign shall be at least 10 feet from a side or rear property line.
- H. In RRC, R-10, R-10s, R-15, R-15s, R-25, R-40, R-60, R-WP and R-6 zoning districts the following requirements shall apply.
  - a. The maximum height of a free standing sign shall be 5 feet.
  - b. The maximum sign area of a free standing sign shall be 20 square feet.
  - c. The free standing sign shall be at least 10 feet from any property line.
- I. Home Occupation Sign: The maximum sign area for a free standing sign permitted for a sign posted for a home occupation shall not exceed 10.5 square feet. (Rev. 7/23/03)

#### 5.15.5 Farm Directional Sign

Off premise directional signs for farms are intended to aid drivers in getting to the farm. They are permitted provided all of the following conditions are met.

- A. The directional sign furthest from the farm shall be no more than 4.5 miles from the farm.
- B. Directional signs shall be located along only one route to the farm.
- C. A directional sign shall be located only at each street intersection at which a driver is to turn to reach the farm. Only one directional sign per such intersection is allowed.
- D. Each directional sign shall be no more than three square feet in area.
- E. No directional sign shall be placed in a City or State right of way.

- F. A directional sign shall not be considered in computing the maximum allowable signage on a property.
- G. A directional sign shall not be illuminated.

#### 5.15.6 **Roof Signs**

No part of a roof sign may project above the highest part of the roof to which it is attached.

#### 5.15.7 Illumination

- A. Signs may be illuminated either internally or externally. If the sign is illuminated by an external source, the illumination shall be directed only onto the sign. No illumination shall shine directly into a public right of way or a residential use.
- B. If a window sign is illuminated it shall be treated as a wall sign.
- C. No sign may contain or be illuminated by flashing or intermittent lights or lights of changing degrees of intensity except signs indicating the time, date and temperature.

#### 5.15.8 General Prohibitions

- A. Signs that revolve, move, or appear to move are prohibited.
- B. Signs, or any part thereof, that are animated or change electronically are prohibited. Signs indicating the time, date, and temperature are exempt from this restriction.
- C. No sign may be located so that it interferes with the view necessary for the safe movement of vehicles or pedestrians.
- D. Beacons, pennants, streamers, propellers, inflatable signs, balloons, and flashing or intermittent lights are prohibited.
- E. Exterior illuminated tubing or strings of lights that outline property lines, roof lines, doors, windows, sales areas or similar areas are prohibited.
- F. No sign shall be painted directly on the exterior surface of any wall.

#### 5.15.9 Maintenance of Signs

- A. All signs, and components thereof, shall be maintained in good structural condition.
- B. Except for routine maintenance sign facing shall not be removed so as to expose the inside of an internally illuminated sign.

#### 5.15.10 Non-conforming Signs

- A. Legally nonconforming signs existing on the effective date of this regulation may be continued. A nonconforming sign may not be enlarged or illuminated - if not previously illuminated - or altered to create any additional nonconformity.
- B. The message of a nonconforming sign may be changed provided no new nonconformity is created.
- C. Any nonconforming sign which advertises, identifies, or pertains to any activity no longer in existence shall be removed by the owner of the property within 60 days from the time the activity ceases. This provision shall not apply to seasonal activities during the regular periods in which they are closed.

#### 5.15.11 Exceptions (Rev. 12/19/98)

The following signs are exempt from regulation except for Section 5.15.8.C and Section 5.15.9.

- A. Flags of Federal, State or municipal governments.
- B. Flags of other nations or non-profit organizations.
- C. Signs on mailboxes or newspaper tubes.
- D. Displays including lighting erected in connection with the observance of specific holidays. Such displays shall contain no elements not directly related to the holiday. Such displays shall be removed within 14 days following the holiday.
- E. Signs containing the message that the lot or building on which the sign is located is for sale, lease, or rent together with information identifying the owner or agent. Such signs may not exceed thirty two square feet in area and shall be removed immediately after sale, lease or rental.
- F. Signs which are not visible from a public right of way.
- G. Off-premise signs placed on facilities owned or operated by the City of Torrington provided the individual sign is no more than thirty two square feet in

area, unilluminated, and no more than ten foot above grade.

#### 5.15.12 **Permits** (Rev. 8/2/99)

- A. Signs identified as "S" or "E" in Tables 1 and 2 of this Section shall be erected, installed, created or modified only in accordance with a duly issued zoning permit from the Zoning Enforcement Officer.
- B. An application for the installation, construction, creation or modification of a sign shall be accompanied by detailed drawings to show the dimensions, design, structure, illumination, and location of each sign. The dimensions, design, structure, illumination and location of all signs on the property may be required if, in the opinion of the Zoning Enforcement Officer, the information is necessary to determine compliance with the regulations.

### **5.16 Tree Regulations**

#### 5.16.1 **Intent**

Trees are an essential natural resource. It is the intent of these regulations to provide protection for this resource by minimizing the loss of trees from development.

#### 5.16.2 **Applicability of Tree Regulations**

- A. The following regulations shall apply to:
  - a. local business, general business, industrial and industrial park districts; and
  - b. all uses, in all districts, requiring a special exception and/or site plan approval.
- B. For all special exception applications and site plan applications, the City Planner shall inspect the parcel to determine if any specimen trees are within the proposed construction area. If, in the judgement of the City Planner, specimen trees are within or near the proposed construction area, the City Planner, within fifteen days after receiving the application, shall write to the applicant instructing the applicant to locate the specimen trees on the site plan. In the case of parcels over five acres, the applicant may designate on the plans a portion of the parcel as containing specimen trees rather than locating individual trees. If the applicant proposes to remove any specimen tree, the applicant shall demonstrate to the Commission's satisfaction that there is no reasonable alternative to the removal of the specimen tree.
- C. For all special exception applications and site plan applications, the City Planner shall inspect the parcel to determine if any significant trees within the protected tree area are to be removed for purposes other than parking areas, driveways, sidewalks, or utilities. If, in the judgement of the City Planner, significant trees within or near the protected tree area are to be removed for purposes other than parking areas, driveways, sidewalks, or utilities, the City Planner, within fifteen days after receiving the application, shall write to the applicant instructing the applicant to locate on the site plan the area in which significant trees are to be removed. The applicant shall demonstrate to the Commission's satisfaction that there is no reasonable alternative to the removal of the significant trees within the protected tree area.
- D. In approving the removal specimen or significant trees the Commission may require the applicant to plant additional trees with a minimum caliper of 2.5 inches.
- E. No more than 25% of the area within the drip line of the significant and specimen trees to be preserved shall be disturbed or covered with an impervious surface. In addition, the disturbed area or impervious surface shall be at least three feet from the tree trunk.

#### 5.16.3 **Protection of Significant Trees and Specimen Trees During Construction**

- A. The area surrounding all significant and specimen trees that are within the

construction area and are to be preserved shall be clearly marked prior to the start of any construction activities.

B. The area within the drip line of the trees to be preserved shall remain free of all building materials, fill, vehicles, and debris.

#### 5.16.4 Long Term Protection of Significant Trees and Specimen Trees

For specimen trees and significant trees that are to be preserved, tree wells and/or tree walls shall be provided to prevent changes in grade of more than 6 inches within the drip line of the trees.

#### 5.16.6 Emergencies

In the event that a significant tree or specimen tree, that is shown on an approved plan as being preserved, poses a serious and imminent threat to public safety due to death, disease or damage resulting from a natural or man-made disaster, the City Planner may authorize the removal of the tree(s). The City Planner shall submit a written report to the Commission describing the reasons for authorizing the removal. The Commission may require the property owner to replace the removed trees with trees that have a total caliper equal to that of the removed tree.

### Section 5.17 Outdoor Lighting Regulations (Effective 2/2/01)

#### 5.17.1 Purpose

The purpose of these regulations is to provide specific standards in regard to lighting, in order to maximize the effectiveness of site lighting to enhance public safety and welfare, to avoid unnecessary upward illumination and illumination of adjacent properties, and to reduce glare. All business, residential, and community roadways, sidewalks, and town property luminaries should be planned and installed with the idea of being a "good neighbor" by keeping unnecessary direct light from shining onto abutting properties or roadways, both public and private.

Except as herein provided, these regulations shall apply to any outdoor lighting fixture installed, modified or refurbished within the City of Torrington. This regulation applies to all sites located in nonresidential zones and Special Exception uses in residential zones.

#### 5.17.2 Definitions:

**Direct light:** light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminaire.

**Direct light source:** the lamp or bulb that produces the actual light.

**Full Cut-Off Type Fixture:** A luminaire or light fixture that; by design of the housing, does not allow any light dispersion or direct glare to shine above a 90 degree horizontal plane from the base, or the purpose of the design is defeated, and disability glare will result.

**Fully Shielded Lights:** Fully shielded luminaire light fixtures allow you to control the glare in any direction.

**Glare:** Light emitting from a luminaire with an intensity great enough to reduce a viewer's ability to see, and in extreme cases causing momentary blindness.

**Height of Luminaries:** The height of luminaries shall be the vertical distance from the ground directly below the centerline of the luminaire to the lowest direct-light-emitting

part of the luminaire.

**Indirect Lighting:** Direct light that has been reflected or has scattered off of other surfaces.

**Isodiagram:** An Isodiagram is a graphical representation of points of equal illuminance drawn as single line circular patterns or computer generated spot readings in a grid pattern on a site plan. Lighting designers and manufacturers generate these diagrams to show the level and evenness of a lighting design and to show how light fixtures will perform on a given site.

**Lamp:** The light source component of luminaries that produces the actual light.

**Light Pollution:** Stray or reflected light that is emitted into the atmosphere, beyond the 90-degree horizontal plane. Dust, water, vapor and other pollutants reflect this light causing unwanted sky-glow.

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

**Lumen:** A unit of luminous flux. One-foot candle is one lumen per square foot. For the purposes of this regulation, the lumen-output values shall be the INITIAL lumen output ratings of a lamp.

**Luminaire:** A complete lighting system, and includes a lamp or lamps and a fixture.

**Outdoor Lighting:** The night-time illumination of an outside area or object by any man-made device located outdoors that produces light by any means.

**Ratio:** Uniformity ratio, describing the average level of illumination in relation to the lowest level of illumination for a given area. Example: U.ratio = 4:1 for the given area, the lowest level of illumination (1) should be no less than 1/4 or 4 times less than the average (4) level of illumination.

**Uplighting:** Any light source that distributes illumination above a 90 degree horizontal plane.

#### 5.17.3 **Lighting Plan:**

Outside lighting for non-residential and multi-family uses will be subject to a Site Plan review, unless waived in writing by the City Planner, and shall be accompanied by a lighting plan showing:

- A. The location, height and type of any outdoor lighting luminaries, including building mounted;
- B. The luminaire manufacturer's specification data, including lumen output and photometric data showing cutoff angles;
- C. The type of lamp: metal halide, compact fluorescent, high pressure sodium;
- D. The Commission may require an Isodiagram showing the intensity of illumination expressed in foot candles at ground level.

#### 5.17.4 **General Requirements:**

- A. All exterior lights and illuminated signs shall be designed, located, installed and directed in such a manner as to prevent objectionable light trespass at (and glare across,) the property lines and disability glare at any location on or off the property. The "maintained horizontal illuminance recommendations" set by the Illumination Engineering Society of North America (IES) shall be observed (See Appendix A & B)

- B. All lighting for parking and pedestrian areas will be full cut-off type fixtures. Floodlighting is prohibited.
- C. Lighting for display, building and aesthetics must be shielded to prevent direct glare and/or light trespass and must also be, as much as physically possible, contained to the target area. All building lighting for security or aesthetics will be full cut off or a fully shielded/recessed type, not allowing any upward distribution of light.
- D. Adjacent to residential property and in all residential zones, no direct light source will be visible at the property line at ground level or above.
- E. Gasoline Service Stations. Maintained illumination recommendations set by the Illuminating Engineering Society of North America (see Appendix B) will be observed and not exceeded. All area lighting will full cutoff. Lighting under canopy shall contain a lens that is flush with the bottom surface, to reduce off-site glare for roadways. Special consideration, by Special Exception permit, shall be given to maintain a uniformity with similar uses in the vicinity.
- F. All street lighting shall be "cut-off" fixtures.
- G. Outdoor playing areas. Where playing fields or other special activity areas are to be illuminated, lighting fixtures shall be specified, mounted and aimed so that their beams fall within the primary playing area and immediate surroundings, and so that no direct illumination is directed off the site.
- H. Employ soft, transitional light levels, which are consistent from area to area. Minimize contrast between light sources, lit areas and dark surroundings.
- I. All non-essential lighting, except signs, will be required to be turned off after business hours, leaving only the necessary lighting for site security - motion or infrared sensor lighting is encouraged.
- J. Ornamental lighting designed to highlight flagpoles, sculptures or landscape feature should be targeted directly at the object and should not extend 10% beyond the perimeter of the object.
- K. The height of luminaries, except streetlights in public right-of-ways, shall be the minimum height necessary to provide adequate illumination, but shall not exceed a height of 24 feet, including the base.
- L. Exemptions: Traditional seasonal lighting and temporary lighting used by Police, Fire Department or Emergency services are exempt from these regulations.

**Appendix A**

**IES PARKING LOT LEVELS OF ACTIVITY (Examples)**

**IES MAINTAINED HORIZONTAL ILLUMINANCE RECOMMENDATIONS (footcandles)**

		General Parking & Pedestrian			Vehicle Use Area Only		
		Ave.	Min	U.Ratio	Ave.	Min	U.Ratio
<b>HIGH</b>	Major league athletic events; major cultural or civic events; regional shopping centers; fast food facilities	3.6	0.9	4:1	2.0	0.67	3:1
<b>MED.</b>	Community Shopping Centers; Civic or Recreational Events; Office Parks; Hospital Parking; Transportation Parking (Airports, Commuter Lots, etc.); Residential Complex Parking	2.4	0.6	4:1	1.0	0.33	3:1
<b>*LOW</b>	Neighborhood Shopping; Industrial Employee Parking; Educational Facility Parking; Church Parking	0.8	0.2	4:1	0.5	0.13	4:1

\*IES states: "This recommendation is based on the requirement to maintain security at anytime in areas where there is a low level of nighttime activity."

Local interpretation and application of IES Parking Lot Levels of Activity Examples not specifically identified or quantified.

	<u>Level of Activity</u>
Regional shopping centers containing retail space of 300,000 square feet or greater.	HIGH
Community shopping centers containing retail space of 5,000 to 299,999 square feet.	MEDIUM
Neighborhood shopping containing retail space of less than 5,000 square feet.	LOW
Fast food facilities (means only with customer seating capacity of 40 or greater)	HIGH
Automotive dealerships	HIGH
Entertainment theaters, sports arenas	HIGH

## APPENDIX B

### Service station or gas pump area average illuminance levels

Area Description	Average Illumination On Described Area (Lux/footcandles)
Approach with dark surroundings	15/1.5
Driveway with dark surroundings	15/1.5
Pump island area with dark surroundings	50/5
Building facades with dark surroundings	20/2
Service areas with dark surroundings	20/2
Landscape highlights with dark surroundings	10/1
Approach with light surroundings	20/2
Driveway with light surroundings	20/2
Pump island area with light surroundings	100/10
Building facades with light surroundings	30/3
Services areas with light surroundings	30/3
Landscape highlights with light surroundings	20/2

#### 5.17.5 Special Exception Permits:

The Planning and Zoning Commission may grant a Special Exception permit modifying the requirements of this Section, provided it determines that such modification is consistent with the purpose of these regulations, in the following cases:

- A. Where an applicant can demonstrate, by means of a history of vandalism or other objective means, that an extraordinary need for security exists,
- B. Where an applicant can show that conditions hazardous to the public, such as steep embankments or stairs, may exist in traveled ways or areas;
- C. Where a minor change is proposed to an existing non-conforming lighting installation, such that it would be unreasonable to require replacement of the entire installation;
- D. Where special lighting is indicated for historic buildings;
- E. Where special consideration is given to maintain a uniformity with similar uses in the vicinity.

## Section 6.0 SPECIAL EXCEPTIONS

### 6.1 Affordable Housing

#### 6.1.1 Affordable Housing Special Exception Requirements

- A. For each dwelling unit or lot proposed in excess of the number of units or lots permitted by the applicable density limit, the applicant shall construct a unit of affordable housing.
- B. In multi-family residence projects, the maximum density including the density bonus and the affordable units shall be as follows.

R-6	18 units per acre
R-10	10 units per acre
R-15	8 units per acre
R-25	6 units per acre
L.B.	10 units per acre
G.B.	18 units per acre
- C. In subdivisions, the applicant shall be required to cluster the lots as provided for in Section 5.6. The maximum density including the density bonus and the affordable units shall not exceed 15% of the applicable density limit.
- D. The affordable housing units shall be of comparable quality to the other units in the project.
- E. The affordable housing units shall be evenly distributed throughout the project.
- F. In the case of subdivisions, the affordable units must be on lots that are of comparable size and quality as the other lots in the subdivision.
- G. The affordable housing units approved by the special exception shall be offered for sale, rent, lease, or conversion to common interest ownership only to households having income less than or equal to 80% of the area median income for the City as determined by the United States Department of Housing and Urban Development.
- H. The affordable housing units approved by special exception shall not be sold, resold, rented, or converted to common interest ownership and subsequently sold for a price which exceeds the amount specified for such unit in the contract between the City and the developer.
- I. Affordable housing units approved by special exception shall be conveyed by deeds containing covenants incorporating the terms and conditions contained in the contract between the City of Torrington and the applicant. The covenants shall be enforceable by the City until released by the City. Such deed restrictions shall be in effect for each unit for no less than thirty years from the date of issuance of the certificate of occupancy.

#### 6.1.2 Application

In addition to any other requirements, the applicant shall provide along with the special exception application the following information:

- A. the density limit for the parcel;
- B. the number and location of the affordable units;
- C. the sales prices or rents of all units;
- D. the total number of units or lots to be developed;

- E. a description of the units types including the square footage and the number of bedrooms;
- F. a schedule for the completion of the units;
- G. a contract between the City and the applicant which includes:
  - a. the terms of the special exception;
  - b. establishment of maximum income for occupants of the affordable housing;
  - c. provision for reasonable periodic increases of the specified income, sale price, or rent;
  - d. covenants in favor of the City or an appropriate non-profit agency;

### 6.1.3 **Additional Considerations for Affordable Housing Special Exception**

In addition to the other factors pertaining to special exceptions as described in Section 8, the Commission shall consider the following:

- A. the need for the project as determined by the percentage of the City's housing that is:
  - a. government assisted (including Connecticut Housing Financing Authority financed mortgages); or
  - b. housing subject to deeds containing covenants or restrictions which require that such housing be sold or rented at, or below, prices which will preserve the units as affordable housing;
- B. the provision of unit types to meet identified needs;
- C. the percentage of affordable housing units to be built;
- D. the covenants and restrictions that are meant to assure the long term affordability of the housing units;
- E. the number of years that the units will remain affordable;
- F. the schedule for completion of the affordable units;
- G. the contract terms between the developer of the affordable units and the City; and
- H. the quality of the plan for the development of the site.

## 6.2 **Automobile Establishments - Motor Vehicle Dealer, Vehicle Repairer, Junk Yards & Gasoline Sales**

### 6.2.1 **Location Approval**

- A. Automobile establishments requiring Motor vehicle dealer's licenses, new car dealer, used car dealer and motor vehicle repairer's licenses, as per the Connecticut General Statutes shall obtain location approval from the Planning and Zoning Commission. Junk yards requiring a motor vehicle recycler's yard or motor vehicle recycler's business license, as per the Connecticut General Statutes, shall obtain location approval from the Planning and Zoning Commission. Location approval shall be obtained from the Planning and Zoning Commission for establishments selling or offering gasoline or other products intended for use in propelling motor vehicles using combustion type engines. **Rev. 2/1/06**
- B. Automobile establishments shall have a minimum of 150 linear feet of frontage on a street.

### 6.2.2 **Parking for Automobile Establishment**

- A. To improve traffic circulation, automobile establishments must separate the areas used for either vehicle storage or display from the areas used for customer or

employee parking. This separation is to be accomplished by means of landscaping, barriers or other means as determined by the Commission.

- B. In an automobile establishment with storage or display areas exceeding 10,000 square feet, the Commission may require the storage or display area to be landscaped in a manner similar to that required for parking lots in Section 5.11. The intent is to avoid extensive paved areas devoid of landscaping.

### **6.3 Child Day Care Center**

Child Day Care Centers requiring a special exception must meet all of the following conditions:

- 6.3.1 The minimum lot size is 30,000 square feet;
- 6.3.2 There shall be a minimum of 500 square feet of lot area per child for the first 60 children plus 200 square feet of lot area per child for each additional child.
- 6.3.3. The outside play area must be adjacent to the facility.
- 6.3.4 The outside play area must be completely fenced.
- 6.3.5 The fence around the outside play area must be at least four feet high and constructed to prevent the passage of children through it.
- 6.3.6 There must be a buffer of at least ten feet between the play area fence and the side and rear property lines.
- 6.3.7 The buffer area between the property lines and the play area fence must be planted with non-deciduous trees, minimum height of 6 feet, at a maximum of eight feet off-center. Existing vegetation may be used in place of the non-deciduous trees if, in the opinion of the Commission, the existing vegetation provides the same buffering as would be obtained by planting the non-deciduous trees.

### **6.4 Excavations**

#### **6.4.1 Excavation**

Excavations shall conform to the following regulations. The placement of more than 100 cubic yards of earthen material or clean fill on a lot shall be subject to the same regulations as an excavation. The only exceptions to these regulations shall be as follows:

- A. Excavation necessary for the construction of a building or other structure that has a valid building permit.
- B. Excavation necessary for the development of a parking area for which site plan approval has been obtained.
- C. Excavation necessary for the development of the roads, utilities, and building lots in accordance with an approved subdivision plan.

#### **6.4.2 Setbacks**

No excavation shall take place within 50 feet of a property line except where the Commission determines that such excavation would:

- A. improve sight lines on existing roadways;
- B. provide a more appropriate system of stormwater drainage; or
- C. provide a more usable area for future development when excavation is complete.

#### 6.4.3 Screening

Where necessary to protect the surrounding properties, the Commission may require a landscape buffer and/or an earthen berm. Existing vegetation and natural topography shall be preserved where feasible.

#### 6.4.4 Slopes

Finished slopes shall not exceed a one foot vertical to two foot horizontal slope. Fences, guardrails, or embankments shall be provided where necessary for the protection and safety of vehicular and pedestrian traffic.

#### 6.4.5 Restoration

The area disturbed by the excavation is to be restored by the spreading of topsoil and the planting of trees and suitable ground cover including perennial grasses, shrubs, and legumes. Restoration shall be a continuous operation. Only a limited area is to be excavated before restoration begins. The following regulations shall govern all restoration.

- A. Topsoil shall be stored on the property for respreading to a minimum depth of 3 inches over the excavated area. The area for the storage of topsoil shall be shown on the plans approved by the Commission. All stockpiled topsoil shall be seeded with appropriate perennial grasses and surrounded by appropriate erosion controls.
- B. Following the respreading of topsoil, the area is to be seeded with a suitable ground cover and maintained until the area is stabilized. The area is to be limed and fertilized as appropriate. Seeding is to be done between April 15 and June 30 or August 15 and September 30.
- C. Following the respreading of topsoil, the area is to be planted with one tree per 10,000 square feet of excavated area. Deciduous trees shall be a minimum caliper of 2.5 inches at the time of planting. Non-deciduous trees shall be a minimum of 6 feet high at time of planting. No more than fifty per cent of the trees may be non-deciduous. To the extent practical, the trees shall be hardy native species and compatible with the post excavation site characteristics.
- D. No sharp declivities, pits, or depressions shall remain after restoration. No accumulation of boulders or debris shall remain on the surface after restoration.
- E. Restoration is to occur so that no more than five (5) acres are actively being excavated, used, or without topsoil at any one time. The Commission may increase the five acre maximum if the Commission determines that the five acre maximum does not provide sufficient space for the excavating operations.
- F. An applicant shall provide a bond for the estimated cost of restoring the area to be disturbed during the two year period of the special exception. The bond shall cover all aspects of the restoration. It shall be in the form of a certified check, passbook account, letter of credit or bond from a company licensed by the State of Connecticut. It shall be in a form acceptable to the Corporation Counsel.

#### 6.4.6 Information

- A. In addition to any other information required for a special exception, the applicant shall provide, at a minimum, the following information:

- a. the proposed days and hours of operation;
  - b. any sorting, crushing, reducing, refining, or other processing proposed for the site;
  - c. the location of the excavation;
  - d. the methods of excavation proposed for the site;
  - e. the location and frequency of any proposed blasting;
  - f. the location of proposed driveways, roads, fences, gates and topsoil storage areas;
  - g. the proposed location of any large scale machinery, trailers or other operations on the site;
  - h. an estimate of the number of trucks that are proposed to enter or leave the site each day; and
  - i. the approximate number of acres to be excavated per year, the cubic yards of earthen material to be removed per year, the estimated duration of the operation, and the estimated depth of excavation below the existing grade.
- B. A plan for the restoration of the site shall be provided. This plan shall include a restoration schedule and a landscaping plan showing the location, species (Latin and common names), number and size of the trees, shrubs and grasses to be planted. The landscaping plan shall be signed by a landscape architect or a landscape gardener.

#### 6.4.7 Issuance of Special Exception

- A. In order to protect the character of the existing neighborhood or the environment, the Commission may
  - 1. restrict the hours of operation, 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; and
  - 2. provide for increased buffering of surrounding properties.
- B. Special exceptions must be renewed by the applicant every two years from the date of issuance. The special exception shall not be renewed unless the excavation completed to date conforms with the approved special exception.
- C. In renewing a special exception for an existing, legally non-conforming excavation, the Commission may impose such conditions as would bring the excavation more nearly into conformance with these regulations.

#### 6.4.8 Retail as an Accessory Use (Rev. 4/21/06)

- A. The applicant may incorporate retail use into its application for a special exception under 6.4 so long as the following conditions are met:
  - 1. The retail use is clearly incidental and subordinate to the principal use. The principal use and the retail use shall be owned by the same individual, partnership, limited liability company or corporation. The retail use shall be renewed every two years in conjunction with the special exception approval for earth excavation.
  - 2. The products sold on a retail basis shall be similar in nature or accessory to the products made on the property, or distributed on a wholesale basis from the property. For purposes of this subsection, "made on" shall include earth products extracted from the property. Accessory products shall include masonry and piping products which are closely aligned to the products made on the property.
  - 3. The area of the retail use shall occupy no more than 10% of the area of the property approved for the earth excavation. The parking for the retail use shall be included within this area.
  - 4. The applicant shall demonstrate how the safety of its retail customers has been

taken into account.

5. There shall be no additional signage allowed for the retail use.
6. Parking requirements, in addition to what is required for the excavation operations, shall be in accordance with Section 5.13 of these regulations with calculations based on the area of the property used for retail use.

## **6.5 Hospitals, Nursing Homes, Congregate Care Facilities and Group Care Facilities**

### **6.5.1 Hospitals**

Hospitals shall be located on lots of five acres or more.

### **6.5.2 Nursing Homes, Congregate Care Facilities and Group Care Facilities**

- A. Nursing homes, congregate care facilities and group care facilities with more than 12 residents shall be located on lots of one acre or more.
- B. Nursing homes, congregate care facilities and group care facilities with more than 12 residents shall have a density of no more than 40 beds (or residents) per acre.

### **6.5.3 Elderly Retirement Housing and Assisted Living Facilities, and Group Care Facilities**

Elderly Retirement Housing and Assisted Living Facilities shall be located on lots of 15 acres or more and shall not consist of more than 65 percent independent living units.  
(Eff. 10/18/08)

## **6.6 Junk Yards**

6.6.1 An unregistered motor vehicle not stored within a completely enclosed structure is classified as junk. The only exception to this shall be motor vehicles or other equipment - in operating condition - that are actively being used on a farm.

6.6.2 All junk is to be placed in a junk yard. The sole exception is that junk used as a raw material in manufacturing may be stored on the same lot where the manufacturing occurs. All junk yards shall conform to the following conditions.

- A. The minimum area of a parcel to be used for a junk yard shall be five acres.
- B. The section of the junk yard on which junk is to be placed shall be completely surrounded by an opaque fence. The fence shall be a minimum of eight feet high. No junk shall be placed outside the fenced area. No junk shall be placed higher than the fence if that junk will be visible from a public right of way.
- C. No section of the junk yard on which junk is to be placed shall be:
  1. within 100 feet of any property line abutting a residential zone;
  2. within 20 feet of any property line abutting a non-residential zone.
- D. The area between the opaque fence and the property lines shall be planted with non-deciduous trees. These trees shall have a minimum height of six feet and be planted at a maximum of eight feet off-center. Existing vegetation may be used in place of the non-deciduous trees if, in the opinion of the Commission, existing vegetation provides the same buffering as would be obtained by planting the non-deciduous trees.
- E. The Commission may require additional landscaping or fencing if, in the opinion of the Commission, the landscaping or fencing is necessary to limit visibility of the junk from a street or residentially zoned property.

- 6.6.3 In legally non-conforming junk yards, the area of the parcel on which junk is placed may not be increased unless a special exception is obtained for the increase.
- 6.6.4 Every two years, all junk yards, whether conforming or legally non-conforming, shall obtain from the Zoning Enforcement Officer a certificate of compliance. The certificate of compliance shall only be issued after an inspection of the junk yard and a determination that the junk yard is in compliance with these regulations.(Rev 8/2/99)

## **6.7 Mobile Homes and Recreational Vehicles(Rev. 12/19/98)**

### **6.7.1 Mobile Homes**

- A. A mobile home may be used as a temporary office incidental to the development of the parcel on which the mobile home is located.
- B. Where a dwelling unit has been destroyed by a fire or other natural disaster, a mobile home may be placed on the property and used as the property owner's temporary residence for a period not to exceed one year. A Zoning Permit is required for the mobile home. Within thirty days after the issuance of a certificate of occupancy for the permanent dwelling unit on the property, the mobile home shall be removed from the property. A performance bond as specified in Section 8.4.5 shall be posted prior to the issuance of the certificate of occupancy to ensure the removal of the mobile home.

### **6.7.2 Recreational Vehicles**

- A. Except in a recreational vehicle park, no recreational vehicle shall be occupied for more than two weeks in any calendar year. **(Rev. 2/1/06)**

### **6.7.3 Mobile Home Parks and Recreational Vehicle Parks**

The minimum requirements in this section shall apply to both mobile home parks and recreational vehicle parks. The term "park" shall mean both mobile home parks and recreational vehicle parks.

- A. Mobile homes shall not be permitted in recreational vehicle parks. Recreational vehicles shall not be permitted in mobile home parks.
- B. Camping tents shall be permitted in recreational vehicle parks. Such tents shall be treated as a recreational vehicles.
- C. A park shall have a minimum of 25 acres.
- D. The park density shall not exceed one home site per 40,000 square feet.
- E. Each mobile home shall be certified under the federal Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et. seq.).
- F. No more than one mobile home or recreational vehicle may be placed on a home site, except that up to three tents may be placed on a tent site in recreational vehicle parks.
- G. A home site shall have a minimum area of 6,000 square feet. Each home site shall be of sufficient size to contain a 60 foot by 100 foot rectangle. The boundaries of each home site shall be marked with permanent markers.
- H. Each home site shall have at least 60 feet of frontage on an interior road.
- I. All mobile homes, recreational vehicles and accessory structures shall be at least 10 feet from an interior road.

- J. All mobile homes, recreational vehicles and accessory structures shall be at least 20 feet from any other mobile home or recreational vehicle.
- K. No home site shall be within 100 feet of a property boundary.
- L. There shall be a 100 foot buffer along all property lines. The intent of the buffer is to provide a visual barrier between the park and the surrounding properties. Except for the interior road running roughly perpendicular to the buffer, there shall be no roads, home sites, parking spaces or structures placed in the buffer. Existing vegetation shall be preserved wherever possible. The Commission may require fencing or plantings to supplement or replace existing vegetation.
- M. The parking spaces for each mobile home or recreational vehicle shall be on or within 100 feet of the home site it is meant to serve.
- N. Interior roads shall be at least 22 feet wide for two way interior roads and 12 feet wide for one way interior roads. Such roads shall be constructed to specifications approved by the Commission. The Commission may require the lighting of interior roads.
- O. Each home site shall have provision for connection to adequate water and sanitary services.
- P. No mobile home or recreational vehicle in the park may be occupied until all required improvements in the park are completed. The Commission may approve the development of a park in phases. However, no home site shall be occupied in a phase until all required improvements in the phase are completed.
- Q. Parks may designate an area for the temporary storage of mobile homes and recreational vehicles. This storage area shall be shown on the plans. No mobile home or recreational vehicle shall be stored outside of the approved storage area. No mobile home or recreational vehicle in a storage area shall be occupied.
- R. Recreational vehicle parks are not intended to be a place of permanent residence. A recreational vehicle shall not remain on a home site for more than 179 consecutive days. At the end of the 179 day period, the recreational vehicle shall be either removed from the park for a period of at least 90 consecutive days or placed in an approved storage area. The only exception to this requirement is for one recreational vehicle or permanent dwelling, per every 100 home sites in the park, used by the park owner or by employees responsible for the operation of the park.
- S. Parks shall contain a minimum of 150 square feet of common recreation area per home site. The maximum slope of the recreation area shall be 2.5%. The recreation area shall be a cleared, open grassed area. Play equipment, basketball courts, tennis courts, pools, community buildings and other recreational facilities may be placed in the recreation area.
- T. The owner of the park shall be responsible for maintaining in good repair all interior roads, lawns, utilities, refuse collection, recreation areas and structures in the park.
- U. Accessory uses and accessory structures may be allowed provided they are for the exclusive use of the occupants of the park. Such accessory uses and accessory structures include, but are not limited to, the following:
  - a. park offices;
  - b. maintenance structures;
  - c. restaurant;
  - d. retail store;
  - e. laundry facilities;
  - f. bathroom facilities; and

- g. recreational facilities.
- V. Up to 25% of the home sites in a recreational vehicle park, or in a phase of a recreational vehicle park, may be designated as tent sites. Such sites shall not be subject to the provisions of Sections 6.7.3.H, 6.7.3.M, and 6.7.3.O. Sanitary facilities and water supplies shall be provided for such sites in accordance with the health code requirements of the State and the Torrington Area Health District. Tent sites shall be designated as such on the plans required for special exception and site plan applications.

**6.8 Multi-Family Residences**

6.8.1 The building of multi-family residences in R-6, R-10, R-15, R-25, R-40, L.B. and G.B. zones is permitted only by special exception.

Sections 6.8.2 and 6.8.3 do **not** apply to multi-family residences in a Restricted Residential District.

**6.8.2 Density**

A. The maximum number of dwelling units per net acre is as follows:

- R-6: 15 units per net acre
- R-10: 8 units per net acre
- R-15: 6 units per net acre
- R-25: 4 units per net acre
- R-40: 2 units per net acre
- L.B.: 8 units per net acre
- G.B.: 15 units per net acre

B. The net acreage is computed by subtracting from the gross area of the site:

- a. 50% of the area with soils classified as inland wetland type soils;
- b. 50% of the area with naturally occurring slopes greater than 25%;
- c. except in G.B. districts, 100% of the area used for non-residential purposes; and
- d. 100% of the area used for existing utility easements.

**6.8.3 Minimum Gross Area**

The minimum gross area shall be as follows:

- R-6: 9,000 feet square
- R-10: 5 acres
- R-15: 8 acres
- R-25: 8 acres
- R-40: 8 acres
- L.B.: 3 acres
- G.B. 9,000 square feet

**6.8.4 Lot Width**

The minimum lot width shall be as follows:

- R-6: 90 feet
- R-10: 160 feet
- R-15: 200 feet

R-25:	400 feet
R-40:	500 feet
L.B.: 160 feet	
G.B.:	90 feet
RRC:	160 feet

#### 6.8.5 Front Yard Setback

The minimum front yard setback shall be as follows:

R-6:	25 feet
R-10:	40 feet
R-15:	50 feet
R-25:	75 feet
R-40:	100 feet
L.B.: 25 feet	
G.B.:	10 feet
RRC:	75 feet

#### 6.8.6 Side and Rear Yard Setback

The minimum setbacks from all property boundaries except the boundary fronting on a public street (e.g. front yard setback) shall be as follows:

R-6:	30 feet
R-10:	50 feet
R-15:	50 feet
R-25:	75 feet
R-40:	100 feet
L.B.: 30 feet	
G.B.:	30 feet
RRC:	50 feet

#### 6.8.7 Building Height

The maximum building height shall be as follows:

R-6:	45 feet
R-10:	35 feet
R-15:	35 feet
R-25:	35 feet
R-40:	40 feet
L.B.: 35 feet	
G.B.:	45 feet
RRC:	35 feet

#### 6.8.8 Building Separation

The distance between the exterior walls of any two buildings shall be a minimum of 20 feet.

#### 6.8.9 Building Length

The maximum building length shall be 150 feet. (Rev. 7/23/03)

#### 6.8.10 Buffers

- A. In all districts except the R-6 and the G.B. districts a landscaped buffer at least twenty five feet wide shall be provided along the entire perimeter of the property. In the R-6 district a landscaped buffer at least 15 feet wide shall be provided along the entire perimeter of the property. There shall be no parking spaces, aisles, buildings, dumpsters, or other structures or fixtures within this buffer area. Driveways and sidewalks needed to access the property shall be approximately perpendicular to the buffer.
- B. Within this buffer, there shall be planted a minimum of one deciduous tree, minimum caliper of 2.5 inches, or one non-deciduous tree, minimum height of 6 feet, and five shrubs, minimum height of 24 inches, for every forty feet of perimeter. The trees shall be planted at least thirty feet apart but no more than fifty feet apart. Existing vegetation may be used to satisfy this requirement provided there are the same number of trees as would be required with new plantings. Trees meeting the minimum size requirements may be planted to augment existing vegetation.

#### 6.8.11 Sidewalks

A system of paved sidewalks at least four feet wide shall be provided to allow for access from all residential buildings to a public street.

#### 6.8.12 Recreation Area

- A. In all districts except in R-6 and G.B., a minimum of 300 square feet of common recreational area shall be provided per dwelling unit. This requirement shall not apply to projects with less than five dwelling units.
- B. The maximum slope of the recreation area shall be 2.5%. The recreation area shall be a cleared, open grassed area. Play equipment, basketball courts, tennis courts, pools, community buildings and other recreational facilities may be placed in the recreation area. The recreation area does not have to be contiguous provided that:
  1. no individual recreation area is less than 40% of the required total recreation area; and
  2. the dimensions of each recreation area are not less than a 50 foot by 40 foot rectangle.
- C. The recreation area cannot be placed within the buffer area. Areas used for storm water detention or retention cannot be used to meet this requirement. Areas with inland wetland soils cannot be used to meet this requirement. Areas with existing utility easements cannot be used to meet this requirement.

#### 6.8.13 Lighting

Outdoor lighting shall conform to Section 5.16 Outdoor Lighting Regulations. **Rev. 4/23/05**

#### 6.8.14 Parking

Parking spaces shall be no more than 100 feet from the entrance to the dwelling units that are to be served.

#### 6.8.15 Dumpsters

Dumpsters must be screened from view on at least three sides by an opaque fence at least 5 foot high or by non-deciduous shrubs or trees. The trees or shrubs must be at least three feet high and planted no more than 5 feet off center.

#### **6.8.16 Landscaping**

- A. Except in R-6 and G.B. districts, at least two trees and five shrubs per dwelling unit must be planted within 50 feet of the exterior wall of each dwelling unit. Deciduous trees must be at least 2.5 inches in caliper; non-deciduous trees must be at least 6 feet high; shrubs must be at least 18 inches high.
- B. Existing vegetation at a ratio of fifty square feet of existing vegetation per tree and fifty square feet per five shrubs may be used to meet the requirement in Section A above. The existing vegetation must have the same number of trees as would be required with new plantings. Trees meeting the minimum size requirements may be planted to augment existing vegetation.
- C. Trees and shrubs used to meet the landscaping requirements in the twenty five foot buffer area or the landscaping requirements of the parking regulations cannot be used to meet this requirement.

#### **6.9 Adult Day Care Center (Rev. 12/19/98)**

Adult Day Care Centers requiring a special exception shall conform to all of the following requirements.

- 6.9.1 The minimum lot size shall be 30,000 square feet.
- 6.9.2 There shall be a minimum of 500 square feet of lot area per individual for the first sixty individuals plus 200 square feet of lot area per individual for each additional individual.
- 6.9.3 There shall be a buffer of at least ten feet along the rear and side property lines. This buffer area must be planted with non-deciduous trees, minimum height of eight feet, at a maximum of eight feet off-center. Existing vegetation may be used if, in the opinion of the Commission, the existing vegetation provides the same visual screening as would be obtained by planting the non-deciduous trees.

#### **Section 6.10 Bed and Breakfast (Rev. 12/19/98)**

Bed and Breakfast facilities allowed by special exception shall conform to the following requirements.

- 6.10.1 In the R-60, R-40 and R-25 zoning districts, the following conditions shall be met.
  - A. The minimum lot size shall be 120,000 square feet.
  - B. There shall be a twenty-five foot wide buffer along the side and rear property lines. This buffer shall conform to the standards established in Section 5.10.
- 6.10.2 The parking lot shall be screened from all adjoining properties and from the public right of way by fencing, berms, and/or landscaping
- 6.10.3 As seen from a public right of way, the building and property shall have the appearance of a single family residence.

6.10.4 Food service and all other accessory uses shall be used only by overnight customers of the facility.

6.10.5 A maximum of eight guest rooms shall be permitted on one lot.

6.10.6 The maximum length of stay for any guest shall be fourteen days in any thirty day period.

### **Section 6.11 WAREHOUSES**

6.11 Warehouse providing interior access allowed by special exception shall conform to the following requirements:

6.11.1 No single warehouse shall exceed 25,000 sq.ft. in size.

6.11.2 No such warehouse shall be located so that its public entrance is within a 1,200 foot radius of the public entrance to any other such warehouse.

### **Section 6.12 ACTIVE ADULT HOUSING** (effective 2/2/05)

6.12.1 The building of active adult residences in an R-15 zone is permitted only by Special Exception.

#### **6.12.2 Density**

A. There shall be a maximum of 6 dwelling units per net acre.

B. The net acreage shall be computed as provided for in Section 6.8.2 of the Zoning Regulations.

6.12.3 The minimum gross area shall be 4 acres.

#### **6.12.4 Design Requirements**

All building of active adult residences shall conform to all requirements within Sections 6.8.8 through 6.6.16 of the Zoning Regulations.

#### **6.12.5 Age Restrictions**

All residences and their occupants shall comply with the requirements of the "55 and over Housing" exemption as set forth in the Fair Housing Amendments act (42 U.S.C., Sec. 3601 et Seq.), the Housing for Older Persons Act of 1955, and in accordance with Federal Law. There shall be a governing document or restrictive covenant that shall be binding upon all occupants of all dwellings in the development parcel that requires that no children under the age of eighteen years shall be permitted to reside in any dwelling, except by hardship exception granted by the Board of Directors or other governing body of the community. Such hardship exemption shall be granted only for children of an existing occupant, provided that the visitor occupants of any age shall be permitted to visit for up to four weeks of any calendar year. The restrictive language in the governing documents and in the restrictive covenant shall be approved by Town Counsel and shall not be subject to revocation.

## Section 7.0 ENVIRONMENTAL REGULATIONS

### 7.1 Environmental Performance Standards

#### 7.1.1 Purpose

The purpose of this section is to insure:

- A. All properties in the City can be used without undue hindrance from activities on adjoining properties; and
- B. Activities that may be detrimental to the public health, safety or welfare are restricted.

#### 7.1.2 Standards

- A. Vibration - Except for vibration associated with demolition, excavation, or construction, no vibration shall be discernible to human touch outside of the property where the vibration originates.
- B. Odor - No odor from any activity, except agricultural activities, shall be discernible to any objectionable degree outside of the property where the odor originates.
- C. Electromagnetic Radiation -
  - a. No activity on a property shall interfere with the radio, television, telephone or other electromagnetic reception on another property.
  - b. No dwelling unit shall be placed within 150 feet of any electric transmission line carrying a voltage greater than 50,000 volts.
  - c. No electric transmission line carrying a voltage greater than 50,000 volts shall be placed within 150 feet of any dwelling unit.
- D. Heat - Heat shall not be discernible to human touch outside of the property on which the heat originates.
- E. Lighting - (See Section 5.17)
  - 1. The lighting on a property shall not interfere with vehicle or pedestrian travel on any public right of way.
  - 2. The lighting on a property shall not interfere with, or be a nuisance to, the reasonable use of another property.
- F. Hazardous Materials - Materials classified as hazardous by either the State of Connecticut or the U.S. Government shall be used, stored, manufactured, processed or assembled in accordance with all applicable City, State, and Federal regulations.
- G. Noise - Noise levels are regulated by the Torrington Area Health District. A violation of the Torrington Area Health District regulations regarding noise shall also be a violation of these regulations.

#### 7.1.3 Regulations of Other Agencies

- A. At the time of application for a special exception, site plan, variance, certificate of compliance or certificate of occupancy, an applicant for any non-residential use shall certify that the use is, or will be, in compliance with all applicable regulations of the U.S. Environmental Protection Agency (EPA), the Connecticut Department of Environmental Protection (DEP), the Connecticut State Department of Health (DOH), and the Torrington Area Health Department. Included with the certification shall be a list of all materials classified as hazardous by the US. EPA or the State DEP which will be used or stored on the parcel. The City Planner shall notify the appropriate federal, state or local agency of any complaint regarding the handling of hazardous materials.
- B. A copy of any monitoring reports required by the State Department of Environmental Protection, the State Department of Health, or U.S. Environmental

Protection Agency shall be sent to the City's Planning and Zoning Department. A violation of any State or Federal regulation regarding hazardous materials shall also be a violation of these regulations.

## 7.2 Flood Hazard Regulations

### 7.2.1 Definitions

The following definitions are applicable only to this section of the regulations dealing with flood hazards.

**Addition** (to an existing building) - any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

**Area of Special Flood Hazard** - the land subject to a one per cent (1%) or greater chance of flooding in any given year.

**Base Flood** - the flood having a one per cent (1%) of being equalled or exceeded in a given year.

**Basement** - that portion of a building having its floor subgrade (below ground level) on all sides.

**Building** - any structure built for support, shelter, or enclosure for any occupancy or storage.

**Development** - any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations or permanent storage of materials.

**Elevated building** - a non-basement building built to have the lowest floor elevated above ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls or breakaway walls.

**Flood or Flooding** - a general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. the overflow of inland or tidal waters; and/or
- B. the unusual and rapid accumulation or runoff of surface waters from any source.

**Flood Hazard Boundary Map (FHBM)** - an official map of a municipality issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as A zones.

**Flood Insurance Rate Map (FIRM)** - an official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the applicable risk premium zones.

**Flood Insurance Study** - the official report by the Federal Emergency Management Agency. The report contains flood profiles as well as the Flood Boundary Floodway Map

and the water surface elevation of the base flood.

**Floodway** - the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

**Floor** - the top surface of an enclosed area in a building (including basement) - i.e. the top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

**Functionally Dependent Facility** - a facility which cannot be used for its intended purpose unless it is located in close proximity to water, such as docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

**Lowest Floor** - the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor.

**Manufactured Home** - a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

**Manufactured Home Park or Subdivision** - a parcel, or contiguous parcels, of land divided into two or more manufactured home lots for rent or sale.

**Mean Sea Level** - for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of the 1929 or other datum to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

**National Geodetic Vertical Datum (NGVD)** - a vertical control, as corrected in 1929, used as a reference for establishing varying elevations within the floodplain.

**New Construction** - structures for the "start of construction" commenced on or after the effective date of this regulation as amended.

**Start of Construction** - (for other than new construction or substantial improvements under the Coastal Barrier Resources Act, P.L. 97-348), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor

does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

**Structure** - a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

**Substantial Improvement** - any combination of repairs, re-construction, alteration, or improvements to a structure taking place over a one (1) year period in which the cumulative cost equals or exceeds fifty percent of the market value of the structure. The market value of the structure should be (1) the appraised value of the structure (using the cost approach to value) prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. For purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any improvement project required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.

**Water Surface Elevation** - means the height in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal or riparian areas.

## 7.2.2 General Provisions

- A. Land to Which this Regulation Applies - This section shall apply to all areas of special flood hazards within the City.
- B. Basis for Establishing the Areas of Special Flood Hazard - The areas of Special Flood Hazard are identified in a report prepared by the Federal Emergency Management Agency entitled "Flood Insurance Study for the City of Torrington, Connecticut", dated October 4, 1982, or any revision thereto, with accompanying Flood Insurance Rate maps and Flood Boundary - Floodway Maps and are hereby adopted by reference and declared to be part of this regulation.
- C. Zoning Permit - A zoning permit is required prior to the commencement of any development activities in areas of special flood hazard.
- D. Compliance - No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this regulation and other applicable regulations.
- E. Abrogation and Greater Restrictions - This regulation is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this regulation and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- F. Interpretation - In the interpretation and application of this regulation all provisions shall be:
  - 1. considered as minimum requirements;
  - 2. liberally construed in favor of the governing body; and
  - 3. deemed neither to limit nor repeal any other powers granted under state statutes.
- G. Warning and Disclaimer of Liability - The degree of flood protection required by this regulation is considered reasonable for regulatory purposes and is based on scientific and engineering considerations.

Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This regulation does not imply that land outside the areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages.

This regulation shall not create liability on the part of the City of Torrington or by any officer or employee thereof for any flood damages that result from reliance on this regulation or any administrative decision lawfully made thereunder.

### **7.2.3 Requirements for Flood Hazard Reduction**

- A. General Standards - In all areas of Special Flood Hazard, the following provisions shall apply.
- a. New construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
  - b. New construction and substantial improvements shall be constructed with materials resistant to flood damage.
  - c. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
  - d. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
  - e. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
  - f. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the system into flood waters.
  - g. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
  - h. In any portion of a watercourse which is altered or re-located the flood carrying capacity shall be maintained.
  - i. **Manufactured Homes** - All manufactured homes (including "mobile" homes placed on a site for 180 consecutive days or longer) to be placed or substantially improved shall be:
    - i. elevated so that the lowest floor is above the base flood elevation;
    - ii. placed on a permanent foundation which itself is securely anchored and to which the structure is securely anchored so that it will resist flotation, lateral movement, and hydrostatic and hydrodynamic pressures; anchoring may include, but not be limited to, the use of over-the-top or frame ties to ground anchors;
    - iii. installed using methods and practices which minimize flood damage; elevation construction standards include piling foundations placed no more than 10 feet apart, and the provision of reinforcements for piers more than six feet above ground level; and
    - iv. adequate access and drainage should be provided.
- B. Standards for Stream Without Established Base Flood Elevations and/or Flooding (Rev. 8/2/99)
- a. The Zoning Enforcement Officer or Environmental Planner shall obtain,

review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source, including data developed pursuant to Section 7.2.5.D of this regulation, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the City's FIRM meet the standards in Section 7.2.3.B.c.

- b. In A zones where base flood elevations have been determined, but before a floodway is designated, no new construction, substantial improvement, or other development (including fill) shall be permitted which will increase base flood elevations more than one (1) foot at any point along the watercourse when all anticipated development is considered cumulatively with the proposed development.
- c. Should data be requested and/or provided, the City shall adopt a regulatory floodway based on the principle that the floodway must be able to convey the waters of the base flood without increasing the waters surface elevation more than one (1) foot at any point along the watercourse.

### C. Specific Standards

- a. In all areas of special flood hazard A1-30, AE, AH where base flood elevation data has been provided the following provisions shall apply:
  - i. *Residential Construction* - New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to at least 1 foot above the base flood elevation.
  - ii. *Non-Residential Construction* - New construction or substantial improvement of any commercial, industrial, or non-residential structure located in Zone A1-30, AE, and AH shall have the lowest floor, including basement, elevated to at least 1 foot above the level of the base flood elevation; or Non-residential structures located in all A-zones may be flood proofed in lieu of being elevated provided that, together with all attendant utilities and sanitary facilities, the areas of the structure below the required elevation are water tight with wall substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall review and/or develop structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with acceptable standards of practice for meeting the provisions of this subsection. Such certification shall be provided to the Zoning Enforcement Officer or Environmental Planner as set forth in Section 7.2.4.C.a.v.
- b. Fully Enclosed Areas Below Base Flood Elevation - New construction or substantial improvements of buildings that include fully enclosed areas formed by foundation and/or other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the automatic entry and exit of flood waters to equalize hydrostatic flood forces on exterior walls.  
Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

- i. provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
- ii. the bottom of all openings shall be no higher than one foot above grade; and
- iii. openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions;
- iv. electrical, plumbing, and other utility connections are prohibited below the base flood elevation; and
- v. access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).

D. Floodways

Located within area of special flood hazard are areas designated as floodways on the City's Flood Boundary and Floodway Map or as determined in Section 7.2.2.B of this regulation. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris and potential projectiles and have erosion potential no encroachments including fill and construction of substantial improvements and other development shall not be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that encroachment shall not result in any 0.0 feet increase in flood levels during currents of the base flood discharge.

7.2.4 Administration (Rev. 8/2/99)

A. **Designation of Administrator** - The Zoning Enforcement Officer is responsible for administering and implementing the provisions of this regulation.

B. **Certification**

Where required under this regulation, a registered professional engineer or architect shall certify that the designs and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this regulation. Such certification must be provided to the Zoning Enforcement Officer.

C. **Permit Procedures**

Prior to any development activities, application for a Zoning Permit shall be made to the Zoning Enforcement Officer on forms furnished by the Zoning Enforcement Officer. Such application shall be accompanied by two sets of plans drawn to scale showing, at a minimum, the property lines and location of the parcel; existing and proposed contours; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. The following information shall also be submitted to the Zoning Enforcement Officer or Environmental Planner.

a. **Application Stage**

- i. Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all structures (Section 7.2.3.C.a);
- ii. Elevation in relation to mean sea level to which any non-residential structure will be flood-proofed (Section 7.2.3.C.a.ii);
- iii. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development;
- iv. A statement as to whether or not the proposed alterations to an existing structure meet the criteria of the substantial improvement definition;
- v. A statement as to whether there will be dry access to the structure during the 100-year storm event;

- vi. Certification as to floodproofing as required by Section 7.2.3.C.ii;
- vii. Certification as the provisions of Section 7.2.3.C.b governing fully-enclosed areas below base flood elevation, if the minimum design criteria in Section 7.2.3.C.b is not used;
- viii. Certification as to floodway heights, as required by Sections 7.2.3.B.b and 7.2.3.D.

**b. Construction Stage**

Upon completion of the applicable portion of construction the applicant shall provide the Zoning Enforcement Officer with verification of the as-built lowest floor elevation, defined as the top of the lowest floor (including basement) Sections 7.2.3.C.a.i and 7.2.3.C.a.ii) or, in the case of floodproofed buildings, the elevation to which the floodproofing is effective (Section 7.2.3.C.a.ii).

**c. Compliance**

Deficiencies in the lowest floor elevations shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit an acceptable survey or failure to make corrections required hereby shall be cause for issuance of a cease and desist order.

**D. Duties and Responsibilities of the Zoning Enforcement Officer**

In the administration of this section, the Zoning Enforcement Officer shall perform the following duties, among others:

- a. Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding.
- b. Review all zoning permits to assure that the requirements of this regulation have been satisfied.
- c. Advise permittee that additional Federal or State permits may be required, and if specific Federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the Zoning Permit. Such additional permit requirements may include, but not be limited to: Stream Channel Encroachment Line Permit, Water Diversion Permit, Dam Safety Permit, Corps of Engineers 404 Permit.
- d. Notify adjacent communities and the Department of Environmental Protection, Water Resources Unit prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency.
- e. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
- f. Record elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, in accordance with Section 7.2.3.C.a.i and 7.2.3.C.a.ii.
- g. Record the elevation (in relation to mean sea level) to which the new or substantially improved structures have been flood-proofed, in accordance with Section 7.2.3.C.a.ii.
- h. Obtain and maintain all certifications required under this section and assure that they meet the standards of Section 7.2.4.B hereof.
- i. Make the necessary interpretation, where needed, as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions).
- j. Obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source in order to administer

the provisions of Section 7.2.3.C when base flood elevation data or floodway date not been provided in accordance with Section 7.2.3.B.

- k. Maintain all records pertaining to the provisions of this regulation.

### 7.2.5 Standards for Subdivision Proposals

In all special flood hazard areas the following requirements shall apply:

- A. All subdivision proposals shall be consistent with the need to minimize flood damage.
- B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- D. In Zone A, base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) which are five acres or fifty lots, whichever occurs first.

### 7.2.6 Specific Situation Variances

- A. Buildings on an Historic Register  
Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of this section, except for Section 7.2.6.E and provided the proposed reconstruction, rehabilitation, or restoration will not result in the structure losing its historical character.
- B. Pre-Existing, Small Lot Location  
Variance may be issued by a community for new construction and substantial improvements to be erected on a lot of one-half acre or less in size which is contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with Section 7.2.6.E.
- C. Functionally Dependent Uses  
Variances may be issued for new construction and substantial improvement and other development necessary for the conduct of a functionally dependent use provided the structure or other development is protected by methods that minimize flood damage, creates no additional threat to public safety and meets the requirements of Sections 7.2.6.E.
- D. Floodway Prohibition  
Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- E. Conditions for Variances
  - a. Variances shall only be issued upon determination that the variance is the minimum necessary considering the flood hazard, to afford relief; and in the instance of a historic building, a determination that the variance is the minimum necessary as not to destroy the historic character and design of the building.
  - b. Variances shall only be issued upon:
    - i. a showing of good and sufficient cause;
    - ii. a determination that failure to grant the variance would result in exceptional hardship; and
    - iii. a determination that the granting of a variance will not result in increased

flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

- c. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation up to amounts as high as \$25 for \$100 of insurance coverage.
- d. The Zoning Enforcement Officer shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

### **7.3 Sedimentation and Erosion Controls (Rev. 8/2/99)**

#### **7.3.1 Soil Erosion and Sediment Control Plan**

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

#### **7.3.2 Activities Requiring a Grading Permit**

- A. No person shall do any grading, stripping or otherwise disturb an area unless a valid grading permit is received from the Zoning Enforcement Officer. The following are the only exceptions:
  - a. agricultural use of land;
  - b. development where the disturbed area is cumulatively less than one-half acre;
  - c. a single family residence that is not part a subdivision.
- B. Even though no grading permit is required for the activities in Section A above, such activities shall comply with the standards found in 2002 Connecticut Guidelines for Soil Erosion and Sediment Control as amended. Failure to comply with these standards shall be a violation of these regulations. (Rev. 4/23/05)

#### **7.3.3 Grading Permit Application**

- A. For all activities requiring a grading permit, an application obtained from the Planning and Zoning Office shall be submitted to the Zoning Enforcement Officer prior to beginning any activities. A soil erosion and sedimentation control plan shall accompany each application for a grading permit.
- B. A soil erosion and sediment control plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and to reduce the danger from storm water runoff on the proposed site. Such principles, methods and practices are found in the *2002 Connecticut Guidelines for Soil Erosion and Sediment Control* as amended. Alternative principles, methods and practices may be used with prior approval of the Zoning Enforcement Officer. The soil erosion and sediment control plan shall contain, at a minimum, the following information **(rev. 4/23/05)**

- a. a narrative describing:
  - i. the development;
  - ii. the schedule for grading and construction activities including: the start and completion dates; the sequence of grading and construction activities; the sequence for installation of soil erosion and sediment control measures; and the sequence for final stabilization of the project site;
  - iii. the design criteria for proposed soil erosion and sediment control measures and storm water management facilities;
  - iv. the construction details for proposed soil erosion and sediment control measures and storm water management facilities;
  - v. the installation and application procedures for proposed soil erosion and sediment control measures and storm water management facilities; and
  - vi. the operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities.
- b. A site plan at a sufficient scale to show the following:
  - i. the location of the proposed development and adjacent properties;
  - ii. the existing and proposed topography including soil types, wetlands, watercourses, and water bodies;
  - iii. the existing structures on the site;
  - iv. the proposed area alterations including cleared, excavated, filled or graded areas and proposed structures, utilities, roads and, if applicable, new property lines; and
  - v. the location of, and design details for, all proposed soil erosion and sediment control measures and storm water management facilities.
- c. Any other information deemed necessary and appropriate by the applicant or required by the Zoning Enforcement Officer.

#### 7.3.4 Review of Grading Permit Application

- A. All grading permit applications shall be either approved, approved with conditions, or denied within thirty days of receipt of a complete application. The Zoning Enforcement Officer may refer the application to the Litchfield County Soil and Water Conservation Commission or other agency or consultant for their review and comment. As part of any approval, the Zoning Enforcement Officer shall certify that the soil erosion and sediment control plan complies with these regulations. The thirty day review period may be extended an additional thirty days with the consent of the applicant. Failure to take action on the application within the allocated time period shall be deemed to be approval of the application as submitted.
- B. The Zoning Enforcement Officer shall deny the grading permit application unless the soil erosion and sediment control plan, as submitted, results in a development that:
  - 1. minimizes erosion and sedimentation during construction;
  - 2. is stabilized and protected from erosion when completed; and
  - 3. does not cause off-site erosion and sedimentation.
- C. If a grading permit application is denied, the Zoning Enforcement Officer shall state on the record the reasons for the denial.
- D. The decision of the Zoning Enforcement Officer may be appealed to the Zoning Board of Appeals.

### 7.3.5 Conditions Relating to Soil Erosion and Sediment Control

- A. As a condition of the approval of a grading permit, the Zoning Enforcement Officer shall require a performance bond in the form of a certified check, pass book, irrevocable letter of credit or bond from a company licensed by the State of Connecticut. The performance bond shall be sufficient to cover the estimated total costs of all measures required to install and maintain the controls as shown on the approved soil erosion and sediment control plan.
- B. Site development shall not begin unless the soil erosion and sediment control measures and facilities shall be installed as scheduled according to the approved soil erosion and sediment control plan.
- C. All control measures and facilities shall be maintained in effective condition to ensure compliance with the approved plan.

### 7.3.6 Inspection and Enforcement

- A. Inspections shall be made by the Zoning Enforcement Officer or during development to ensure compliance with the grading permit.
- B. In the event of violation of this regulation the Zoning Enforcement Officer or Environmental Planner shall serve a Notice of Violation to the property owner or the owner's designated agent. Upon receipt of such notification the property owner shall have twenty four hours in which to cease and correct such violation and comply with the provisions of this regulation. If the violation is not corrected within the twenty four hour period, the Zoning Enforcement Officer shall issue a Cease and Desist Order requiring the property owner to stop all work until the violations are corrected.
- C. In the event of failure to complete the required work or failure to comply with a Cease and Desist Order, the Zoning Enforcement Officer may order such work as is necessary to eliminate any danger to persons or property and to leave the site in a safe condition. The Zoning Enforcement Officer may authorize completion of all necessary temporary or permanent soil erosion control measures. Funds to do the work shall come from the performance bond.

## 7.4 Stormwater Management

In addition to an erosion and sedimentation control plan, applicants shall prepare a stormwater management plan. The Plan shall be prepared in accordance with the City of Torrington's Standards, Specifications, Rules and Regulations. The 2004 Connecticut Stormwater Quality Manual as amended, provides guidance in the preparation of a stormwater management plan. (Rev. 2/1/06)

## **Section 8.0 ADMINISTRATION**

### **8.1 Zoning Board of Appeals**

#### **8.1.1 General**

- A. As authorized by the Connecticut General Statutes, the Zoning Board of Appeals shall have the following powers and duties.
  - a. The Board may adopt such rules and procedures as may be necessary to carry out these regulations.
  - b. The Board shall hear and decide appeals where it is alleged that there is an error in any order, requirement, or decision made by any official responsible for the enforcement of these regulations.
  - c. The Board shall hear and decide upon all requests for variances from these regulations.
  - d. The Board shall grant no variance relating to permitted uses in the R-WP zone.
- B. In making its decisions, the Board shall give careful consideration to the City's Plan of Development and the purpose of these regulations as expressed in Section 1.0.
- C. Whenever the Board grants or denies any appeal or variance, the Board shall state on the record the reasons for its decision. In the case of a variance, the Board shall describe specifically the exceptional difficulty or unusual hardship on which its decision is based.

#### **8.1.2 Appeals**

Any appeal from an order, requirement, or decision made by any official responsible for the enforcement of these regulations shall be made within 30 days of the date of the decision being appealed. Appeals shall be made on forms required by the Board. Failure of the applicant to provide the necessary information shall be grounds for denial of the appeal.

#### **8.1.3 Variance**

- A. A variance may be granted by the Board provided all of the following conditions are present.
  - 1. There are special conditions or circumstances affecting the lot but not affecting, in general, the zoning district in which the lot is situated. These conditions or circumstances are related solely to:
    - i. the unusual shape or topography of the land; or
    - ii. the condition or location of an existing structure.These special conditions or circumstances shall not be related to the personal conditions or circumstances of the applicant.
  - 2. The exceptional difficulty or unusual hardship claimed by the applicant is not due to the actions of the property owner or the applicant.
  - 3. The strict application of these regulations would deprive the property owner of all reasonable use of the property.
  - 4. The exceptional difficulty or unusual hardship is not merely financial.
  - 5. The relief granted is the minimum necessary to provide a reasonable use of the property.
  - 6. The relief granted will not adversely affect the surrounding properties or be otherwise harmful to the public welfare.
- B. In granting a variance, the Board may impose reasonable conditions to minimize

any potential adverse impacts on surrounding properties or on the public welfare. Any violation of a condition is a violation of the regulations and is subject to the same enforcement measures.

- C. Any variance which is not acted upon within two years of the date of approval shall be void. Upon written request of the applicant, the Board may grant an extension of up to one additional year.
- D. An applicant for a variance shall submit:
  - 1. a formal variance application on forms prescribed by the Board;
  - 2. an up-to-date Zoning Location Survey to Class 'A2' standards of the property and improvements prepared by a Land Surveyor registered in the State of Connecticut; (rev. 4/23/05)
  - 3. any other information deemed necessary by the Board to make a decision on the application; and
  - 4. the application fee.
- E. Failure of the applicant to provide the necessary information shall be grounds for denial of the variance.

## **8.2 Special Exception (Rev. 12/19/98)**

8.2.1. The Planning and Zoning Commission shall decide on all applications for special exception. In granting or denying a special exception the Commission shall state upon the record the reasons for its decision.

### **8.2.2 Purpose**

- A. These Regulations are based upon the division of the City into zoning districts within which the use of land and structures are substantially uniform. The Commission, however, recognizes that certain uses and situations have unique characteristics. Because of their uniqueness, the Commission treats these uses and situations as Special Exceptions which allows the Commission to evaluate them on a case by case basis.

### **B. General Standards.(Rev. 8/2/99)**

In deciding upon a Special Exception application, the Commission shall consider the following general standards; when applicable:

- 1. The Site Plan shall provide for a site design which is in harmony with the neighborhood, accomplishes a transition in character between areas of unlike character, protects property values, preserves and enhances the appearance and beauty of the community, and provides a harmonious relationship between existing and proposed buildings in the vicinity, specifically with regard to the visual relationship in terms of scale, proportions and particularly, the historic significance of the existing buildings.
- 2. Location. The location of the proposed Special Exception use is such that: the proximity of the proposed Special Exception use will not have a detrimental effect upon any church, school, library, playground, or similar facility found in Section 2.00 - 2.60 of the Table of Permitted Uses; and the number of similar existing Special Exception uses in the vicinity is such that the granting of the proposed Special Exception will not be detrimental to the public health, safety and welfare.
- 3. Traffic. Vehicular and pedestrian traffic projected as a result of the use, vehicular and pedestrian traffic circulation;

including traffic to and from and in the vicinity of the use, will not be hazardous or detrimental to the character of the zone or the neighborhood. In making its determination with respect to this criterion, the Commission shall consider the proposed location, the size and layout of the Special Exception use, its nature and the intensity of the operations involved, and its relation to the local streets providing access to the site and the adequacy of proposed traffic flow controls and emergency access.

The Commission shall give due consideration to any recommendation by the City Engineer regarding the adequacy of any public road proposed to be used for access.

4. Parking. The Commission shall consider the impact of parking location, number of spaces and design on adjoining properties.
5. The location and height of buildings, the location, nature and height of walls and fences, the nature and extent of proposed signs, exterior lighting, landscaping and open space on the site shall be such that these features shall be compatible and in harmony with adjacent properties and the neighborhood, will not hinder or discourage the appropriate development and use of adjacent land and buildings or significantly impair the value thereof.
6. The proposed use shall not have a significant adverse effect upon property values or appearance in the neighborhood, taking into account the topography of the lot and the character, location and height of proposed buildings, structures and landscaping.
7. The Commission shall be satisfied that the applicant has shown the adequacy of:
  - i. proposed methods for disposal of wastes and provision for volume and quality of water supply,
  - ii. proposed measures for prevention of pollution of surface and ground water supplies and watersheds;
  - iii. proposed measures for control of storm water run-off,
  - iv. proposed methods to foster an energy efficient layout and landscaping plan,
  - v. existing fire and police protection, transportation, water and sewer facilities, schools or other public facilities to meet the needs of the proposed use.
8. Provisions for signs, if any, and proposed exterior lighting with reference to glare, traffic, safety, compatibility and harmony with adjacent properties and the neighborhood.
9. Provisions for open space and landscaping and other safeguards to be compatible with the adjacent property and the neighborhood in general.
10. The Commission shall be satisfied that the applicant has shown the adequacy
11. of proposed measures for prevention of pollution of surface water supplies and drinking water supplies. The Commission shall consider the effect of the proposed activity on the quality and quantity of groundwater. The Commission may consider potential problems such as but not limited to:
  - i. Hazardous material and storage areas;
  - ii. Existence of underground fuel storage facilities;
  - iii. Location of floor drains;
11. Size, location and quality of run-off from parking lot areas;
12. Any other use that may adversely affect the quality or quantity of groundwater. In consideration of the standards listed above, the Commission may attach such conditions in addition to those required elsewhere in these Regulations that it finds necessary. These may include but shall not be limited to, specifications for type of vegetation, specified provisions for sewage and storm water controls, for water supply for groundwater protection, landscaping and planting screens, periods of

operation, sureties, deed restrictions, restrictive covenant, type of construction or any other reasonable conditions necessary to fulfill the purpose of this ordinance.

- C. The Commission shall also consider the following factors in evaluating the special exception application:
1. the proposal's impact on land, structures and features having special historical, cultural or architectural features;
  2. the architecture, height and size and location of any proposed buildings and the buildings' compatibility with the site and the surrounding neighborhood;
  3. the proposal's long term impact on the development of the surrounding neighborhood;
  4. the capacity, safety, and condition of the surrounding streets to accommodate the traffic generated by the proposal;
  5. the adequacy and condition of all public utilities that would serve the proposed use;
  6. the proposal's impact on the natural environment and the topography;
  7. the proximity of schools, churches, public buildings, parks, and other places of public gatherings to the proposal; and
  8. the impact the proposal's site development including parking lots, storm water management, exterior lighting, landscaping, views, open space, signs would have on the surrounding properties.

The Commission may deny a special exception application based on any of the above factors.

- 8.2.3 In approving a special exception, the Commission may impose reasonable conditions to minimize any potential adverse impacts on surrounding properties, the historical, cultural or architectural features of the property or the surrounding properties, the natural environment, or the public welfare. Any violation of a condition is a violation of the regulations and is subject to the same enforcement measures.
- 8.2.4 In approving a special exception, the Commission shall approve, approve with conditions, or approve with modifications the development plan as submitted.
- 8.2.5 Any special exception which is not acted upon within two years of the date of approval shall be void. Upon written request of the applicant, the Commission may grant an extension of up to one additional year.
- 8.2.6 An applicant shall submit:
- A. a formal special exception application on forms prescribed by the Commission;
  - B. plans with the same information as described for a site plan application in Section 8.4.3.
  - C. an up-to-date Class A-2 survey of the property and improvements prepared by a Land Surveyor registered in the State of Connecticut; and
  - D. the application fee.
- 8.2.7 Failure of the applicant to provide the necessary information shall be grounds for denial of the special exception.

### **8.3 Procedures for Public Hearing on Appeals, Variances, Special Exceptions and Zone Changes**

- 8.3.1 Public hearings shall be held on all appeals, variance applications, special exception applications, and proposed changes to the zoning map or the text of the regulations.
- 8.3.2 In addition to the notification requirements in the Connecticut General Statutes, notice of all public hearings, except those in which the Planning and Zoning Commission is the applicant, shall be given in the following manner.
- A. The applicant shall obtain from the Planning and Zoning Department a sign notifying the public of the hearing. A refundable deposit shall be made by the applicant to cover the cost of the sign. The sign shall conform to the following requirements.
1. The applicant shall post the sign in a conspicuous location on the lot affected by the application.
  2. The sign shall give information on the reason for the hearing (e.g. appeal, variance, or special exception), the time, date, and location of the public hearing and other information required by the City Planner.
  3. The sign shall be clearly legible from a street.
  4. The sign shall be posted at least 10 consecutive days before the public hearing. The sign shall not be removed until after the close of the public hearing.
  5. Failure to post and maintain the sign as required by this section shall be grounds for the denial of the application.
- B. At least 10 days prior to the public hearing, the applicant shall send a notice of the public hearing to persons who own land that is adjacent to the land that is subject of the hearing. The proof of mailing shall be evidenced by a certificate of mailing and the person who owns land shall be the owner indicated on the property tax map or on the last completed grand list as of the date such notice is mailed. The notice shall indicate the reason for the hearing, hearing date, time and location of the hearing. Evidence of mailing shall be presented to the Planning and Zoning Commission or Zoning Board of Appeals at or before the public hearing. **Rev. 12/20/06**

### **8.4 Site Plan Review**

#### **8.4.1 General**

- A. Site plan approval from the Planning and Zoning Commission shall be obtained prior to obtaining a Zoning Permit for the construction, expansion, outside alteration, or change of use of any building or structure. Site plan approval shall also be obtained prior to obtaining a Zoning Permit for the erection of any sign, the alteration or expansion of a parking area, or any change of use of a lot. Only one, two and three family residences shall be exempt from site plan approval.
- B. Site plans shall be approved, approved with conditions, approved subject to modification, or denied. A site plan may be modified or denied only:
1. if it fails to comply with the requirements of these Zoning Regulations;
  2. if, in the case of a special exception or variance, the plan does not conform to the uses or conditions imposed as part of the special exception or variance; or
  3. if the location and design of all proposed sanitary sewer, storm drainage, water,

electrical, natural gas and other utilities are not in keeping with good engineering practice.

- C. The City Planner will either approve Site Plan applications for changes of use where no additional parking or landscaping is required and no outside alterations are proposed for permitted uses in the LB, Local Business Zone, or refer such site plan applications to the Planning and Zoning Commission for their considerations. (Effective 3/8/07)
- D. Change of Use, GB, General Business Zone. The City Planner may approve Site Plan applications for changes of use where no outside alterations are proposed for permitted uses in the GB, General Business Zone. (Effective 4/29/06)

#### 8.4.2 Application Procedure

- A. Prior to submission of a formal site plan application, the Commission recommends that the applicant meet with the Commission's staff to discuss the application requirements and review preliminary plans.
- B. The applicant shall submit:
  - 1. a formal site plan application on forms prescribed by the Commission;
  - 2. plans with the information as described in Section 8.4.3 below; upon approval, a recording quality mylar will be submitted for signature by the Commission's Chairman or Secretary to be filed on the land records by the applicant;
  - 3. an up-to-date Class A-2 survey of the property and improvements prepared by a Land Surveyor registered in the State of Connecticut; and
  - 4. the application fee.
- C. Upon submission of a complete application, the applicant shall meet with the Architectural Review Committee (see Section 8.5).
- D. The Commission may refer the application to any City department or other agency that the Commission deems appropriate.
- E. Site plans may be reviewed in conjunction with a special exception application.
- F. All comments from the staff shall be forwarded to the applicant at least two days prior to the Commission meeting. This is to allow the applicant time to respond to the staff's comments and make the necessary changes so that the project can be acted upon in an expeditious manner.

#### 8.4.3 Site Plan

All plans shall be prepared, signed, and sealed by a professional engineer, landscape architect, land surveyor or architect - whichever is appropriate. The professional engineer, landscape architect, land surveyor or architect must be registered in the State of Connecticut. All plans shall be based on an A-2 survey. The scale of the plans shall be a minimum of inch equals forty feet. The plans shall include the following information:

- A. date, north arrow, and scale;
- B. existing and proposed contours at two foot intervals;
- C. existing major landmarks such as inland wetlands, streams, floodplains, rock outcropping, tree lines, etc.; in addition to major landmarks, the local and subregional watershed boundaries shall be included and for sites with more than ½ acre of disturbance, a stormwater management plan shall be submitted. **Rev. 2/1/06**
- D. construction limit line identifying all those areas to remain undisturbed and in their natural state;
- E. the location, size and species of significant trees and all specimen trees as

- required in Section 5.15;
- F. proposed parking and loading areas including stalls, driveways, and aisles; dimensions, curbing, landscaping, turning radii and identification of proposed surface material shall be shown. Where topographic and other conditions permit, provisions shall be made for circulation driveway connections to adjoining lots of similar existing or potential use when such driveway will enable the public to travel between two existing or potential sites, open to the public generally, without need to travel upon a street and/or when such driveway connection will facilitate fire protection services. The interconnection of adjoining parking lots shall be encouraged where said connections would result in improved circulation, increased parking spaces, decreased curb cuts and/or signalized access. **Rev. 5/17/07**
  - G. the sight distance for proposed driveways;
  - H. proposed lighting plan including the location, size, height, and intensity of all lighting fixtures;
  - I. proposed landscaping plan showing the Latin and common name of the species used, quantity of each plant species and the size and height of the plants at the time of planting; the landscaping plan shall be signed by a landscape gardener or landscape architect;
  - J. the location and design of all existing and proposed sanitary sewer, storm drainage, water, electrical, natural gas and other utilities; all engineering improvements shall be accompanied by appropriate data in accordance with good engineering practice;
  - K. proposed location and screening of all trash receptacles;
  - L. the proposed size, colors, location and lighting of all signs;
  - M. architectural plans as described in Section 8.5.10;
  - N. an informational table showing:
    - 1. existing use of the property;
    - 2. proposed use of the property;
    - 3. zone in which the property is located;
    - 4. size of the property in square feet or acres;
    - 5. gross floor area of existing structures;
    - 6. gross floor area of proposed structures;
    - 7. total impervious surface;
    - 8. building height in feet and number of stories;
    - 9. number of parking spaces required;
    - 10. number of parking spaces provided;
    - 11. number of loading spaces required;
    - 12. number of loading spaces provided;
  - O. a vicinity map at a scale sufficient to show:
    - 1. parking areas and driveways on all properties within 100 feet of the site;
    - 2. all streets within 100 feet of the site; and
    - 3. all zone boundaries within 100 feet of the site;
  
  - P. (Rev. 8/2/99)

<p>1. <b>Approved by the Planning &amp; Zoning Commission:</b></p> <p>2. <b>Final Approval:</b> _____  Chairman  Date: _____ Expiration Date: _____</p> <p>3. <b>Conditional Approval:</b> _____  Chairman  Date: _____ Expiration Date: _____</p>
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Q. The certified letter of approval issued by the Commission. (Rev. 8/2/99)

R. Any information needed by the Commission to determine compliance of the plan with the zoning regulations. (Rev. 8/2/99)

**8.4.4 Waiver**

The Commission may waive any of the items required for a site plan application if the Commission determines that the information is not needed to determine compliance with these regulations.

**8.4.5 Performance Bond**

- A. As a condition of approval, the Commission may require the applicant to post a bond. The bond shall cover:
  - 1. the cost of all improvements within a public right of way or easement; and
  - 2. the cost, as approved by the Commission, of any on-site improvements necessary to ensure that, during construction, the property can be maintained or restored in a safe manner.
- B. The bond shall be either a certified check payable only to the City of Torrington, a savings account passbook payable only to the City of Torrington, an irrevocable letter of credit or a bond from a company licensed by the State of Connecticut.
- C. Upon written request by the applicant and after inspection of the work completed on the site, the City Planner may reduce the amount of the bond. The City Planner shall notify the Commission of all reductions in the amount of the bond.

**8.4.6 Approved Site Plans**

- A. The Commission shall set a time limit for the delivery by the applicant of the approved site plans to the Planning and Zoning Office. Failure of the applicant to deliver the approved plans within the time period set by the Commission shall render the site plan approval void. Copies of the approved site plan shall be signed by the Chairman of the Planning and Zoning Commission and the City Engineer. The plans shall then be distributed to the appropriate City departments.
- B. Site improvements and development, including architectural design, shall be carried out in strict compliance with the site plan approved by the Commission. If an applicant determines that minor changes to the approved plan are needed because of unanticipated site conditions, the applicant shall request, in writing, approval of those changes. The City Planner may approve, in writing, minor changes. The City Planner shall notify the Commission of any request for changes and the action taken. All other changes to the approved site plan shall be approved by the Commission.

**8.4.7 Certificate of Compliance**

No certificate of compliance shall be issued until all site work has been completed in conformance with the approved site plan. To aid in determining compliance the City

Planner may require the applicant to provide an "as built" Class A-2 survey of the property and improvements. When the site work cannot be completed because of weather or other pertinent reasons, a certificate of compliance may be issued providing a bond is posted in sufficient amount to cover the uncompleted portion of the work. The bond shall be either a certified check payable only to the City of Torrington, a savings account passbook payable only to the City of Torrington, an irrevocable letter of credit or a bond from a company licensed by the State of Connecticut. If a performance bond was posted, a portion of that bond may be used to satisfy these requirements.

#### 8.4.8 **Continuance**

All conditions and improvements shown on an approved site plan shall remain with the property regardless of any change of ownership.

### **8.5 Architectural Review Committee**

#### 8.5.1 **Purpose**

The purpose of the Architectural Review Committee is to *advise* the Planning and Zoning Commission on the physical aspects of the City's environment.

#### 8.5.2 **Duties**

Within thirty five days after being referred to the Committee, the Committee shall review and make written recommendations on;

- A. all site plans;
- B. all changes to facades of non-residential buildings; and
- C. all signs except:
  - a. those on one, two and three family residential properties; and
  - b. those less than 50 square feet in area.

#### 8.5.3 **Establishment**

- A. The Planning and Zoning Commission shall appoint an Architectural Review Committee. The Committee shall consist of five regular members and two alternate members. The City Planner and the City Engineer shall be regular members of the Committee. One member of the Planning and Zoning Commission may be appointed to the Committee as a regular or alternate member to serve as a liaison between the Committee and the Commission. Initially two members shall be appointed to a term of one year, two members shall be appointed to a term of two years and one member shall be appointed to a term of three years. Thereafter, all members shall be appointed to a term of three years. Initially one alternate member shall be appointed to a term of one year and one member shall be appointed to a term of two years. Thereafter, all alternate members shall be appointed to a term of three years. At least one alternate or regular member should be an architect or landscape architect. At least one alternate or regular member should have a background in historical preservation.
- B. The Committee's recommendations are strictly advisory. The Committee's actions shall not result in a delay in the time allowed for the normal processing of applications.

#### 8.5.4 **Criteria**

In acting on any application the Committee shall consider those factors affecting the external appearance of the site. These factors include the design of the building and other structures, landscaping, lighting, signs, utilities, parking, and other objects visible to the public.

The criteria used by the Committee are intended to assist the Planning and Zoning Commission and the applicant in achieving a design that is both functional and visually pleasing. The criteria are not intended to restrict imagination, innovation or variety.

#### **8.5.5 Relationship of Building to Site**

- A. The site should be planned to accomplish a desirable transition with the streetscape and to provide for adequate buffers between incompatible land uses, and safe vehicle and pedestrian movement.
- B. The visibility of parking areas from streets should be restricted by means of plantings, berms, decorative walls, buildings, or other means.
- C. Large contiguous expanses of parking should be avoided. Plantings, walls, berms and sidewalks should be placed within parking areas to control traffic and to reduce the parking areas' visual impact.

#### **8.5.6 Relationship of Buildings and Site to Adjoining Area**

- A. Adjacent buildings of different architectural styles should be separated by means of buffers and plantings.
- B. A harmonious transition from the site to adjoining properties should be provided by landscaping or other means.
- C. Harmony in texture, lines, and masses is recommended. Monotony should be avoided.

#### **8.5.7 Landscape and Site Treatment**

- A. Where existing topographic patterns and vegetation contribute to the beauty of a development, they should be preserved.
- B. Service yards, dumpsters, utility structures, loading areas and other places that tend to be unsightly should be screened from public view by landscaping, berms, fencing or other means. The screening should be effective year round.
- C. In areas where plantings will not thrive other materials such as fences, berms or walls should be used.
- D. Exterior lighting should enhance building design. Lighting standards and building fixtures should be of a design and size compatible with the building and adjacent areas. Lighting should be restrained and excessive brightness should be avoided.

#### **8.5.8 Building Design**

- A. Architectural style is not restricted. Evaluation of the appearance of a project shall be based on the quality of its design and its relationship to its surroundings.
- B. Buildings should have a good scale and be in harmony with the neighboring development.
- C. Materials should be selected so that the proposed structure is in harmony with the adjoining structures.
- D. Materials should be of a durable quality.
- E. Building components, such as windows, doors, eaves and parapets, should have good proportions and relationships to one another.
- F. Colors should be harmonious and should use only compatible accents.

- G. Mechanical equipment or other utility hardware on the roof, ground or buildings should be screened from public view with materials harmonious with the building. Alternatively, they should be located so as not to be visible from public areas.
- H. Monotony of design in single or multiple building projects should be avoided. Variation in detail, form, and sitting should be used to provide visual interest.

#### 8.5.9 Signs

- A. Every sign should have good scale and proportion in its design and in its visual relationship to buildings and surroundings.
- B. Every sign should be designed as an integral architectural element of the building and site on which it is located.
- C. The colors, materials, and lighting of every sign should be restrained and harmonious with the building, the site, and the adjoining properties.
- D. The number of graphic elements on a sign should be held to the minimum needed to convey the sign's principal message.
- E. Each sign should be compatible with signs on adjoining buildings and sites and should not compete for attention.

#### 8.5.10 Application

In addition to any requirements for a site plan application or a special exception application, the applicant should submit the following information to the Architectural Review Committee.

- A. A plot plan done by a professional architect, land surveyor or professional engineer. This plan should show landscaping, parking, utilities, sidewalks, lighting, and building location.
- B. Fully dimensioned exterior elevations should be presented of all sides of every building. In the case of an enlargement of a building, the existing building as well as the proposed addition should be shown.
- C. Samples of exterior building materials including color samples.
- D. For signs, the size, colors, location, and lighting should be shown.
- E. Information should be presented on how the proposed building or sign will complement the existing neighboring structures.
- F. The applicant should present any other information that the applicant deems necessary to aid the Committee in evaluating the design.

### 8.6 Interpretation, Enforcement and Permits

#### 8.6.1 Interpretation

In their interpretation and application these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, convenience and general welfare. Where these requirements are at variance with any other legally adopted rules, regulations, or ordinances, the more restrictive or the one imposing higher standards shall govern.

#### 8.6.2 Enforcement (Rev. 8/2/99)

- A. These regulations shall be enforced by the Zoning Enforcement Officer acting as the chief zoning enforcement officer in accordance with the Connecticut General Statutes. Penalties for illegal acts shall be as provided in the General Statutes.

- B. To more effectively enforce the zoning regulations, the Zoning Enforcement Officer may be appointed a Special Constable pursuant to Section 7-92 of the Connecticut General Statutes.
- C. The Zoning Enforcement Officer may cause any building, structure, or lot to be inspected or examined to determine:
  - 1. if a violation of these regulations has occurred; or
  - 2. if the activity is in conformance with any permits issued under these regulations.
- D. Where a difference of opinion exists between the Zoning Enforcement Officer and an applicant on the interpretation of a regulation, the Commission shall make the interpretation. However, any appeal from an order, requirement, or decision made by any official responsible for the enforcement of these regulations shall be handled according to the procedure outlined in Section 8.1.2.
- E. No zoning permit, certificate of compliance, or certificate of occupancy shall be issued for any activity on a parcel if there is an outstanding zoning violation on the property. The only exception is in cases where the issuance of a permit will result in the property being brought into compliance with these regulations.

### 8.6.3 Zoning Permits (Rev. 8/2/99)

- A. A Zoning Permit issued by the Zoning Enforcement Officer shall be required before commencing any of the following activities.
  - 1. The erection, reconstruction or structural alteration of any building or structure.
  - 2. The movement of any building or structure upon or to any lot.
  - 3. A change of use of land, building or structure.
  - 4. The rearrangement or alteration of any area used for parking.
  - 5. The erection or alteration of a sign except as specified in Section 5.15.
- B. Neither a Zoning Permit nor a Certificate of Compliance shall be required for flag poles, fences, mail boxes, newspaper tubes, basketball poles, children's play sets, and other minor structures which are of a strictly ornamental or recreational nature. Neither a Zoning Permit nor a Certificate of Compliance shall be required for a septic system or a well. **(Rev. 12/19/98)**
- C. A Zoning Permit shall not be required for the alteration or repair of a building or structure if all the following conditions are met.
  - 1. The alteration or repair affects only the interior of the existing building or structure.
  - 2. The alteration or repair does not result in the addition of floor area.
  - 3. The alteration or repair does not result in a change of use.
- D. A Certificate of Compliance shall be issued by the Zoning Enforcement Officer in cases where a Zoning Permit is not required.
- E. A Zoning Permit or Certificate of Compliance shall be issued prior to the issuance of a Building Permit.
- F. A Zoning Permit or Certificate of Compliance shall only be issued if the Zoning Enforcement Officer determines that the proposed activity is in compliance with the zoning regulations. Where the Zoning Permit or Certificate of Compliance is denied, the Zoning Enforcement Officer shall state upon the record the reason(s) for the denial.
- G. Application for a Zoning Permit shall be made in writing by the property owner of record or the owner's authorized agent, to the Zoning Enforcement Officer on forms prescribed by the Zoning Enforcement Officer. **(Rev. 5/17/07)**

- 1. A Zoning or Improvement Location Survey, prepared to Class A-2 Survey

Standards, shall be required for new residential structures and additions to three family or multifamily dwelling units. The survey shall be prepared in accordance with the "City of Torrington's Plot Plan Check List for Residential Construction." This plain shall provide the Zoning Enforcement Officer with sufficient information to determine that all requirements of the Zoning Regulations have been met.

2. The Engineering Department will review the Zoning or Improvement Location Survey and approve the proposed driveway, insuring proper sight lines, drainage swales, and culvert pipes if required. Driveway permits are issued by the Engineering Department for all new driveways on City streets. The State of Connecticut DOT will issue driveway encroachment permits for all new driveways on State highways. The Engineering Department will also review the plan to insure the discharging of the footing drains, roof laterals and ditches/swales do not discharge directly into the road or onto neighboring properties. Erosion and sediment controls shall be shown on the plan in accordance with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Controls, as amended.
  3. An as-built, Class A-2 Location Survey shall be submitted to the Zoning Enforcement Officer and Building Official for approval after foundation, footings or piers are poured and before any further construction, in order to prevent costly errors requiring the movement of the structure after completion.
  4. For residential additions and proposed accessory buildings for existing single family or two family additions, a plot plan shall be submitted which clearly indicates the setbacks of the proposed addition or accessory building from property lines. At the discretion of the Zoning Officer, a Zoning or Improvement location Survey prepared to Class A-2 Survey Standards, may be required to determine that all requirements of the Zoning Regulations have been met. Non-residential uses require Site Plans prepared in accordance with 8.4 of the Zoning Regulations.
  5. The City Planner, at his discretion, may waive the Zoning or Improvement Location Survey and as-built, Class A-2 Location Survey. **(Rev. 5/17/07)**
- H. The plot plan submitted as part of the Zoning Permit shall be sufficient in scale for the Zoning Enforcement Officer to determine that all requirements for the zoning regulations have been met. The Zoning Enforcement Officer shall have the authority to require the applicant to submit a survey prepared by a registered land surveyor if, in the judgment of the Zoning Enforcement Officer, the survey is needed to determine compliance. Where a site plan has been approved, the plot plan shall be the approved site plan.
- I. Zoning Permits shall expire and become void if the activity authorized by the permit is not commenced within one year from the date of issuance.
- J. The Zoning Permit shall become void if, on the permit, the applicant provides any false or misleading information or omits any information needed for determining compliance.
- K. If requested by a property owner, the Zoning Enforcement Officer may issue a Certificate of Compliance if the Zoning Enforcement Officer determines that the buildings, structures and uses on the lot are in conformance with the zoning regulations.

#### **8.6.5 Zoning Certificates of Compliance (Rev. 8/2/99)**

Certificates of Compliance shall be issued by the Zoning Enforcement Officer for the following:

- A. If a Zoning Permit has been issued for an activity, no building, structure, or land associated with that activity shall be used or occupied until a Certificate of Compliance is issued by the Zoning Enforcement Officer. The Certificate of Compliance shall only be issued if the activity conforms in all respects to the Zoning Permit. The Zoning Enforcement Officer shall have the authority to require the applicant to submit a survey prepared by a registered land surveyor if, in the judgment of the Zoning Enforcement Officer, the survey is needed to determine compliance. The Zoning Enforcement Officer's signature on a Certificate of Occupancy issued by the Building Department is equivalent to a Certificate of Compliance.
- B. In cases where a Zoning Permit is not needed, a certificate of compliance shall be issued by the Zoning Enforcement Officer as described in Section 8.6.3.C.

#### **8.6.6 Certificates of Occupancy (Rev. 8/2/99)**

If a Zoning Permit has been issued, no certificate of occupancy shall be issued by the Building Official until a Certificate of Compliance has been issued by the Zoning Enforcement Officer.

### **8.7 Amendments**

These regulations, including the Zoning Map, may be amended by the Commission on its own initiative or at the request of an applicant. In addition to the requirements of the Connecticut General Statutes, the following requirements must be met.

#### **8.7.1 Change of Zoning District Boundary**

- A. For a proposed change to the zoning map, applicants, other than the Commission, shall provide the following:
  - 1. an A-2 survey of the property;
  - 2. a map drawn to scale showing:
    - i. the area covered by the proposed zone change and all area within 500 feet of the area of the proposed change;
    - ii. the existing and proposed zoning boundaries; and
    - iii. the property boundaries;
  - 3. a completed application on forms provided by the Commission.
- B. In addition to the notification requirements of the Connecticut General Statutes, notice of all proposed changes to the zoning map shall be given in accordance with Section 8.3.

#### **8.7.2 Change of Zoning Regulations**

Copies of the existing regulation and the proposed changes shall be submitted as part of any application for a proposed change in these regulations. Applications for a change in these regulations shall be on forms provided by the Commission.

### **8.8 Validity**

If any part of these regulations is declared by a court of competent jurisdiction to be invalid, such declaration shall not affect the validity of the rest of these regulations.



**TORRINGTON PLANNING AND ZONING COMMISSION  
AMENDMENT TO THE ZONING REGULATIONS  
WIRELESS COMMUNICATION FACILITIES**

EFFECTIVE DATE: 1/19/98

**ADDENDUM A: WIRELESS COMMUNICATION FACILITIES**

- A.1.0 Statement of Purpose
- A.2.0 Definitions
- A.3.0 Use Regulations
- A.4.0 General Standards and Requirements for Permitted and Special Exception Uses
- A.5.0 Additional Standards and Requirements for Ground Mounted Tower Special Exception Uses
- A.6.0 Application Filing Requirements
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- A.10.0 Abandonment or Discontinuation of Use
- A.11.0 Reconstruction or Replacement of Existing Towers and Monopoles
- A.12.0 Term of Special Permit

**ADDENDUM A. WIRELESS COMMUNICATION FACILITIES**

**A.1.0 Statement of Purpose**

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 City, and to provide for locations consistent with the City's Plan of 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, to provide for orderly removal of abandoned facilities.

**A.2.0 Definitions**

The following definitions shall apply solely to this Addendum:

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

**Adequate Coverage** - Coverage is considered to be "adequate" within that area surrounding a base station where the predicted or measured median field strength of the transmittal signal is greater than or equal to -95dbm for at least 75% of the intended coverage area. It is acceptable for there to be holes within the area of adequate coverage where the signal is less than -95dbm, as long as the signal regains its strength to greater than or equal to -95dbm further away from the base station. For the limited purpose of

determining whether the use of a repeater is necessary or desirable, there shall be deemed not to be adequate coverage within said holes. The outer boundary of the area of adequate coverage, however, is that location past which the signal does not regain a strength of greater than or equal to -95dbm.

**Adequate Capacity.** - Capacity is considered to be “adequate” if the Grade of Service (GOS) is p.05 or better for median traffic levels offered during the typical busy hours, as assessed by direct measurement of wireless communication facility in question. The GOS shall be determined by the use of standard Erlang B calculations. As call blocking may occur in the land line or radio portions of a wireless network, adequate capacity shall apply only to the capacity of the wireless components.

Where capacity must be determined prior to the installation of the wireless communication facility in question, adequate capacity shall be determined on the basis of a 20% busy hour (20% of all offered traffic occurring within the busiest hour of the day), with total daily traffic based on aggregate estimates of the expected traffic in the coverage area.

**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.

**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, concrete or other material and platforms (or racks) for 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 transmits and receives a signal in all directions.

**Panel Antenna** - A flat surface antenna usually operated in multiples.

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

**Radiofrequency Radiation (RFR)** - The emissions from any device that propagates a wave form for the purpose of communication, including 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.3 Use Regulations

#### A3.1 Exemptions

The following shall be exempt from this regulation.

A3.1.1 Repair and maintenance of towers and antennas.

A3.1.2 Antenna used solely for residential television and radio reception.

A3.1.3 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.

#### A3.2 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:

A3.2.1 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.

A3.2.2 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 of the existing structure.

- A3.2.3 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 City as shown on a map on file in the Planning and Zoning Office) or within 150 feet of the paved portion of a City road or State highway proposed for or designated as a scenic road or highway.
- A3.2.4 Building (roof or side) mounts provided it does not project more than ten feet above the building height.
- A3.2.5 Building (roof or side) mounts may locate on a building or structure legally non-conforming 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.
- A3.2.6 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 Exception.

### **A3.3 Special Exception Use**

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

- A3.3.1 Regulated facilities located on existing structures or co-located that do not qualify as a Permitted Use as set forth in Section A.3.2 above.
- A3.3.2 All Ground Mounted Towers.

## **AA.4.0 General Standards and Requirements for Permitted and Special Exception Uses**

### **A4.1 Location**

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

- A4.1.1 Applicants are urged to consider use of existing telephone and electric utility structures as sites for regulated facilities.
- A4.1.2 The following zoning districts are considered preferred locations for new free standing towers: LB, CIR, I, and IP.  
The following zoning districts are the least preferred locations for free standing towers: RRC, R-15, R-15s, R-10s, R-10, and R-6.

### **A4.1.3 Site Justification for Ground Mounted Tower**

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

A. The applicant shall provide written documentation of all regulated facility sites in the City and any facility sites outside of the City that are within two (2) miles of the proposed site, in which it has a legal interest, whether by ownership, leasehold or otherwise. From each such regulated facility site, it shall demonstrate with written documentation that these facility sites are not already providing, or do not have the potential by adjusting the site to provide adequate coverage and/or adequate capacity to the City.

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 these regulations.

F. Demonstrates that the tower can accommodate both the applicant's antennas and at least two other carriers' antennas and a municipal antenna if the tower is over one hundred feet high.

#### **A4.2 Visibility - Camouflage and Color**

The Commission shall apply the following standards and requirements to minimize the visual impact of proposed regulated facilities.

##### **A4.2.1 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 a local 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.

##### **A4.2.2 Requirements for proposed Ground Mounted Towers.**

A. The Commission may require that proposed ground mounted towers provide a vegetated buffer of sufficient height and a depth to screen the facility to the extent feasible. The required buffer shall not be greater than 50 feet in width. 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 or a landscape gardener. 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.

B. The Commission may require that the ground mounted tower be camouflaged as a tree or other feature.

#### A4.2.3 Historic and 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 development 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 City or State designated scenic road, may exceed the height of vegetation at the proposed location only where the applicant has demonstrated to the satisfaction of the Commission that the proposed regulated facility cannot be reasonably placed in another location.

#### A4.2.4 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 the Commission may 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.

a. 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.

b. 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:

a. Antennas, mounts and equipment shelter(s), with total elevation dimensions and AGL of the highest point.

b. 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.

c. Any and all structures on the subject property.

d. Existing trees and shrubs at current height and proposed trees and shrubs at proposed height at time of installation, with approximate elevations dimensioned.

e. Grade changes, or cuts and fills, to be shown as original grade and new grade line, with two-foot contours above mean sea level.

#### **A4.4 Environmental and Safety Standards.**

- A4.4.1 No hazardous waste shall be discharged on the site of any Regulated Facility. If any hazardous 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.
- A4.4.2 Radiofrequency 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 Radiofrequency Radiation (FCC Guidelines) or its successor publication.

#### **A.5.0 Additional Standards and Requirements for Ground Mounted Tower Special Exception Uses**

##### **A5.1 Feasible Alternative**

Where a ground mounted tower is proposed, the applicant shall have the burden of proving that there are no feasible existing structures or co-location sites upon which to locate.

##### **A5.2 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

##### **A5.3 Setback Reduction**

In its consideration of the visual and safety impacts of a proposed ground mounted tower, the Commission may reduce the required setback area (as required above) by not more than 50% or allow the setback to be measured into a neighboring property where:

- A. a monopole tower is proposed;
- B. such reduction permits a tower site plan with better camouflage and overall design than alternative sites;
- C. the setback area within a neighboring property is not developed and will be subject to a legally binding agreement preventing development during the time the tower is in place.

#### **A.6. 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 required submissions if the Commission determines that the information is not necessary.

##### **A6.1 General Filing Requirements**

A licensed carrier shall either be an applicant or a co-applicant and shall provide documentation of qualifications as a "licensed carrier."

##### **A6.2 Location Filing Requirements**

A6.2.1 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.

A6.2.2 A City-wide map showing the other existing non-residential wireless service facilities in the City and outside the City within five miles of its boundary.

A6.2.3 The locations of all existing and potential future wireless service facilities in the City on a City-wide map for this carrier.

### A6.3 **Site Plan Requirements**

The following Site Plan requirements shall be in addition to the requirements of Section 8.4 of these regulations regarding Site Plan. Where the requirements of this section are more restrictive than that of Section 8.4 these requirements shall apply. For a permitted use the Commission may determine that the information specified under subsections 7 and 8 is not needed to determine compliance with this regulation. A one-inch-equals-40 feet vicinity plan shall be submitted showing the following:

A6.3.1 Property lines for the subject property.

A6.3.2 Property lines of all properties adjacent to the subject property within 300 feet.

A6.3.3 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.

A6.3.4 Proposed location of antenna, mount and equipment shelter(s).

A6.3.5 Proposed security barrier, indicating type and extent as well as point of controlled entry.

A6.3.6 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.

A6.3.7 Distances, at grade, from the proposed regulated facility to each building on the vicinity plan.

A6.3.8 Contours at each two feet AMSL (see definition section) for the subject property and adjacent properties within 300 feet.

A6.3.9 All proposed changes to the existing property, including grading, vegetation removal and temporary or permanent roads and driveways.

A6.3.10 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.

A6.3.11 Lines representing the sight line showing viewpoint (point from which view is taken) and visible point (point being viewed) from "Sight Lines" sub-section below.

### A6.4 **Design Filing Requirements**

A6.4.1 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.

- A6.4.2 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.
- A6.4.3 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.
- A6.4.4 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.
- A6.4.5 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.
- A6.4.6 Landscape plan prepared by a Connecticut licensed landscape architect or landscape gardener including existing trees and shrubs and those proposed to be added, identified by size of specimen at installation and species.
- A6.4.7 Within 15 days of the public hearing on 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 Commission may require that the balloon or crane remain in place for a period of up to three consecutive days. The applicant shall inform the Planning and Zoning Department of the dates of the test.
- A6.4.8 If lighting of the site is proposed, the applicant shall submit a manufacturer's computer-generated point-to-point printout, indicating the horizontal foot candle 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.
- A6.5 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:
- A6.5.1 Existing or ambient: the measurements of existing RFR;
- A6.5.2 Existing plus proposed facilities: maximum estimate of RFR from the proposed Regulated Facility plus the existing RFR environment.
- A6.5.3 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.
- A6.6 Federal Environmental Filing Requirements**
- A6.6.1 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, (47 CRF 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:

- A. Wilderness areas.
- B. Wildlife preserves.
- C. Endangered species habitat.
- D. Historical site.
- E. Indian religious site.
- F. Flood plain.
- G. Wetlands.
- H. High intensity white lights in residential neighborhoods.
- I. Excessive radiofrequency radiation exposure.

A6.6.2 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.

A6.6.3 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.

### **A.7.0 Co-location**

A7.1 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 Exception for a regulated facility shall demonstrate a good faith effort to co-locate with other carriers. Such good faith effort includes:

A. A survey of all existing structures that may be feasible sites for co-locating wireless service facilities;

B. Contact with all the other licensed telecommunication facility carriers operating in the service area of the proposed facility and timely response to co-location inquires from other providers; and

C. Sharing information necessary to determine if co-location is feasible under the design configuration most accommodating to co-location.

A7.2 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 by City Ordinance. The City may deny a Special Exception to an applicant that has not demonstrated a good faith effort to provide for co-location.

A7.3 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.

A7.4 If the Commission approves co-location for a regulated facility site, the Special Exception shall indicate how many facilities of what type shall be permitted on that site. Facilities specified in the Special Exception approval shall require no further zoning approval. However, the addition of any facilities not specified in the approved Special Exception shall require a new Special Exception. Estimates of RFR emissions will be required for all facilities, including proposed and future facilities.

### **A.8.0 Modifications**

A modification of a regulated facility may require a Special Exception application where the following events apply:

- A8.1 The applicant and/or co-applicant wants to alter the terms of the Special Exception by changing the regulated facility in one or more of the following ways:
- A. Change in the number of facilities permitted on the site;
  - B. Change in technology used for the regulated facility.
- A8.2 The applicant and/or co-applicant wants to add any equipment or additional height not specified in the original design filing.

### **A.9.0 Monitoring and Maintenance**

- A9.1 After the regulated facility is operational, and where required by the Commission, the applicant shall submit, within 90 days of beginning operations 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 Radiofrequency Standards section of this Regulation. The Commission or the City Planner may also request this information be provided on an annual basis.
- A9.2 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.

### **A.10.0 Abandonment or Discontinuation of Use**

- A10.1 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. When the facility has not been operated for a continuous period of twelve months, it shall be considered abandoned.
- A10.2 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, 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.
- A10.3 If a carrier fails to remove a regulated facility in accordance with this section of this regulation, the City 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 City must remove the facility.

**A11.0 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 Exception, provided that the Commission finds that such reconstruction, alteration, extension or replacement will not be substantially more detrimental to the neighborhood and/or the City 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.

**A.12.0 Term of Special Exception**

A Special Exception 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 Exception shall be required.