

Town of Litchfield  
Connecticut



Zoning Regulations

*The Litchfield Planning and Zoning Commission  
Litchfield, CT*

Original Effective Date: July 22, 1970  
Effective Date: December 1, 2010

# **ZONING REGULATIONS**

## **TOWN OF LITCHFIELD, CONNECTICUT**

In order to provide for the highest and best use of land and to balance various land use needs in the Town of Litchfield, Connecticut, the Litchfield Planning and Zoning Commission, acting upon its own initiative under statutory powers conferred, and believing it to be for the best interest of the Town and in conformity with the comprehensive plans of and for the Town hereby adopts the Zoning Regulations of the Town of Litchfield, Connecticut.

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## TABLE OF CONTENTS

<u>Article/Section</u>		<u>Page</u>
<b>ARTICLE I</b>	<b>Purpose and General Requirements</b>	
1.	Purpose	1
2.	General Requirements	1
<b>ARTICLE II</b>	<b>Rules and Definitions</b>	
1.	Rules	4
2.	Definitions	4
<b>ARTICLE III</b>	<b>Zoning Districts and Zoning Map</b>	
1.	Zoning Districts	12
2.	Statement of Purpose and General Requirements for Zones	12
3.	Zoning Map	19
4.	Zone Boundaries	19
5.	Flood Plain Overlay Zone Boundaries (see also Article VII)	19
<b>ARTICLE IV</b>	<b>Area, Dimension and Use Regulations</b>	
1.	Definition of Terms	20
2.	Tables of Area and Dimension Requirements	22
2A.	Table of Residential Area and Dimension Requirements	22
2B.	Table of Non-Residential Area and Dimension Requirements	23
2C.	Footnotes: Table of Residential Area and Dimension Requirements	23
3.	Exceptions to Area and Dimension Requirements	26
4.	Table of Uses by Zoning District - Residential Zones	27
5.	Table of Uses by Zoning District - Non-Residential Zones	29
<b>ARTICLE V</b>	<b>Standards and Requirements for Certain Uses</b>	
1.	Accessory Apartment	32
1.A	Accessory Buildings and Structures	33
2.	Affordable Housing (Town Sponsored/Local Non-profit)	34
3.	Bed and Breakfast	38
4.	Construction Trailers	38
5.	Convalescent Homes, Nursing Homes and Hospitals	39
6.	Country Inn	40
7.	Country Inn/Restaurant	40
8.	Educational, Instructional, Religious, Philanthropic and Charitable Institutions	41
9.	Farm Requirements	41
10.	Requirements for Home Farm, Home Animal Farm and Other Farm Related Uses	42
10A.	Farm Winery	43
11.	Greenhouse - Nursery Use (Commercial)	43
12.	Home Enterprise (Traditional)	44
13.	Home Occupations	45
13A.	Shop and Storage Use by a Contractor or Tradesman	48
14.	Horses for Personal Use	50
15.	Housing for the Elderly (Owned by Local Non-Profit Corporation)	51
15A.	Housing for the Elderly (Owned by Profit Corporation)	51
16.	Kennels an Veterinary Hospitals	52
17.	Municipal Offices	52
18.	Multi-Family Dwellings	52

## TABLE OF CONTENTS

<b>Article/Section</b>		<b>Page</b>
<b>ARTICLE V</b>	19. Personal Service Shops or Stores with Hazardous Materials	53
	20. Radio and TV Towers	54
	21. Recreational Uses (Indoor)	54
	22. Recreational Uses (Outdoor)	54
	23. Residential Use in a Business Building	54
	24A. Residence - Use of for Personal Business	55
	24B. Residence - Use of for Educational Purposes	55
	25. Seasonal Cottages (One Family)	56
	26. Stables (Commercial)	56
	27. Two-Family Dwelling (Duplex)	57
	28. Wholesale, Storage Business and Warehouses, Trans-shipment Centers	58
	29. Intersection of Proposed Subdivision Streets with certain Town Line Streets	58
	30. Public Utility Facilities	59
	31. Car Wash Facilities	60
	32. Permit Requirements for Telecommunication Facilities and Sites	62
<b>ARTICLE VI</b>	<b>Special Regulations</b>	
	1. Access, Circulation, Off-Street Parking and Off-Street Loading	76
	2. Greenspace Requirement	80
	3. Groundwater Protection Requirements	80
	4. Habitable Floor Area Requirements	83
	5. Lots in Residential Zones	83
	5A. Interior Lots	83
	5B. Lots on a Common Driveway	85
	5C. Lots in the RHC-40 Zone	87
	6. Non-Conforming Uses, Buildings/Structures and Lots	87
	7. Non-Residential Development in Residential Zones	91
	8. Outdoor Lighting	93
	9. Open Space (Section 12-107E, C.G.S.)	93
	10. Signs	94
	11. Design Review Advisory Committee	96
<b>ARTICLE VII</b>	<b>Overlay Zones</b>	
	1. Flood Plain Overlay Zone (FPOZ)	100
	2. Planned Development Zone (PDZ)	114
<b>ARTICLE VIII</b>	<b>General Standards and Procedural Requirements for Special Exceptions</b>	120
<b>ARTICLE IX</b>	<b>Site Plan and Erosion and Sediment Control Plan Requirements</b>	
	1. Site Plan Requirements	124
	2. Erosion and Sedimentation Control Plan Requirements	126
<b>ARTICLE X</b>	<b>Administration and Enforcement</b>	
	1. Zoning Permit Required	130
	2. Other Permits	130
	2.1 Flood Hazard Areas	130
	2.2 Temporary Event Permits	131
	3. Zoning Permit Not Required	133
	4. Permit Procedure	133
	5. Zoning Enforcement	134

## TABLE OF CONTENTS

<b>Article/Section</b>		<b>Page</b>
	6. Certificate of Zoning Compliance	134
	7. Expiration and Extension of Zoning Permit	134
	8. Zoning Board of Appeals	135
<b>APPENDIX A</b>	Map titled “Streets located on Town Boundary Lines Subject To Article V Section 29 of the Zoning Regulations Dated: March1999”	

### **AMENDMENT LISTING**

**ARTICLE I**  
**PURPOSE AND GENERAL REQUIREMENTS**

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**Article 1 - Section 1**  
**Purpose**

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

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

**Article 1 - Section 2**  
**General Requirements**

1. General. This Article sets forth the basic requirements of these Regulations and provides a cross referencing guide and explanation of the requirements in the other Articles.
2. Minimum Requirements. In interpreting and applying these Regulations, the requirements contained herein are declared to the minimum requirements for the protection of the health, safety and welfare.

These Regulations do not affect any easements, covenants or other agreements between parties. Where these Regulations impose a greater restriction than imposed by other ordinances, rules, regulations, licenses, etc. or by easements, covenants or agreements, the provisions of these Regulations shall apply.

3. Basic Requirement. Unless otherwise specifically stated in these Regulations no building or part thereof shall be constructed, reconstructed, structurally altered, enlarged or moved, nor shall any building, structure or land be used or be arranged, designed or intended for any use other than permitted in the Zoning District in which such building, structure or land is located. A Zoning Permit shall be required for all activities defined in Article X, Section 1 and as specified in these Regulations.
4. Special Exception Required. For those uses for which a Special Exception is required (as listed in Article IV - Table of Uses) such use shall be subject to the general and specific standards and requirement set forth in Article VIII. No construction or use approved as a Special Exception by the Commission shall begin or be established until a Zoning Permit has been issued.
5. Non Conforming Situations. No non-conforming use of land, building, or structure shall be changed in use or extended unless a Zoning Permit has been issued by the Commission according to Article VI, Section 6.
6. Site Plan. A Site Plan shall be required for Special Exception uses and for all other uses as specified in the Table of Uses except where the Commission or the Zoning Enforcement Officer determines that for a use permitted by right a Site Plan is not necessary to determine conformance with these Regulations. (see Article IX, Section 1)
7. Erosion and Sediment Control Plan. An Erosion and Sediment Control Plan shall be required for any application for development when the cumulative disturbed area is more than one-half acre. A single family dwelling that is not part of a subdivision of land shall be exempt from the requirement for a Erosion and Sediment Control Plan. (see Article IX Section 2)
8. Evidence of Submission of Site Plan or Special Exception to the Inland Wetlands Commission. As required by Connecticut General Statutes, any Site Plan or Special Exception application involving an inland wetland or watercourse regulated by the Inland Wetlands Commission, shall be submitted to the Inland Wetlands Commission on or before the date that it is submitted to the Planning and Zoning Commission. (Article VIII and Article IX, Section 1)
9. Certificate of Zoning Compliance. No Certificate of Building Occupancy shall be issued by the Building Official until the Zoning Enforcement Officer has issued, in writing, a Certificate of Zoning Compliance. (see Article X Section 6).
10. Permitted Uses and Prohibited Uses. The Table of Uses (Article IV, Section 4 and 5) and the supplementary provisions in Article V state the uses allowed in the various zones.

No land, building or part thereof shall be used or changed in use except as specifically provided for in said Table and Article V. Uses not listed in said Table or Article V or otherwise clearly provided for in these regulations are prohibited. Maintenance of a "Junkyard" as defined herein (See article II) is expressly prohibited.

11. Area and Dimension Requirements. The Table of Area and Dimension Requirements (see Article IV) states the requirements for lot area, frontage, setback, percentage of building coverage, building floor area, building height and other lot and dimensional requirements in the various zones. No building or structure shall be erected, constructed, enlarged, altered, or arranged on a lot except in accordance with the requirements set forth in the Table of Area and Dimensional Requirements and the supplementary provisions of Article IV.
12. Parking and Loading, Access and Circulation Requirements. Off street parking and loading facilities, provisions for access and circulation of pedestrians and vehicles shall be provided in the various zones in accordance with the requirements set forth in Article VI, Section 1.
13. Fee. A fee for a Zoning Permit, Site Plan approval and/or a Special Exception shall be required as specified in the Town Ordinance on Land Use Fee Schedule, as amended. A copy of the "Fee Schedule" shall be maintained on file in the office of the Planning and Zoning Commission.
14. Procedures for the review of Application and Action by the Planning and Zoning Commission. The minimum procedural requirements for processing applications shall be as set forth in the Connecticut General Statutes and as specified in these Regulations.
15. Sewage Disposal and Water Supply Approval Required. Prior to the approval of a Zoning Permit, the applicant shall obtain from the Torrington Area Health District written approval of the plans for sewage disposal and water supply.
16. Fire Marshal Approval. When a building or use is intended to accommodate the public, plans and specifications must be approved in writing by the Fire Marshal.
17. Proposal Concerning a Private Water Company Requires State Approval Before Action by the Commission. Where an application involves a water supply to be provided by a private water company incorporated on or after October 1, 1984, the Commission shall not approve such application unless and until such company has been issued a certificate pursuant to Section 16-262m of the Connecticut General Statutes.

**ARTICLE II  
RULES AND DEFINITIONS**

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**Article II - Section I  
Rules**

In the construction of these regulations, the rules and definitions contained in this Article shall be observed and applied, except where the context clearly indicates otherwise.

Words used in the singular shall include the plural, and the plural and singular; and words used in the present tense shall include the future.

The word "shall" is mandatory and not discretionary.

The word "may" is permissive.

The word "lot" shall include the words "piece" and "parcel".

The words "zone", "zoning district", and "district" have the same meaning.

The phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for" and "occupied for".

The phrase "these Regulations" shall refer to the entire Litchfield Zoning Regulations.

Uses of land, buildings or structures not clearly permitted in the various zoning districts are prohibited.

**Article II - Section 2  
Definitions**

Above Ground

Any structure that is not buried and is fully visible for inspection.

Accessory Building Structure or Use

An accessory building or use is one subordinate and customarily incidental to the principal building and/or use on the same lot.

Bakery

A Commercial establishment for the making of baked goods where sales of such goods are to other establishments or to customers who are not served baked goods or other food or beverages in the establishment. A bakery where customers are served at tables or counters shall be classified as a Restaurant.

Best Management Practices

Guidelines designed by a Federal, State or other qualified agency which describe methods of building or operating a facility or of using land so as to minimize or eliminate pollution of ground or surface water drinking supplies and other negative impacts to the environment or living organisms.

Building

Any structure having a roof and intended for the shelter, housing or enclosure of persons, animals or materials.

Building, Height of

(See Article IV, Section 1)

Building Line

(See Article IV, Section 1)

Car Wash

A building and surrounding area of a parcel or lot that provides vehicle washing facilities where there is an employee on site during all hours of operation and washing and related cleaning services are not self service and are provided by automated washing equipment including a blower, or other mechanical devices, and which may employ some hand labor.

Club

Means an organization of persons incorporated pursuant to the provisions of the membership corporations law or the benevolent orders law, which is the owner, lessee or occupant of an establishment operated solely for the recreational, social, patriotic, political, benevolent, or athletic purpose but not for pecuniary gain, and includes the establishment so operated. A club shall cater only to its members or guests accompanying them. A "member of a club" is a person who, whether as a charter member or admitted agreement with the bylaws, and whose name and address are entered on the list of membership.

Commission

The Planning and Zoning Commission of the Town of Litchfield, Connecticut.

Common Driveway

A privately owned and maintained driveway with a gravel surface serving more than two lots but not more than six (6) lots which are subject to a Special Exception as set forth in the Zoning Regulations. There shall be no more than four (4) interior lots on a Common Driveway. (see Article VI, Section 5B)

Connecticut-Grown Produce

Farm products that have a traceable point of origin within Connecticut as defined in Connecticut General Statutes §1-1(q) (as amended) and applicable definitions and provisions of Title 22 (as amended) of the Connecticut General Statutes.

Construction Trailer

(See Trailer, Construction)

Country Inn

A facility having ten (10) or less guest rooms in which lodging is offered for compensation and meals for guest lodgers only may be offered.

Dustless Surface (Permanent Surfaces)

The ground covered with concrete, asphalt, or bituminous products.

Dustless Surface (Temporary Surfaces)

The ground treated with calcium chloride, crushed stone, turf grass, or similar dust-inhibiting surfaces, and maintained in good condition at all times.

Dwelling

A building designed or used as the living quarters for one or more families.

Dwelling Unit

A building, structure, unit or portion thereof, providing complete housekeeping facilities for one family.

Family

One or more related individuals, or not more than three unrelated individuals, living and cooking together as a single separate housekeeping unit.

Farm

A tract of land used for commercial purposes as defined in CGS 1-1(q) to produce agricultural, aquaculture, horticultural, floricultural, vegetable, tree or fruit products, and also including the raising of horses and other farm animals but excluding the slaughtering of animals not raised on the premises. The term farming includes farm buildings and accessory farm buildings and structures and uses that are incidental to the normal farm operations.

Farm Stand - Temporary

A temporary and moveable table or stand or other temporary and moveable small structure with one or more open sides that is used to sell farm products grown on the premises.

Farm Stand, Permanent

A permanent structure, or a part of an existing structure, associated with a Farm for which a site plan has been approved by the commission for the display or sale of Connecticut-grown farm products substantially all of which are grown on the Farm.

Farm Winery

Any place or premises, located on contiguous land comprising a minimum of 5 acres on which fruit is grown and wine/wine products are manufactured, stored and sold, meeting the permit requirements of Connecticut General Statutes §30-16 (as amended) and applicable definitions and guidance of Title 22 (as amended) of the Connecticut General Statutes.

Gross Floor Area:

The sum of the horizontal areas of all the floors of a building or structure, measured from the exterior faces of exterior walls or from the center line of walls

separating buildings, structures or uses. "Gross Floor Area" shall include the area of basements used for purposes with the following exception. The floor area of a basement occupied by building utilities and equipment, such as heating or ventilating equipment, or other similar equipment accessory to the building shall not be included in the calculation of gross floor area. The horizontal area of each floor level devoted to stairwells and elevator shafts shall be included in the calculation of gross floor area.

#### Groundwater

Groundwater Water beneath the surface of the ground in the zone of saturation where every pore space between rock and soil particles is saturated with water.

#### Habitable Floor Area:

The sum of the total horizontal area of those portions of each floor of a dwelling which are used as measured from the exterior faces of the walls of the dwelling. It does not include basements, unenclosed porches, attics, garages or accessory buildings not used for human occupancy. In determining the habitable floor area of an accessory apartment or dwelling unit within a multi-family dwelling, the center line of the interior wall(s) shall be used in the calculation.

#### Hazardous Materials

Substances or combinations of substances (including waste products) which present an actual or potential hazard to human health or to private or public drinking water supplies if discharged to the ground or surface water including:

- Substances which are toxic, flammable, corrosive, explosive, radioactive or infectious;
- Substances listed in the "Title III List of Chemicals Subject to Reporting Under Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986" (Office of Toxic Substances, U.S. Environmental Protection Agency, Washington, D.C. 20460) and which are used for other than normal household purposes if in quantities exceeding those identified in SARA;
- Acids and alkalides outside the pH range of 2 to 10;
- Petroleum products, including fuels and waste oils;
- Synthetic organic solvents;
- Any solid material which if exposed to water will leach or dissolve to form a hazardous material as defined above.

#### Home Farming

The cultivation of the soil for the production of crops substantially for non-commercial home consumption on a lot as an accessory use to a single family dwelling.

Home Animal Farming

Animals bred, raised or kept for personal and non-commercial purposes as an accessory use to a single family dwelling.

Hotel

A building providing lodging for persons, with or without meals, and intended primarily for the accommodation of transients and so designed that normal access to the rooms is through a public lobby.

Impermeable

Material impenetrable by water or other substances.

Inn/Restaurant

A facility having guest rooms for compensation and meals offered for compensation to guest lodgers and the public.

Junkyard

Any place in or on which old material, glass, paper, cordage or other waste or discarded or secondhand material which has not been a part, or is not intended to be a part of any motor vehicle, is stored or deposited. It also includes any business and any place of storage or deposit, whether in connection with another business or not, which has stored or deposited two or more unregistered motor vehicles which are no longer intended or in condition for legal use on the public highways or used parts of motor vehicles or old iron, metal, glass, paper, cordage or other waste or discarded or secondhand material which has been a part, or intended to be a part of any motor vehicle, the sum of which parts or materials shall be equal in bulk to two or more motor vehicles. Said terms shall also include any place or business or storage or deposits or motor vehicles for parts or for use of the metal for scrap or to cut up parts thereof. Excluded from this definition is farming equipment, other than motor vehicles, located on operating farms.

Kennel

Any premises on which four or more cats or dogs six months old or older are kept for boarding, grooming or sale.

Lot, Building

(See Article IV, Section 1)

Lot, Corner

(See Article IV, Section 1)

Lot, Through

(See Article IV, Section 1)

Lot, Width of

(See Article IV, Section 1)

Maintenance Shed

A free standing permanent accessory building not exceeding 160 square feet in total floor area, designated and used for the storage or location of tools, materials, and equipment associated with the maintenance of the premises, including all structures and ground area.

Motel

Any structure or group of structures having sleeping rooms, with a separate outside entrance for each room or suite of rooms, in which lodging is provided for transient guests for compensation.

Multi-Family Dwelling

Not less than three dwelling units in a building of not more than 35 feet in height or a group of such buildings and uses accessory to such apartments. Dwelling units in multi-family dwellings may be owned by a single owner or individually by tenants or both, but the land shall be held in unified ownership.

Non-conforming Use

Use of a building or of land that did not, at the time of the adoption of these regulations or relevant amendments, conform to these regulations.

One-Family Cottages

(See Seasonal Cottage)

Open Space Land designated "open space" per Connecticut State Statute Section 12-107E enabling a tax reduction allowance.

Parking Area

An area other than a street used for the temporary parking of five or more automobiles.

Parking Space

An off-street space of not less than 300 square feet, having direct access to a street, available for the parking of one motor vehicle. Truck loading space, passageways and driveways shall not be included when computing area available for parking spaces.

Professional Office

An office for recognized professions, such as doctors, dentists, lawyers, architects, engineers, artists, musicians, designers, teachers and others, who through training or experience are qualified to perform services of a professional as distinguished from a business nature.

Restaurant

A food service establishment that meets ALL of the following criteria:

Customers are served only when seated at tables or counters; and

No customers are served in motor vehicles; and

Customers are not served primarily at take-out type counters regardless or whether the food is intended to be consumed on or off the premises.

Any food take-out service is clearly incidental to the primary permitted use of serving customers seated at tables or counters.

Restaurant, high-turnover, fast food

An establishment or use where customers are served food or beverage primarily in paper, plastic or other disposable containers from within an enclosed building which use may include a food and beverage take-out service from within the building (excluding take-out and/or drive-in window service).

Seasonal Cottage

One-family cottages for seasonal use only, provided that between November 1st and the following April 1st no family shall reside in a cottage for more than a total of 30 days.

Sign

Any structure or part thereof or device attached thereto or painted thereon, which shall display or include any letter, word, model, banner, flag, pennant, insignia, device or representation used as or which is in the nature of an announcement, direction or advertisement. The word "sign" includes the word "billboard" but does not include the flag, pennant or insignia or any nation, state, city, or other political unit, or of any political, educational, charitable, philanthropic, civic, professional, religious, or like campaign, drive, movement or event.

Stable

Any building or enclosed area used for the housing, feeding or care of one or more horses.

Stable, Commercial

A stable where horses are kept for profit or gain, including, but not limited to, boarding horses, riding instruction or renting of horses.

Stable, Non-commercial

A stable used solely for horses owned by the resident occupant, except that occasional and temporary boarding of horses not for gain, direct or indirect is permissible.

Storage Business

A warehouse business located in a building utilized for the storage of items for the resale of wholesale and retail goods.

Street

A public thoroughfare more than 10 feet in width which has been dedicated to the public for public use and which affords principal means of access to abutting property.

Street Line

(See Article IV, Section 1)

Structure

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

Traditional Home Enterprise

A home use involving the creation and sale of home-made arts, crafts and goods which by the nature of the activity will generate only a very low level of traffic.

Trailer, Construction

A vehicle which can be drawn or be carried on a motor vehicle, whether on temporary or permanent supports.

Travelway

The paved or graveled portion of a public road or street which is designed, constructed and maintained for carrying vehicular traffic.

Underground

A structure or structure component which is below the surface of the ground or is not fully visible for inspection. Facilities which are not considered to be underground include tanks and piping in underground areas such as basements, cellars, shafts, tunnels or vaults with manned access.

Use

The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied and maintained. The term "permitted use" or its equivalent shall not be deemed to include any non-conforming use.

Veterinary Hospital

Any premises on which animals are kept for boarding, treatment or other purposes common to the practice of veterinary medicine.

Water Pollution

An activity having a harmful thermal effect on or contaminating or rendering unclean or impure any waters, including groundwater of the state by reason of any waste or other materials discharged or deposited therein by any public or private sewer or otherwise so as directly or indirectly to come in contact with any waters.

Yard

(See Article IV, Section 1)

Yard, Front, Minimum

(See Article IV, Section 1)

Yard, Rear, Minimum

(See Article IV, Section 1)

Yard, Side, Minimum

(See Article IV, Section 1)

**ARTICLE III  
ZONING DISTRICT AND ZONING MAP**

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**Article III - Section 1  
Zoning Districts**

For the purpose of promoting the public health, safety and general welfare, the Town of Litchfield, Connecticut is hereby divided into the following zones:

R-20	Residence Zone
R-20H	Historic Residence Zone
R-30H	Historic Residence Zone
RHC-40	Residence Highway Corridor Zone
R-80	Residence Zone
RR-160	Rural Residence Zone
RMF-160	Multi Family Residence Zone
B-202	Route 202 Business Zone
B-800	Route 8 Business Zone
BH	Historic Business Zone
PB	Planned Business Zone
MO	Municipal Office Zone
PO	Planned Office Zone
I	Industrial Zone
PI	Planned Industrial Zone
FPOD	Flood Plain Overlay Zone

**Article III - Section 2  
Statement of Purpose and General Requirements for Zones**

**R-20 Residence Zone**

Statement of Purpose: To be added.

**R-20H Historic Residence Zone**

Statement of Purpose: The R-20H Zone is within the Borough of Litchfield Historic District and land within this zone is subject to the requirements of the historic district as well as these Regulations.

**R-30H Historic Residence Zone**

Statement of Purpose: This zone delineates a sector of the Borough of Litchfield Historic District that is characterized by large historic residential dwellings and structures located on proportionally large lots.

The requirements for new construction and development in this zone are designed to protect the single family residential character and its widely recognized unique setting, especially the open space around its dwellings and its historic streetscape.

As used in these regulations or the subdivision regulations, the term, "existing public street" within the R-30H Zone shall include those streets or street segments both sides of which lie within the R-30H Zone. These streets or street segments are North Street, South Street, East Street, Prospect Street, Westover Street and Old South Road.

#### **RHC-40 Residence Highway Corridor Zone**

Statement of Purpose. The RHC-40 Zones are established in areas served by either a public water line or a public sewer line along main highway corridors located outside of the primary water and sewer service area centered in Litchfield Borough. Because these highway corridors are entry ways to the Town center and are served by only one utility line these areas are not intended for extensive development. To preserve the greenway entry to the Town Center provisions of the regulations in this zone encourage residential lot layout and site design which will maintain natural vegetation, open fields, views and vistas as seen from the main highway. The RHC-40 Zone in the Route 202 corridor is served by a small diameter main sewer line which was extended into Litchfield from Torrington to allow connections to several uses in Litchfield with failing septic systems. Service to this line is administered by the Litchfield Sewer Commission under an agreement with the City of Torrington which allows for a maximum amount of sewage flow from Litchfield to the Torrington Sewage Treatment Plant. Land within this highway corridor is also known to be poorly suited for drilled wells which can provide adequate quantities of drinking water for residential use. The RHC-40 Zone in the Route 63 corridor is served by a water line (Bridgeport Hydraulic Company).

#### **R-80 Residence Zone**

Statement of Purpose: To be added.

#### **RR-160 Rural Residence Zone**

Statement of Purpose: To be added.

#### **RMF-160 Multi-Family Residence Zone**

Statement of Purpose:

1. Requirements for multi-family dwellings:
  - a. No multi-family dwelling shall have more than thirty dwelling units contained therein. Buildings with more than twelve dwelling units shall be varied substantially in plane along the building's length.
  - b. Garage space or off-street parking space for one and one-half vehicles shall be provided on the lot for each dwelling unit.
  - c. No site shall contain more than four dwelling units for each 40,000 square feet of usable site area. Usable site area shall be defined as land other than regulated inland wetlands and watercourses as defined by the Litchfield Inland Wetlands Regulations and as shown on the Litchfield Inland Wetlands Map, 100 year flood hazard areas as defined by the Federal Emergency Management Agency and as shown on Flood Hazard Areas Maps on file in the office of the Planning and Zoning Commission, land subject to existing easements which prohibit building or development, and 50% of all land with a slope in excess of 25% as delineated on a site plan map showing topographic contours based upon a field or aerial survey and certified by a Connecticut licensed surveyor.

- d. No building shall be less than twenty feet from any other building.
- e. Recreation facilities, open spaces, and facilities suitable for active and passive recreation shall be provided to serve the project and shall be so designed and specified that a performance bond may be drawn. Said areas shall be adequately protected from streets, driveways, and parking areas.
- f. Main interior walks shall be of sufficient width and construction to serve emergency vehicles and apparatus if a structure is not served by a roadway or parking lot on one side along its length.
- g. Buffer strips - Each property line, except street lines, shall be paralleled by a continuous buffer strip at least fifteen feet wide, planted with a mixture of evergreen and deciduous shrubs and trees, which shall be maintained in order so as to protect adjacent property and the neighborhood in general from detriment.
- h. The Commission may vary the requirements for spacing between buildings and building height if it determines that such variation will enhance the design of the project and give equal or better light, air, and privacy to apartment dwellers.
- i. All multi-family dwellings shall be connected with a municipal sewer system or with a private sewage disposal system approved by the Connecticut State Department of Health Services.
- j. A site plan prepared in accordance with the provisions of Article IX of these Regulations shall be submitted and approved by the Commission before any building, structure, parking lot, sign, land, or use is constructed, built or substantially altered in an RMF-160 Zone. The Zoning Enforcement Officer shall not issue a zoning permit for construction in an RMF-160 Zone unless a site plan for said construction has been duly approved.

### **B-202 Business Zone**

Statement of purpose: The purpose of this zone is to provide locations for a variety of business, retail, personal service uses and other uses in a manner that maintains the rural and historic character of the community, permits safe flow of through traffic and manages conflict between business use traffic and local residential vehicular and pedestrian traffic.

1. Special Exceptions may be permitted in a B-202 Zone, after a public hearing by the Commission, subject to the satisfaction of the requirements and standards set forth herein.

If the Commission determines that the proposed activity may pose a threat to groundwater, the Commission shall require appropriate provisions to prevent groundwater contamination in accordance with Article VI, Section 3 Groundwater Protection Requirements.

2. A Site Plan prepared in accordance with the provisions of Article IX, Section 1 of these Regulations shall be submitted and approved by the Commission before any building, structure, parking lot, sign, land, or use is constructed, built or substantially altered in the B-202 Zone for either a use permitted by right or a use permitted by Special Exception. The Zoning Officer shall not issue a Zoning Permit for construction in a B-202 Zone unless a Site Plan for said construction has been duly approved.

### **B-800 Business Zone**

Statement of purpose: The purpose of this zone is to provide a location for a variety of business, retail, personal service uses and other uses with high traffic generation characteristics which are properly located with convenient access to Route 8, a limited access highway, and in proximity to a city center.

1. Special Exceptions can be permitted in a B-800 Zone, after a public hearing by the Commission, subject to the satisfaction of the requirements and standards set forth herein. If the Commission determines that the proposed activity may pose a threat to groundwater, the Commission shall require appropriate provisions to prevent groundwater contamination in accordance with Article VI, Section 3 Groundwater Protection Requirements.
2. A Site Plan prepared in accordance with the provisions of Article IX, Section 1 of these Regulations shall be submitted and approved by the Commission before any building, structure, parking lot, sign, land, or use is constructed, built or substantially altered in the B-800 Zone for either a use permitted by right or a use permitted by Special Exception. The Zoning Officer shall not issue a Zoning Permit for construction in a B-800 Zone unless a Site Plan for said construction has been duly approved.

### **BH Historic Business Zone**

Statement of Purpose: The BH Historic Business Zone is located within the Borough of Litchfield Historic District and is hereby established to assist in the preservation of the unique character of the Borough of Litchfield by encouraging in its commercial district the enhancement of the center's historical character, the preservation and restoration of its architectural assets and their appropriate setting, and the continuation of its pedestrian scale and orientation.

1. Special exceptions in a BH Zone can be permitted after a public hearing by the Commission, subject to the satisfaction of the requirements and standards set forth herein and the requirements of Article VIII.
2. Buffers: Where land in the BH Zone abuts land in residential use in the Litchfield Historic District, setback requirements from the abutting property for buildings and paved areas in the BH Zone shall be at least 75 feet, and shall be planted with trees and other vegetation to provide a suitable screen that will prevent or minimize the appearance from adjoining residential properties of the commercial uses and parking areas at all times of the year.
3. Appearance of Buildings: Any mechanical equipment, fans, generators, etc. on the tops of buildings shall be suitably screened from view using materials, design and location that will minimize their appearance.
4. Off-Street Parking: Off-street parking must be located behind the principal structure in a location suitably screened with trees and other vegetation to prevent or minimize its appearance from streets and public areas in the Borough at all times of the year.
5. If required by the Commission, the applicant shall present a parking analysis and/or traffic survey conducted by a qualified traffic engineer evaluating the

adequacy of the proposed parking plan and/or the impact of the anticipated traffic flow to and from the parking area on the safety and congestion of traffic flow on the street, and on pedestrian use of the sidewalk in front of the property. The Commission may require such measures as it feels necessary to ensure pedestrian and vehicular safety and ease of travel, including limiting access to and from the parking area to right turns only, and requiring other measures to enhance visibility for persons exiting from the parking area and drivers and pedestrians on the public streets.

6. If the Commission determines that the proposed activity may pose a threat to groundwater, the Commission shall require appropriate provisions to prevent groundwater contamination in accordance with Article VI, Section 3, Groundwater Protection Requirements.

### **PB Planned Business Zone**

Statement of Purpose: To be added.

1. Special Exceptions in a PB Zone are declared to possess such special characteristics that each may be permitted in a PB Zone after a public hearing by the Commission, subject to the satisfaction of the requirements and standards set forth herein, and the requirements of Article VIII. If the Commission determines that the proposed activity may pose a threat to groundwater, the Commission shall require appropriate provisions to prevent groundwater contamination in accordance with Article VI, Section 3, Groundwater Protection Requirements.
2. Requirements of the PB Zone.
  - a. The Commission may require that side and rear yards in a continuous buffer of local coniferous trees and shrubs not less than 15 feet wide, planted and maintained so as to protect adjacent properties and the neighborhood in general from detriment. Said trees and shrubs shall not be less than five feet in height at time of planting and shall be planted in not less than two rows which are staggered to provide maximum screening. The Commission may waive the requirement for buffer areas for any portion of a side yard which lies in front of the principal structure on the lot, or for any side yard with street frontage. The location of trees and shrubs shall be illustrated on the Site Plan, and planting must be effectuated before a Certificate of Zoning Compliance is issued. If construction is completed during a non-planting season, a bond or certified check for an amount covering planting costs shall be posted with the Town of Litchfield.
  - b. A Site Plan prepared in accordance with the provisions of Article IX Section 1 of these Regulations shall be submitted and approved by the Commission before any building, structure, parking lot, sign, land, or use is constructed, built, or substantially altered in any PB Zone. The Zoning Officer shall not issue a building permit for construction in a PB Zone unless a Site Plan for said construction has been duly approved.
  - c. Front yards in the PB Zone shall be landscaped with grass or other natural ground cover including the planting and maintaining of trees with a minimum width of 4 inches in caliper measured 6 inches above ground level, of a type suitable to the location and environment, at a distance of no more than 100 feet from each other and within 75 feet of each property line.

## **MO - Municipal Office Zone**

### Statement of Purpose:

1. Parking areas may be permitted in the side and rear yard where the site plan provides for a landscaped buffer along the property line designed by a Connecticut registered landscape architect. The buffer shall be designed to provide a year round visual screen between the municipal office use and surrounding residential uses.
2. Buildings and land may be used and buildings may be erected for the following uses and no other, subject to approval of the site plan submitted in accordance with Article IX, Section 1.
3. Offices for the administration and other functions of Town Government and related uses are permitted.
4. Requirements for signs and parking in the MO Zone shall be as provided in Article VI.
5. If the Commission determines that the proposed activity may pose a threat to groundwater, the Commission shall require appropriate provisions to prevent groundwater contamination in accordance with Article VI, Section 3, Groundwater Protection Requirements.

## **PO Planned Office Zone**

### Statement of Purpose:

1. A Planned Office Zone may be established by the Commission or requested to be established by petition where the proposed location meets the following criteria;
  - a. The proposed site is located in a transition area located between a non-residential zone and a residential zone.
  - b. The site will be served by public water and sewer facilities.
  - c. The site is directly accessible to a state highway or major town road which is adequate to accommodate the projected traffic from the proposed use. Where required by the Commission, a transportation engineer shall submit a report which assesses and documents access and egress to the site.
  - d. The site shall have a minimum area of 60,000 square feet and shall be of a size adequate for the proposed office building(s) and related uses with substantial area of permanent green space or open space.
2. Procedures and Criteria for a Special Exception Permit for any use in PO Zone: If the Commission determines that the proposed activity may pose a threat to groundwater, the Commission shall require appropriate provisions to prevent groundwater contamination in accordance with Article VI, Section 3, Groundwater Protection Requirements.
3. The Special Exception application shall meet the requirements of Article VIII, and the requirements for a site plan in accordance with Article IX, Section 1.

## **I Industrial Zone**

### Statement of Purpose:

1. Industrial uses shall meet the following performance standards:
  - a. No dust, dirt, fly ash or smoke shall be emitted into the air.
  - b. No offensive odors or noxious, toxic, corrosive fumes or gases shall be emitted into the air.

- c. No noise which is objectionable due to volume, intermittence, beat frequency or shrillness shall be transmitted outside the property where it originates. Blasting in connection with quarry operations is allowable by permit of State or Local Fire Marshal.
- d. No offensive or harmful wastes shall be discharged into any stream or watercourse or into any adjoining property.
- e. No activity shall be conducted which is hazardous or dangerous to persons or property outside of the lot on which the activity is conducted.
- f. Facilities where hazardous materials may be stored or utilized shall be designed so as to prevent contamination of groundwater in accordance with Article VI, Section 3, Groundwater Protection Requirements.

### **PI Planned Industrial Zone**

#### Statement of Purpose:

1. Procedure:
  - a. A petition to establish a Planned Industrial zone shall be submitted by the owner of the land, or by the holder of an option to buy, to the Commission.
  - b. The petition shall be accompanied by two or more copies of a complete Site Plan prepared in accordance with the requirements of Article IX of these regulations.
  - c. Notice of public hearing of the petition shall be given as provided in the General Statutes of the State of Connecticut.
  - d. After a public hearing the Commission may approve, or deny, the establishment of the district. No PI Zone shall be approved which is inconsistent with the public welfare, or which impairs the integrity of these Regulations or which does not fully safeguard the appropriate use of the land in the immediate neighborhood.
2. Landscape planting, including trees, shrubs and grass or ground cover, shall be provided and permanently maintained by the owner in the area required for setback from property and street lines, to the satisfaction of the Commission, and specifically:
  - a. Large trees (more than 18 inches in diameter) shall be identified and reasonable effort shall be made to preserve such trees.
  - b. All other existing natural growth shall be preserved and maintained where practicable.
  - c. Where a property adjoins a Residence Zone or RMF Zone on the side or rear, a "green belt" shall be planted and maintained at 30 feet in depth, including conifers planted in no fewer than two rows no further than 15 feet apart, with trees planted no more than 15 feet apart along each row, staggered to provide maximum screening, and using trees not less than two inch caliper at time of planting.
  - d. The Commission may require more extensive planting, or more mature plantings, if unusual conditions demand more extensive screening and noise abatement. The Commission may approve existing vegetation, earth forms, or other natural features in lieu of the landscaping.

### **Article III - Section 3 Zoning Map**

The boundaries of all zones, as established herein, and amended from time to time are those shown on the official Zoning Map, Town of Litchfield, Connecticut, filed in the office of the Planning and Zoning Commission, which map is part of these Regulations. Any facsimile maps, including any printed herewith, are not official and are for convenience only.

When in accordance with the provisions of these regulations, changes are made in zone boundaries or other matters portrayed on the Zoning Map, such changes shall be made on the Zoning Map immediately after the amendment has been approved by the Commission, together with an entry on the Zoning Map as follows: "as amended to (date)", such date to be that of the most recent amendment.

### **Article III - Section 4 Zone Boundaries Other Than FPOD**

Where uncertainty exists as to the boundaries of zones as shown on the Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of streets, highways, or alley shall be construed to follow such center lines;
2. Boundaries indicated as approximately following plotted lot lines shall be construed as following such lot lines;
3. Boundaries indicated as approximately following town limits shall be construed as following town limits;
4. Boundaries indicated as following railroad rights-of-way shall be construed to be midway between the rights-of-way;
5. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines;
6. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 5 above shall be so construed. Distances not specifically indicated in the Zoning Map shall be determined by the scale of the map.

### **Article III - Section 5 FPOD Zone Boundaries**

The Flood Plain Overlay Zone shall be superimposed over existing zones. The requirements and permitted uses of the underlying zones, except where prohibited or conditioned by these Regulations, shall continue to apply.

The Flood Plain Overlay Zone boundaries shall be the special flood hazard areas designated as Zone A, A1-30 on the Litchfield Flood Insurance Rate Maps (FIRM), and the Flood Boundary and Floodway maps, dated June 15, 1992 on file with the Planning and Zoning Office. These maps as well as the accompanying Litchfield Flood Insurance Study or any revision thereto are incorporated herein by reference.

**ARTICLE IV**  
**AREA, DIMENSION AND USE REGULATIONS**

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**Section 1**  
**Definition of Terms**

Building, Height of

The distance vertically from the highest point of the point of the roof to the average level of the outside ground level along all walls of a building.

Building Line

The real limits of the minimum front yard, the line between which and the street no structure may be erected.

Lot, Building

A parcel of land occupied, or intended to be occupied, by a building or group of buildings and including such open spaces as are provided herein.

Lot, Corner

A lot situated at the intersection of two streets which meet at an angle of not more than 135 degrees.

Lot, Through

A lot having both front and rear yards abutting on a street.

Lot, Width of

The distance between the side lines of a lot measured either along the front street line or the building line. In instances where the street line is an arc, the measurement shall be taken at the building line. In instances where the side lines are not perpendicular or radial to the street line, the measurement shall be taken at the building line and shall be the shortest distance between the side lines.

Street Line

The dividing line between the street and the lot. Where such line has not been established, it is deemed for purposes of these regulations to be line parallel to and 33 feet distant from the center of the traveled surface.

Yard

An unoccupied space on the same lot with a building, extended along the entire length of a street or of a rear or interior lot line.

Yard, Front, Minimum

The open unoccupied space required across the full width of a lot from the street line to the nearest edge of the principal building or any covered porch which projects from the principal building.

Yard, Rear, Minimum

The open unoccupied space required across the full width of a lot between the rear-most structure and the rear lot line.

**Yard, Side, Minimum**

The open unoccupied space required between the side lines of a lot and any building, and extending from the minimum side yard includes both a minimum for each side, and a minimum for the two sides combined.

**Section 2**  
**Tables of Area and Dimension Requirements**

All lots, buildings and structures established, erected or altered after the enactment of this Zoning Regulation shall conform to the minimum requirements specified for the Zone in which the building is located as specified in the following tables of Area and Dimension Requirements, and as provided for in this Article.

**Section 2A**  
**Table of Residential Area and Dimension Requirements**

<b>Zone</b>	<b>Lot Area Sq. Ft.</b>	<b>Lot Width Feet</b>	<b>Front Yard Feet</b>	<b>Side Yard Min.</b>	<b>Side Yard Agg.</b>	<b>Rear Yard Feet</b>	<b>Max. Bld. Cov%</b>	<b>Min. Green Space %</b>	<b>Max. Bld. Ht.</b>
R-160 <sup>1,2</sup>	160,000 <sup>1</sup>	300	50	40 <sup>2</sup>	90 <sup>2</sup>	50	6	30	35
R-80 <sup>1,2</sup>	80,000 <sup>1</sup>	200	50	40 <sup>2</sup>	90 <sup>2</sup>	50	12	30	35
R-20	20,000	100	50	15	40	50	12	10	35
R-20H	20,000	100	50	20	40	60	12	10	35
R-30H <sup>3</sup>	30,000	140	60 <sup>3</sup>	30 <sup>3</sup>	60 <sup>3</sup>	60	12	30	35
RHC-40 <sup>4</sup>	40,000 <sup>4</sup>	150 <sup>4</sup>	50	20 <sup>4</sup>	50 <sup>4</sup>	50	12	30	35
RMF-160	160,000	200	60	30	60	60	25	30	35

**See Section 2C for footnotes**



that is more than 60,000 square feet but less than 80,000 square feet shall be subject to the following side yard requirements:

<u>Side Yard</u>	<u>Side Yard Aggregate</u>
30 feet	70 feet

- b. Any approved lot of record or lot of record that is non conforming in terms of lot area which was approved or created prior to December 17, 1987 and is located in the R80 Zone or the R160 Zone and has a total lot area that is less than 60,000 square feet shall be subject to the following side yard requirements:

<u>Side Yard</u>	<u>Side Yard Aggregate</u>
20 feet	50 feet

Purpose -To clarify that pre-existing non conforming lots of record which are non conforming in terms of lot area shall be extended the same side yard lot requirements provided for lots of record which had been approved by the Planning and Zoning Commission prior to December 17, 1987 (the effective date of the change in zoning regulations requirements from the former R40 and R6 zone to the current R80 and subsequent R160 zone adoptions).

**3. The following footnotes apply to the R-30H Zone:**

- a. The Commission encourages the front yard setback to be compatible with the existing streetscape.
- b. Requirements for SIDE YARDS for the R-30H Zone:  
A building erected subsequent to the effective date of this regulation (July 22, 1970) on a lot in the R-30H Zone, other than on an interior lot, must be located such that the distance between each side of the new building and the nearest side on an existing principal building equals or exceeds that block's "average distance" between two adjacent principal buildings. The "average distance" is to be determined separately for each side of each block within the R-30H Zone, and is measured by the length of a line extending between the nearest points of any two adjacent principal buildings existing on the effective date of this regulation, which line runs as parallel as is possible to the street from which the principal buildings measure their front/rear setback. This provision shall not apply to a building built to replace a building existing on the effective date of this regulation (July 20, 1970) and which has been subsequently destroyed due to circumstances beyond the control of its owner. For the average distance for each block within the R-30H Zone is as follows:

<b>Street/Side</b>	<b>Distance/Feet</b>
North Street - West Side	121'
North Street - East Side	106'
South Street - West Side	106'
South Street - East Side	81'
Prospect Street - North Side	130'
Prospect Street - South Side	199'
Meadow Street - East Side	125'
Tallmadge Avenue - South Side	139'
Wolcott Street - South Side	70'

**4. The following footnotes apply to the RHC40 Zone:**

- a. In the RCH-40 Zone, minimum lot area requirements in this zone shall be exclusive of easements or other permanent restrictions prohibiting building or development. A minimum lot area of 40,000 square foot is permitted where either public water or public sewer service is available and will be provided to serve the lot as documented in writing by the utility or the Sewer Commission in the zoning application. Where neither public water or public sewer service is available or it is not documented that service will be provided as required above, the minimum lot area shall be 60,000 square feet and in addition to the lot dimensional requirements (as specified in the Table of Area and Dimension Requirements), the lot shall be of such a size and shape that a 200' square (or a rectangle with the same area as a 200' square and a small side of not less than 150') can be located within the lot boundaries land and within the square (or rectangle) there shall be no inland wetland or watercourses as defined by the Litchfield Inland Wetlands Regulations and Map nor shall there be any land within the Flood Plain Overlay Zone.
- b. To encourage site design which will protect the visual quality of the green way approach to the Town Center within these RHC40 Zones, where a lot(s) will be served by a public utility (as specified in 4 above) the Commission may grant as a Special Exception (reference Article VI, Section 5C), a 25% reduction to the minimum lot size requirement, a reduction in lot width to 100', a reduction in side yard aggregate requirement to 35' and a reduction of rear yard with requirement to 30'.

## **Section 3**

### **Exceptions to Area and Dimension Requirements**

#### **1. Lots of Record**

A building and accessory buildings may be erected in any zone on a lot having an area or width less than required in the Table of Area and Dimension Requirements, provided:

- a. Such lot shall have been recorded by deed or shall have been shown on a map approved by the Commission and filed in the Town Clerk's office prior to the effective date of these Regulations or amendments thereto which would otherwise make such building unlawful, and the owner of the lot shall not own sufficient contiguous land to make a conforming lot or more nearly conforming lot.
- b. All other requirements of the Table of Area and Dimension Requirements are complied with.

#### **2. Lots Adjacent to More Restrictive Zone**

Where a lot adjoins a lot in a more restrictive zone, any adjoining side, front or rear yard shall conform to the minimum depths of said more restricted zone except where a street intervenes.

#### **3. Corner Lots**

A corner lot shall maintain front yard requirements for the street on which the main building faces, and 65 percent of front yard requirements for the street on its side. All accessory buildings shall maintain front yard requirements for both street frontages.

#### **4. Through Lots**

A through lot shall maintain minimum front yard requirements along any street it adjoins.

#### **5. Lot in Two Zones**

Where a change in a Zone boundary line divides a lot which has frontage on a less restricted zone, the regulations for the less restricted zone shall extend not more than 30 feet into the more restricted zone.

#### **6. Corner Visibility**

On a corner lot, no planting, structure, fence, walls or other obstructions to vision more than three feet in height shall be placed or maintained within the triangular area formed by the intersecting street lines and a straight line connecting points on said street lines, each of which points is 25 feet distant from the point of the intersection.

#### **7. Height Exceptions**

The provisions of these regulations limiting the maximum height of building shall not apply to restrict the height of a church or a flagpole, radio tower, radio or television antenna, chimney or water tank.

#### **8. Fences**

Fences are permitted in any yard with no height restriction except on a corner lot. (see 6 above)

#### **9. Accessory Buildings**

See Article V, Section 1A.

**Section 4**  
**Table of Uses - Residential Zones**

<i>USE</i>	<i>Se e Art V Se c#</i>	<i>R20</i>	<i>R20H</i>	<i>R30 H</i>	<i>RHC 40</i>	<i>R80</i>	<i>RR 160</i>	<i>RMF 160</i>
Accessory Apartment	1	SE	SE	SE	SE	SE	SE	N
Accessory Building/Structure		P	P	P	P	P	P	P
Electric generation	1A	P	P	P	P	P	P	P
Affordable Housing (Town of Litchfield/Local Non-Profit)	2	SE	SE	SE	SE	SE	SE	N
Bed & Breakfast	3	SE	SE	N	SE	SE	SE	N
Cemetery		SE	SE	N	SE	SE	SE	N
Church		SE	SE	SE	SE	SE	SE	SE
Construction Trailers	4	T	T	T	T	T	T	T
Convalescent Home/Nursing Home/Hospital	5	SE	SE	N	SE	SE	SE	N
Country Inn	6	SE	SE	N	SE	SE	SE	N
Country Inn/Restaurant	7	SE	SE	N	SE	SE	SE	N
Educational, Instructional, Religious, Philanthropic and Charitable Institutions	8	SE	SE	N	SE	SE	SE	N
Farm	9	P	P	P	P	P	P	P
Farm Stand (Permanent)	9	N	N	N	SP/SE	SP/SE	SP/SE	N
Farm Stand (Temporary)	9	SE	SE	SE	P	P	P	P
Farm Winery	10 A	P/SE	P/SE	P/SE	P/SE	P/SE	SP/SE	P/SE
Fire Fighting/Emergency Services (Not-for-Profit)		SE	SE	SE	SE	SE	SE	SE
Greenhouse-Nursery Use (Commercial)		SE	SE	N	SE	SE	SE	SE
Home Enterprise (Traditional)	12	P	N	N	P	P	P	N
Home Animal Farming	10	P	P	P	P	P	P	P
Home Farming	10	P	P	P	P	P	P	P
Home Occupation(See also Residence for Personal Business)	13	SE	SE	N	SE	SE	SE	N
Horses (Personal Use)	14	P	P	P	P	P	P	N
Housing for Elderly (Owned by a Non-Profit Corporation)	15	SE	SE	N	SE	SE	SE	N
Kennel	16	N	N	N	SE	SE	SE	N
Multi-Family Dwelling	18	N	N	N	N	N	N	*SP
Municipal Building	17	SE	SE	N	SE	SE	SE	N
Public Library		SP	SP	SP	SP	SP	SP	N
Public Park/Playground		SP	SP	SP	SP	SP	SP	N

**Section 4**

**Table of Uses - Residential Zones**

This table provides a concise overview of the Uses allowed in the various zoning districts. In the case any conflicts between this table and the text of the regulations, the text governs.

<i>USE</i>	<i>Se e Art V Se c#</i>	<i>R20</i>	<i>R20H</i>	<i>R30H</i>	<i>RHC 40</i>	<i>R80</i>	<i>RR 160</i>	<i>RMF 160</i>
Public School		SP	SP	SP	SP	SP	SP	N
Recreational (Outdoor)	22	SE	SE	N	SE	SE	SE	N
Residence for Personal Business	24	P	P	P	P	P	P	N
Seasonal Cottage (One Family)	25	N	N	N	SE	SE	SE	N
Shop and Storage Use by a Contractor or Tradesman	13 A	N	N	N	N	SE	SE	N
Single Family Dwelling		P	P	P	P	P	P	N
Stable (Commercial)	26	N	N	N	SE	SE	SE	N
Telecommunication Facilities and Sites	31	SE	SE	N	SE	SE	SE	N
Veterinary Hospital	16	N	N	N	SE	SE	SE	N
Two-Family (Duplex)	27	SE	SE	SE	SE	SE	SE	N

KEY = **P** - Permitted  
**SE** - Permitted by Special Exception  
**SP** – Site Plan Review Required  
**N** - Not Permitted  
**T** - Temporary Use

**Uses not listed on this table are prohibited**

**Section 5**  
**Table of Uses - Non Residential**

This table provides a concise overview of the Uses allowed in the various zoning districts. In the case any conflicts between this table and the text of the regulations, the text governs.

<i>USE</i>	<i>Art V Sec#</i>	<i>B202</i>	<i>B800</i>	<i>BH</i>	<i>PB</i>	<i>MO</i>	<i>PO</i>	<i>I</i>	<i>PI</i>
Accessory Apartment	1	SE	SE	SE	SE	SE	SE	SE	SE
Accessory Building		SP	SP	SP	SP	SP	SP	SP	SP
Affordable Housing (Town Sponsored/Local Non-Profit)	2	SE	SE	SE	SE	SE	SE	SE	SE
Auto, Boat, Farm, Motorcycle, Truck dealerships, including repairs		SE	SE	N	N	N	N	N	N
Banks		SP	SP	SE	SP	N	N	N	N
Bakery		SE	SE	SE	SE	N	N	N	N
Bed & Breakfast	3	SE	SE	SE	N	SE	SE	SE	SE
Boat Sales		SE	SE	N	N	N	N	N	N
Business & Professional Offices (without hazardous material)		SP	SP	SE	SE	SP	SP	SP	SP
Business & Professional Offices (with Hazardous Material)		SE	SE	SE	SE	N	SE	SE	SE
Car Wash	31	SE	SE	N	N	N	N	N	N
Caterer		SP	SP	SE	SP	N	N	N	N
Cemetery		SE	SE	SE	N	SE	SE	SE	SE
Church		SP	SP	SE	SP	N	SE	SP	SP
Construction Trailers	4	T	T	T	T	T	T	T	T
Convalescent Home/Nursing Home/Hospital	5	SE	SE	SE	N	SE	SE	SE	SE
Country Inn	6	SE	SE	SE	N	SE	SE	SE	SE
Country Inn/Restaurant	7	SE	SE	SE	SE	SE	SE	SE	SE
Educational, Instructional, Religious, Philanthropic and Charitable Institutions	8	SE	SE	SE	N	SE	SE	SE	SE
Farm		P	P	P	P	P	P	P	P
Farm Accessory Use-Non Traditional	9	SE	SE	SE	SE	SE	SE	SE	SE
Farm Stand (Permanent)	9	P/SE	P/SE	P/S E	P/S E	P/S E	P/S E	P/SE	P/S E
Farm Stand (Temporary)	9	P	P	P	P	P	P	P	P
Farm Winery	10A	P/SE	P/SE	P/S E	P/S E	P/S E	P/S E	P/SE	P/S E

**Section 5**  
**Table of Uses - Non Residential**

This table provides a concise overview of the Uses allowed in the various zoning districts. In the case any conflicts between this table and the text of the regulations, the text governs.

<i>USE</i>	<i>Art V Sec#</i>	<i>B202</i>	<i>B800</i>	<i>BH</i>	<i>PB</i>	<i>MO</i>	<i>PO</i>	<i>I</i>	<i>PI</i>
Fire Fighting/Emergency Service (Not-for-Profit)		SE	SE	SE	SE	SE	SE	SE	SE
Funeral Home		SE	SE	SE	N	N	N	N	N
Greenhouse/Nursery (Commercial)		SE	SE	SE	SE	SE	SE	SE	SE
Home Animal Farming	10	P	P	P	P	P	P	P	P
Home Farming	10	P	P	P	P	P	P	P	P
Home Occupation (see also Residence for Personal Business)	13	SE	SE	SE	N	SE	SE	SE	SE
Hotels		SP	SP	N	SP	N	N	N	N
Housing for Elderly	15	SE	SE	SE	N	SE	SE	SE	SE
Manufacturing/Processing or Assembling of Goods		N	N	N	N	N	N	SP	SP
Motel		SE	SE	N	N	N	N	N	N
Municipal Building	17	SE	SE	SE	SE	SE	SE	SE	SE
Personal Service Shop without Hazardous Material		SP	SP	SE	SE	N	N	N	N
Personal Service Shop with Hazardous Material	19	SE	SE	SE	SE	N	N	N	N
Printing Establishment		SE	SE	SE	N	N	N	SP	SP
Public Garage/Gas Station		SE	SE	N	N	N	N	N	N
Public Library		SP	SP	SP	SP	SP	SP	SP	SP
Public Park/Playground		SP	SP	SP	SP	SP	SP	SP	SP
Public School		SP	SP	SP	SP	SP	SP	SP	SP
Public Utility	30	SE	SE	SE	N	SE	SE	SE	SE
Recreational Uses (Indoor)	21	SE	SE	N	N	N	N	N	N
Recreational Uses (Outdoor)	22	SE	SE	SE	SE	SE	SE	SE	SE
Residence for Personal Business		SP	SP	SP	SP	SP	SP	SP	SP
Residential Use within Business Building	23	SE	SE	SE	SE	N	N	N	N
Research Establishment		N	N	N	N	N	N	SP	SP
Restaurant		SE	SE	SE	SE	N	N	N	N
Restaurant, high turnover, fast-food		N	SE	N	N	N	N	N	N
Retail Stores		SP	SP	SE	SP	N	N	N	N
Retail Stores primarily Selling Ready-to-eat Food products		SE	SE	N	SE	N	N	N	N

**Section 5**  
**Table of Uses - Non Residential**

<i>USE</i>	<i>ArtV Sec #</i>	<i>B202</i>	<i>B800</i>	<i>BH</i>	<i>PB</i>	<i>MO</i>	<i>PO</i>	<i>I</i>	<i>PI</i>
Single Family Dwelling		P	P	P	P	P	P	P	P
Storage in Bulk or Warehousing (excluding petroleum products coal, crushed rock and sand)	28	SE	SE	N	N	N	N	N	N
Storage Business	28	N	N	N	N	N	N	SP	SP
Telecommunication Facilities and Sites	32	SE	SE	SE	N	SE	SE	SE	SE
Theatres (see also "Recreational, Indoor")	21	SE	SE	SE	P	N	N	N	N
Trades		SP	SP	SE	SP	N	N	N	N
Trans-Shipments Centers	28	N	N	N	N	N	N	SP	SP
Warehouses	28	SE	SE	SE	N	N	N	SP	SP
Wholesale Business	28	N	N	N	N	N	N	SP	SP

**KEY = P** - Permitted  
**SE** - Permitted by Special Exception  
**SP** - Site Plan Review Required  
**N** - Not Permitted  
**T** - Temporary Use

**Uses not listed on this table are prohibited**

**ARTICLE V  
STANDARDS AND REQUIREMENTS FOR CERTAIN USES**

**Article V - Section 1  
Accessory Apartment**

The intent of this Special Exception is to permit an additional housing opportunity in the form of accessory apartments associated with a single family residence. An accessory apartment shall be permitted in a manner that maintains the character and scale of adjoining residences and blends into the existing neighborhood. An accessory apartment within a principal dwelling or an approved accessory building only may be permitted by the Commission subject to the following conditions:

1. The owner of the principal dwelling and lot shall reside in the dwelling or the accessory apartment. Only one accessory apartment shall be permitted on a lot.
2. Bedrooms. An accessory apartment shall have no more than 2 bedrooms.
3. Minimum habitable floor area. The minimum floor area of the accessory apartment shall be 500 square feet.
4. Maximum floor area. The maximum habitable floor area shall be no more than 35% of the total habitable floor area of the principal residential dwelling except as provided for below in subsection 6c.
5. An accessory apartment may be permitted in the principal residential dwelling provided that any proposed addition shall be to the side or rear and that the addition shall blend in with the principal dwelling and maintain its exterior appearance as a single family residence.
6. Accessory Apartment in an Accessory Building:
  - a. An accessory apartment may be permitted in an accessory building existing prior to August 12, 1988, where:
    - documentation is submitted certifying that the accessory building was in existence on August 12, 1988, and
    - the accessory building is located within 75 feet of the principal residential dwelling, or
    - the accessory building located greater than 75 feet of the principal residential dwelling and the lot is subject to a deed restriction preventing subdivision or resubdivision of the lot during the time that there is an accessory apartment in the accessory structure.
  - b. An accessory apartment may be permitted in an accessory building constructed after August 12, 1988 provided the accessory building meets the front, side and rear yard requirements for the zone as set forth in Article IV, Section 2.

- c. The maximum habitable floor area for an accessory apartment in an accessory building may be increased to not more than 50% of the total habitable floor area of the principal dwelling where:
- the lot area is more than 4 times the minimum required lot area for the zone, or a minimum of 10 acres, whichever is less, and the applicant demonstrates to the satisfaction of the Commission that either:
  - the lot is capable of being divided into separate lots for the principle dwelling and the accessory building in accord with the requirements of the Zoning Regulations for the zone in which said lot is located, or
  - the lot is subject to a deed restriction preventing subdivision or resubdivision of the lot during the time that there is an accessory apartment in the accessory structure.
7. A total of at least three off-street parking spaces shall be provided for the use of the principal residential dwelling and the accessory apartment. Parking spaces shall be screened from public view and preferably located in the rear portion of the lot.
8. The accessory apartment shall have its own outside access to the parking area, and shall be equipped with its own kitchen, bath and utility services. The Regional Health District shall certify that the existing or proposed modified subsurface sewage disposal system is adequate to serve the proposed use. The apartment may utilize the existing sanitary system on the lot, if approved by the Health District. The Health District may require a complete new sanitary system, if the existing system is inadequate for the proposed use or if insufficient data is available concerning the nature of the existing system.
9. The Special Exception shall become null and void if the owner does not reside on the lot. A change in the ownership of a property with an accessory apartment will require approval by the Zoning Enforcement Officer and issuance of a written permit for lawful occupancy of the apartment. As part of the permit, the Zoning Enforcement Officer may require an affidavit to verify that the owner is in residence.

**Article V - Section 1A**  
**Accessory Buildings and Structures in Residential Zones**

1. Accessory buildings when used in connection with a farm shall include all structures customarily used for farm purposes, and they shall not be limited in height or size.
2. In an R30H residence zone no accessory building shall be located within any yard (front, side or rear). Note: see definition section for term "Yard".
3. In the R160, R80 or RMF residence zones no accessory building shall be located in a required front, side or rear yard with the following exception: A maintenance shed (see Art. II Definitions) may be located within a side or rear yard provided it is not closer than 10 feet from the side or a rear property line and shall not contain electric generation equipment.

4. In the R20, R20H and RHC 40 residence zones no accessory building shall be located within a front or side yard. An accessory building may be located in the rear yard provided it is not less than 6 feet from the rear lot line.
5. Electric generation equipment as an accessory use/structure to a Residential Dwelling Unit in Residential Zones.

In all residential zones electric generation equipment accessory to a residential dwelling unit and located inside the residence or an attached garage shall not require a zoning permit.

In an R20, R20Hor R30H or RHC40 residential zone electric generation equipment accessory to a residential dwelling unit located outside of the residence or attached garage shall meet the following requirements:

- Whether or not the equipment is within a fully enclosed accessory building, it shall not be located in a front, side or rear yard setback (as defined herein).

#### **Article V - Section 2**

#### **Affordable housing sponsored by the Town of Litchfield or a local non-profit organization:**

1. **Statement of Purpose.** The purpose of this Special Exception is to provide the opportunity for Town or non-profit sponsored affordable housing in suitable locations according to a site design that is compatible with the rural and historic character of the Town and the neighborhood.
2. **Special Exception Uses.** New construction consisting of multi-family units or multi-family units mixed with two-family and/or single-family units and associated parking or other common facilities located on a single lot.
3. **Eligible Applicants.** Applicants or co-applicants for this special exception shall be limited to the following:
  - The Town of Litchfield or a Town authorized housing agency, such as the Litchfield Housing Authority, or;
  - A Community Housing Development Corporation meeting the requirements of the Connecticut General Statutes, Section 8-217, as amended, or;
  - A local non-profit organization which has qualified for tax exempt status as a charitable organization by the IRS pursuant to the federal tax code and is certified by the Board of Selectmen as able to carry out the proposed affordable housing.
4. **Demonstration of Need.** The application shall include information demonstrating a local need for the type and amount of proposed housing.
5. **Guarantee - Affordable Housing Purpose.** The applicant shall provide documentation of legally binding measures guaranteeing that the housing will

remain affordable as defined in the Connecticut General Statutes, Section 8-39a, as amended.

6. **Water and Sewer Service:** All dwelling units shall be served by a public water system approved by the State Department of Health Services and/or the Torrington Area Health District and public sewer facilities approved by the Litchfield Water Pollution Control Authority with the following exceptions.
  - a. On-site water service may be permitted where the applicant proposes multiple dwelling units for affordable housing on a site provided the application:
    - i. is designed according to cluster or conservation development principles, and
    - ii. documents to the satisfaction of the Commission that the site has the capacity to provide the projected water needs of the units based upon test wells,
    - iii. includes a stipulation that no Certificate of Zoning Compliance shall be issued for a residential unit on the site unless the Torrington Area Health District has approved the quantity and quality of the on-site water service to the residential unit
  - b. On-site septic sewer service may be permitted where the applicant proposes multiple dwelling units for affordable housing on a site provided the application:
    - i. is designed according to cluster or conservation development principles, and
    - ii. shows that each residential building on site is served by an individual on-site septic tank and leaching field system with a capacity not exceeding 2,000 gallons per day which is subject to the review and approval of the Torrington Area Health District and
    - iii. documents to the satisfaction of the Commission that the site and septic plans will provide for the long term sewer treatment needs of the development. The application shall include detailed plans for on site septic system sewerage service prepared by an engineer licensed by the State of Connecticut. Plans shall provide adequate reserve septic field locations, which shall be keep open and undeveloped. The Torrington Area Health District shall provide a report to the Commission submitted with the application finding that the septic design plans meet its requirements. The application shall include a plan providing for the proper operation and maintenance of the on site sewer service system.
7. **Minimum Yard, Maximum Coverage, Maximum Height and Buffer Requirements.** Maximum lot width shall be as required for the zone in which the lot is located. All building and parking areas shall be setback from lot lines a minimum distance as required for the front, side and rear yard for the zone in which the lot is located. All building and parking areas shall cover no more

than the maximum percent of lot coverage as required for the zone in which the lot is located. Buildings shall not exceed the maximum building height as required for the zone in which the lot is located (See Article IV, Section 2 for all of above).

8. Site Within or Abutting Single Family Residential Zone. Where an application involves land within or abutting a single family residential zone the application shall demonstrate that any new construction shall blend with the surrounding residences and neighborhood by use of building form, height, material and landscaping.

Where the Commission determines that the proposed new construction does not meet the above standard, the applicant shall be required to submit a landscape buffer plan prepared by a Connecticut licensed landscape architect meeting the following requirements. Where the site's property line abuts a residential zone, the required setback area (see above) along the property line shall be landscaped with evergreen shrubs or trees, or such evergreens in combination with embankments, fences and/or walls, so as to provide a screen and transition from the property to the residential zone. Suitable natural terrain and existing evergreen trees and shrubs may be preserved, or augmented with new planting, to satisfy the landscape requirement in the setback area. All portions of the lot not covered by buildings, other structures, outside storage or paved areas shall be landscaped with trees, shrubs, lawns or other suitable landscaping.

9. Minimum Lot Area and Maximum Number of Dwelling Units on a Site.

- a. Maximum Lot Area.

The lot shall be of a size, shape and terrain adequate to accommodate the proposed number buildings and dwelling units and shall be in conformity with the following requirements for maximum number of dwelling units on a site. In no case shall the size of the lot be less than the minimum required in the zone in which the site is located.

- b. Maximum Number of Dwelling Units on a Site:

Purpose.

The purpose of this requirement is to establish a reasonable maximum number of dwelling units permitted in consideration of the proposed site's development limitations.

Requirement.

The maximum number of "dwelling units" permitted on a site shall be four for each 40,000 square feet of "usable site area".

10. Definitions and Procedure.

- a. "Dwelling unit" shall be defined as "a building, structure, unit or portion thereof, providing complete housekeeping facilities for one family".

- b. "Usable site area" shall be defined as land other than the following areas which shall be shown on a site plan map as specified below:

Regulated Inland Wetlands and Watercourses as defined in the Litchfield Inland Wetlands defined in the Litchfield Inland Wetlands Regulations and shown on the Litchfield Inland Regulations Wetlands Map, the boundaries of which shall be located in the field by a certified soil scientist and mapped by a Connecticut licensed surveyor;

100 Year Flood Hazard Areas as defined by the Federal Emergency Management Agency (see Flood Federal Emergency Management Agency Hazard Areas Map on file in the office of the Planning and Zoning Commission), the boundaries of which shall be certified by a Connecticut licensed professional engineer;

Land Subject to Existing Easements Which Prohibit Building Development: the boundaries of which shall be certified by a Connecticut licensed land surveyor;

50% of all Land With a Slope in Excess of 25% as delineated on the site plan map showing topographic contours based upon a field or aerial survey and certified by a Connecticut licensed land surveyor.

Based upon the above required information as shown on a Site Plan map, the applicant's engineer shall certify the total "usable site area" in square feet and the total number of dwelling units permitted on the site.

#### 11. Parking Requirements.

- a. Each dwelling unit shall have two off street parking spaces.
  - b. Parking spaces in an enclosed garage shall count toward this requirement only where a deed restriction or covenant or other legally binding measure limits the use of the garage space to parking.

#### 12. Access way and Other Improvements. All improvements (accessory, drainage, parking, erosion and sediment control, etc.) shall be designed by a professional civil engineer.

- a. Construction plans shall be prepared in accordance with the specifications for a Construction Plan as set forth in the Subdivision Regulations.
- b. The access way shall have a paved width, grade and alignment suitable for the number of proposed dwelling units and for safe access by emergency vehicles.
- c. The Commission shall refer all applications for review and comment by the Volunteer Fire Department and the Fire Marshal.

### **Article V - Section 3 Bed and Breakfast**

The provision of rooms for transient visitors in a residential structure may be permitted by the Commission provided the following conditions are met:

1. The owner of the principle dwelling and lot shall reside on the property housing the bed and breakfast use.
2. The lot shall be large enough to provide additional parking at the rate of one space per guest room, screened from public view and preferably located on the rear portion of the lot.
3. The applicant must show that the structure is suitable to accommodate guest rooms based upon its interior arrangement, size and structural condition.
  - a. No more than two guest rooms rated for double occupancy are permitted in a structure in which the owner is in full time residence.
  - b. Complete bathrooms shall be provided at the rate of one per two guest rooms.
  - c. The Regional Health District shall certify that the existing or proposed modified subsurface sewage disposal system is adequate to serve the proposed use. A complete new sanitary system may be required if the existing system is inadequate for the proposed use or if there is insufficient data concerning the nature of the existing system.
4. Minor additions may be made to a structure, up to 200 square feet, for improvements necessary for such occupancy.
5. The length of stay shall not exceed three days per guest. Food service shall be limited to continental breakfast only.
6. The operation of a "Bed and Breakfast" use shall require a written permit. This permit will be issued by the Land Use Administrator following approval of a special exception by the Commission. The permit will be effective for a two year period, and must be renewed for additional two year periods. Willful failure to abide by these regulations is cause for the Commission to revoke such permit.

### **Article V - Section 4 Construction Trailers**

Trailers used for business, office, and storage purposes in connection with a bonafide construction operation within the Town of Litchfield may be used for such purposes in any zone for a period of time not to exceed the duration of the construction contract.

**Article V - Section 5**  
**Convalescent Homes, Nursing Homes and Hospitals**

1. The lot shall have a minimum area of five acres.
2. The facility shall be served by a public water system approved by the State Department of Health Services and public sewer facilities approved by the Litchfield Sewer Commission.
3. The lot shall be of such a size and shape that a 300' square can be located within the lot boundaries.
4. The minimum setback distance for all buildings and parking areas shall be 100' from a State Highway right-of-way and 75' from a Town street right-of-way and 50' from all other property lines.
5. The total lot coverage of the footprint of all buildings on the lot shall not exceed 10% of the total lot area.
6. The total floor area of all buildings on the lot shall not exceed 20% of the total lot area.
7. The total ground coverage by all buildings and other structures, outside storage area, areas for off street parking, loading, and driveway and all paved areas on the lot shall not exceed 30% of the total lot area.
8. A landscape plan for the lot prepared by a Landscape Architect, licensed to practice in the State of Connecticut, shall be submitted as part of the special exception application.

All portions of the lot not covered by buildings, other structures, outside storage or paved areas shall be suitably landscaped with trees, shrubs, lawns or other suitable landscaping. Areas not disturbed by filling, grading, excavation or other construction activity, may be left as natural terrain when having a location, size and shape that supports the landscaping plan for the lot.

Where the lot abuts a Residential Zoning District the required setback area (see 4. above) along the property boundary line shall be landscaped with evergreen shrubs or trees, or such landscaping in combination with embankments, fences and/or walls, to provide a screen and transition from the site to the Residential Zone. Suitable natural terrain and existing evergreen trees and shrubs may be preserved or augmented with new planting to satisfy the landscape requirement in the setback area.

9. Reference Article VI, Section 7 regarding Non-Residential development in Residential Zones.

## **Article V - Section 6 Country Inn**

A residence or structure or original portion of which was in existence at the time of the adoption of these regulations may be converted for use as a Country Inn. For the purpose of this regulation a "Country Inn" shall be defined as a facility having ten or less guest rooms in which lodging is offered for compensation and meals for guest lodgers only may be offered.

A Country Inn may be permitted as a special exception subject to the following limitations and standards:

1. The minimum lot area shall be five acres. The total area of impervious surfaces on the lot shall not exceed 15% of the total area of the lot. (For the purpose of this section of the regulations impervious surface shall include the footprint of any building and the area of any paved parking areas. The total area of the lot shall not include inland wetlands and watercourses area as defined on the Litchfield Inland Wetland and Watercourse Map.)
2. Modifications or additions proposed to accommodate the use of the structure as a country inn shall not exceed 50% of the total habitable floor area of the existing structure.
3. All parking areas shall be screened from view from surrounding residences. Parking shall be located to the side and rear of the structure, wherever possible. No parking shall be located within 50' of the front line or 25' of a side or rear lot line.
4. Regarding the requirement for notification of property owners for a special exception as specified in Article VIII, the applicant shall notify all property owners within 1,500' radius of the lot. If the proposed application is objected to in writing by a majority of property owners within a radius of 1,500' the application may be approved only by the unanimous vote of all Commissioners present and eligible to vote on the application at the time of decision.

## **Article V - Section 7 Country Inn/Restaurant**

A residence or structure in existence at the time of the adoption of these regulations may be converted for use as a inn/restaurant. For the purpose of this regulation an "Inn/Restaurant" shall be defined as a facility having guest rooms for compensation and meals offered for compensation to guest lodgers and the public.

An Inn/Restaurant may be permitted as a special exception subject to the following limitations and standards:

1. The minimum lot area shall be five acres.
2. The lot shall be frontage on a State highway and the primary vehicular access to the inn/restaurant shall be from a State highway.

3. The number of guest rooms within the existing structure shall be limited to ten, however this maximum may be increased by an addition to the existing structure or by construction of a new building (for guest room use only) where the applicant can demonstrate that:
  - a. The addition or new construction is in keeping with the size, scale and appearance of the existing structure, and the size, shape, topography and landscape of the lot is such that the addition or new structure will be in a location which will blend in with the physical character and visual appearance of existing development on the lot, the surrounding neighborhood and the historic character and rural environs of the community.
4. No separate retail or commercial use other than that related to food, beverage and transient accommodations shall be permitted.
5. Parking requirements shall be the same as stated in Article V, Section 7.3 (Country Inn).
6. Notification requirements shall be the same as stated in Article V, Section 7.4 (Country Inn).

**Article V - Section 8  
Educational, Instructional, Religious, Philanthropic and Charitable  
Institutions:**

Rooms within these institutions where hazardous materials may be used or stored shall include design features that will protect the groundwater from contamination in accordance with Article VI, Section 3, Groundwater Protection Requirements.

**Article V - Section 9  
Farm Requirements**

1. **Buildings and Signs.** With the exception of dwellings and farm stands, all Farm related buildings and structures shall be located not less than 100 feet from any street line and 100 feet from any dwelling on an adjacent lot. This requirement shall not restrict the location of fencing for pastures. One sign of up to 10 square feet shall be permitted.
2. **Slaughtering.** Commercial slaughtering is not permitted with the exception of animals raised on the premises.
3. **Farm Stand - Temporary.** No zoning permit shall be required for a temporary moveable farm stand provided that:
  - it is set up and used only for the sale of farm produce in season, and
  - the produce has been grown on the premises and
  - the stand is no greater than 100 square feet in surface area and is located not closer than twenty feet of the street pavement or travel way.

#### **4. Temporary Moveable Farm Stand Associated with a Principal Commercial Use.**

A temporary, moveable stand set up for the sale of local and Connecticut-grown products in season may be permitted as an accessory use to the principal commercial use of a lot subject to approval of a Site Plan application. Such a stand may be permitted where there is sufficient parking and circulation for both the principal and accessory use.

#### **5. Farm Stand – Permanent**

A permanent stand for the display and sale of farm produce substantially all of which has been grown on premises shall be a permitted use subject to submission of a site plan to the commission, meeting the following requirements:

a. Location. Shall be subject to all setback *requirements in the Table of Residential Area and Dimension Requirements (Art IV, Section 2A)*.

b. Parking. A minimum of one off-street parking space consisting of a dustless surface shall be provided for each 50 square feet of farm stand floor area. The Commission may require additional parking spaces where it determines it is necessary. The applicant may be required to show on the site plan a suitable area for future parking spaces. This area shall be open and well drained and may be maintained with a grass surface.

c. Floor Area. The floor area of a permanent farm stand shall not exceed 300 square feet. The Commission may approved a stand alone farm stand or a farm stand within an existing building with a total floor area greater than 300 square feet upon the acquisition of a special exception from the commission.

d. Farm Stand in an Existing Building. A permanent farm stand may be established within a farm barn or other similar building designed and used for farm purposes upon the acquisition of a special exception from the commission.

### **Article V - Section 10**

#### **Requirements for Home Farm, Home Animal Farm and Other Farm Related Uses**

##### **1. Home Farming**

A home farming use may sell a portion of the products grown on the premises and not needed for home consumption provided the produce is sold in season and any display or sales structure is limited to a Temporary Farm Stand.

##### **2. Home Animal Farming**

A home animal farming use shall be limited to:

a. Keeping of animals for non-commercial purposes on a lot of less than 5 acres, provided that any building to house such animals is located at least 100 feet from any property line.

- b. Keeping of horses shall be in accord with the requirements of Art. V, Section 14.

**Article V – Section 10A  
Farm Winery**

1. General. A farm winery is a specific type of “Farm” use and the following activities are recognized as a normal part of a farm winery use and are therefore allowed as a Permitted Use: 1) retail sale of wine produced at the farm winery and related items; 2) a tasting room; 3) wine sales by glass or bottle; 4) artist receptions and temporary artists exhibitions; 5) wine related seminars/meetings; 6) wine tastings; and 7) group visitations for the above purposes.

2. Special Exception Requirements.

All other activities beyond those listed in 1. above, shall require a Special Exception as an accessory use by the Planning and Zoning Commission. Such activities are to be complementary and subordinate to a farm-winery principal use. These Farm Winery accessory activities may be permitted as a Special Exception provided the following conditions and all other Special Exception requirements are met:

- a. Site access, parking, and circulation criteria shall conform with the provisions of subsections 1 and 2 of Article VI, Section 1 of the zoning regulations.
- b. In completing the requirements of the Special Exception application, the applicant shall submit a written request to the Litchfield Fire Marshal for comment on the suitability of any emergency access and fire protection provisions that are to be established in connection with the proposed use. A copy of such written request shall be submitted to the Commission for its approval as part of the special exception application.
- c. All refuse areas shall be screened from view offsite and subject to all setbacks required for the Zoning District and a minimum of one hundred feet (100’) from any dwelling on an adjacent lot.
- d. One sign up to 10 square feet shall be permitted.

**Article V - Section 11  
Greenhouse - Nursery Use (Commercial)**

The purpose of this section is to permit a commercial greenhouse and/or nursery growing and selling business in certain residential zones provided the following conditions and all other requirements are met:

1. Only produce grown on the premises shall be on display and for sale.

2. The Commission shall determine that the proposed site is located and designed to be compatible with the surrounding existing future residential neighborhood.
3. The minimum lot size shall be five acres.
4. The maximum total floor gross area devoted to a commercial growing and selling shall be 20,000 square feet (including all greenhouses, hoop houses, sheds and other buildings or covered structures related to the growing and selling business).
5. The lot shall meet the frontage requirement of the zone in which it is located. All structures shall be located not less than 100 feet from the street line and 100 feet from any dwelling on an adjacent lot. The side yard setback shall be not less than 50 feet for all buildings, parking areas and driveways.
6. Parking spaces shall be located to the rear and the side of the sales building and may be required to be screened from view from the road. The number of parking spaces required shall be as specified in Article VI, Section 1.4.f for a retail use.
7. As a condition of the Special Exception, the Commission may require that the portions of the site which are devoted to buildings, parking and access shall be screened from the view of the surrounding residences.

**Article V - Section 12  
Home Enterprise (Traditional)**

Statement of Purpose. The purpose of this regulation is to provide the opportunity for the creation and sale of home made arts, crafts and goods which by the nature of the activity will generate only a very low level of traffic.

1. Permit Required. A traditional home enterprise use may be permitted subject to a zoning permit where it meets the following requirements:
  - a. The use shall be conducted by the owner-resident of a single family dwelling and/or members of the family residing on the premises.
  - b. The use shall be clearly secondary to the use of the premises as a residence.
  - c. No product of a home enterprise use shall be classified as mass produced or "for production".
  - d. No finished consumer goods shall be acquired for sale in connection with a home enterprise use.
  - e. There shall be no external evidence of the home enterprise use other than a sign of up to two square feet.

- f. There shall be no classes, lessons, demonstrations or other activities or events held or conducted in association with the use, nor shall the use be of a type which by its nature is associated with a volume of activity which will generate traffic in excess of the maximum three parking spaces allowed.
  - g. The application for a zoning permit shall include a sketch plan showing the floor area devoted to the home enterprise use and a sufficient area for off street parking. Where a new building or a substantial alteration to an existing building is proposed, the Zoning Enforcement Officer may require submission of a site plan in accordance with Article IX Section 1.
  - h. All parking spaces shall be located off street, screened from public view and preferably located in the rear portion of the lot. A maximum of three parking spaces shall be permitted for the home enterprise use. The sketch plan shall also show the location of the parking spaces and any proposed sign.
2. Uses Permitted. The following uses shall be permitted as a traditional home enterprise.
- a. Preparation and sale of products usually produced in a single home, garden or nursery provided that such are created entirely on the premises such as: home baking, needlework, dressmaking, tailoring, fruits and produce, home preserves "and the like".
  - b. Preparation and sale of the products of arts and crafts based on individual talent and hand crafted, provided that such are created entirely on the premises, such as painting and illustration, wood carving, ceramics, writing, sculpture, ornamental glass "and the like".
  - c. Such other uses which in the judgment of the Commission are sufficiently similar to the above listed uses and which meet the above stated purposes and criteria may be determined to qualify as a "like" use for the purpose of this Regulation.

NOTE: Uses which do not qualify for a zoning permit as a Traditional Home Enterprise may qualify for a Special Exception application as a Home Occupation.

### **Article V - Section 13 Home Occupations**

Home Occupation. A home occupation shall be allowed as a Special Exception subject to the requirements of Article V, Section 13 and the following standards and criteria

- 1. Statement of purpose. The purpose of the home occupation section of these regulations is to provide the opportunity for the use of the home for limited business purposes subject to criteria which are designated to

maintain the residential character of the lot and the neighborhood, minimize the conflict off the home occupation use with surrounding residential uses and protect residential property values.

2. Standards and criteria. The following standards and criteria shall be applied by the Commission in reviewing and deciding upon any application for a home occupation Special Exception:
  - a. The home occupation use may occupy a portion of a single family dwelling residence or an accessory structure on a lot with a single family residence as specified herein and as determined by the Commission.
  - b. A home occupation located in a single family residential dwelling shall not occupy more than one third of the habitable floor area of the dwelling. The use shall be clearly secondary to the residential use of the dwelling and shall not change the residential appearance of the lot or the residential character of the neighborhood.
  - c. The home occupation use may occupy an accessory building if:
    - The location and appearance of the accessory building is consistent with the residential character of the lot and the neighborhood, and
    - it can be demonstrated that the type and intensity of the proposed use in the accessory building will not alter the primary residential character of the lot, and
    - the total area of the accessory building devoted to the home occupation use shall not exceed the habitable floor area of the dwelling as defined herein, and
  - d. The application shall include building plans clearly drawn to scale showing the floor area and layout of the residence and/or accessory building and the floor area (in square feet) devoted to the home occupation use. The application shall submit a business use and activity plan. This shall consist of a written statement describing in general the type and nature of the proposed activity, the product, equipment and/or processes involved, projected typical traffic volume and type, customer/client activity and such other information as the Commission shall require to make a determination that the proposed use qualifies under the standards and requirements of these regulations.
  - e. The home occupation use shall not change the residential appearance of the lot or the residential character of the neighborhood.
  - f. The home occupation use shall be conducted by the owner-resident of a single family dwelling and by members of the family residing on the

premises. No more than one non-resident person shall work on the residential lot in association with the home occupation use.

- g. There shall be no exterior evidence of the home occupation except permitted signs and required off street parking.
- h. The appearance of the lot and structure on the lot shall not be altered in a manner that would cause the residence to differ from its residential character either by use of materials, construction, lighting, signs or the emission of sounds, vibrations or electrical impulses.
- i. There shall be no exterior evidence or storage of goods, supplies or other material associated with the home occupation.
- j. There shall be no more than two (2) business related cars, vans or pick-up trucks (or any combinations thereof) permitted on the lot in association with a home occupation use.
- k. Traffic generated by the home occupation use shall not significantly exceed the volume of traffic consistent with the site and neighborhood.

The number of daily vehicle trips associated with the home occupation use, including delivery and pickup of materials and commodities by a commercial vehicle may be limited by the commission as a condition of the permit according to the nature and location of the proposed home occupation use.

A commercial operation such as a tea room, beauty salon, antique shop and similar uses which by its nature generate a volume of traffic not common to a residential neighborhood shall not be permitted as a home occupation use.

- l. No on street parking shall be permitted in association with a home occupation use. Off street parking shall be provided to accommodate the parking needs of the home occupation. The Commission may limit the number of parking spaces allowed where it is determined it is necessary to control and limit the volume of traffic.
- m. The Commission may require a landscape plan which specifies plantings and locations designed to screen the off street parking from view from a public street or neighbor. A landscape screen shall be required if based upon site inspection and public hearing testimony the Commission determines that such a screen is necessary to protect neighboring

residential property values and to maintain the single family residential appearance of the neighborhood.

- n. Parties for the purpose of selling merchandise or taking orders shall not be held more often than 4 times each month.
- o. Does not utilize or store hazardous materials unless the Commission determines that the proposed types and quantities of hazardous materials utilized or stored will pose a minimum risk to health and provided that the hazardous materials are utilized and stored according to Article VI, Section 3, Groundwater Protection requirements.

Home occupation uses which pose a significant threat to water quality including but not limited to furniture stripping, photo processing, beauty salons, auto and major appliance repair shall not be permitted.

- p. Any home occupation use involving a process or activity which will result in an increase in the volume of water used over that which would be used for normal residential purposes or which may impact ground water quality shall be reviewed by the Torrington Area Health District. It shall be the responsibility of the applicant to provide documentation of the health district review.

### **Article V - Section 13A Shop and Storage Use by a Contractor or Tradesman**

A shop and storage use by a contractor or tradesman providing a needed local service shall be permitted as a Special Exception subject to the general requirements of Article VI, Section 13, and the following standards and criteria.

- 1. **Statement of Purpose.** This regulation is designed to permit a home shop and storage use for a contractor or tradesman who conducts his trade primarily away from the home who provides a needed local service including but not limited to plumbers, electricians, and carpenters.

The standards and criteria established in this regulation are designed to permit this type of land use in locations and under conditions which will protect neighboring residential property values. The Commission may attach conditions to a special exception for shop and storage use to assure compliance with these purposes and the following standards and criteria.

- 2. **Standards and Criteria**

- a. A shop and storage use in a residence and/or an accessory structure may occupy a total floor area no greater than the habitable

floor area of the first floor of the principal residential dwelling, however storage use in an accessory structure shall not count in determining maximum floor area.

An existing or proposed accessory structure for a shop and storage use shall be of a size, scale and appearance which maintains the residential appearance of the lot and blends with the surrounding neighborhood structures. The application shall clearly show and the permit shall limit the floor area of the shop and storage use as a condition of the permit.

- b. The shop and storage use shall be conducted within the approved areas of the residence or accessory structure only.
- c. The home occupation use shall be conducted by the owner-resident of a single family dwelling and by members of the family residing on the premises. No more than one non-resident person shall work on the residential lot in association with the use.
- d. Work on the residential lot shall be clearly secondary to work of the contractor or tradesman off premises.
- e. There shall be no display of products or external evidence which suggests a commercial retail use other than a single sign in accordance with Article VI, Section 10.
- f. There shall be no exterior storage of goods, supplies or other material associated with the shop and storage use.
- g. A shop and storage use which involves two or more business related vehicles, ie. car, van, pick-up truck, truck, or trailer may be permitted provided:
  - the lot is in a location where access and egress by said vehicle(s) will not be disruptive to the single family residential neighborhood, such as a location with direct access to a State Highway.
  - in no case shall a vehicle with a gross weight greater than 14,500 lbs be permitted

In making its decision to permit business related vehicles on the lot, the Commission shall consider the size and type of vehicle(s), the projected number of trips, the access route(s) to the site, the findings from any on-site inspection and the testimony from the public hearing.

In an approval for a shop and storage use involving business related vehicles, the Commission may attach conditions limiting the number,

size and type of vehicles, the number of trips permitted, the hours of vehicle operation on the site and such other conditions necessary to assure compliance with the general criteria of this regulation.

- h. Shop and Storage uses which pose a major threat to groundwater quality shall not be permitted.

Shop and storage uses involving the storage, use or disposal of hazardous materials shall be permitted only where the Commission has determined that the proposed use will not pose a threat to ground water quality.

Such determination shall consider the type of shop and storage use, the amount and type of hazardous material(s) involved and the adequacy of plans submitted by the applicant for hazardous material use, storage and disposal.

- i. Any shop and storage use which will increase the volume of water used or which could impact the quality of ground water supply shall be reviewed by the Torrington Area Health District. It shall be the applicant's responsibility to provide documentation of review by the Health District.

#### **Article V - Section 14 Horses for Personal Use**

Occupants of a dwelling in an RR-160, R-80, RHC-40, R-30H, R-20 and R-20H Zone only are permitted to keep horses for their personal use provided the following standards or conditions are met:

1. **Ownership.** The horses must be owned by the resident-occupants, and are not for gain, direct or indirect except that occasional and temporary boarding of horses not for gain, direct or indirect, is permissible.
2. **Acreage and Intensity.** There shall be two acres as the minimum size lot for the first horse being kept and an additional one-half acre for each additional horse.
3. **Health.** Stable manure must not create a health hazard from an air and water pollution standpoint to the community in general or the person inhabiting or using the surrounding acreage, and the stabling of horses shall conform to all regulations of all Local and State Health Authorities.
4. **Safety.** Adequate fencing must be installed and maintained to reasonably contain the horses within the property.
5. **Set Back.** All structures shall conform to the setback requirements for the zone in which located, except that a stable shall not be closer than fifty (50) feet from a dwelling on an adjacent lot.

6. Use of Buildings. The use of temporary buildings or trailers for the stabling of horses in excess of 15 days is prohibited.
7. Maintenance. The area should be landscaped so as to harmonize with the character of the neighborhood. The land shall be so maintained that it will not create a nuisance as determined by the Commission. The manure storage area shall be so screened that it will not be unsightly. There shall be no storage of supplies outside of permanent buildings, except that the storage of wood chips used in the open is permissible, provided there is no conflict with Subsection 3 above.
8. A permit shall be issued by the Zoning Enforcement Officer, upon application, for the keeping of horses. The permit shall contain the owner's name, the number of horses to be kept, and the location and area of their quarters. The cost of such permit will be \$1.00

**Article V - Section 15  
Housing For the Elderly Owned by a Non-profit Corporation**

Housing for the elderly when owned by a non-profit corporation may be permitted subject to the following conditions:

1. The requirements of Article III, Section 2, RMF-160 Multi-Family Residence Zone, shall be complied with, subject to the following exceptions:
  - a. Off-street parking shall be provided at a rate of not less than one space for each two dwelling units.
  - b. No site shall contain more than eight dwelling units for each 40,000 square feet of usable land area or fraction thereof.
2. At least 350 square feet of habitable area for each single occupancy (efficiency) dwelling unit shall be provided.
3. At least 450 square feet of habitable area for each double occupancy (one bedroom) dwelling unit shall be provided.

**Article V - Section 15A  
Housing for Elderly Owned by a Profit Corporation**

Housing for the elderly when owned by a profit corporation may be permitted provided the requirements of Article III, Section 2, RMF-160 Multi-Family Residence Zone, shall be complied with, subject to the following exceptions:

- a) A building may consist of less than three dwelling units per building but not more than 12 units per building.

**Article V - Section 16  
Kennels and Veterinary Hospitals**

Kennels and Veterinary hospitals are permitted provided they are on lots not less than three acres, and provided that no dogs are kept in any building or enclosures within 150 feet of any property line, and further provided that none of these uses shall create offensive odors, noise or unsightly appearance noticeable off the premises and further provided that facilities where hazardous materials may be stored or utilized shall be designed so as to prevent contamination of Groundwater Protection Requirements. (Article VI, Section 3).

**Article V - Section 17  
Municipal Office**

Buildings and land may be used and buildings may be erected for the following uses and no other, subject to approval of the Site Plan submitted in accordance with Article IX, Section 1:

1. Offices for the administration and other functions of Town Government and related uses.
2. Requirements for signs and parking in the MO Zone shall be the same as required for residence zones (Article VI, Section 1 and 11).
3. Parking area may be permitted in the side and rear yard where the site plan provides for a landscaped buffer along the property line designed by a Connecticut registered landscape architect. The buffer shall be designed to provide a year around visual screen between the municipal office use and surrounding residential uses.
4. If the Commission determines that the proposed activity may pose a threat to groundwater, the Commission shall require appropriate provisions to prevent groundwater contamination in accordance with Article VI, Section 3, Groundwater Protection Requirements.

**Article V - Section 18  
Multi-family Dwellings**

Requirements for multi-family dwellings:

1. No apartment building shall have more than thirty dwelling units contained therein. Buildings with more than twelve dwelling units shall be varied substantially in plane along the building's length.
2. Garage space or off-street parking space for one and one-half vehicles shall be provided on the lot for each apartment unit.
3. No site shall contain more than four dwelling units for each 40,000 square feet of usable site area. Usable site area shall be defined as land other than regulated inland wetlands and watercourses as defined by the Litchfield Inland Wetlands Regulations and as shown on the Litchfield Inland Wetlands Map,

100 year flood hazard areas as defined by the Federal Emergency Management Agency and as shown on Flood Hazard Areas Maps on file in the office of the Planning and Zoning Commission, land subject to existing easements which prohibit building or development, and 50% of all land with a slope in excess of 25% as delineated on a site plan map showing topographic contours based upon a field or aerial survey and certified by a Connecticut licensed surveyor.

4. No building shall be less than twenty feet from any other building.
5. Recreation facilities, open spaces, and facilities suitable for active and passive recreation shall be provided to serve the project and shall be so designed and specified that a performance bond may be drawn. Said areas shall be adequately protected from streets, driveways, and parking areas.
6. Main interior walks shall be of sufficient width and construction to serve emergency vehicles and apparatus if a structure is not served by a roadway or parking lot on one side along its length.
7. Buffer strips - Each property line, except street lines, shall be paralleled by a continuous buffer strip at least fifteen feet wide, planted with a mixture of evergreen and deciduous shrubs and trees, which shall be maintained in order so as to protect adjacent property and the neighborhood in general from detriment.
8. The Commission may vary the requirements for spacing between buildings and building height if it determines that such variation will enhance the design of the project and give equal or better light, air, and privacy to apartment dwellers.
9. All multi-family dwellings shall be connected with a municipal sewer system or with a private sewage disposal system approved by the Connecticut State Department of Health.
10. A Site Plan prepared in accordance with the provisions of Article IX Section 1 of these Regulations shall be submitted and approved by the Commission before any building, structure, parking lot, sign, land, or use is constructed, built or substantially altered in an RMF-160 Zone. The Zoning Enforcement Officer shall not issue a Certificate of Zoning Compliance for construction in an RMF-160 Zone unless a site plan for said construction has been duly approved.

#### **Article V - Section 19 Personal Service Shops or Stores with Hazardous Materials**

Personal service shops or stores with hazardous materials includes, but is not limited to beauty salons, shoe repairing, dry cleaners, and tailors subject to the requirements of Article VI, Section 3.

**Article V - Section 20  
Radio and TV Towers**

Radio and TV Towers may be permitted provided they are located a minimum distance from any property line at least equal to the height of the tower.

**Article V - Section 21  
Recreational Uses (Indoor)**

Theatres, Bowling Alleys, Indoor Tennis and other similar recreational uses.

**Article V - Section 22  
Recreational Uses (Outdoor)**

1. Outdoor recreational uses include clubs and other private recreational facilities when not operated for a profit. Commercial recreation facilities may be permitted provided the Commission finds that all external conditions of such use are compatible with other uses in the neighborhood and will not create undue congestion on the streets or depreciate the value of neighboring property and does not involve the internal combustion engine as a significant factor in any area of such use except normal maintenance.
2. Transient summer camping facilities may be permitted subject to approval of plans showing location of all camp sites and details of access and provisions for drinking water and sanitary/solid waste disposal in addition to the requirements of Article VI, Section 3.

**Article V - Section 23  
Residential Use in a Business Building**

The building shall be capable of being altered, remodeled or rehabilitated to accommodate habitation in a safe and healthy manner.

1. The lot area shall be sufficient to meet the parking requirements of the principle business use, plus one parking space for each apartment unit either on the site or in regulated parking area within 200 feet.
2. An apartment unit shall contain at least 500 square feet and shall be equipped with its own kitchen, bath, and utility services, and connected to the public sanitary sewer.
3. The apartment shall have its own outside access convenient to parking and access to the lot. Units located on upper floors shall have at least one access to ground level for the exclusive use of the apartment. Fire escapes shall be located only on the rear or side of the building.
4. In the Business Historic Zone residential use in an existing business building is permitted by Special Exception provided the total floor area of the residential use shall be secondary to the total floor area of the business use and subject to all of the above requirements.

**Article V - Section 24A**  
**Residence - Use of for Personal Business Purposes**

No Zoning Permit shall be required for the use of a residence by the occupant for business purposes where:

1. No business is conducted on the premises except by mail or telephone.
2. No persons other than members of the family are employed.
3. No external evidence of the business is visible.
4. No business signs are erected.
5. No pedestrian or automobile traffic other than that normally generated by a residence is permitted.
6. No hazardous materials other than those common to a single family residential use, such as fuel associated with on-site heating, are stored, used or disposed of on the property.

**Article V - Section 24B**  
**Residence - Use of for Educational Purposes for Non-Occupants**

Subject to issuance of a Zoning Permit by the Zoning Enforcement Officer, the use of a residence by the occupant for educational instructional purposes involving non-occupants may be permitted where:

1. No persons other than members of the family are employed.
2. No external evidence of the business is visible.
3. No business signs are erected.
4. Off-street parking for the residents and educational instructees use shall be provided.
5. No more than two non-occupant individuals are receiving educational instruction at one time.
6. Educational instruction may be done for compensation by the occupant or members of the family residing on the premises.
7. Educational instruction shall be construed broadly to include but not limited to, academic tutoring, music lessons, singing lessons, fine arts lessons, test preparations, etc.

8. A permit shall be issued by the Zoning Enforcement Officer, upon application, for the use of a residence for educational purposes involving non-occupants. The permit shall contain the owners name and the nature of the educational purpose. The cost of such permit will be \$30.00.

#### STATEMENT OF PURPOSE

The purpose of the proposed regulation 24(B) is to allow residences to be used for educational purposes to benefit the children as well as the adult of the community and the surrounding area. This regulation recognizes that such activities presently occur throughout the Town of Litchfield and provides a mechanism under which they can be monitored by the Zoning Enforcement Officer through issuance of a zoning permit. This regulation is not intended to limit educational instruction in residences in the Town of Litchfield but is to be in addition to any and all other permitted educational uses.

#### **Article V - Section 25 Seasonal Cottages (One Family)**

Seasonal cottages may be permitted by special exception (see Article IV, Section 4) provided that between November 1st and the following April 1st no family shall reside in a cottage for more than a total of 30 days.

#### **Article V - Section 26 Stables (Commercial)**

Land, buildings and other structures may be permitted by the Planning and Zoning Commission for commercial use involving the following horse-related activities. Riding academies, Livery and Boarding Stables, Animal and Convalescent Stables, Rental and Hacking Stables, Private Club Riding Stables, only upon the granting of a special permit after a public hearing, and providing the following standards or conditions are met:

1. Acreage - The barns, riding rings, corrals and accessory facilities shall be contained within one parcel of suitably drained land consisting of at least ten acres.
2. Parking - Sufficient off-street parking facilities should be provided to accommodate all users and visitors to the property, including spectators for horse shows or similar events. The roads for entering and leaving the property shall not be located or placed in a manner to create pedestrian or vehicular traffic hazard on the public street or highway.

There shall be one off-street parking space for each five users of, or visitors to, the property, including spectators for horse shows or similar events.

3. Health - Stable manure or hazardous materials utilized or stored must not create a health hazard from an air and water pollution standpoint to the community in general or the persons inhabiting or using the surrounding

acreage, and therefore, the stabling of horses shall conform to all regulations of Local and State Health Authorities. Toilet facilities shall be provided for in accordance with local health requirements for normal operations as well as for horse shows and similar activities. If the Commission determines that the proposed activity may pose a threat to groundwater, the Commission shall require appropriate provisions to prevent groundwater contamination in accordance with Article VI, Section 3, Groundwater Protection Requirements.

- a. Safety - Adequate perimeter fencing shall be installed and maintained to reasonably contain the horses within the property.
- b. Fire - Fire control facilities for the barns, buildings and other facilities used for normal operations as well as for horse shows and similar activities shall be acceptable to the Fire Marshal.
- c. Noise - The use of public address systems, the conduct of the instruction of rider, training of horses and the spectator participation in competitions, should be modulated and continuously controlled in order to avoid becoming a nuisance to surrounding neighbors as determined by the Commission.
- d. Set Back - No building or manure pit used for or in conjunction with the operation shall be located in a manner that any part thereof shall be less than 100 feet from the nearest line of any road, street or highway abutting the property or any side and rear boundary line. Riding rings and corrals shall not be within 50 feet of any residential use.
- e. Use of Buildings - The use of temporary buildings or trailers for the stabling of horses in excess of fifteen days is prohibited.
- f. Maintenance - The area should be landscaped so as to harmonize with the character of the neighborhood. The land shall be so maintained that it will not create a nuisance as determined by the Commission. The manure storage area shall be so screened that it will not be unsightly. There shall be no storage of supplies outside of permanent building, except that the storage of wood chips used in the open is permissible, provided there is no conflict with Paragraph c above.
- g. Lighting - There shall be no external flood lighting which is objectionable, either due to brightness or to direct transmissions outside of the property where it originates, as determined by the Commission.
- h. Financial - The Planning and Zoning Commission may require the posting of a Bond to guarantee the cost of construction and improvements.

### **Article V - Section 27 Two Family Dwelling (Duplex)**

A two family dwelling (duplex) may be permitted by the Commission provided such use can be supplied with adequate utility services and would not tend to depreciate

the value of neighboring property, and that each single family dwelling unit has a minimum of 800 square feet of habitable floor area.

**Article V - Section 28**  
**Wholesale Business, Storage Business and Warehouses, Trans-shipment Centers**

Any other industrial and commercial use which is similar in its essential characteristics to those listed above may be permitted by the Commission, after a public hearing concerning such use is held.

**Article V - Section 29**  
**Intersection of a Proposed Subdivision Street with Certain “Town Line” Streets.**

1. Statement of Purpose. The purpose of this regulation is to provide a special exception process whereby the Commission may determine on a case by case basis whether or not a proposed subdivision involving the intersection of a proposed street or Common Driveway (as permitted in these Regulations) with certain “town line” streets may be approved under Section 6.4 of the Subdivision Regulations.
2. “Town Line” streets requiring special exception approval. There are a number of street and street segments located on or along town lines in Litchfield. The street segments requiring a special exception application under this regulation shall be those shown on a map titled “Streets Located on Town Boundary Lines subject to Article V, Section 29 of the Zoning Regulations’ dated March, 1999. This map shall be maintained on file in the office of the Planning and Zoning Commission and map shall be considered a part of this regulation as Appendix A.
3. Special Exception Requirements and Decision standards.
  - a. The applicant shall show the location of the Litchfield town boundary line on the subdivision plan map and record map. On the construction plan map the applicant shall show in detail the location of the Town line in reference to the intersection of the public street (pavement and right of way) and subdivision street (pavement and right of way).
  - b. The Commission shall refer the proposed subdivision plan and special exception application to the Town Engineer and Board of Selectman for review and comment.
  - c. The Commission may also refer the proposed subdivision plan to the Board of Education for review and comment on access by school busses and to the Volunteer Fire Department for review and comment on access by emergency vehicles.
  - d. The Commission shall consider any comments received from the adjacent town.

- e. Decision Standards. In considering a decision on the special exception the Commission shall take into consideration the size and scope of the proposed housing development. The general standard to be considered in reaching a decision shall be whether or not the proposed subdivision can be provided necessary town service.
- f. The specific factors to be considered by the Commission in reaching this decision shall be the extent to which the Commission finds that:
  - The proposed subdivision road can be accessed and maintained, where necessary, by the Town of Litchfield Public Works Department, and
  - Proper provisions have been provided to ensure that the residents of the proposed subdivision development can be accessed and effectively serviced by Litchfield Fire Department vehicles and other emergency response vehicles, and
  - Proper provisions have been provided to ensure that the residents of the proposed subdivision development can be safely and conveniently serviced by the Litchfield school system school busses.

**Article V - Section 30**  
**Public Utility Facilities subject to local zoning authority for according to**  
**Section 16-235 of the Connecticut General Statutes**

General. Any Public Utility Facility subject to local zoning authority in accord with Section 16-235 of the Connecticut General Statutes shall require a Special Exception. This includes any steam plant, gas plant, gas tank or holder, water tank, electric substation, antenna or earth station receiver of any public service company where such facility is not subject to the jurisdiction of the Connecticut Siting Council. (Note: Regarding "Telecommunication Facilities and Sites" see Article V Section 30 of these Regulations.)

1. Special Exception Criteria and Standards for all Utility Facilities.
  - a. Wherever possible Public Utility Facilities shall be located in an industrial zone. Where a Public Utility Facility is proposed in a residential zone the applicant shall provide documentation that the facility is not feasible or suitable for location in an industrial zone.
  - b. The applicant shall demonstrate that the location and size of the proposed site was selected to minimize the visual impact of the proposed facility on surrounding residentially developed and zoned areas.
  - c. The Site Plan for all Public Utility Facilities shall include a. Landscape Plan prepared by a Registered Landscape Architect which shall show how the facility will be screened from surrounding residential uses to the extent feasible in consideration of the height of the facility. The Site Plan shall show the existing treescape and other natural features to be preserved to screen the view of the facility from public streets and surrounding residentially zoned areas.

2.. Minimum standards for an electric substation where located in a Residential Zone:

Minimum lot size shall be 3 acres. Yard requirements shall be as provided for in the residential zone in which the facility is located. Front, Side or Rear Yard shall not be developed or used for equipment or storage.

3. Minimum Standard for Water or Sewer pumping stations.

The Floor Area of any water or sewer pumping station shall not exceed 300 square feet."

### **Article V – Section 31 Car Wash**

A car wash may be permitted subject to the following conditions:

1. The Special Exception application shall include a statement of use with the following information:

a. The application shall include a statement of use including proposed hours of operation, plan for staffing during all hours of operation, vehicle cleaning plan of operation, security, upkeep and maintenance of the site; monitoring of lights and noise control, observance of hours of operation, compliance with environmental safeguards, including water-use conservation measures; and on-site traffic and stacking control to prevent back-ups into public rights of way.

b. Projected business volume by season and by hours of operation.

c. Calculations of stacking requirements.

d. Detailed description of vehicle washing machinery and equipment proposed including any tanks.

e. Environmental conservation plan including best management plan as required by the Connecticut DEP. This plan will describe wash procedures including water recycling, provisions for removal of sludge, and a description of waste water processing equipment and its efficiency.

2. The building and car wash system shall be limited to motor vehicles registered for use on a public road and the building and automation equipment shall not be designed to serve buses and other similar oversized vehicles. The Commission may limit the hours of operation to be consistent with standard business hours of surrounding businesses.

3. The car wash, including washing facilities, shall be served by a public water and sewer system; shall meet the requirements of Article VI, Section 3

Groundwater Protection Requirements and shall provide for reasonable and feasible water conservation measures.

4. Adequate off road stacking space shall be provided for vehicles waiting for car wash service. The number of spaces shall be projected by the applicant and shall consider the time to complete a wash cycle.

5. Off street parking shall be provided according to Article VI Section 1 and/or sub-section 6 (Modification of parking standards and requirements). All vehicle use areas on the site (stacking, parking, cleaning, etc.) shall be paved.

6. There shall be sufficient on-site vehicle stacking spaces to adequately serve customer demand and prevent vehicle backups into the adjoining public right of way; stacking space shall be provided calculated based on cycle times of the planned equipment providing a minimum of 26 feet of stacking space per vehicle, a minimum of 10 stacking spaces and a maximum based on site location and cycle times. The Commission may limit the number of stacking spaces and shall require that no vehicle shall be permitted to stack in a public right of way.

7. The facility shall be designed to reduce carry off or drag off of water onto a public street; vehicle washing shall be limited to inside the building with the exception of pre wash treatments applied immediately prior to entering the building.

8. All car wash apparatus (including vacuum stations) shall be enclosed or screened from adjacent streets and properties where the Commission deems appropriate to protect neighboring property values.

9. Site Plans shall be submitted with the application including a lighting plan, landscape plan prepared by a licensed landscape architect, a signage plan which may include on-site directional signs.

Architectural plans, elevations and renderings of the proposed building and landscaping shall be submitted in sufficient detail to determine compliance with these requirements.

Such plans shall demonstrate that the car wash building and other buildings on the site:

- incorporate façade design features in keeping with the character of the business neighborhood and historic character of the community.
- are capable of adaptive re-use to other uses permitted in the zone.

A primary purpose of the landscape plan shall be to buffer the view of the building and pavement from the highway. It shall include a landscaped strip of not less than 20 feet along the entire frontage of the site. The landscape plan shall be consistent with the Guideline 4.4 and, where a berm is appropriate, Guideline 5.2 as stated in the Litchfield Treescape Plan, August 1998. Access

way locations shall consider and utilize wherever possible recommendations of the Litchfield Route 202 Corridor Management Plan

The site plan and other design related plans shall be reviewed by the Litchfield Design Review Advisory Committee.

**Article V - Section 32**  
**Permit Requirements for Telecommunication Facilities and Sites**

1. Statement of Purpose: This regulation establishes standards and requirements for telecommunication facilities and sites. The purposes are to regulate placement of antennas, towers, and other related facilities in a manner that will protect the Town's visual quality, safeguard the community and:

- to require information necessary to evaluate a proposed facility,
- to establish locations least disruptive to the public health, safety and welfare of the Town of Litchfield and consistent with the Town Plan
- to minimize adverse visual effects through proper design, siting and screening.
- to avoid potential damage to adjacent properties.
- to minimize the height and number of towers, especially ground mounted towers.
- to provide for the orderly removal of abandoned antennas and towers.

4. Definitions: When used in this section, the following words or phrases shall have the meaning defined below:

**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 hour, as assessed by direct measurement of the Personal Wireless Service Facility in question. The GOS shall be determined by the use of standard Erlang B Calculations. As call blocking may occur in either the land line or radio portions of a wireless network, Adequate Capacity for this regulation shall apply only to the capacity of the radio components. Where capacity must be determined prior to the installation of the Personal Wireless Services 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.

**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.

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

**Camouflaged or Stealth Facility:** A wireless communication facility that is disguised to appear more in keeping with the landscape of the area in which it is located or is otherwise hidden or made to appear to be part of an existing or proposed structure, or is placed within an existing or proposed structure. For example, a wireless communication tower designed to have the appearance of a tree is considered a camouflaged or stealth wireless facility.

**Carrier:** A company that provides wireless services.

**Collocation:** The use of a single mount on the ground by more than one carrier (vertical collocation) and/or several mounts on an existing building or structure by more than one carrier.

**Commission.** The Planning and Zoning Commission of the Town of Litchfield.

**Elevation:** The elevation at grade or ground level shall be given in Above Mean Sea Level (AMSL). The height of a wireless service facility shall be 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.

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

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

Roof mounted - on the roof of a building.

Side mounted - on the side of a building.

Ground mounted tower - mounted on the ground (see Tower).

Structure mounted - mounted on a structure other than a building.

Omnidirectional (Whip) Antenna: A thin rod that beams and receives a signal in all directions.

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

Radio Frequency Engineer: An engineer specializing in electrical or microwave engineering, especially the study of radio-frequencies.

Radio-Frequency Radiation (RFR): The emissions from wireless telecommunications service facility.

Regulated Facility, Service and/or Site: The equipment, towers, mount, antennas and other structures subject to local zoning regulation. This includes all telecommunication services not exempt from local regulation under the provisions of the Connecticut General Statutes and the authority of the Connecticut Siting Council or not exempt from local regulation pursuant to the Telecommunication Act of 1996 or such other federal legislation or a federal authority.

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.

Tower: A support structure intended to support antennas and associated equipment. This includes:

Guyed Tower: A monopole tower 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.

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

### 3. Use Regulations:

a. Exemptions. The following shall be exempt from this regulation:

(1) Repair and maintenance of towers and antennas.

(2) Antenna used solely for residential household television and radio reception.

- (3) Satellite Antenna measuring 2 meters or less in diameter and located in commercial districts and satellite antenna 1 meter or less in diameter regardless of location.
- b. Regulated facilities allowed as a Permitted Use in all districts subject to Site Plan approval shall include:
    - (1) A regulated facility proposed on an existing structure as within a flagpole, steeple, chimney, or similar structure.
    - (2) A regulated facility proposed on an existing structure including but not limited to a guyed, lattice, or monopole tower, fire tower or water tower, provided the installation does not increase the height of the existing structure.
    - (3) An antenna(s) located on an electric transmission and distribution tower, telephone pole and similar existing utility structure, provided there is no more than a twenty foot increase in the height of the existing structure as a result of the installation. Such twenty foot increase in height shall not be permitted on a utility structure located within the Litchfield Historic District, the Milton Historic District, Northfield center or East Litchfield center as set forth on a map on file in the Planning and Zoning Office or within 150 feet of the pavement of any Town road or State highway proposed for or designated as a Town scenic road or State scenic highway.
    - (4) Building (roof or side) mounts with antenna(s) provided such facility does not project more than ten feet above the building or height limit of the zoning district within which the facility is located. However such mount may locate on a building or structure that is 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 within which it is located.
    - (5) A regulated facility intended solely for the purpose of Police, Fire, Ambulance and other Emergency Dispatch. A tower may be erected as a Permitted Use for these purposes unless it is to be shared by a commercial wireless service carrier which shall require a Special Permit.
  - c. Regulated Facilities allowed as a Special Exception Use subject to Site Plan approval shall include:
    - (1) Any regulated facility that does not qualify as a Permitted Use as set forth in 3.b above.
    - (2) All proposed Ground Mounted Towers.
4. General Standards and Requirements for all Permitted and Special Exception Uses.
- a. If feasible, regulated facilities shall be located on existing structures, including but not limited to buildings, water towers, existing

telecommunications facilities, utility poles and towers, and related facilities, provided that such installation preserves the character and integrity of those structures.

In particular, applicants are urged to consider use of existing telephone and electric utility structures as sites for regulated activities.

- b. A licensed carrier shall be either an applicant or co-applicant and documentation of qualifications as a licensed carrier shall be provided. Where the application includes a facility regulated by the Connecticut Siting Council, the applicant shall document submission of an application to the Siting Council.
- c. The applicant shall submit documentation of the legal right to install and use an existing structure at the time of application for a Site Plan approval and/or Special Exception approval.
- d. Where an antenna or mount is proposed on an existing structure:
  - For a permitted use the fall zone shall be shown on the site plan and shall not pose a safety threat to surrounding property.
  - For a special exception use the fall zone shall be shown on the site plan, shall be contained within the property lines and shall not pose a safety threat to surrounding property.
- e. Ground-mounted equipment for regulated service facilities shall not generate noise in excess of 45 db at the property line.
- f. Roof-mounted or side-mounted equipment for Regulated Facilities shall not generate noise in excess of 50 db at ground level at the base of the building closest to the antenna.

#### 5. General Standards and Requirements - Ground Mounted Tower Special Exceptions.

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

If the applicant demonstrates to the satisfaction of the Commission that it is not feasible to locate on an existing or approved tower or other structure, the applicant shall provide a Camouflaged or Stealth tower design for the consideration of the Commission in addition to any conventional design which may be submitted by the applicant.

- b. Towers shall be located to minimize the following impacts:
  - (1) Visual/Aesthetic: Where possible, towers shall be sited to have the least detrimental visual impact to highly rated scenic and historic areas, including ridge lines, properties listed in the State or Federal Register of Historic Places, and scenic roadways.
  - (2) Diminution of residential property values: To the extent possible, siting shall be in as low a population density area as is possible.

- (3) Safety: In cases of structural failure and attractive nuisance. Towers shall, when possible, not be sited in Flood Plain Zones or Special Flood Hazard Areas.
  - (4) Safety from excessive electromagnetic radiation: The Tower or Personal Wireless Service Facility shall not exceed the FCC guidelines.
  - (5) Environmental Degradation: When possible towers shall be sited to avoid affecting rare or endangered flora and fauna in areas shown the Connecticut DEP and Federal Listed Species and Natural Communities Map. They should also be sited, when possible away from wetland areas.
- c. Lot size in residential zones: A ground mounted tower in excess of 85' in total height located in a residential zone:
- shall be considered a principal use and shall be the only principal use on the lot,
  - shall be located on a lot of not less than two acres in area,
  - shall be located on a lot with a size and shape sufficient to completely encompass the tower Fall Zone (defined in d. below) except as may be modified in accordance with e. below,
  - shall have a minimum street frontage of not less than 25' feet on a town road. The access drive to the tower site may be located within a right of way. The access drive shall be located within a corridor of land of sufficient width to safely accommodate the drive. The Commission may require that the access drive be landscaped where necessary to screen it from neighboring residential properties.
- d. Tower Fall Zone: In order to ensure public safety, the minimum distance measured from the base of any proposed ground-mounted regulated facility (tower) to any property line, road, habitable dwelling, business or institutional use or public recreational area shall be the height of the facility/mount, including any antennas or other appurtenances plus 50%.
- e. An applicant may request a modification of the requirement that the Tower Fall Zone be located entirely within its own lot. The Commission may approve such a request where it finds that the alternate location will better meet the purposes of this section and providing the neighboring property within the Tower Fall Zone is not developed and will be subject to a legally binding agreement preventing development during the time the tower is in place.

In granting a request for such modification the Commission shall consider both the visual and safety impacts of the proposed facility.

6. Special Exception Application Requirements: All applications for a Special Exception shall be filed with the Commission and shall include:

- a. Topographic - Location Map. The applicant shall provide a topographic location map at a scale of 1" = 2,000' showing:
  - (1) The antenna or tower location.
  - (2) Existing and proposed towers in and outside the Town that would connect or be interconnected with, or "hand off" to the proposed facility.
  - (3) The boundaries of the tower viewshed ie. the area within which the tower can be seen based upon an assessment of the topography surrounding the site.
  
- b. For ground mounted towers the applicant shall provide an evaluation of the visual effect of the proposed tower location both within the Town and adjacent towns. Areas of special concern to be addressed in this evaluation shall include, but not be limited to:
  - (1) The areas identified as existing or proposed open space or preservation areas in the Town Plan, especially land lying within 300 feet of a sub-regional watershed line as shown on maps prepared by the State DEP Natural Resources Center and on file in the Town Hall.
  - (2) Areas within the Litchfield and Milton Historic Districts, Bantam borough and Northfield, Milton and East Litchfield center areas.
  - (3) The applicant shall provide an additional copy of the application for a Town(s) located within 3 miles of the proposed site. The Commission may submit this copy to the adjacent Town for review and comment.
  
- 7. Site Plan Requirements. The Site Plan shall meet the requirements of the Site Plan section of these Regulations in addition the following information shall be provided on the Site Plan. The Commission may waive one or more of the following items at the request of the applicant where the Commission determines that such is not necessary to determine compliance with these Regulations.
  - a. Property lines within 300 feet.
  - b. Tree cover on the subject property and within 300 feet, by dominant species and average height, as measured by or available from a verifiable source.
  - c. Outline of all existing buildings, including purpose (eg residential, etc) on the subject property and all adjacent property within 300 feet.
  - d. Proposed location of antennas, mount and equipment shelter.
  - e. Proposed security barrier, indicating type and extent as well as point of controlled entry.

- f. Location of all roads, public and private, on the property and all adjacent properties within 300 feet, including driveways to serve the facility.
  - g. Distances, at grade, from the proposed facility to each building on a vicinity plan.
  - h. Contours at each two foot intervals based upon AMSL (see “elevation” definition section) for the subject property and adjacent property within 300 feet.
  - i. All proposed changes to the existing property, including grading, vegetation removal and temporary or permanent roads or driveways.
  - j. 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 facility.
8. Site Plans for Special Exception applications shall also provide the following information regarding Sight lines and elevations of the proposed facility where the Commission determines that such is necessary to determine compliance with these Regulations:
- a. Sight line representation. A sight line representation shall be drawn from any public road and/or building 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.
  - b. Existing (before condition) photos. Each sight line shall be illustrated by one four inch by six inch color photo of the existing conditions seen from any public road within 300 feet.
  - c. Proposed (after condition). Each of the existing condition photos shall have the proposed regulated facility superimposed on it to show what will be seen from public roads if the proposed facility is built.
  - d. Site elevations, or views at grade from the north, south, east and west for a 50 foot radius around the proposed regulated facility plus from all existing public and private roads that serve the subject property. Elevations shall be at either one quarter inch equals one foot or one eighth inch equals one foot scale and show the following.
    - (1) Antennas, mounts and equipment shelters with total elevation dimensions and AGL of the highest point.

- (2) Security barrier. If the security barrier will block views of the facility, the barrier drawing shall be cut away to show the view behind the barrier.
- (3) Any and all structures on the subject property.
- (4) Existing trees and shrubs at current height and proposed trees and shrubs at proposed height at time of installation with approximate elevations dimensioned.
- (5) Grade changes, or cuts and fills, to be shown as original grade and new grade line, with two foot contours above mean sea level.

9. Other Special Exception Requirements: The following reports and requirements shall be addressed as part of the special exception application.

- a. Report on Adequate Coverage, Adequate Capacity and Justification of Need for Ground Mounted Tower.

A written report prepared by an RF engineer shall address the following:

General Requirements and Standards:

- (1) A description of the service area for each communication system on the tower.
- (2) A statement setting forth the rationale and justification for the proposed antenna or tower in the proposed location.
- (3) A statement of the signal strength service objectives for each proposed wireless service on the tower.
- (4) An analysis for each proposed use demonstrating that the proposed location will provide the required level of service and that other potential collocation sites in the service area will not provide equal or better service.
- (5) Documentation that for each proposed use of the tower the proposed antenna height is the minimum necessary to provide Adequate Coverage.
- (6) Demonstration that the service proposed can not be provided with equipment added to an existing or other proposed antennas or tower.

Specific Requirements:

- (1) The applicant shall provide written documentation of all Facility Sites in Litchfield and any Facility Sites outside of Litchfield that are within 3 miles of the proposed site, in which it has a legal interest, whether by ownership, leasehold or otherwise. From each such 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 Town of Litchfield.

The documentation shall include, for each Facility Site listed, the exact location in latitude and longitude, to degrees, minutes and seconds, ground elevation, height of Tower or structure, type of Antennas, Antenna gain, height of Antennas on Tower or structure, output frequency, number of channels, power input and proposed maximum power output per channel. Potential adjustments to these existing Facility Sites, including changes in Antenna type, orientation, gain, height or power output shall be specified. Radial Plots from each of these Facility Sites, as they exist, and with adjustments as above, shall be provided as part of the Application.

- (2) The applicant shall demonstrate with written documentation that it has examined all Facility Sites located in Litchfield and all Facility Sites outside of Litchfield within three (3) miles of the proposed site, in which the applicant has no legal or equitable interest, whether by ownership, leasehold or otherwise, to determine whether those existing Facility Sites can be used to provide Adequate Coverage and/or Adequate Capacity to the Town of Litchfield. The documentation shall include, for each Facility Site examined, the exact location in latitude and longitude, to degrees, minutes and seconds, ground elevation, height of Tower or structure, type of antennas proposed, proposed output frequency, proposed number of channels, proposed power input and proposed maximum power output per channel. Radial Plots from each of these Facility Sites, as proposed, shall be provided as part of the Application.
- (3) Distance from Existing or Approved Tower and Use of New Technology: the applicant must certify in writing that existing or approved towers within the proposed service area of the proposed tower do not meet the applicant's structural specifications or technical requirements or that a co-location agreement could not be obtained.

In assessing the potential for co-location, and options for deployment of a tower, the applicant shall provide documentation that it has evaluated all available technology, such as super conducting wireless systems.

Where the applicant or the Commission's engineer determines it would be technically feasible to provide service by locating the applicant's antenna on an existing or approved tower and a request for co-location has not been approved, the applicant shall provide documentation that it has submitted a request to the Connecticut Siting Council to provide for tower sharing pursuant to Section 16-50aa of the Connecticut General Statutes.

- (4) The applicant shall demonstrate with written documentation that it has analyzed the feasibility of Repeaters in conjunction with all facility Sites

listed in compliance with subsections 1&2 (above) to provide Adequate Coverage and/or Adequate Capacity to the Town of Litchfield. Radial Plots of all Repeaters considered for use in conjunction with these Facility Sites shall also be provided as part of the application.

- b. A soil report complying with Appendix I: Geotechnical Investigations, ANSI/EIA-222-E manual standards, as amended, verifying the design specifications of the tower foundation and anchors for the guy wires, if used.
- c. An Environmental Impact and Evaluation of the Site Emissions Report assessing the impact of the proposed tower and site construction and operation assessing its impact on:
  - (1) Areas designated as conservation or preservation areas in the Town Plan and in the State Plan of Conservation and Development. The following areas on, or adjacent to the site, shall be shown on the Site Plan and discussed in the Environmental Report.
    - Protected areas.
    - All inland wetlands and watercourses.
    - Critical habitats for plants and animals.
    - Historic structures or sites, unusual features, buildings, monuments, or areas.
    - Permanently protected lands, such as State park and forest lands, land protected by a land trust.
  - (2) Site emissions and 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:
    - Existing or ambient: the measurements of existing RFR.
    - Existing plus proposed facilities: maximum estimate of RFR from the proposed Regulated Facility plus the existing RFR environment.
    - Certification, signed by an RF engineer, stating that RFR measurements are accurate and meet FCC guidelines as specified in the Radio Frequency Radiation Standards sub-section of this regulation.
- d. Landscape and Screening Requirements: For a new tower a fence with a minimum height of 8 feet shall be provided. Existing vegetation on and around the site shall be preserved to the greatest extent possible.

A planting plan shall be provided to screen building(s), fuel tanks, other man-made structures and as much of the tower as possible.

The plan shall show an evergreen screen surrounding the site. This shall be a row of evergreen trees (planted 10 feet on center maximum). Evergreens shall have a minimum height of 6 feet at planting and be a type that grows to a minimum of 15 feet at maturity. The Commission may accept any combination of existing vegetation, topography, walls, or other features that meet or exceed the above evergreen screen requirement.

- e. A Construction Plan Map: A construction plan map prepared by a Connecticut licensed engineer showing construction and drainage details, including the access road and construction or drainage improvements, including above-ground wires, cables, ducts, utility and signal cables, guying and guy-anchor details.
- f. Monitoring and Maintenance.
  - (1) The Commission may require as a condition of the Special Exception that after the regulated facility is operational, the applicant shall submit, within 90 days of beginning operations, and at annual intervals from the date of issuance of the Special Exception, existing measurements of RFR from the facility. Such measurements shall be signed and certified by an RF engineer, stating that RFR measurements are accurate and meet FCC Guidelines as specified in the Radio frequency Standards section of this Regulation.
  - (2) The Commission may require as a condition of the Special Exception that after the facility is operational, the applicant shall submit, within 90 days of beginning operations, and at annual intervals from the date of issuance of the Special Exception, existing measurement of noise from the facility. Such measurements shall be signed by an acoustical engineer, stating that noise measurements are accurate and meet the Noise Standards of the Torrington Area Health District.
- g. A statement from the applicant indicating that, weather permitting, the applicant will raise a balloon with a diameter of at least eight feet, at the proposed ground mounted tower site and to the proposed tower height. Such balloon shall be raised at least three days prior to the date of the public hearing scheduled on the application. A legal notice of the scheduled balloon raising shall be published in a local newspaper. Proof of such publication shall be submitted with the application.
- h. A list of all federal, State, regional, district, and municipal agencies, which have or will conduct a review of the proposed tower together a copy of any position/decision/recommendation of such agency or board with respect to the proposed facility.

- i. Federal Environmental Filing Requirements. The National Environmental Policy Act (NEPA) applies to all applications for wireless communication facilities. NEPA is administered by the FCC via procedures adopted as Subpart 1, Section 1.1307 et seq. (47 CRF Ch.1).

The FCC requires that an environmental assessment (EA) be filed with the FCC prior to beginning operations for any wireless communications facility proposed in or involving any of the following:

- (1) Wilderness areas.
- (2) Wildlife preserves.
- (3) Endangered species habitat.
- (4) Historical Site.
- (5) Indian Religious site.
- (6) Flood Plain
- (7) Wetlands.
- (8) High intensity white lights in residential neighborhoods.
- (9) Excessive radio frequency radiation exposure.

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.

For all special exception uses the applicant shall identify and assess the impact of the proposed facility on areas recommended for conservation as presented in the town plan and state plan of conservation and development.

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 governments.

- h. Other Requirements.

- (1) Commercial advertising shall not be allowed on an antenna or tower.
- (2) Signal lights or illumination shall not be permitted unless required by the FCC or FAA.
- (3) All other uses not clearly necessary to the operation/maintenance of the antenna or tower and associated equipment are prohibited, unless expressly approved as a condition of the permit. Applications shall describe in detail all associated equipment to be maintained or stored on the site.
- (4) Not more than one unmanned equipment and/or storage building may be permitted on a site provided it contains no more than 750 square feet of gross floor area and is not more than 12 feet in height.

- 9. Removal. A wireless facility not used for six months shall be removed by the facility owner. This removal shall occur within 90 days of the end of such six month period. Upon removal the site shall be restored to its previous

appearance and, where appropriate, re-vegetated to blend with the surrounding area. As a condition of the approval of the Permit the Commission may require a bond in an amount sufficient to cover the cost of completing this requirement.

**ARTICLE VI  
SPECIAL REGULATIONS**

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**Article VI - Section 1  
Access, Circulation, Off-Street Parking and Off-Street Loading**

1. Application: Any use or construction subject to the requirement for a Site Plan shall conform to the following standards for access, circulation, off-street parking, and off-street loading.
2. Access and Circulation - General Standards - Vehicular access to a lot and circulation on a lot shall be design in a manner that:
  - a. Safeguards against hazards to traffic and pedestrians in the street and upon the lot, and
  - b. Avoids traffic congestion on any street, and
  - c. Provides safe and convenient circulation upon the lot.

3. Shared Driveways:

Shared driveways utilized by two adjacent single family residential lots or by one or more lots and businesses in a commercial zone are permitted subject to the approval of a Site Plan meeting the requirements of these Regulations. The primary purpose of a shared driveway is to minimize curb cuts that preserve street traffic carrying capacity, reduce traffic congestion and improve safety of vehicular and pedestrian movements.

Shared driveways are especially encouraged along State highways and major town roads but are also appropriate in locations on other town roads where the Commission, in consultation with the Town Engineer, finds it will improve safety of traffic movement.

The driveway shall meet the requirements of the Town Driveway Ordinance. The Commission shall consider any comments and recommendations on the Site Plan application received from the Town Engineer.

A proposal for a shared driveway requires submission of a shared driveway agreement which shall be subject to the approval of the Commission and the Commission's attorney. The approved shared driveway agreement must be executed and recorded with the deeds to the properties as a condition of Site Plan approval."

In a residential subdivision, a shared access way and driveway may be permitted subject to the provisions of the Subdivision Regulations provided the area of the access way shall not be counted in the calculation of the requirement for minimum lot area.

4. Access and Circulation of Lots in Non-Residential Zones shall conform to the following:
  - a. Wherever possible, vehicular access to and from the lot shall be arranged to avoid traffic use of local residential streets located in or bordered by a Residential Zone.
  - b. The street or highway providing access to the lot shall have traffic carrying capacity, roadway improvements and traffic management facilities that are sufficient to accommodate the amount and type of traffic generated by the use.
  - c. When necessary to safeguard against traffic or pedestrian hazard and/or to avoid traffic congestion provision shall be made for turning lanes, traffic direction islands, frontage road driveways and traffic controls within the street.
  - d. Wherever possible, provision shall be made for circulation driveway connections between adjoining lots with similar existing or proposed non-residential uses, where such driveway connection will facilitate fire protection service and/or where such driveway will improve safety of circulation between lots and avoid the need to travel upon a street.
5. The following parking spaces shall be provided, suitably graded and paved, and satisfactorily maintained by the owner of the property, for any building erected, enlarged, moved or altered for use for any of the following purposes:
  - a. Dwelling: At least one parking space for each family dwelling unit occupying any lot. One and one half spaces for each dwelling unit in multi-family developments.
  - b. Auditorium, stadium, theater or other place of public assembly: At least one parking space for each eight seats (based on maximum capacity).
  - c. Hotel and motel, at least:
    - (1) One car parking space within 100 feet for each guest sleeping room.
    - (2) One car space for every three employees.
    - (3) All parking on property shall be 20 feet from the street and 10 feet from any rear or side property line.
  - d. Restaurant, night club, tavern, grill, bar, dance hall, other eating place, or retail store selling primarily ready-to-eat food regardless of where consumed: At least one parking space for each 65 square feet of customer service area, plus one parking space for each additional 100 square feet in the structure that is devoted to the use described in this section (d). For purposes of this section (d), the parking must be provided on the same lot as the structure housing the use.

- e. Hospital, sanatorium, or nursing home: At least one parking space for each five beds.
- f. Retail Stores, Personal Service Shop:
  - (1) 8 spaces for each 1,000 square feet of gross floor area up to 10,000 square feet.
  - (2) 6 spaces for each 1,000 square feet of gross floor area from 10,000 square feet up to 50,000 square feet.
  - (3) 4. 5 spaces for each 1,000 square feet of gross floor area over 50,000 square feet.
  - (4) Upper floors - 3 spaces for each 1,000 square feet.
- g. Office building or other use of a building not otherwise specified herein shall provide at least one parking space for each 250 square feet of ground floor area, and an additional parking space for each 500 square feet of floor area on the upper floor or floors of such building. Requirements for parking in the PO Zone shall be the same as for an office building.
- h. Industrial or manufacturing establishments: At least one parking space for each 500 square feet of gross floor area or for each five workers, whichever is greater.
- i. Theaters, bowling alleys, night clubs and other similar uses and activities carrying on the major portion of their business during the evening hours may provide 50% of the required parking space as specified above, through the use of parking space provided for uses and buildings carrying on the major portion of their business during the daytime hours.
- j. All parking spaces provided pursuant to this section shall be on the same lot with the building or within 200 feet of primary parking.
- k. Parking areas, except for single family dwellings, shall be surfaced with a dustless material and shall have bumper and wheel guards where needed.
- l. Any illumination of the area shall be so arranged that the light is reflected away from adjoining premises in a Residential Zone.
- m. Parking areas shall be planted with trees a minimum of four inches in caliper measured six inches above ground level, so that there is at least one tree per ten parking spaces within the parking lot. Such trees must be staked with two three-inch diameter stakes and protected by curbing against damage by vehicles. A minimum planting area equivalent to one hundred eighty square feet per tree shall be provided. Trees must be replaced when damaged or destroyed.

- n. Required parking areas shall have a landscaped island at each end of each row of vehicle spaces and an intermediate island for every fifteen or fewer vehicle spaces. Such landscape islands shall be not less than nine feet wide in the direction parallel to the row and not less than twenty feet along in the direction perpendicular to the row. Each such island shall have a suitable curb of stone or poured-in-place concrete, and shall be planted with grass or ground cover. All hydrants shall be located in such islands.
6. Off Street Loading - On any lot which is hereafter developed for business, industrial, hotel or institutional use, there shall be provided adequate space suitably located on the lot for the loading and unloading of goods and materials. The adequacy and suitability of location, the off-street loading shall be governed by the nature of the use, the volume of the vehicular and pedestrian movement which passes the premises, and the location of the principal building in relation to the street.
  7. Modification of Parking Standards and Requirements. The Commission, in connection with the approval of a Site Plan under these regulations, may grant a Special Exception authorizing a reduction in the number of off-street parking spaces and/or the parking and loading requirements as set forth in this section for uses in the B-202 or B-800 Business Zones subject to the following requirements:
    - a. The Commission shall determine that the proposed size and number of parking and/or loading spaces will safely and adequately serve the proposed use(s). Except where the scope of the proposed modifications are minor, the applicant as part of the Special Exception, shall submit a traffic and parking analysis prepared by a licensed traffic engineer. This analysis shall document the safety and adequacy of the proposed parking plan. The traffic engineer shall recommend such additional conditions as necessary to ensure the safety and adequacy of the traffic and parking plan.
    - b. In reaching a decision on the Special Exception application, the Commission shall:
      - refer to any relevant site design review objectives, guidelines, or principles in the town plan of Development or in any special study or report accepted by the Commission, and
      - determine that the proposed site improvements or Site Plan modifications will substantially improve the appearance of the site, and
      - place special emphasis on the level and quality of improvements to the landscape and Green Space elements of the site, especially within the front yard and other areas of the site visible from the street, and
      - where applicable, determine that improvements to the site will result in reduction in the traffic congestion on State highways 202 or 800

and improve safe access and egress to the site and between adjoining non-residential uses.

- c. A Special Exception Permit for modified parking standards and requirements shall apply to only the use (s) specified in the Special Exception application. This shall include the existing or the proposed uses to be established on the site and may include such other uses which have similar traffic generation characteristics and parking or loading space requirements.

### **Article VI - Section 2 Green Space**

Notwithstanding other portions of these Regulations, no use shall be permitted in any zone which does not leave a minimum of 10 percent of the total (buildable) lot area free of any building, impervious surface material or other structures. Said minimum area shall be planted with grass, moss, ground cover, or trees in such a way as to allow natural percolation or rainwater, and not interfere with adequate drainage of rainwater from surfaced or built-up portions. Such open space shall be for the express purpose of maintaining the street tree belts along the streets dividing parking bays or areas and generally maintaining the open character and appearance of the town.

1. Minimum Green Space shall be that percentage of the "total lot area" which shall be:
  - a. Maintained in a natural vegetative state and/or planted with grass, ground cover, trees or other plants, and
  - b. Free of any building, structure or other impermeable area, and
  - c. Designed and located for the purposes of maintaining green belts along streets, green space within parking areas, and maintaining the open character and appearance of the town, and providing areas on the lot suitable for the absorption and the treatment of storm water runoff.

The term "total lot area" as used in this section shall mean all areas of the lot except the area of any watercourse as defined and that under the Litchfield Inland Wetland Regulations and Map.

### **Article VI - Section 3 Groundwater Protection Requirements**

Where these Regulations require compliance with Groundwater Protection Requirements, the applicant shall submit a Groundwater Protection Plan describing measures which will be taken to eliminate or minimize any potential negative impacts on the quality or quantity of groundwater supplies in Litchfield. The Commission may engage qualified agencies or individuals of its choice to review the Groundwater Protection Plan. If the Commission considers that the proposed

measures will not adequately protect the groundwater supplies, it may request modification of the plan or reject the application. Items which the applicant and Commission shall consider include, but are not limited to, the following:

1. Hazardous materials storage facilities, areas and containers:

- a. Above ground storage facilities for hazardous materials shall, at a minimum, be located within a structure with a base and containment walls, berm or dike made of impermeable materials surrounding the containers. The storage facility and containment area must be of a material compatible with the hazardous materials which it is intended to contain (i.e. - coated concrete or coated metal). The holding capacity of the containment area must be at least 110% of the storage facility capacity.

For a storage facility located within a roofed structure but otherwise exposed to the weather, the containment area shall be designed to enable removal of precipitation accumulation manually or have a drain valve which will allow uncontaminated stormwater to be manually released. Tanks shall be supplied with a mechanical type level gauge, not a sight tube, any may have a top vent pipe or overfill pipe which is directed into the containment area.

- b. Any facility or part of a facility which is underground shall:
  - (1) Be protected against corrosion by use of non-corrosive materials or steel components with factory applied corrosion resistant coating and permanent cathodic protection monitoring devices;
  - (2) Be designed, constructed and installed so as to allow failure determination of all underground piping without the need for substantial excavation; and
  - (3) Be chemically compatible with the contained oil or petroleum liquid as determined by the manufacturer's warranty.

In the case of components such as any pipe used to fill an above ground tank used for on-site heating purposes, secondary containments may be used in place of the requirements in b(1) above.

- c. Drums that contain or have contained hazardous materials shall be sealed or covered at all times when not in use. Stacking of drums is discouraged. Large drip pans must be kept beneath drums which have spigots and are stored in a horizontal position on racks. Empty drums stored outside must be kept closed.
- d. Incompatible hazardous materials must be kept separated from each other by a berm, dike, wall or distance sufficient to prevent a fire, explosion, or release of toxic fumes. Storage facilities must be properly labeled with contents. "No Smoking" signed must be located in conspicuous places wherever ignitable and reactive hazardous materials are stored.

- e. Storage of chloride salts or coal shall be in watertight, ventilated structure constructed on a base of impermeable material. Any outside area used for loading, handling or mixing of salt shall be designed so as to prevent seepage and runoff from entering groundwater or any watercourse.
- f. Dumpsters which are used to store industrial or commercial wastes must be covered or located within a roofed area and must have drain plugs intact.
- g. Potentially contaminated scrap, including but not limited to scrap parts, batteries and used filters shall be stored in proper containers to prevent environmental release of contaminants.
- h. No steam cleaning of barrels or other equipment shall be performed outside unless provisions are made to prevent the contamination of groundwater.
- i. Hazardous material storage facilities may not be located near the floor drains and must be designed such that the hazardous materials cannot travel to a floor drain should a spill or leak occur.

Interior floor drains may not be directed to any stream, storm drain, subsurface leaching system or dry well. Interior floor drains from any process areas may not be directed to a sanitary sewer without treatment.

- j. Loading and unloading dock areas for hazardous materials must be designed to contain a liquid hazardous material should a spill or leak occur using techniques including surfaces of impermeable materials, drains with retention basins, and others as may be appropriate for the materials and the site.
2. Areas which might be used in a manner that could result in the introduction of hazardous materials into the ground (such as a parking lot) must be designed to prevent such potential pollution. If prevention is impossible, alternative designs and structural solutions must be discussed in the Plan in terms of their ability to minimize the risk of pollution.

Any outdoor surface made of impermeable materials (such as a parking lot) must be constructed or equipped with the proper mechanisms to prevent any groundwater contamination that may result from a use that can be reasonably anticipated. Appropriate mechanisms may include retention basins with oil, grease and sediment traps; other devices may be necessary depending on the potential use and the nature of the site. Such mechanisms shall be designed in proportion to the size of the impermeable materials surface to as to accommodate all run-off that would result from the most severe rainfall. The Plan must include a schedule for the maintenance of the mechanisms to be used.

3. The use of potentially harmful fertilizers and pesticides must be limited and alternatives with minimum environmental impact shall be discussed and evaluated in the Plan.
4. For any other storage or use area dealing with a Hazardous Material not covered here, Best Management Practices shall be employed. If Best Management Practices are not available, then an alternative plan shall be developed by the project applicants.

**Article VI - Section 4  
Habitable Floor Area Requirements**

1. The following minimum habitable floor area shall be required for each dwelling unit constructed or converted except for those in multi-family developments.
  - a. Single family dwelling - 800 square feet.
  - b. Two-family dwelling (duplex) 800 square feet for each single family dwelling unit.
2. The following minimum habitable floor areas shall be required for each dwelling unit in multi-family developments:
  - a. Dwelling units with less than three rooms: 600 square feet.
  - b. Dwelling units with three rooms: 725 square feet.
  - c. Dwelling units with more than three rooms: 625 square feet plus 125 square feet for each additional room over three rooms.

In applying these habitable floor area requirements, bathrooms with less than 60 square feet and kitchens with less than 90 square feet shall be counted as half a room.
3. Accessory apartments and apartments in business buildings: 500 square feet.
4. Accessory buildings are exempted (see definition).

**Article VI - Section 5  
Lots in Residential Zones**

**Section 5A  
Interior Lots**

An interior lot is defined as a lot that does not meet the requirement for minimum lot width. (See Article IV)

An interior lot may be permitted in any Residential Zone upon the granting of a Special Exception subject to the general standards of Article VIII, and subject to the following specific requirements:

1. It shall be served by an access way of not less than 40' in width at all points. The applicant shall show the location of the driveway within the access way. The driveway shall have a maximum grade of 12%. A grade of up to 15% may be permitted for a length of no more than 100'. For driveways in excess of 200' in length, the Commission may require pull off areas which will permit two vehicles to pass. For lengthy or steep driveways, the Commission may also require a pull off or parking area located at or near the intersection of the driveway with the Town road.
2. The access way shall be owned in fee simple by the owner of said interior lot.
3. In no case shall the area of the access way be included in the calculation of the required minimum lot area for the interior lot.
4. The interior lot shall meet all dimensional requirements of these Regulations, however, the "street" line of the interior lots shall be that lot line which intersects the access way and is most parallel to the street line.
5. Interior lots may be permitted where the application meets the following criteria and requirements:
  - a. General: The applicant shall show that the design and layout of the proposed interior lots will be in keeping with the Town Plan of Development.
  - b. Specific: The applicant shall show that the interior lots will preserve important natural resource features as identified on the Town Plan of Development maps and other studies adopted by the Commission, including, but not limited to stream belt lands, farmlands (especially active farmland), land on ridge lines, and will result in the preservation of the natural landscape along a Town road or the view from a Town road or proposed subdivision road.
  - c. When necessary to satisfy the above stated criteria, the subdivision plan shall limit on the interior lot, the area within which the house and driveway may be constructed.
6. No two access ways to interior lots shall be closer to each other than the minimum lot width measured along the street line.
7. In the R-30H Zone, R20 and R-20H Zones, all interior lots shall be not less than 40,000 square feet. In R-80 Residence Zone, all interior lots shall be not less than 120,000 square feet. In the R-160 Residence Zone, all interior lots shall be not less than 200,000 square feet.
8. In any Residential Zone, as part of a subdivision plan, the Planning and Zoning Commission may approve two interior lots or an interior lot and a lot meeting the Lot Width requirements of these Regulations ("front" lot) to be served by a single access way provided:
  - a. That the access way has a minimum 50 foot width at all points, and

- b. The access way is under joint ownership of the owners of the lots it serves, and
  - c. A deed provision to this effect is approved by the Commission's attorney, and
  - d. The application approval is conditional upon the use of the said deed requirement, and
  - e. In the R-30H Zone all of the above shall apply and in addition the traveled surface of the driveway shall be no more that 12 feet in width.
  - f. For driveways in excess of 200' in length the Commission may require pull off areas which will permit two vehicles to pass. For lengthy or steep driveways the Commission may also require pull off or parking area located at or near the intersection of the driveway with the public road.
9. Within the R-30H Zone, a residential dwelling or accessory building on an interior lot shall be not less than 300 feet from the right-of-way of the nearest existing public street. The Commission may increase this requirement up to 600 feet in order to reduce any adverse visual impact of the new buildings on the historic streetscape considering:
- a. The scale and proximity of existing structure.
  - b. The topography of the site, and;
  - c. Reasonable use of the property consistent with the objectives of the R-30H Zone.

**Article VI - Section 5B  
Lots on a Common Driveway**

1. A lot including any interior lot, with driveway access to a Common Driveway (as defined in Section 6.5.1 of the Subdivision Regulations) shall be subject to a Special Exception according to the general standards of Article VIII, and the following specific requirements:
- a. Lots on a Common Driveway shall be permitted in the R-160 and R-80 Residential Zones only.
  - b. The number of lots permitted on a Common Driveway shall be more than two (2) but not more than a total of six (6) lots. There shall be no more than four (4) interior lots on a Common Driveway.
  - c. A "front" lot which is proposed contiguous to a Common Driveway shall have its driveway access from the Common Driveway, except under the following conditions: - where the applicant demonstrates there is no driveway corridor which meets the grade requirement in Section 5. 4 of the Subdivision Regulations, or - where the report from the Inland Wetlands Commission recommends location of the driveway corridor from a Street. (A "front" lot is a

lot which meets the requirement of these regulations for LOT WIDTH. (See Article IV)

- d. As a condition of approval the Commission may prohibit driveway access from a front lot to the street.
2. A lot(s) approved as a Special Exception on a Common Driveway shall be subject to the following conditions which shall be specified in the approval:
    - a. "The owners of lots on a Common Driveway shall share in the ownership and the maintenance cost of the Common Driveway. Lots on a Common Driveway are subject to Special Exception requirements including the limitation that not more than six (6) lots shall be permitted with driveway access to a Common Driveway unless and until the Common Driveway is improved at no cost to the Town of Litchfield to the requirements of a Local Street as specified in the current Subdivision Regulations and Town Road Ordinance."
  3. The Common Driveway shall meet the design and construction requirements set forth in the Subdivision Regulations.
  4. Subject to the approval of the Commission, the method for ownership and maintenance of the Common Driveway and any other common element associated with lots on a Common Driveway shall be as follows:
    - a. Where the plan proposes creation of common ownership interests subject to the Common Ownership Interest Act (COIA), Chapter 82B of the Connecticut General Statutes, the applicant shall provide a report from an attorney at law which identifies the common interests subject to COIA and that portion of the COIA document relating to the ownership and maintenance of the Common Driveway and other common interests.
    - b. Where the subdivision proposes creation of common interests which are not subject to the Common Interest Act the responsibility for all maintenance, improvements and liability associated with the Common Driveway or other common interests shall be in a homeowners association.
      - (1) Membership in the homeowners association shall be mandatory for all said lot owners each of whom shall have an undivided interest in the common Driveway or other common interest elements. Said association shall have the power to assess members for all necessary costs.
      - (2) Applicants shall provide the Commission with copies of proposed deed covenants which shall identify Common Driveway maintenance responsibilities and other responsibilities of the homeowners association. Covenants in the deeds to property owners to all lots shall oblige the grantee, his heirs, successors and assigns to share with all other building lot owners in such expenses.

- (3) These covenant provisions shall appear on the final plan map and shall be filed with the Town Clerk. It shall be the responsibility of the applicant to legally establish the homeowners association. The legal agreement and the by-laws of the association shall be submitted along with the deed covenants for review and acceptance by the Commission's attorney. The approved agreement and by-laws shall be filed with the Town Clerk with the final subdivision map.
  - (4) The Town must be authorized to assure compliance with all responsibilities related to the Common Driveway or other common elements of vital interest to the Town. The Town must be empowered to assess the association for all costs incurred for such purposes.
5. A lot on a Common Driveway shall be subject to the requirements of Section 5A.5 above and the following additional requirements:
- a. The design and layout of the lot(s) and Common Driveway shall provide safe access for emergency services, and
  - b. The Commission shall be assured that the ownership and the responsibility for maintenance of the street will remain private.

**Article VI - Section 5C  
Lots in the RHC40 Zone**

The Special Exception shall be subject to the following standards and requirements in addition to the requirements of Article VIII and where applicable the requirements of the Subdivision Regulations.

- 1. The Special Exception application shall show that compared to a lot(s) designed according to the conventional requirements that the lot layout proposed will result in the preservation of the view from the highway, especially open fields, trees and other substantial natural vegetation, views and vistas. The application shall clearly demonstrate scaled plans, illustrations and drawings showing home locations, vegetation, and other site features as viewed from the highway.
- 2. Where land, vegetation or other site features are to remain undeveloped as part of the plan for protection of the view from the highway these areas shall be placed under a conservation easement deeded to a qualified land saving organization, or to the Town of Litchfield where the Town has determined that it is the Town's best interest to hold such an easement.

**Article VI - Section 6  
Non Conforming Uses, Buildings/Structures and Lots**

**1. Definition**

A non-conforming situation is any use, building, structure, or lot or any use of any building, structure or lot, lawfully existing at the time of the adoption of these Regulations or any relevant amendment thereto which does not conform to the

requirements of these Regulations or such amendment. Non-conforming situations are as follows:

- a. Non-conforming lots  
One which does not meet the area or dimension requirements for a lot, such as the lot area requirement.
- b. Non-conforming building or structure  
One which does not meet one or more of the dimension requirements for building location on a lot.
- c. Non-conforming Use  
A use of a lot, building or structure which has legally existed since before the adoption of these Regulations or any relevant amendment thereto and that does not meet the use requirements for the one zone in which the building, structure or lot exists. A non-conforming use may be a non-conforming use of land only, of a building or structure only, or of a building, structure and land in combination.

## **2. Purpose.**

As required by Connecticut General Statutes Section 8-2, these Regulations do not prohibit the continuance of any non-conforming use, lot, building or structure legally existing at the time of the adoption of these Regulations or any relevant amendment thereto. It is the public policy of the Town of Litchfield, and the intent of these Regulations, that the degree of non-conformity in any non-conforming situations be eliminated, as quickly as possible.

## **3. General Rule Concerning Change of Non-conforming Situation to Conform:**

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

## **4. Non-conforming Lot:**

A non-conforming lot is a lot which does not conform to the minimum lot area or other lot dimensional requirement of these Regulations as set forth in Article IV and the footnotes thereto. Regarding a non-conforming lot which was established prior to December 17, 1987 the side yard requirements shall be the same as provided under Article IV, Section 2C, footnote 2 "Lots of Record in the R80 or R160 Zone which were established prior to December 17, 1987.

## **5. Change of Non-conforming Use of Land, Building or Structure:**

In determining whether an activity represents a change in non-conforming use, consideration shall be given to three factors:

- a. The extent to which the new use reflects the nature and purpose of the original non-conforming use;
- b. Any difference in the character, nature and kind of use involved, and

- c. Any substantial difference in effect upon the neighborhood resulting from the differences in the activities conducted on the property.

Where such a change of non-conforming use is proposed, the Commission may approve that change if it finds that the proposed non-conforming use will not have an adverse effect on the zone, the neighborhood and surrounding properties greater than the effect the current non-conforming use has. In reaching this determination the Commission shall consider but not be limited to the following factors: traffic (both type and volume), number of uses permitted, noise, lighting, parking, and external alterations to the building and lot.

The Commission may attach appropriate conditions and safeguards to the approval of such change of non-conforming use where such conditions are determined necessary to ensure that the proposed non-conforming use will not have a greater adverse effect upon the zone, the neighborhood and surrounding properties than the current non-conforming use has.

As part of the application for a change of non-conforming use the Commission may require the applicant to submit a Site Plan prepared in accordance with the requirements for any proposed change which affects site or exterior building improvements.

"Applicants are encouraged to submit a Site Plan that is consistent with the recommendations of the "Litchfield Design Guidelines" report and the Litchfield Treescape Plan, "both of which are available in the Land Use Office. Applicants are also encouraged to submit proposed Site Plans for review by the Design Review Advisory Committee (DRAC). The Commission shall consider the report and recommendations of the DRAC in reaching a decision on a Site Plan application."

Off street parking shall be provided to meet the requirements of these Regulations for the proposed change of use.

**6. Enlargement of Buildings Containing a Non-conforming Use:** A building containing a non-conforming use in a Residential Zone shall not be enlarged in total floor area or volume, except by a Special Exception approved by the Commission in accordance with Article VIII and the following standards and requirements:

- a. Commission shall find that the proposed enlargement will not have significant additional adverse impact upon the surrounding land uses and the neighborhood
- b. The applicant shall provide a statement from the assessor or copies of the assessor's records documenting that the building has not been expanded since the date it became non-conforming. Where the building was previously expanded the applicant shall document that the expansion was approved by the Commission and the total floor area of the expansion does not exceed 25% of the total floor area of the building which is devoted to the non-conforming use.

- c. The total floor area of the enlargement shall not exceed 25% of the total habitable floor area legally dedicated to the non-conforming use at the time it became non-conforming (including any previously granted approval for expansion).
- d. Enlargements shall be allowed only to an existing building containing a non-conforming use. No new building or structure containing a non-conforming use shall be permitted.
- e. The total maximum building coverage of the lot with the enlargement shall not exceed 25% of the total lot area.
- f. Only portions of the building or structure that meet the yard and set back and other dimensional requirements of these Regulations as set forth in Article IV, Section 2B shall be eligible for this Special Exception and the location and dimensions of the enlargement shall conform to the requirements of Article IV Section 2B. .
- g. Off street parking spaces meeting the requirements of these Regulations shall be provided on the lot.

#### **7. Enlargement or Additions**

No non-conforming building or structure shall be altered, enlarged or extended in any way that increases the area or space of that portion of the building or structure which is non-conforming. This prohibition includes but is not limited to second story additions or similar additions to the height or bulk of that portion of a building which is non-conforming.

#### **8. Change to a Non-conforming Sign**

A non-conforming sign is a sign existing prior to the effective date of these Regulations (or pertinent amendment thereto) which does not meet the size, height, location, lighting or other requirements of these Regulations.

A non-conforming sign may be continued or repaired provided such repair does not result in an increase in the area of such sign or otherwise increase its non-conforming condition. Once a non-conforming sign is removed it shall not be reestablished.

Where the commission approves a change from one non-conforming use to another non-conforming use the new use may continue to utilize the existing sign space. A change in the location of sign space may be permitted by the Commission only where there is a reduction of the existing sign area and where in the opinion of the Commission the proposed signage will be more suitable for the lot and for the surrounding neighborhood.

#### **9. Improvements and Repair**

A non-conforming building or structure may be improved, repaired or reconstructed as made necessary by wear and tear or deterioration, however substantial improvements to buildings or manufactured homes in the Floodplain

Overlay Zone shall be subject to the requirements of the Floodplain Overlay Zone.

#### **10.Casualty**

Any non-conforming building or structure which has been damaged or destroyed by fire, flood, explosion, act of God or public enemy may be restored and used in the manner in which it exists and was used prior to such damage. Any such restoration within the Flood Plain Overlay Zone shall meet the standards and conditions for said zone.

- 11.** Nothing in this Section shall require any change in the plans, construction, or designated use of a building for which a building permit has been issued in accordance with these Regulations, provided construction commences prior to the adoption of these Regulations or any relevant amendment thereto, and is completed within one year of adoption of same.

#### **12.Abandonment of a Non-conforming Use**

Such regulations shall not prohibit the continuance of any nonconforming use, building or structure existing at the time of the adoption of such regulations. Such regulations shall not provide for the termination of any nonconforming use solely as a result of nonuse for a specified period of time without regard to the intent of the property owner to maintain that use.

Whenever a non conforming use of land, building or structure or any portion thereof, has been abandoned, such non conforming use shall not thereafter be reestablished and all future use shall be in conformity with these Regulations.

- 13.** The Commission may approve, as a Special Exception, a change of location of a pre-existing non conforming use located within a shopping center in the B202 zone to another location within the same shopping center if the current use is located in a shopping center provided:
- (a) The applicant and property owner provide proper legal documentation satisfactory to the Commission that the current pre-existing non conforming use location shall be considered abandoned and that no other non conforming use shall be eligible to utilize such abandoned space in the shopping center unless pursuant to an application under this section and;
  - (b) The total floor area at the new location in the shopping center may be increased by no more than 30% of the floor area of the current location.
  - (c) A "shopping center" for the purpose of this regulation shall be defined as a group of commercial or other uses permitted in the B202 zone located on common property that has been planned, developed and is owned or managed as a unit with common off-street parking and a common access way.

**Article VI - Section 7**  
**Non-Residential Development in Residential Zones**

1. Statement of Purpose and Application

The purpose of this section is to provide site design standards which will protect residential property values and the appearance of residential neighborhoods. This is accomplished by establishing site design standards to control new and especially large non-residential uses requiring building location and site design that is in scale with the surrounding residential uses and blends with the natural terrain of the site.

The following site design standards shall be in addition to any other applicable zoning requirement. These standards shall apply in the R-160, R-80, R-60, RHC-40, R-30H, R-20, and R-20H zones to all buildings and accessory structures associated with any permitted use or Special Exception use with the following exceptions:

- a. Buildings and accessory structures designed or intended for residential dwelling purposes.
- b. Buildings and accessory buildings and structures designed and intended for farm use.

For the purpose of this sub-section the term "existing" shall be defined as the non-residential buildings or structures of a lot existing on July 6, 1992 - the original effective date of this section of these Regulations.

c. Additions to existing non-residential buildings

The applicant may choose and apply only one of the following formulas for all building additions: - The total floor area of the addition(s) to an existing building(s) shall not exceed 25% of the total floor area of all existing buildings on the lot, OR - The total building coverage (footprint) of the addition(s) to an existing building(s) shall not exceed 25% of the total building coverage (footprint) of all existing buildings on the lot, provided the total floor area of the addition(s) shall not exceed 35% of the total floor area of all the existing buildings on the lot.

2. Standards for Lot Coverage

The following standards limit the developed portion of a lot and the total floor area of the building(s) on a lot as a percentage of the Total Lot Area. These standards are consistent with the purposes of the Town Plan of Development and the intended scale of development in Residential Zones.

- a. The maximum percentage of total building(s) footprint to the Total Lot Area shall be 10%. (Building Footprint is the area within the foundation of a building.)
- b. The maximum percentage of total habitable floor area of all buildings to the Total Lot Area shall be 15%.

- c. The maximum percentage of all surfaces covered with an impermeable material to the Total Lot Area shall be 25%.
3. **Location Requirements for Large Buildings**  
Each non-residential building with a building footprint in excess of 4,000 square feet shall be setback from the front, side and rear Lot line by the distance required for the front, side and rear yard for the zone in which the building is located (see Article IV, Section I) plus an additional 25 feet from the front, side and rear yard line for each 1,000 square feet, or fraction thereof, of building footprint in excess of 4,000 square feet.
  4. **Location of Parking and Driveways**  
No parking area or internal driveway(s) connecting parking areas shall be permitted within the minimum front, side or rear yards. No above or below ground parking structure shall be permitted.
  5. **Site Grading**  
Grading of the site within the required yards shall be kept to a minimum. Where grading is permitted within a required yard the finished grade shall not vary from the original grade before construction by more than 3 percent.
  6. **Landscape Buffers**  
Natural stands of trees and shrubs located within the required yards shall be preserved wherever possible. The Commission shall require planting of additional trees and shrubs on the lot to provide a visual buffer between the proposed buildings and structures and any adjacent residentially zoned property and from the street.

**Article VI - Section 8  
Outdoor Lighting**

All external illumination shall be directed or shielded in such a manner that the source (bulb, tube, etc.) of light will not be visible from any street or from any adjoining property and that the illuminated areas shall be confined essentially to the property where the illumination originates.

**Article VI - Section 9  
Open Space (Section 12 - 107e, C.G.S.)**

The Planning and Zoning Commission of the Town of Litchfield designates as open space land, within the comprehensive plan, under Section 12-107e of the general statutes, all undeveloped land, with the following exceptions:

1. At least the area of one lot within a zone.
2. All lands designated farm lands under Section 12-107c of the general statutes.
3. All lands designated forest lands under Section 12-107d and 12-76 of the general statutes.
4. All lots of record in the office of the Town Clerk, which have been approved by the Planning and Zoning Commission as part of a building lot subdivision plan,

excluding open space designated areas. Any such lot, which has an area more than twice the minimum area required in the zone, shall have the land in excess of twice the minimum area, classified as open space.

5. All land zoned commercial, industrial or any other lands which permit greater density uses than single family dwellings.
6. Any land designated open space by the Assessor for which an application to subdivide into lots has been made to the Planning and Zoning Commission. Effective on the date of approval as a subdivision or resubdivision, the land shall be removed from an open space designation and a conveyance tax paid if required under Public Act 152 of the general statutes. Any lot created by subdivision or resubdivision of land previously designated open space, after payment of conveyance tax attributable to the subdivision or resubdivision, may be reclassified by the Assessor as open space, assuming it remains otherwise qualified, provided that the reclassification date shall become the date used to compute any further conveyance taxes that may become due and payable.

#### **Article VI - Section 10 Signs**

1. The following signs and no others are permitted as accessory use on Residence and RMF Zones:
  - a. One sign up to two square feet in area giving the name of the land or buildings on which displayed, or of the owner or lessees thereof, and of his profession or activity.
  - b. "No Trespassing" or other signs indicating the private nature of premises, up to two square feet in area.
  - c. Non-illuminated temporary signs up to six square feet in area pertaining to sale or lease of premises where displayed, or construction under way. Such signs shall be removed when the premises is sold, rented, or constructed.
  - d. Town, State, Federal, Church, or School bulletin boards up to 16 square feet.
  - e. One sign of up to 10 square feet in area for a Farm or Farm Winery.
2. The following signs and no others shall be permitted in B, BH, PO, PB, I and PI Zones:
  - a. Any sign permitted in a Residence or RMF Zone.
  - b. Business and advertising signs providing that the total area of all signs on a lot shall not exceed one square foot in area for every foot of frontage occupied by the principal structure on the lot, or 100 square feet, whichever is less. Only one side of the principal structure shall be used to compute the maximum sign area. All signs shall be located behind the building line.
  - c. The Commission may permit the construction of business signs meeting the area limitations in section (b) above, in required yards on lots fronting on Route 202 as a Special Exception, in accordance with Article VIII, provided that no sign shall be located closer than 15 feet to the right of way, and that all the other requirements of this Section of the Regulations on "Signs" have been met.

- d. Shopping centers and Industrial Parks may be permitted to display a directory - identification sign in a front yard, suitable in size and location to the individual site subject to a Special Exception according to Article VIII.
- e. Open or Decorative Flag for Commercial Use:

I. One flag with the word "Open" or one flag with a logo, symbol, or other decorative design appropriate to a commercial use may be permitted by each business on a commercial lot in a business zone or on a lot in association with non-conforming commercial use provided that:

- i. The size of the flag shall not exceed 3' x 5'.
- ii. The location of the flag shall not obstruct pedestrian or sight lines and shall be approved for safety by the Zoning Enforcement Officer.
- iii. The flag shall not be illuminated.
- iv. The flag shall be on display during business hours only.
- v. The owner of the use shall apply for a permit from the Zoning Enforcement Officer.
- vi. The flag shall be located on the building or the freestanding sign associated with its commercial use

II. Within the BH Zone, the applicant shall receive approval from the Historic District Commission for the location of the flag, the flag, the type of holder and the flagstaff to be used for any open or decorative flag.

### 3. Requirements for all signs in All Zones:

- a. No sign shall advertise or refer to an activity, use, structure, or business which does not take place or which is not located on the same lot as the sign.
- b. No sign shall be of the flashing, animated, pulsing, moving or rotating type.
- c. Signs must be constructed of good material, firmly supported, maintained in good condition and repair, and removed when the purpose for which they were erected no longer exists. Pennants, flags and banners, such as those made of cloth, aluminum or plastic shall not be allowed.

This provision does not apply to the display of National or State flags, or the display of flags or banners by a church, club, institution, or campaigns, drives, movement or event.

- d. No sign shall be affixed to the roof of any building. No sign attached to a building shall project higher than 15 feet as measured from the highest point of the sign to the average level of the outside ground level along the wall of the building to which it is attached. No free standing sign shall project higher than 15 feet as measured from ground level.
- e. Naked or unshaded incandescent or fluorescent electric light bulbs shall not be allowed by themselves or as part of any sign, except as part of Holiday Season decorations or community events or celebrations.
- f. The Zoning Officer may order the removal of any signs that are not maintained or erected in accordance with the provisions of this section. Any person, firm or corporation violating the provision of this section shall be punishable by a fine as provided for in the Connecticut General Statutes.

**Article VI - Section 11  
Design Review Advisory Committee**

**1. Purpose**

The Litchfield Design Review Advisory Committee (hereinafter referred to as the "Committee") is an advisory body charged with the duty to review and offer design recommendations on applications for properties located in the following zones: RMF-160, B800, B202, PB, MO, PO, I, PI and in residential zones with nonconforming commercial properties.

**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 new construction
- C. Any substantial modification to a site that requires changes to the following: paved areas, traffic flow, landscaping, lighting, site mechanicals and signage.
- D. All exterior additions or modifications to structures that require a building permit and a zoning permit.

**3. CRITERIA**

- A. 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.
- B. 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.

C. Relationship of Building to Site:

1. 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.
2. The visibility of parking areas from streets should be restricted by means of plantings, berms, decorative walls, building, or other means.
3. 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 area's visual impact.

D. Relationship of Buildings and Site to Adjoining Area:

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

E. Landscape and Site Treatment:

1. Where existing topographic patterns and vegetation contribute to the beauty of a development, they should be preserved.
2. 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.
3. In areas where plantings will not thrive other materials such as fences, berms or walls should be used.
4. 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. The lighting shall comply with Article VI, Section 8 of the zoning regulations.

F. Building Design:

1. 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.
2. Buildings should have a good scale and be in harmony with the neighboring development.
3. Materials should be selected so that the proposed structure is in harmony with

the adjoining structures.

4. Materials should be of a durable quality.
5. Building components, such as windows, doors, eaves and parapets, should have good proportions and relationships to one another.
6. Colors should be harmonious and should use only compatible accents.
7. 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 be visible from public areas.
8. Monotony of design in single or multiple building projects should be avoided. Variation in detail, form, and siting should be used to provide visual interest.

#### G. Signs

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

### **4. APPLICATION**

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

1. 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.
2. 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.
3. Samples of exterior building materials including sample colors.
4. The size, colors, location, and lighting should be shown for all signs.
5. Information should be presented on how the proposed building or sign will complement the existing neighboring structures.
6. The applicant should present any other information that the applicant deems necessary to aid the Committee in evaluating the design.

### **5. WAIVER**

The Planning and Zoning Commission, on written request by the applicant, may by resolution, waive the required submission of that part of the information as

specified under subsection 4 hereof, if the Commission finds that the information is not necessary in order to determine compliance with these regulations. The Commission may require the applicant to provide additional information and data for clarification purposes and to implement the purpose of the required architectural review by the Committee.

**ARTICLE VII**  
**OVERLAY ZONES AND PLANNED DEVELOPMENT ZONES**

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**Article VII - Section 1**  
**Flood Plain Overlay Zone (FPOZ)**

The Flood Plain Overlay Zone includes all special flood hazard areas designated as Zone A, A1, A30 AH and AE, on the Litchfield Flood Insurance Rate Maps (FIRM), and the Flood Boundary and Floodway maps, dated January 2, 1992 on file with the Town Clerk. These maps as well as the accompanying Litchfield Flood Insurance Study or any revision thereto are incorporated herein by reference.

**Statement of Purpose**

It is the purpose of this regulation to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. regulate uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood velocities;
2. require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
4. control of filling, grading, dredging and other development which may increase erosion or flood damages;
5. regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands, and;
6. qualify and maintain for participation in the National Flood Insurance Program.

**Objectives**

The objectives of this regulation are:

1. to protect human life and health
2. to minimize expenditure of public money for costly flood control projects;
3. to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public
4. to minimize prolonged business interruptions;
5. to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, sewer lines, streets and bridges located in areas of special flood hazard;

6. to help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
7. to provide that developers are notified that property is in an area of special flood hazard; and,
8. to ensure that those who occupy the area of special flood hazard assume responsibility for their actions

## **Definitions**

AREA OF SPECIAL FLOOD HAZARD - The land in the floodplain within a community subject to one percent or greater chance of flooding in any given year.

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

BASEMENT – Means that portion of a building having its floor subgrade (below ground level) on all sides.

DEVELOPMENT - Means 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 or equipment.

FLOOD INSURANCE RATE MAP – Means an official map of a community on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the applicable risk premium zones.

FLOOD INSURANCE STUDY – Is the official report by the Federal Emergency Management Agency. The report contains flood profiles, the water surface elevation of the base flood, and other flood data.

FLOODWAY - Means 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.

LOWEST FLOOR - Means 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. These areas must be designated in accordance with the definitions of “elevated building” and Subsection 3, Specific standards.

MANUFACTURED HOME - Means 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 recreational vehicles, park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

MEAN SEA LEVEL - Means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Maps are referenced.

NEW CONSTRUCTION - Means structures for which the "start of construction" commenced on or after the effective date of these regulations and includes any subsequent improvements to such structures.

RECREATIONAL VEHICLE – means a vehicle which is (I) built on a single chassis;(II) 400 square feet or less when measured at the largest horizontal projections; (III) designed to be self-propelled or permanently towable by a light-duty truck; and (IV) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

START OF CONSTRUCTION - 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 excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation of the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure.

STRUCTURE – means a walled and roofed building that is principally above ground, a manufactured home, or a gas or liquid storage tank.

SUBSTANTIAL DAMAGE – means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT - Means any combination of repairs, reconstruction, alteration, or improvements to a structure taking place over a ten (10) 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 either the appraised value of the structure prior to the start of the initial repair or improvement, or in the case of damage, the value of the structure prior to the damage occurring. For the 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 project for improvement of a structure 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 floodplains of coastal or riverine areas.

#### **Article VII – Section 1 - Subsection 1 General Provisions**

Lands to which this law applies. This regulation shall apply to all areas of special flood hazard within the jurisdiction of the Town of Litchfield.

Basis for establishing the areas of Special Flood Hazard. The areas of special flood hazard are identified and defined on the following documents prepared by the Federal Emergency Management Agency;

1. Flood Insurance Rate Map (multiple panels) No. 8 and 13, whose effective date is 1/2/92.
2. Flood Insurance Rate Map (multiple panels) No. 11, whose effective date is 7/3/90.
3. Flood Insurance Rate Map (multiple panels) No. 1, 2, 3, 4, 6, 7, 9, 10, 12, 14, 15, 16, 17, 18, whose effective date is 6/15/82.
4. Flood Insurance Rate Map (single panel) Index No. 090047 0001-0018, whose effective date is 1/2/92.
5. A scientific and engineering report entitled "Flood Insurance Study, Town of Litchfield, Litchfield County" dated 1/2/92.
6. Flood Boundary and Floodway Map (single panel) Index No. 090047 0001-0018 whose effective date is 1/2/92.
7. Flood Boundary and Floodway Map (multiple panels) No. 8, and 13, whose effective date is 1/2/92.
8. Flood Boundary and Floodway Map (multiple panels) No. 1, 6, 10, 15, 17, whose effective date is 6/15/82.

The above documents are hereby adopted and declared to be a part of this regulation. The Flood Insurance Study and/or maps are on file at: The Litchfield Town Clerks Office.

### **Interpretation and Conflict with Other Laws**

This Regulation includes all revisions to the National Flood Insurance Program through November 1, 1989, and shall supersede all previous laws adopted for the purpose of flood damage prevention.

In their interpretation and application, the provisions of this regulation shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and welfare. Whenever the requirements of this regulation are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

### **Severability**

The invalidity of any section or provision of this regulation shall not invalidate any other section or provision thereof.

### ***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 area of special flood hazards to uses permitted within such areas will be free from flooding or flood damages. This regulation shall not create liability on the part of the Town of Litchfield, any officer or employee thereof, or the Federal Emergency management Agency, for any flood damages that result from reliance on this regulation or any administrative decision lawfully made there under.

## **Article VII – Section 1 - Subsection 2 Administration**

### ***Designation of the Local Administrator***

The Zoning Enforcement Officer is hereby appointed Local Administrator to administer and implement this regulation by granting or denying floodplain development permits in accordance with its provisions.

### ***The Floodplain Development Permit***

Purpose. A floodplain development permit is hereby established for all construction and other development to be undertaken in areas of special flood hazard in the community for the purpose of protecting its citizens from increased flood hazards and insuring that new development is constructed in a manner that minimizes its exposure to flooding. It shall be unlawful to undertake any development in an area of special flood hazard, as shown on the Flood Insurance Rate Map enumerated in Subsection 1, without a valid floodplain development permit.

Application for a permit shall be made on forms furnished by the Local Administrator and may include, but not be limited to: plans, in duplicate, drawn to scale and showing: the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.

***Application for a Permit***

The applicant shall provide at least the following information, where applicable. Additional information may be required on the permit application form.

1. The proposed elevation, in relation to mean sea level, of the lowest floor (including basement or cellar) of any new or substantially improved structure to be located in Zones A1-A30, AE or AH, or Zone A if base flood elevation data are available. Upon completion of the lowest floor, the permittee shall submit to the Local Administrator the as-built elevation, certified by a licensed professional engineer or surveyor.
2. The proposed elevation, in relation to mean sea level, to which any new or substantially improved non-residential structure will be flood-proofed. Upon completion of the flood-proofed portion of the structure, the permittee shall submit to the Local Administrator the as-built flood-proofed elevation, certified by a professional engineer or surveyor.
3. A certificate from a licensed professional engineer or architect that any utility flood-proofing will meet the criteria in Subsection 3, Utilities.
4. A certificate from a licensed professional engineer or architect that any nonresidential flood-proofed structure will meet the flood-proofing criteria in Subsection 3, Non-Residential Structures.
5. A description of the extent to which any watercourse will be altered or relocated as a result of proposed development. Computations by a licensed professional engineer must be submitted that demonstrate that the altered or relocated segment will provide equal or greater conveyance than the original stream segment. The applicant must submit any maps, computations or other material required by the Federal Emergency Management Agency (FEMA) to revise the documents enumerated in Subsection 1, when notified by the Local Administrator, and must pay any fees or other costs assessed by FEMA for this purpose. The applicant must also provide assurances that the conveyance capacity of the altered or relocated stream segment will be maintained.
6. A technical analysis, by a licensed professional engineer, if required by the Local Administrator, which shows whether proposed development to be located in an area of special flood hazard may result in physical damage to any other property.

7. In Zone A, when no base flood elevation data are available from other sources, base flood elevation data shall be provided by the permit applicant for subdivision proposals and other proposed developments (including proposals for manufactured home and recreational vehicle parks and subdivisions) that are greater than either 50 lots or 5 acres.

### **Duties and responsibilities of the Local Administrator**

Duties of the Local Administrator shall include, but not be limited the following.

### **Permit Application Review**

1. The Local Administrator shall conduct the following permit application review before issuing a floodplain development permit:
  2. Review all applications for completeness, particularly with the requirements of Subsection 2, application for a permit, and for compliance with the provisions and standards of this regulation.
  3. Review subdivision and other proposed new development, including manufactured home parks to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in an area of special flood hazard, all new construction and substantial improvements shall meet the applicable standards of Subsection 3, Construction Standards and, in particular, Subdivision Proposals.
  4. Determine whether any proposed development in an area of special flood hazard may result in physical damage to any other property (e.g., stream bank erosion and increased flood velocities). The Local Administrator may require the applicant to submit additional technical analyses and data necessary to complete the determination.
  5. If the proposed development may result in physical damage to any other property or fails to meet the requirements of Subsection 3, Construction Standards, no permit shall be issued. The applicant may revise the application to include measures that mitigate or eliminate the adverse effects and re-submit the application.
  6. Determine that all necessary permits have been received from those governmental agencies from which approval is required by State or Federal law.

### **Use of Other Flood Data**

1. When the Federal Emergency Management Agency has designated areas of special flood hazard on the community's Flood Insurance Rate Map (FIRM) but has neither produced water surface elevation data (these areas are designated Zone A on the FIRM) nor identified a floodway, the Local

Administrator 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 paragraph 7, Application for a Permit, as criteria for requiring that new construction, substantial improvements or other proposed development meet the requirements of this regulation.

2. When base flood elevation data are not available, the Local Administrator may use flood information from any other authoritative source, such as historical data, to establish flood elevations within the areas of special flood hazard, for the purposes of this law.

### **Alteration of Watercourses**

1. Notification to adjacent communities and the CT State Department of Environmental Protection prior to permitting any alteration or relocation of a watercourse, and submittal of evidence of such notification to the Regional Director, Federal Emergency Management Agency.
2. Determine that the permit holder has provided for maintenance within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

### **Construction Stage**

1. In Zones AI-A30, AE and AH, and also Zone A if base flood elevation data are available, upon placement of the lowest floor or completion of flood-proofing of a new or substantially improved structure, obtain from the permit holder a certification of the as-built elevation of the lowest floor or flood-proofed elevation, in relation to mean sea level. The certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by same. For manufactured homes, the permit-holder shall submit the certificate of elevation upon placement of the structure on the site. A certificate of elevation must also be submitted for a recreational vehicle if it remains on a site for 180 consecutive days or longer (unless it is fully licensed and ready for highway use).
2. Any further work undertaken prior to submission and approval of the certification shall be at the permit holder's risk. The Local Administrator shall review all data submitted. Deficiencies detected shall be cause to issue a stop work order for the project unless immediately corrected.

### **Inspections**

The Local Administrator and/or the developer's engineer or architect shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions and enable said inspector to

certify, if requested, that the development is in compliance with the requirements of the floodplain development permit and/or any variance provisions.

### **Stop Work Orders**

1. The Local Administrator shall issue, or cause to be issued, a stop work order for any floodplain development found ongoing without a development permit. Disregard of a stop work order shall subject the violator to the penalties described in Article X, Section 5 of these regulations.
2. The Local Administrator shall issue, or cause to be issued, a stop work order for any floodplain development found non-compliant with the provisions of this law and/or the conditions of the development permit. Disregard of a stop work order shall subject the violator to the penalties described in these regulations and in accordance with CT State Statutes.

### **Certificate of Compliance**

1. In areas of special flood hazard, as determined by documents enumerates in Subsection 1, it shall be unlawful to occupy or to permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of compliance has been issued by the Local Administrator stating that the building or land conforms to the requirements of this regulation.
2. A certificate of compliance shall be issued by the Local Administrator upon satisfactory completion of all development in areas of special flood hazard.
3. Issuance of the certificate shall be based upon the inspections conducted prescribed in Subsection 2, Inspections, and/or any certified elevations, hydraulic data, flood-proofing, anchoring requirements or encroachment analyses which may have been required as a condition of the approved permit.

### **Information to be Retained**

The Local Administrator shall retain and make available for inspection, copies of the following:

1. Floodplain development permits and certificates of compliance;
2. Certifications of as-built lowest floor elevations of structures, required pursuant to Subsection 2 of these regulations, Construction Stage, and whether or not the structures contain a basement;

3. Flood-proofing certificates, required pursuant to Subsection 2, Construction Stage, and whether or not the structures contain a basement;
4. Variances issued pursuant to Subsection 4, Variance Procedures; and,
5. Notices required under Subsection 1D, Alteration of Watercourses.

### **Article VII – Section 1 - Subsection 3 Construction Standards**

#### **General Standards**

The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in Subsection 1.

#### **Subdivision Proposals**

The following standards apply to all new subdivision proposals and other proposed development in areas of special flood hazard (including proposals for manufactured home and recreational vehicle parks and subdivisions):

1. Proposals shall be consistent with the need to minimize flood damage;
2. Public utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed so as to minimize flood damage; and,
3. Adequate drainage shall be provided to reduce exposure to flood damage.

#### **Encroachments**

1. Within Zones A1, A30, AH and AE, on streams without a regulatory floodway, no new construction, substantial improvements or other development (including fill) shall be permitted unless:
  - a. the applicant demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any location, or,
  - b. the Town of Litchfield agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Town of Litchfield for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Town of Litchfield for all costs related to the final map revision.

2. On streams with a regulatory floodway, as shown on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map adopted in Subsection 1, no new construction, substantial improvements or other development (including fill) shall be permitted unless:
  - a. a technical evaluation by a licensed professional engineer shows that such an encroachment shall not result in my increase in flood levels during occurrence of the base flood, or,
  - b. the Town of Litchfield agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM and floodway revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Town of Litchfield for all costs related to the final map revisions.

## **Standards for all Structures**

### **Anchoring**

New structures and substantial improvement to structures in areas of special flood hazard shall be anchored to prevent flotation, collapse, or lateral movement during the base flood. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

### **Construction Materials and Methods**

1. New construction and substantial improvements to structures shall be constructed with materials and utility equipment resistant to flood damage.
2. New construction and substantial improvements to structures shall be constructed using methods and practices that minimize flood damage.
3. For enclosed areas below the lowest floor of a structure within Zones AI-A30, AE or AH, and also Zone A if base flood elevation data are available, new and substantially improved structures shall have fully enclosed areas below the lowest floor that are useable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding, designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:
  - a. 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;  
and

- b. the bottom of all such openings no higher than one foot above the lowest adjacent finished grade.
- c. Openings may be equipped with louvers, valves, screens or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

## **Utilities**

1. Machinery and equipment servicing a building must either be elevated to or above the base flood level or designed to prevent water from entering or accumulating within the components during a flood. This includes heating, ventilating, and air conditioning equipment, hot water heaters, appliances, elevator lift machinery, and electrical junction and circuit breaker boxes. When located below the base flood elevation, a professional engineer's or architect's certification of the design is required;
2. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
3. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters. Sanitary sewer and storm drainage systems for buildings that have openings below the base flood elevation shall be provided with automatic backflow valves or other automatic backflow devices that are installed in each discharge line passing through a building's exterior wall; and,
4. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

## **Residential Structures**

### **Elevation**

The following standards, in addition to the standards in Subsection 3, Subdivision Proposals, Encroachments and Standards for all Structures, apply to structures located in areas of special flood hazard as indicated.

1. Within Zones AI-A30, AE and AH and also Zone A if base flood elevation data are available, new construction and substantial improvements shall have the lowest floor (including basement) elevated 1 foot above the base flood level.
2. Within Zone A, when no base flood elevation data are available, new and substantially improved structures shall have the lowest floor (including basement) elevated at least three feet above the highest adjacent grade.

3. Within Zones AH, adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.

#### Non-Residential Structures

The following standards apply to new and substantially improved commercial, industrial and other non-residential structures, in addition to the requirements in Subsection 3, Subdivision Proposals, Encroachments, and Standards for All Structures.

1. Within Zones AI-A30, AE and AH, and also Zone A if base flood elevation data are available, new construction and substantial improvements of any non-residential structure, together with attendant utility and sanitary facilities, shall either:
  - a. have the lowest floor, including basement or cellar, elevated to 1 foot above the base flood elevation; or
  - b. be flood-proofed so that the structure is watertight below base flood level with walls substantially impermeable to the passage of water. All structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
2. If the structure is to be flood-proofed, a licensed professional engineer or architect shall develop and/or review structural design, specifications, and plans for construction. A Flood-proofing Certificate or other certification shall be provided to the Local Administrator that certifies the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of Subsection 3, including the specific elevation (in relation to mean sea level) to which the structure is to be flood-proofed.
3. Within Zones AH, adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.
4. Within Zone A, when no base flood elevation data are available, the lowest floor (including basement) shall be elevated at least three feet above the highest adjacent grade.

#### Manufactured Homes and Recreational Vehicles

1. The following standards in addition to the standards in Subsection 3, General Standards, Standards for all Structures apply in areas of special flood hazard to manufactured homes and to recreational vehicles which are located in areas of special flood hazard. Recreational vehicles placed on sites within Zones AI-A30, AE, AH, shall either:

- a. be on site fewer than 180 consecutive days,
- b. be fully licensed and ready for highway use, or
- c. meet the requirements for manufactured homes in paragraphs 2 and 4, below.

A recreational vehicle is ready for highway use if wheels or jacking system, is attached to the site disconnect type utilities and security devices and has no permanently attached additions.

2. A manufactured home that is placed or substantially improved in Zones AI - A30, AE, AH, that is on a site either:
  - a. outside of an existing manufactured home park, or subdivision;
  - b. in a new manufactured hone park or subdivision as herein defined;
  - c. in an expansion to an existing manufactured home park subdivision as herein defined; or
  - d. in an existing manufactured hone park or subdivision as herein defined on which a manufactured home has incurred substantial damage as the result of a flood; shall, within Zones AI, A30, AE, and AH, be elevated on a permanent foundation such that the lowest floor is elevated 1 foot above the base flood elevation and is securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
3. A manufactured home to be placed or substantially improved in Zone AI, A30, AE, or AH, in an existing manufactured home park or subdivision that is not to be placed on a site on which a manufactured home has incurred substantial damage shall be:
  - a. elevated in a manner such as required in paragraph 2 above, or
  - b. elevated such that the manufactured home chassis is support by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and are securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement.
4. Within Zones A, when no base flood elevation data are available, new and substantially improved manufactured homes shall have the floor elevated at least three feet above the highest adjacent grade.

**Article VII – Section 2**  
**Planned Development Zone (PDZ) - Continuing Care Retirement**  
**Community**

**1. Statement of Purpose and Definition.** A Planned Development Zone (PDZ) may be established by the Commission in accordance with the procedures, standards and criteria hereinafter specified and only for the purposes and uses specified herein.

- a. Definition: For the purpose of this regulation a Continuing Care Retirement Community shall be as defined in the Connecticut General Statutes.
- b. Purpose: This regulation is established in accordance with the recommendations of the Town Vision Plan and is designed to permit the opportunity to establish a Continuing Care Retirement Community in an appropriate location consistent with the Town Vision Plan.

**2. Application Procedure.**

- a. Applicants shall first submit an application to establish a Planned Development Zone and Planned Development Zone Regulations in accordance with the provisions of this section.
- b. This application constitutes a petition for legislative action to amend the Zoning Map and Regulations. The application shall be signed by the owner or owners of all lots in the proposed Planned Development Zone (not including streets or utility rights-of-way not owned by the petitioner).
- c. The Commission shall hold a public hearing on the application and act upon it in the same manner as required for amendments to these Regulations.
- d. A PDZ may be adopted by the Commission only upon its finding that the Planned Development Zone and Planned Development Zone regulations meet the applicable purposes and criteria set forth in this section.
- e. Either simultaneous with or after approval of an application for a Planned Development Zone and Regulations a Special Exception and Detailed Site Development application shall be submitted.

**3. Planned Development Zone Basic Criteria.** The application to establish a PDZ shall meet the following basic criteria.

- a. The site shall consist of not less than 25 acres.

- b. The maximum number of residents of such facility shall be 200.
- c. The primary access shall be from a State highway. Primary access may be permitted from a Town Road provided: the access road intersection is in close proximity to a State highway; the traffic and access analysis (see subsection 4 below) demonstrates that the proposed access route will safely accommodate the projected traffic; and, the Commission determines that the access location will not be detrimental to a residential neighborhood.
- d. The facility shall be served by a municipal water supply and a public sewer approved by the Litchfield Water Pollution Control Authority. All utilities shall be underground.
- e. All main access roads shall conform to Town of Litchfield subdivision specifications for streets and shall remain the property of the CCRC.
- f. The applicant shall submit the proposed Master Concept Plan and/or Site Development Plan for review by the Design Review Advisory Committee. The application shall demonstrate that the CCRC will be designed as an integrated and harmonious development and the site design will meet the following general standards:
  - 1) It shall be compatible with the Town's rural visual quality. Buildings, parking and associated lighting shall be placed in off-road, "backland" areas suited for screening a large scale development from view from surrounding streets and properties.
  - 2) It shall protect water quality. The planned design shall not encroach upon or adversely affect sensitive water resource related areas.
  - 3) It shall identify and wherever possible protect the site's historic features (including cemeteries).

**4. Submission Requirements.** An application for approval of a PDZ shall be submitted in writing and shall be accompanied by the following:

- a. A written Planned Development Zone regulation in accord with sub-section 5 below.
- b. A precise boundary description and A-2 survey map of the proposed PDZ boundary lines.
- c. Master Concept Development Plan. Where a detailed Site Development Plan is not submitted with the application for a PDZ, a Master Concept

Plan shall be submitted showing the proposed site and location of all proposed improvements.

The Master Concept Plan shall provide sufficient information to demonstrate the general feasibility of the proposed site plan in accordance with the requirements of the section. It shall not require an “engineering level” of detail. But the information provided must demonstrate to the satisfaction of the Commission that the proposed site can be developed in compliance with the standards and requirements of this section and the design and location requirements of the proposed PDZ regulations.

d. Traffic study/analysis including parking plan prepared by qualified traffic engineer including:

- 1) Map showing access(es), traffic flow on site, lines of sight, Town roads and State roads leading to the site, service areas ( loading, deliveries, waste removal), fire and emergency access, and parking as required below.
- 2) Narrative detailing traffic flow, number of trips (in reference to times of day), deliveries, documentation of projected parking demand at peak use, impact on roads associated with use of the facility. The plan shall show requirements to control above (signage, one way, fire lanes etc.)

3) Parking/Service Area Requirements. Minimum parking and loading spaces shall be shown and developed for the following:

- 1 space for each employee (full and part-time) during largest work shift, plus 10% to allow for shift change.
- service and deliveries i.e. dumpster, fuel oil, laundry, food, supplies, pick-up/drop off.
- visitors:
  - 1 space for each 5 nursing beds
  - 1 space for each 4 assisted living beds
  - 1 space for each 2 independent living units
- residents:
  - 1 space for each 10 assisted living beds
  - 1 space for each independent living unit (may be in garage)
- other facility uses: appropriate space for any facility vehicles (shuttle, security, maintenance, handicap vans etc.)
- parking for any out-patient or approved accessory use determined separately.

The applicant may propose alternative parking requirements based upon a specific site proposal and plan. The Commission may permit alternative parking requirements where it

determines such alternative requirements will clearly meet peak use for all of the above cited factors.

- e. Economic Impact Analysis: An economic impact analysis is to be prepared detailing the anticipated financial impact on the town. This shall include trash collection, and disposal, sewer and emergency services. It may include tax considerations and any special contracts or agreements which may affect burden on town services. (i.e. private ambulance or payments for false alarms).
- f. Water Quality Impact Analysis, Sediment and Erosion Control and Storm Water Management. A Water Quality Impact Analysis, Sediment and Erosion control Plan and a Storm Water management Plan prepared by a qualified engineer(s) licensed in the State of Connecticut shall be submitted with the detailed Site Development Plan. The Erosion and Sedimentation Plan shall meet the requirements of Article IX, Section 2. The storm water management plan shall meet the requirements for an NPDES permit.

Where a Master Concept Plan is submitted the applicant's engineer shall submit a concept plan and narrative addressing impact on water quality and demonstrating that a detailed Erosion and Sediment Control Plan will meet the above cited standards.

The Special Exception/Site Plan application shall include proposed maintenance agreement(s) for all facilities and improvements relating to the implementation of these plans.

- g. Visual Impact Analysis. The Master Concept Plan and Site Development Plan shall demonstrate that the site and proposed buildings and improvements will meet the requirements under subsection 3.f. The following information shall be provided at a minimum.
  - 1) Topographic elevations from throughout site.
  - 2) Silhouette profile from public access roads to site and from 500 to 1000 feet from site property lines looking north, south, east and west towards the site and from other potentially visually affected locations as deemed necessary by commission.
  - 3) Lighting evaluation demonstrating minimization of exterior lighting and lighting visible from outside the site and impact on the neighborhood.
  - 4) Visual impact of proposed signage
  - 5) Report from Design Review Advisory Committee.
- h. The applicant shall request letters commenting on the proposed Master Concept Plan and/or Site Development Plan from:

- 1) Inland Wetlands Commission
- 2) TAHD
- 3) BHC
- 4) Litchfield (sewer) WPCA or DEP as applicable
- 5) Fire Marshal
- 6) Town Engineer
- 7) Connecticut DOT

**5. Regulation:** A written PDZ regulation to be applicable within the proposed Zone, in a form suitable for adoption as an amendment to these Regulations, containing no less than the following:

- a. A list of the precise uses of land, buildings and other structures to be permitted.
- b. Standards for the area, location and bulk of buildings and other structures, and the area, shape and frontage of lots;
- c. Site development and building standards;
- d. Requirement that a Special Exception/Site Plan shall be submitted for review and approval by the Commission.
- e. Any other regulatory provisions necessary to carry out the purpose of the Zone, including citation of other provisions of these Regulations that are to be applicable within the Planned Development Zone.

**6. Fee:** An application fee as specified in the Town Ordinance "Land Use Fee Schedule."

**7. Adoption of PDZ:** The Planned Development Zone may be adopted by the Commission with modifications deemed necessary by the Commission to maintain the purposes of these Regulations. Notice of adoption shall be given in the same manner as required for amendment of these Regulations. Any adopted PDZ shall be shown on the Zoning Map with its own PDZ number and with reference to the Town records where the Zone regulations may be seen.

**8. Time Limits:**

- a. If a Special Exception/Site Development application has not been submitted within two years from the effective date of the adoption of a Planned Development Zone, the Planning and Zoning Commission may proceed to delete the Planned Development Zone and Planned Development Zone Regulations.
- b. Where a Special Exception/Site Development application is approved, the Commission shall specify the time period within which a bond shall be submitted providing for assurance of the completion off-site improvements and on-site improvements relating to the protection of

water quality, erosion and sediment control, public safety or other public interests.

- c. Where a Special Exception/Site Development application is approved, the Commission shall as a condition of the permit specify the time period within which all work shall be completed in accord with the requirements of the Connecticut General Statutes.

No Zoning Certificate of Compliance shall be issued until all necessary components of a Continuing Care Retirement Community meeting the definition as stated herein are completed and ready for occupation.

**ARTICLE VIII  
GENERAL STANDARDS AND PROCEDURAL REQUIREMENTS  
FOR SPECIAL EXCEPTIONS**

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Uses specified in these regulations as Special Exceptions are declared to possess such special characteristics that each must be considered a special case. The following general procedures, requirements and standards apply to all such applications for a Special Exception and are to be considered in addition to any special requirements and standards for a Special Exception.

1. The procedural requirements for considering Special Exception applications shall be as set forth in the Connecticut General Statutes, including the requirement for conducting a public hearing.

The applicant shall send a notice of the public hearing to the record owners of property, as shown on the Assessor's records, within 150' in all directions from the subject property perimeter boundary, including property located across the street.

The notice shall meet the following requirements:

- The notice shall be sent by certified return receipt mail; - The notice shall be sent no later than ten (10) days prior to the hearing (Note: the date of the hearing may be included in calculating the 10 day prior notice requirement);
  - Prior to commencement of the public hearing the applicant shall present the return receipts to the Commission as evidence of meeting this requirement;
  - The notice shall be sent using the form provided by the Commission with the Special Exception application.
2. After the hearing, the Commission may approve, disapprove or approve the application with conditions.
  3. To permit proper review, the Commission shall, in accordance with Article IX, Section 1 require that a Site Plan be submitted, and any other information deemed necessary to determine if the use is in harmony with the intent of the regulation, and the character of the area in which it is located. The requirement for a Site Plan may be waived by a Commission vote, if insignificant changes or no change in site conditions are proposed.
  4. General Standards. In deciding upon a proposed Special Exception application, the Commission shall consider the following general standards:

- a. 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.
- b. 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, public playground or similar facility or use; 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.
- c. Traffic. Vehicular and pedestrian traffic projected as a result of the use, 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 operations involved, and its relation to 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 Town Engineer regarding the adequacy of any town road proposed to be used for access.

- d. Parking. The number, location and arrangement of off-street parking and loading spaces shall meet the requirements of these regulations and shall be adequate for the proposed use and shall consider the impact of parking location and design on adjoining properties.
- e. The location and height of building, 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.
- f. The proposed use will 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.

- g. The commission shall be satisfied that the applicant has shown the adequacy of:
- (1) proposed methods for disposal of wastes and provision for volume and quality of water supply,
  - (2) proposed measures for control of storm water run-off,
  - (3) proposed methods to foster an energy efficient layout and landscape plan,
  - (4) existing fire and police protection, transportation, water and sewer facilities, schools or other public facilities to meet the needs of the proposed use.
  - (5) the existing power service to the site to provide for the power needs of the proposed use.

Where a development application involves changes or upgrading of power service to the site the Commission may require that the applicant provide a letter from the power company or power distribution company that the existing power infrastructure in Litchfield is adequate to meet the new power demand.

- h. Provisions for signs, if any, and proposed exterior lighting with reference to glare, traffic, safety, compatibility and harmony with adjacent properties and the neighborhood.
- i. Provisions for adequate open space and landscaping and other safeguards to be compatible with the adjacent property and the neighborhood in general.
- j. The commission shall be satisfied that the applicant has shown the adequacy 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:
- (1) Hazardous material and storage areas;
  - (2) Existence of underground fuel storage facilities;
  - (3) Location of floor drains;
  - (4) Size, location and quality of run-off from parking lot areas;
  - (5) Any other use that may adversely affect the quality or quantity of groundwater.

Where hazardous materials may be used or generated or where the activity may otherwise threaten groundwater, the applicant must comply with the

provisions of Article VI, Section 3, Groundwater Protection Requirements, and the Commission may not approve any Special Exception for such activity unless it makes a finding that the Groundwater Protection Plan set forth in Article VI, Section 3 will adequately protect groundwater.

Land uses normally associated with the use of hazardous materials or which otherwise pose a high risk to groundwater quality by the nature of their operation include but are not limited to: institutional uses such as schools, colleges, trade schools, hospitals, nursing homes, high density housing developments (more than one dwelling per 1/2 acre site); large scale retail commercial development; medical, veterinary and similar professional offices; commercial retail processors; furniture strippers; dry cleaners; photo processors, beauty shops; appliance repair shops; auto body and service stations; machine shops; industrial manufacturing, research and storage facilities; waste disposal practices utilizing land treatment including landfills, lagoons and bulky waste sites.

If there will be discharges of hazardous materials associated with the special exception use such that a discharge permit will be required from the Connecticut Department of Environmental Protection, this Special Exception shall be valid only during the time that such a discharge permit is in effect.

5. 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.
6. A Special Exception shall become null and void if all work in connection with the approved site plan, which is inseparable from and part and parcel of the special exception, is not completed within five years after the approval of the plan.
7. No Special Exception permit granted according to these Regulations shall be effective until a copy of the Special Exception is certified by the Commission and is filed by the applicant in the Town Clerk's Office in accordance with State Statutes.

**ARTICLE IX  
SITE PLAN AND EROSION AND SEDIMENT CONTROL PLAN  
REQUIREMENTS**

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**Article IX - Section 1  
Site Plan Requirements**

1. For those zoning districts which require Site Plans and those uses listed in this regulation which require Site Plans, no building, structure, parking lot, outdoor sales area, or driveway shall be used, constructed, moved, enlarged, or substantially altered until a Site Plan has been submitted and approved and a Zoning Permit issued in accordance with the requirements of this section. No work shall be undertaken on any such site unless a Zoning Permit has been issued for such work, in conformance with the Site Plan. Where a Site Plan is required, the Zoning Enforcement Officer shall not issue a Zoning Permit for construction or commencement of a use until a Site Plan has been authorized by the Commission.
2. Site Plans shall be submitted to the Commission, which shall grant final approval, disapproval or approval with modifications to the proposed plan within the time frame established by the General Statutes of Connecticut. Minor modifications to a Site Plan may be approved in accordance with subsection 9 herein.
3. Public hearings may be held by the Commission for all Site Plans which, in its judgment, warrant a public hearing.
4. When applying for Site Plan approval, an applicant shall file four (4) copies of the plan and one (1) recording mylar with the Commission. The plan shall be at a scale of no less than one (1) inch equals forty (40) feet and shall be certified correct by a Registered Land Surveyor licensed to practice in Connecticut. Where the Site Plan proposed changes in grading or construction of site improvements, including but not limited to drainage or storm water structures, parking lot or driveway improvements, the Site Plan shall be certified by an engineer licensed to practice in Connecticut.
5. Site Plans shall include and show where applicable:
  - a. A plan showing location and size of property, location of building and buildings facilities, signs, parking and restricted areas; number of dwelling units proposed, where applicable; all statistical data to show that the requirements of the regulations have been carried out; and all the land in the lot together with such detail of adjacent properties as will relate the proposed development to the neighborhood and to the street pattern within 500 feet.

- b. Proper and adequate provision for vehicular traffic, service roads, control of entrances and exits to highways, parking and loading.
- c. Proper and adequate provision for a safe water supply, disposal of storm water, and proposed contours at intervals of two feet or less.
- d. The relation of proposed buildings to the existing and estimated future development of the zone.
- e. Proper provision for the protection of existing residences and zones through the use of landscaping, fencing or buffering subject to the Commission's approval, and planting and landscaping around buildings and in parking areas, as required by the Commission.
- f. Floor plans of proposed apartments and recreation buildings, showing square feet of habitable floor area within each room, and the location of all recreation facilities, where applicable.
- g. Illustrations, elevations, and renderings of the proposed buildings and project area sufficient to show clearly what is proposed.
- h. Adequate sewage disposal provided through connection with a public sewer or through use of a private facility. Such private facility shall have been deemed adequate by the Torrington Area Health District when a Site Plan of the lot is approved. The Site Plan shall show the location of the building or buildings, location of the well (if provided), extent of the existing sewage disposal facilities and extent of the enlarged and/or new facilities.
- i. Underground utilities (electric and telephone) if required by the Zoning Commission. All utilities in the RMF-160, PB and PI Zones shall be underground.
- j. Proper provision for facilities required in order to prevent pollution of surface and groundwater as a result of activities on the parcel, including refuse collection facilities, oil and grease traps where required, and appropriate sumps and points for sampling.
- k. Location of wetlands, private and public drinking water supplies, and where appropriate, the boundary of the Wellfield Protection Zone as identified by Article III, Section 3.8 and the boundaries of the aquifer/recharge areas as identified by Town of Litchfield maps.

The Commission may waive certain Site Plan requirements where it determines that such information is not necessary to determine compliance with these Regulations.

5. Expiration of Site Plan Approval. All work in connection with a Site Plan shall be completed within the period provided for in the Connecticut General Statutes.
6. The Site Plan shall include an approval block which shall state the date on which such period expires in accordance with the requirement of the Connecticut General Statutes. Failure to complete all work within such period shall result in automatic expiration of the approval of such Site Plan. "Work" for the purpose of this requirement means all physical improvements required by the approved plan.
7. All site development work and auxiliary facilities, sewer, parking area, landscaping and planting, and recreation areas and related facilities must be installed prior to the issuance of a Certificate of Zoning Compliance. The Commission may accept surety in a manner acceptable to the Town Attorney, guaranteeing completion of improvements, which because of weather or other conditions, cannot reasonably be completed before a Certificate of Compliance might otherwise be properly issued.
8. Before a Certificate of Compliance is issued or surety released "AS BUILT" drawing for underground utilities and lines shall be submitted to the Commission.
9. Minor Modifications to Site Plan.  
The Land Use Administrator, after consultation with the Commission Chairman, may approve minor revisions to an approved site plan, provided such changes address unanticipated field conditions or improve safety or appearance. Examples of such minor modifications are revisions to architectural details or small changes to floor plans, parking lot layout, or utility pads. Any such minor modification shall meet the requirements of these regulations and any specific conditions of application approval.

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

All minor modifications shall be reported to the Commission at the next regularly scheduled meeting of the Commission.

### **Article IX - Section 2 Erosion and Sediment Control Plan Requirements:**

A Soil Erosion and Sediment Control Plan shall be submitted for certification by the Commission with any application for development when the cumulative disturbed area is more than one-half acre. A single family dwelling that is not part of a subdivision of land shall be exempt from these soil and sediment

control regulations. A lot in a subdivision shall be subject to the requirement for an erosion and sedimentation control plan both as part of the subdivision plan and as part of this application for a zoning permit. The applicant shall describe in mapped and narrative form the measures to be taken to control erosion and sedimentation both during and after construction. The plan and its specific measures shall be based upon the best available technology and shall be in accordance with the principles and the minimum standards of the Connecticut Guidelines for Erosion and Sediment Control (1985), as revised.

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

A narrative describing the following:

1. Development project
2. Time schedule for:
  - a. All major construction activities indicating the anticipated start and completion of development.
  - b. Creating and stabilizing disturbed areas.
  - c. Grading operations.
  - d. Applying erosion and sediment control measures and facilities onto the land.
3. Design criteria, construction details, detailed installation/application procedures and maintenance program.
  - a. Soil erosion and sediment control measures.
4. A Site Plan map at a sufficient scale to show:
  - a. A location plan showing the site at a scale of 1 - 1,000.
  - b. Existing and proposed topography including soil types, wetlands, watercourses and water bodies.
  - c. Within the disturbed areas topography contours shall be at no less than two feet contour intervals based upon field survey.
  - d. Proposed site alterations and disturbed area, including cleared, filled or graded areas.

- e. The sequence of grading, construction activities, installation of erosion and sediment control measures and final stabilization.

#### Issuance or Denial of Certification

The Commission shall either certify that the Soil Erosion and Sediment Control Plan complies with the requirements and objectives of this regulation or deny certification when the development proposal does not comply with these regulations.

Nothing in these regulations shall be construed as extending the time limits for the approval of any application under Chapters 124, 125A, and 126 of the General Statutes.

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

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

Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan. The Commission may require a performance bond or other acceptable assurance to guarantee completion of the proposed erosion and sediment control measures.

All control measures and facilities shall be maintained in effective condition to ensure the compliance of the certified plan.

#### Inspection

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

#### Erosion and Sediment Control Plan Definitions

1. "Certification" means approval by the Litchfield Planning and Zoning Commission that a Soil Erosion and Sediment Plan complies with the applicable requirements of these Regulations.
2. "Disturbed area" means an area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.

3. "Erosion" means the detachment and movement of soil or rock fragments by water, wind, ice or gravity.
4. "Inspection" means the periodic review of sediment and erosion control measures shown on the certified plan.
5. "Sediment" means solid material, either mineral or organic, that is in suspension, is transported or has been moved from its site of origin by erosion.
6. "Soil" means any unconsolidated material or organic material of any origin.
7. "Soil Erosion and Sediment Plan" means a scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.

**ARTICLE X  
ADMINISTRATION AND ENFORCEMENT**

**Article X - Section 1**

Zoning Permit Required

Prior to commencement of the use or construction authorized by the Commission under a Site Plan or Special Exception approval, the applicant shall receive a Zoning Permit issued by the Zoning Enforcement Officer.

A written Zoning Permit approved by the Zoning Enforcement Officer shall be required for the activities defined below.

1. **New Construction:** New construction of buildings and structures subject to these Regulations, including parking areas, sidewalks and similar structures.
2. **Alteration:** Alteration of a building or structure, or parts thereof, except as provided in Section 3 below.
3. **Moving or Demolition:** All buildings or structures which are removed from or moved onto, or moved around within a lot, or demolished.
4. **Change of Use.** The change of any premises from one category of permitted land use to any other permitted land use as specified on the Table of Uses.
5. **Placement of Signs.** Placement of signs except temporary signs as specified in the sign section of these Regulations.
6. **Variances.** After receiving approval of a variance by the Zoning Board of Appeals and prior to commencement of construction or use, the applicant shall receive Zoning Permit issued by the Zoning Enforcement Officer.

**Article X - Section 2  
Other Permits**

2.1 **Flood Hazard Areas.** A flood Hazard Permit shall be required for all construction or earth moving activities or other improvements within the 100 year flood plain designated on the Flood Insurance Rate maps published by the Federal Emergency Management Agency and as provided for in these Regulations.

## 2.2 Temporary Event Zoning Permit

The Planning and Zoning Commission may grant a Temporary Event Zoning Permit for non-residential, short-term, high-intensity activities that are open to the public.

The permit shall be valid for a period of one year and can be renewed for not more than one year per application.

The Planning and Zoning Commission may impose appropriate safeguards and reasonable conditions for approval and may require the posting of surety to the Town of Litchfield in the form of cash, check, an irrevocable letter of credit or a passbook bond available for draft by the municipality.

Once a Temporary Event Zoning Permit has received initial Planning and Zoning Commission approval, the Zoning Enforcement Officer can authorize a renewal of the same or substantially equal permit through the issuance of a subsequent temporary event zoning permit.

If twenty-five (25) or more residents object to the outcome or conduct of the event by way of signed petition, the next application for the same event will have to be evaluated and authorized by the Planning and Zoning Commission.

A Temporary Event Zoning Permit may be required for special cases, unusual circumstances, annual events or seasonal uses, specifically, but not limited to, the following:

- 1) Any outdoor event open to the public sponsored by private organizations or individuals
- 2) Tents covering an aggregate area larger than three hundred fifty (350) square feet that are placed on residential property for more than seven (7) days.
- 3) Commercial filming, photography and promotion projects.

The proposed event and/or activities must comply with the following standards as well as standards in Article IX, Section 1, part 5b regarding site plans:

- A) No temporary structure or use shall extend into the required front, side or rear setback in the underlying zoning district.
- B) Adequate on-site parking shall be provided for any event.
- C) The event shall not have objectionable light, noise or odor emanating from the premises.
- D) Adequate provisions must exist for trash and restrooms. All evidence of the event activities must be fully remediated.
- E) Hours of operation shall be determined as a condition of use.

- F) Temporary Event Zoning Permit applications shall be reviewed by the town Police Department and Fire Marshal and shall be subject to any other borough and/or other necessary permitting.

Town of Litchfield sponsored events located on town owned property authorized by the Board of Selectman do not require a Temporary Event Zoning Permit.

Established temporary events that have been held for the five consecutive years prior to the effective date of this regulation and that have been reviewed and approved by the Planning and Zoning Commission within one (1) year of the effective date of this regulation shall be granted an Event Permit in perpetuity with the stipulation that any substantial change in the nature or intensity of the event will require an application review as set forth above and provided event shall comply with above standards.

The procedural requirements for considering temporary event zoning permit applications for the initial Commission review shall include the requirement for conducting a public hearing.

The applicant shall send a notice of the public hearing to the record owners of property, as shown on the Assessor's records, within 150' in all directions from the subject property perimeter boundary, including property located across the street.

The notice shall meet the following requirements:

- The notice shall be sent by certified return receipt mail; - The notice shall be sent no later than ten (10) days prior to the hearing (Note: the date of the hearing may be included in calculating the 10 day prior notice requirement);
- Prior to commencement of the public hearing the applicant shall present the return receipts to the Commission as evidence of meeting this requirement;
- The notice shall be sent using the form provided by the Commission with the temporary event zoning permit application.

After the hearing, the Commission may approve, disapprove or approve the application with conditions.

Temporary event permits issued to events not specific to a singular location (established venue) such as walking house or garden tours will not require neighbor notification or be subject to public hearing requirements.

Initial Commission temporary event zoning permit applications reviewed by the Planning and Zoning Commission shall be reviewed within 65 days. Failure of the

Commission to act within 65 days from date of receipt shall be considered approved.

### **Article X - Section 3 Zoning Permit Not Required**

Normal maintenance, repairs, re-roofing, re-siding, and decorative changes to a building or structure do not require a Zoning Permit.

### **Article X - Section 4 Permit Procedure**

1. All applications shall be submitted in writing to the Zoning Enforcement Officer on forms provided for the purpose.
2. All applications shall be accompanied by a fee as established by Town Ordinance on Land Use Fees.
3. All applications for a Zoning Permit which do not require Site Plan approval shall be accompanied by a plan, accurately drawn to scale or showing the actual dimensions or distances, and showing:
  - a. The actual shape and dimensions of the lot.
  - b. The location and size of all existing and proposed buildings, structures, water bodies and other significant features on the lot as are necessary to determine compliance with these Regulations.
  - c. The existing or intended use of each building or structure.
  - d. Where applicable the location of subsurface sewage disposal systems, well, parking lots, and driveways, signs, landscape areas.
  - e. Such other information as may be necessary to provide for the administration and enforcement of these Regulations.
4. For applications for building or development on a lot where the Commission or the Zoning Enforcement Officer questions whether the lot constitutes or is part of a subdivision, the applicant may be required to provide an affidavit issued by an attorney representing the land owner documenting that the proposed lot does not constitute a subdivision as defined in the Connecticut General Statutes.

**Article X - Section 5  
Zoning Enforcement**

1. The Zoning Enforcement Officer of the Town of Litchfield shall be appointed by the Planning and Zoning Commission and shall be the administrative official charged with the enforcement of these Regulations.
2. The Zoning Enforcement Officer:
  - a. Shall not issue any Zoning Permit or Certificate of Zoning Compliance unless the application, building or development complies with all the requirements of these Regulations.
  - b. May cause any building, land or use to be inspected, and may order in writing any person to correct or abate any condition violating these Regulations.
  - c. Shall maintain a full and accurate record of all applications, permits, certificates and other records required by the Regulations.
3. The Commission in addition to other remedies, may institute legal action to prevent, correct or abate any condition if it finds it violates these Regulations.

**Article X - Section 6  
Certificate of Zoning Compliance**

No Certificate of Building Occupancy shall be issued by the Building Official of the Town of Litchfield until the Zoning Enforcement Officer has issued, in writing, a Certificate of Zoning Compliance stating that the use of the land or building complies with the provisions of these Regulations.

**Article X - Section 7  
Expiration and Extension of Zoning Permit**

A Zoning Permit shall expire twelve (12) months after the date of issuance unless construction is started within twelve (12) months of the date of issuance and diligently prosecuted to completion of unless the permittee submits a written statement to the Zoning Enforcement Officer requesting an extension of the expiration date and explaining the reason for such request.

The Zoning Enforcement Officer shall approve one or more requests for extension but shall not extend the expiration date for a total of more than twelve (12) months. No additional fee shall be required for a request to extend the expiration date of a Zoning Permit.

## **Section 8 Zoning Board of Appeals**

### **Power and Duties**

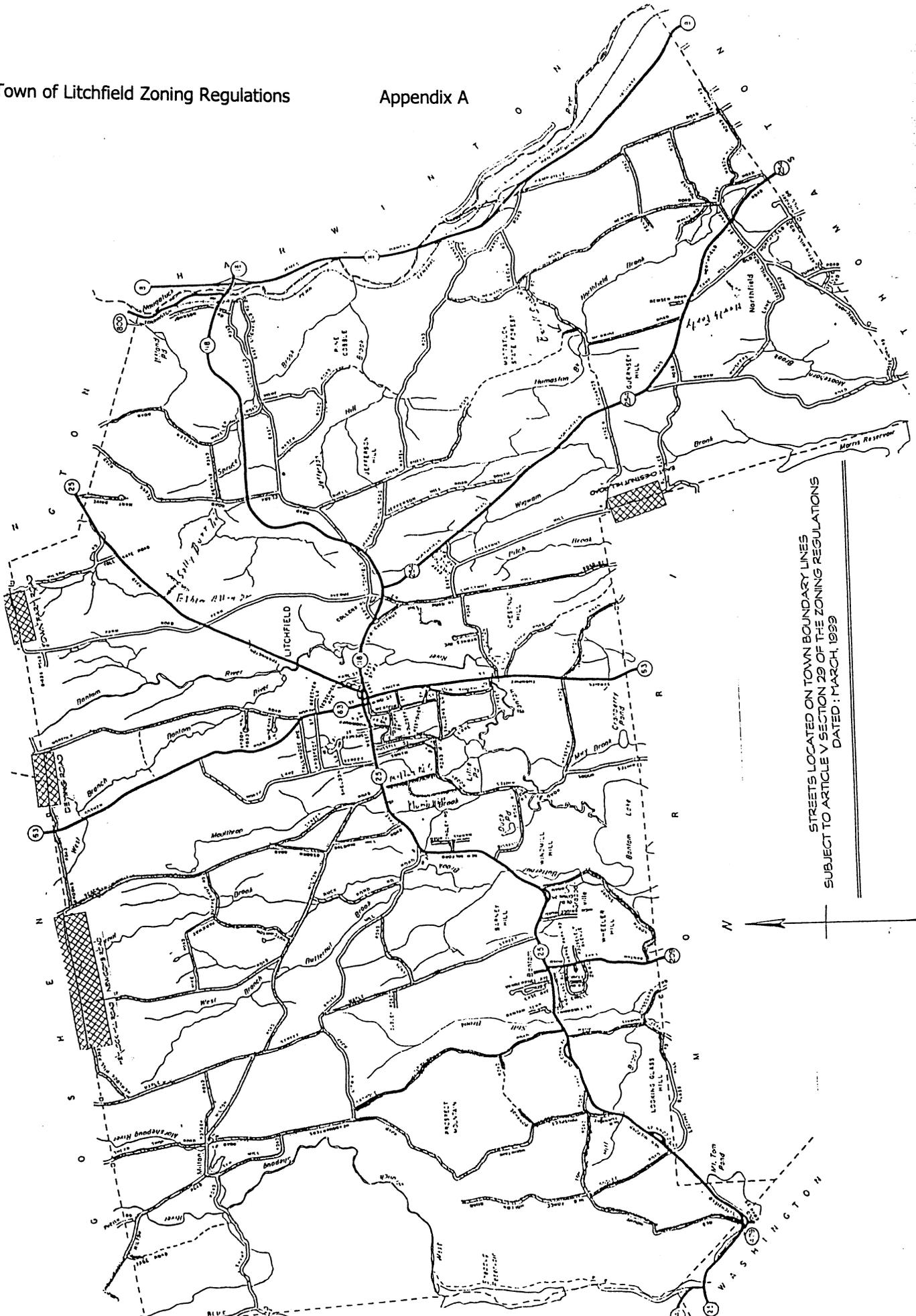
A Board of Appeals, hereinafter called the Board, shall be formed and shall serve as provided by the General Statutes of the State of Connecticut and shall have the following power and duties.

1. Adopt such rules and regulations for the conduct of its business as may be deemed necessary to carry out these Regulations.
2. Hear and decide appeals where it is alleged that there is error in any order or decision made by the Zoning Officer.
3. Authorize appeals in specific cases variances from the terms of these Regulations whereby reasons of exceptional slope, size or topography of the lot or other exceptional situation or condition of the building or land, practical difficulty or unnecessary hardship would result to the owners of said property from a literal enforcement of Regulations. Before any variance is granted, the Board of Appeals must make a written finding in its minutes as part of the records in the case:
  - a. That special circumstances, described in detail exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures, or buildings in the same district.
  - b. That relief can be granted without detriment to the public welfare or impairment to the integrity of these Regulations.
  - c. That the special circumstances do not result from the actions of the applicant.
4. Decide requests for Special Exceptions in the cases specified in this Regulation or in the General Statutes of the State of Connecticut.

### **Procedure**

1. The Board shall hold public hearings on all appeals, requests for exceptions, and applications for variances and shall publish a notice of said hearing in a newspaper of general circulation within the Town in accordance with the General Statutes of the State of Connecticut.
2. Every application for variance from the Use Regulations and Special Regulations as distinguished from the Height and Area Regulations shall be:
  - a. Immediately transmitted to the Commission.

- b. Accompanied by a true and accurate list of property owners within 200 feet from any boundary of the property which is subject to the application.
  - c. The petitioner shall notify each of the property owners by registered mail no later than five days prior to the hearing and shall present the return receipts to the Board.
3. All determinations of the Board shall be made in accordance with the objectives of these Regulations and in harmony with the purpose and intent expressed in Article I, Section 1 thereof. In addition to this general rule of guidance, and to particular requirements herein before specified in these Regulations, no permit for Special Exceptions shall be issued by the Board unless it finds in each case that the proposed building or structure or the proposed use of the land:
- a. Will not aggravate a traffic hazard, fire hazard, or panic hazard;
  - b. Will not block or hamper the town pattern of highway circulation;
  - c. Will not affect adversely the town's income from taxation by removing considerable real property from the grand list;
  - d. Will not tend to depreciate the value of property in the neighborhood or be otherwise detrimental to the neighborhood or its residents or alter the neighborhood's essential characteristics.



STREETS LOCATED ON TOWN BOUNDARY LINES  
SUBJECT TO ARTICLE V SECTION 29 OF THE ZONING REGULATIONS  
DATED: MARCH, 1999

**Amendments to Town of Litchfield Zoning Regulations**

<b>Effective Date</b>	<b>Article, Section, Subsection</b>	<b>Description</b>
5/2/79	II, 2, 1	Accessory Buildings
5/2/79	II, 2, 9	Country Inns
5/2/79	II, 2, 16	Hotels
5/2/79	IV, 2, 1	Exceptions to height and area requirements
5/2/79	IV, 2, 2	Lots adjacent to more restrictive zones
5/2/79	V, 1	Uses permitted in any zone
5/2/79	V, 2	Special Exceptions in any zone
5/2/79	V, 3	Special exceptions permitted in R80, R60, R40, R20 zones
5/2/79	V, 4	R80, R60, R40, Residential Zones
5/2/79	V, 5	R20 Residential Zone
5/2/79	V, 7	B-1 Business zone
5/2/79	V, 9	C-1 Industrial Zone
5/2/79	V, 10	PI, Planned Industrial Zone
5/2/79	VI, 2	Signs
5/2/79	VI, 5	Green Space
5/2/79	VI, 6	Interior Lots
5/2/79	VI, 7	Site Plan Requirements
5/2/79	VI, 8	Habitable Floor Area requirements
5/2/79	VI, 9	Horses for Personal Use
5/2/79	VI, 10	Outdoor Lighting
5/2/79	VII, 3	Delete "Fees schedule"
5/2/79	VII, 4	New ZBA section
5/2/79	VII, 5	Amendments
9/29/80	open space	Open Space
9/19/83	V, 3, 1	Home Occupations
6/17/85	VI, 12	Erosion and Sedimentation Control Plan
3/27/86	V, 3, 6	New subsection 6
3/27/86	V, 3, 8	Bed and Breakfast
3/27/86	V, 5	Permitted Uses
3/27/86	V, 7	B-1 changed title to Section 8-B Business Zone
3/27/86	V, 8	B-2 changed to Section 9-PB Business Zone
3/27/86	V, 9	I-Industrial Zone changed to Section 10-I Industrial Zone
3/27/86	VI, 1	Off-Street parking
3/27/86	VI, 8	Habitable Floor area requirements
7/16/86	Zoning Map	R3oH Zone from R20
7/16/86	II, 2	Definition of Restaurant
7/16/86	V, 7, 1(a)	Retail Stores
7/16/86	V, 7, 2(b)	Restaurants, caterers, Bakeries
7/16/86	V, 8, 1(a)	Retail Stores
7/16/86	V, 8, 2	new section 2, Special Exceptions in B-2 Zone
7/16/86	VI, 2, 2	Business advertising signs
7/16/86	VI, 2, 2	Business signs on Route 202
7/16/86	VI, 2, 3(f)	Height requirements for signs
7/16/86	VI, 3, (d)	restaurant and nightclub pkg. Requirements
7/16/86	VI, 3,	new section - landscape requirement for commercial parking lots
7/16/86	VI, 7, 5(a)	Site Plan requirements
7/16/86	VI, 12	new-Standards for Special exceptions
7/16/86	VI, 22(d)	deleted
7/16/86	V, 8, 3	B-2 Zone , front yard landscape requirements
9/20/86	VI,6 , #7	Interior lots in R39H Zone

**Amendments to Town of Litchfield Zoning Regulations**

<b>Effective Date</b>	<b>Article, Section, Subsection</b>	<b>Description</b>
9/20/86	VI, 6, #8	2 interior lots of single access way
9/20/86	VI, 6, #5	interior lots (new #5)
9/20/86	V, 9	New BH Business Zone
9/20/86	IV, 1, 2	Height, Area, Yard requirements for BH
9/20/86	Zoning Map	BH Zone
9/20/86	VI, 7	Zoning Permit Requirements
9/30/86	new	Open Space
1/24/87	VI, 6	Interior Lots
1/24/87	V, 9, #3	Site Plan Requirements
10/19/87	V, 12	new-MO-Municipal Office Zone
10/19/87	IV, 2	Height, yard, area requirements for MO&PO
10/19/87	IV, 2, #10	new-landscape buffer for MO Zone
10/19/87	Zoning Map	MO Zone
10/19/87	V, 13	new-PO Zone
10/19/87	V, 2 #2, #5	deleted
10/19/87	IV, 2 #9	deleted
10/19/87	VII, 3, 2(b) #1	deleted
10/19/87	V, 4 #3	deleted
10/19/87	V, 10, 2(d)	Modified, B Business Zone
12/17/87	VI, 6 #7	change R40 and R60 to R80 Zone
12/17/87	I, 1	Modify Purpose
12/17/87	II, 2	Definitions
12/17/87	III, 1	Wellfield Protection Zone
12/17/87	IV, 1	Zone requirements
12/17/87	IV, 2	Height, yard and area dimension requirement
12/17/87	V, 1	Uses permitted in any zone
12/17/87	V, 2	public school deleted
12/17/87	V, 5	Farms
12/17/87	V, 7	Use of residence for personal business
12/17/87	V, 2	Special exceptions in any zone except R30H
12/17/87	V, 3	special exceptions in R80 zone
12/17/87	V, #1, #8, #9	Home Occupations, kennels and veterinary hospitals, commercial stables
12/17/87	V, 9 1(b), 1(c), 2	BH Business Zone,
12/17/87	V, 11, 1(b), 1(c), 2	PB Zone
12/17/87	V, 12, #3	new-MO zone #3
12/17/87	V, 13, #3	new - PO Zone #3
12/17/87	V, 12 (14) #2	new- Industrial Zone #2
12/17/87	V, 13 (15) #2	new-PI Zone - permitted uses
12/17/87	V, 16	new #16-WPZ use regulations
12/17/87	V, 17	new-Special exceptions permitted in WPZ
12/17/87	VI, 13 4(j), #8&9	Procedures & standards for Special exceptions
12/17/87	VI, 14	new-Groundwater Protection requirements
8/12/88	II, 2, 5 (14)	Junkyards/unregistered Motor vehicles
8/12/88	V, 3	Accessory Apartments
11/11/88	V, 2	new-emergency facilities, Special Exception use in any zone
1/13/89	VI, 9	Horses for personal use
11/15/89	Zoning Map	R80 zone to RHC 40
11/15/89	IV, 2 #2	new#2-side yard requirements R80 and R160 less than 80,000 sq ft
11/15/89	V, 3, 4	Special exceptions for Country Inn/restaurants
12/15/89	V, 9	Maximum density of dwelling units/useable land

**Amendments to Town of Litchfield Zoning Regulations**

<b>Effective Date</b>	<b>Article, Section, Subsection</b>	<b>Description</b>
4/27/90	VI, 13, #1	Notification requirements
6/21/90	V, 2	convalescent homes
9/7/90	V, 1A	new1A-special exception uses in any zone except WPZ
9/7/90	V, 1	affordable housing
3/15/91	VI, 6A	new-Lots on a common driveway
3/15/91	VI, 3 #3	parking, access and circulation
10/26/91	V, 1 #5	Farms
10/26/91	V, 3, #10 and #11	special exception uses permitted in R160, RHC40, R20 and r20H (farms and greenhouse nurseries)
10/26/91	V, 2 A	new-uses in the R160, R80, RHC40 and R20 zones
7/6/92	VI, 14	new-standards for non-residential buildings in residential zones
9/10/92	VI, 6A	lots on a common driveway
3/10/94	VI, 1	Non-Conforming bldg, uses, structures, lots
4/2/94	VI, 14, 1( c)	non-residential building/structure regulation
11/26/94	VI, 7	Site plan requirements
11/26/94	X, 1	Administration and enforcement
12/24/94	IV, 1	Definition of terms, lot, width of
12/24/94	IV, 2A	Table of residential area and dimension requirements
12/24/94	IV, 2C	Footnotes #6
1/28/95	II, 2	restaurant definition
1/28/95	III, 1 and 2	new B800 and B202 business zones
1/28/95	IV, 5	table of uses - non-residential
1/28/95	Zoning Map	B800 and B202 zones
5/6/95	IV, 2A and 2B	table of area and dimension requirements
5/6/95	III, 2, 3	PO Zone
5/6/95	VI, 1	access, circulation, off street parking and loading
5/6/95	VI, 2	Green space
11/26/94	various sections of regs and Map	Reorganization of Regulations
2/17/96	V, 4	residence, use of for personal business
2/17/96	V, 13 and 13A	modification to Home occupation and new section 13A, shop and storage use for contractor or tradesman
2/17/96	VII, new section	PDZ for life care facility
6/1/96	V, new section 24B	Residence, Use of for Educational Purposes
3/1/97	VII, Section 2, Subsection 4d	Water Quality Impact
4/30/97	Delete VII, Section 2	PDZ deleted by court action
5/24/97	V, Section 1	Accessory Apartments
5/24/97	X, Section 9	Moratorium on PCS Towers
11/27/97	Delete X, Section 9	Moratorium on PCS Towers - expired
11/27/97	new Article V, Section 29	Special Permit for Telecommunication Facilities and Sites
11/27/97	New subsection d to Article V, Section 13	Home Occupations
8/1/98	Art VIII New Sec 4	Procedural Requirements for Special Exceptions
8/1/98	Art II Sec 2	Add defn.of gross fl area, amend habitable fl area
8/1/98	Art IV Sec 2D	Max. floor area for individual retail store
11/7/98	New Sec 2 to Art VII	PDZ for Life Care Facility
5/8/99	Art V, New Section 29 and Art II, Sec 2, Definition of Street	Intersection of proposed subdivision street with certain "Town Line" streets
7/23/99	Art. VII - Overlay Zones and Planned Development Zones- Section 1 – Flood Plain Overlay Zone - new subsections 1, 2, and 3	Subsection 1 – General Provisions Subsection 2 – Administration Subsection 3 – Construction Standards

**Amendments to Town of Litchfield Zoning Regulations**

<b>Effective Date</b>	<b>Article, Section, Subsection</b>	<b>Description</b>
5/12/00	Art. V Section 30 – Wireless Communication Facilities	Amend subsection 5, Amend subsection 9a Specific requirements subsection (3), Amend subsection 2, Amend General Standards and Requirements, subsection a.
5/12/00	X, Section 9	Route 202 Moratorium
2/12/01	X, Section 9	Route 202 Moratorium - Expired - Delete Section 9
7/6/00	Art. II, Section 2	Change title of Farm/Farm Stand
7/6/00	Art. V, Section 9	Change title of Farm/Farm stand, change numbers to letters, add new subsection 2.
7/6/00	Art. IV, Section 5	Change USE category “Farm Stand (Temporary)
7/6/00	Art. IV, Section 4	Add new line for electric generation
7/6/00	Art. II, Section 2	Change title of Accessory Building, add new definition for Maintenance Shed
7/6/00	IV, Section 3, subsection 9	Revise section for Accessory Buildings
7/6/00	Art. V	Add new subsection 1A – Accessory Buildings and Structures in Residential Zones
12/14/01	V, Section 30	Add new section 30 – Public Utility Facilities subject to local Zoning Authority
12/14/01	VIII, Section 4, subsection g 5	Special Exception – regarding provision of Electric Power
12/14/01	VI, Section 6, Subsection 5	Change of Non Conforming Uses, Buildings/ Structures and lots
12/14/01	IV, Section 4	Table of Uses – churches are re classified to “SE” Special Exception
12/14/01	IV, Section 5	Table of Uses – churches are reclassified to “SE” Special Exception under “BH” Business Historic Zone, and “PO” Planned Office Zone. And Not permitted use under “MO” Municipal Office Zone
4/10/02	VI, Section 9	Open Space
9/15/03	IV Section 5	Table Of Uses – Non Residential, Housing for the elderly, refer to 15A.
9/15/03	V Section 15A	Housing for Elderly owned by a Profit Corporation
10/20/03	IV Section 2C	Footnotes: Table of Residential Area and Dimension Requirements. Subsection 1.
05/03/04	VI Section 10	Open or decorative flag for commercial use. Subsection 2.e.
05/03/04	VI Section 11	Design Review Advisory Committee
05/03/04	Article V Section 1A	Accessory building and structures in residential zones regarding maximum building height. Delete Section 1A.1.
3/7/05	VI Section 10, subsection 2e,vi	Open or decorative flag for commercial use - .....located on freestanding sign.....
10/26/05	VI, Section 10, subsection 3d	Maximum height of signs
10/26/05	Article II	Add definition of term Bakery
	Article IV Section 5	Change Bakery use in B202, B800, PB to SE
12/28/05	Article II	Add definition of Storage Business
1/11/06	Article IV Section 5	Add new line to permit Car Wash as SE in B202, B800.
	Article II	Add new definition for Car Wash
1/11/06	Article V Section 31	Add a new section 31 to Article V for Car Wash.

**Amendments to Town of Litchfield Zoning Regulations**

<b>Effective Date</b>	<b>Article, Section, Subsection</b>	<b>Description</b>
1/11/06	Article V Section 32	Change Telecommunication Facilities and Sites, Section 31 to Article V Section 32
3/13/06	Article II	Re-adopt definition of Storage Business
10/13/06	Article IV Section 2	Add "and structures" to Dimension Requirements narrative.
12/18/06	Article IV, Section 4 and 5	Add new category (SP) requiring Site Plan approval for certain uses.
12/18/06	Article VI Section 5, 5a	Delete reference to interior lots in subdivisions.
12/18/06	Article IX, Section 1	Site Plans "shall" include .....
	Article IX, Section 1, 5a	Add "signs" to paragraph.
6/18/07	Article VI, Section 6, 6(f)	Text change to enlargement of buildings containing non-conforming use
6/18/07	Article VI, Section 6, 7	Text change to Enlargement or additions to non conforming structure.
8/6/07	Article IV, Section 2C	Clarification to language for area within the 200' buildable square.
8/6/07	Article VI, Section 6(12)	Text change to abandonment of a non conforming use.
8/6/07	Article VI, Section 6 subpara. 6f & 7a	Text changes to 6f. Delete Subsection 7 a & b and make text changes to Section 7.
2/4/08	Delete Wellfield Protection Zone	
	Article II, Definitions	Delete "Zone of Influence"
	Article III, Section 4	Amend. To read "Zone Boundaries other than the FPOD"
	Article III Section 5	Delete WPZ Zone Boundaries
	Article IV Section 2A	Delete WPZ from Table of Residential Area & Dimension Requirements
	Article IV Section 4	Delete WPZ from Table of Uses – Residential Zones
	Various	Delete all other references to Wellfield Protection Zone
2/4/08	Article VI Section 6(4)	Text changes to language for non-conforming lots.
2/4/08	Article IV, Section 2c	Text changes to language for lots of record in the R80 or R160 zone that were established prior to 12/17/1987.
1/1/09	Article V, Section 2(6)	Change to language for affordable housing requirement for connection to public water and sewer.
9/1/09	Article IV Section 4	Changes to Table of Uses.
	Article II, Section 2	Change definition of Farm, add new definitions
	Article V, Section 9	Text changes – Farm Requirements
	Article V, Section 10	Text changes – Requirements for Home Farm...
	Article V, Section 10A	Add new Article V, Section 10A – Farm Winery
	Article VI, Section 10	Add new subsection 1(e).
	Article X, Section 2	Revise and add new section 2.2 – Temporary Event Zoning Permit
10/18/09	Zoning Map Change	Correct zoning map to reflect change from I to B202 for property at 599 Bantam Rd. originally approved August 17, 1987.
11/02/09	Article IV, Section 5	Amend Table of Uses – Non Residential Amend Automobile sales to include motorcycle, Truck, boat, farm equipment.
1/1/2010	Article IX, Section 1(2), 9	Add text – Minor Site Plan Modifications

**Amendments to Town of Litchfield Zoning Regulations**

<b>Effective Date</b>	<b>Article, Section, Subsection</b>	<b>Description</b>
1/1/2010	Article V Section 29	Added map titled "Streets Located on Town Boundary....." as Appendix A.
1/23/2010	Zoning Map	Change Zone from R80 to PB for property at 622 Bantam Road
3/19/2010	Article V, Section 29	Text changes – Intersection of proposed subdivision street with town line streets.
3/19/2010	Article VI, Section 1	Add new subsection 3 – Shared Driveways.
3/19/2010	Article VI, Section 5A, 8	Text Changes – Driveways to Interior lots.
3/19/2010	Article VI, Section 6(13)	Add new subsection 13 – Non-conforming use in B202 shopping center.
12/1/2010	Article V, Section 1A(5)	Changes to Electric Generation equipment setbacks.