

# Article 1

## Authority, Purpose and Intent

### Article 1, Section 1 **Authority**

- A. These Zoning Regulations for the Town of Ashford are and have been adopted in accordance with, and for the purposes set forth in Chapter 124 of the Connecticut General Statutes, as amended. Pursuant to Chapter 124, there is established a Planning and Zoning Commission, hereafter known as the Commission.
- B. In accordance with Chapter 124 of the General Statutes of the State of Connecticut, as amended, the Commission shall have the power:
  - 1. To establish and amend Zoning Regulations and zoning districts or boundary areas;
  - 2. To enforce the provisions of the Zoning Regulations;
  - 3. To hear and decide upon all applications including special exceptions (special permits).
- C. Once established, the regulations, restrictions and boundaries set forth in the Zoning Regulations may, from time to time, be amended, supplemented or repealed by the Commission in accordance with the General Statutes either on the initiative of the Commission or by petition from property-owners, interested parties, or residents of the Town of Ashford.
- D. The provisions of these regulations shall be administered and enforced by the Ashford Planning and Zoning Commission or its duly authorized agent as provided under these regulations.

### Article 1, Section 2 **Purpose**

The Town of Ashford is geographically located in an area known as “The Last Green Valley” and also “The Quiet Corner” of Connecticut. This area is scenic and peaceful, with clean water, clean air and dark skies. It contains some of the largest areas of unfragmented wildlife habitat in the region. Its natural environment supports rural economic activities, including farms and orchards, the forest products industry and tourism. The Commission’s goal is to conserve these desirable features for future generations while also respecting landowner’s development rights. With these goals in mind, the Zoning Regulations and districts or boundaries are established for the following purposes:

- 1. To protect and promote the public health, safety, welfare, and property values from fire, panic, flood, environmental damage and other dangers;
- 2. To lessen congestion in the streets and prevent the overcrowding of land;
- 3. To provide adequate light, air and water;
- 4. To avoid undue concentration of population;
- 5. To facilitate adequate provisions for transportation, water, sewerage, schools, parks and other public requirements;
- 6. To preserve and protect the unique character of the Town of Ashford by protecting sites and features of historic, natural and archaeological significance;

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7. To conserve and protect existing and potential surface water and groundwater drinking supplies and other valuable natural resources, including preserving Ashford's dark sky;
8. To prevent unnecessary soil erosion and sedimentation;
9. To provide adequate housing opportunities for all citizens of Ashford consistent with soil types, terrain, infrastructure capacity, and the rural character of the town; and
10. To further the Vision, Goals and Objectives of the Ashford Plan of Conservation and Development, as amended from time to time.

## Article 1, Section 3 **Ashford Plan of Conservation and Development**

The Ashford Plan of Conservation and Development represents the Town's blueprint for future development and is a statement of the Town's policy regarding a range of issues important to the Town. Persons using these Regulations should, as the Commission does in its application of the Regulations understand the Vision, Goals, and Objectives of the Plan of Conservation and Development.

# Article 2

## General Provisions

### Article 2, Section 1 **Comprehensive Plan**

The Zoning Regulations established hereunder, including the official Zoning Map, are in accordance with, and are hereby declared to embody the Comprehensive Plan of the Town of Ashford.

### Article 2, Section 2 **Regulations - General**

A. No land, building, structure or premises shall be used and no building, structure or part thereof shall be erected, altered, enlarged or moved except in conformity with these regulations. No lot shall be less in area, depth or width nor have smaller yards or setbacks, and no buildings or structures shall occupy in the aggregate a greater percentage of the lot area, accommodate a larger number of families, contain less livable floor area, nor be greater in height than as prescribed by the regulations applicable to the zone in which such lot, building or structure is situated. No lot or parcel of land shall be subdivided, re-subdivided or otherwise diminished in area, width or length, nor shall any yard or required open space be reduced, except in conformity with these regulations. Any applicant with any existing Planning and/or Zoning violation(s) on any parcel or property in the Town of Ashford where that person, firm, corporation, partnership or association owns an interest, may not be approved for any new applications with regard to said parcel or property until all violations are thereon corrected (unless the purpose of the application is to correct or eliminate the existing violation). Uses not specifically listed in these regulations are prohibited, except for uses lawfully established prior to the effective dates of these regulations (August 1972)

No land use shall be established or changed and no building or structure shall be used, erected, constructed, moved, enlarged, or altered, in whole or in part, until a Zoning Permit has been issued by the Commission or its authorized agent. No Building Permit shall be issued without certification in writing from the Zoning Enforcement Officer that the proposed building, structure or use is in compliance with the Ashford Zoning Regulations.

B. No change shall be made in the use of any building, structure or land unless an application for such change is submitted to the Commission, or the Zoning Enforcement Officer as their designated agent for review and action.

### Article 2, Section 3 **Construction of Language**

As used in these Regulations:

1. When not inconsistent with the context, words used in the present tense include the future, and the singular includes the plural.
2. The word “shall” is intended to be mandatory, and the word “may” is permissive.
3. In case of any difference of meaning or implication between the text of these regulations and any caption, illustration, summary, table, or illustrative table, the text shall control.
4. The terms “used” and “occupied” include the meanings “designed to be used (or occupied)” and “intended to be used (or occupied).”

### Article 2, Section 4 **Conflict**

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Wherever the terms of these Regulations require a higher standard for development or use than are required in any other statute, local ordinance or regulation the provisions of these Regulations shall govern. Wherever the provisions of any other statute, ordinance or Regulation require a higher standard for development or use the provision of such statute, ordinance or regulation shall govern.

## Article 2, Section 5 **Severability**

If any section, clause, provision or portion of these regulations shall be held invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the whole Regulation or any section, clause, provision or portion other than the part so decided to be invalid or unconstitutional.

## Article 2, Section 6 **Illegal Use**

Nothing in these regulations shall be interpreted as authorization for or approval of the continuation of the use of land, buildings, structures or premises in violation of the zoning regulations in effect up to the effective date of these regulations or any amendment thereof.

## Article 2, Section 7 **Non Conforming Uses, Structures and Lots**

- A. It is the intent of these Regulations that Nonconforming Uses, Structures and Lots not to be Extended, Altered, or Enlarged unless authorized by the Commission in accordance with this Section and by Special Permit, that they should be changed to conformity as quickly as the fair interest of the owners permits, and that the existence of any present nonconformity anywhere in the Town shall not in itself be considered grounds for the approval of a variance for any other use, building or other structure or lot.
- B. Any Use, Building or other Structure, Lot or site development, or part thereof, which existed lawfully, by variance or otherwise, on the date these Regulations, or any amendment hereto, became effective and fails to conform to one or more of the provisions of these Regulations, or such amendment hereto, may be continued subject to the provisions and limitations of this Section.
- C. No lot or land shall be subdivided, sold, encumbered or transferred so as to make a lot non-conforming or more non-conforming, to make any use, building or other structure non-conforming or more non-conforming, to reduce any setback, open space or off-street parking and loading spaces to less than is required by these Regulations or to make any non-conforming setback, open space or off-street parking or loading spaces more non-conforming.
- D. Non-Conforming Uses
  - 1. No use that conforms to these regulations may be changed to a nonconforming use. A nonconforming use may be changed to a less non-conforming use by Special Permit. When a non-conforming use has been changed to less non-conforming by the Commission, the use shall not thereafter be changed back to the original use. Whenever a nonconforming use has been changed to a conforming use it shall not thereafter be changed to a use that does not conform to these regulations.
  - 2. No nonconforming use shall be extended or enlarged inside or outside any building or structure except as otherwise provided herein.
  - 3. No nonconforming use of a building or structure may be moved to any other part of the lot or parcel of land
  - 4. No non-conforming use of land, buildings or other structures which shall have either ceased or been discontinued for a continuous period of three (3) years or more with evidence of an intent to abandon shall be resumed or replaced by any other nonconforming use

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5. A building or structure containing a nonconforming use may be altered, improved, repaired, and/or reconstructed as made necessary by wear and tear or deterioration, provided the alteration, improvement, repair and/or reconstruction conforms with these regulations and further provided the area occupied by the nonconforming use is not enlarged.

## E. Non-Conforming Buildings or Structures:

1. No extension or enlargement of any nonconforming building or structure shall be made which increases the nonconformity of such building or structure
  - a. Notwithstanding the foregoing exception, no extension or enlargement of any building shall be permitted in a designated 100 year Floodplain.
  - b. Non-conforming buildings or structures may be enlarged in any direction that will not increase their non-conformity.
  - c. Non-conforming structures or buildings may be increased in height however there shall be no cantilevers, eaves or other architectural protrusions into the area of the non-conformity.
2. Any nonconforming building or structure which is in structural disrepair may be torn down and rebuilt to the same dimensions, floor area, cubic volume, bulk and site location as was existing immediately prior.
3. No change of title, possession or right of possession shall be deemed to affect the right to continue a non-conforming building or other structure.
4. Any nonconforming building or structure which has been destroyed or damaged by fire, explosion, act of God or public enemy may be restored to the same dimensions and floor area existing immediately prior to such damage or destruction, provided such restoration is commenced within twelve (12) months after such damage or destruction.

## F. Non-Conforming Lots

1. Where two (2) or more adjacent non-conforming lots exist in single ownership at the effective date of these regulations, such lots shall be merged in such a manner as to conform or more closely conform to the area, frontage and setback requirements as defined in these regulations.
2. Any Lot of Record which does not meet the requirements of these regulations as to lot area and/or lot frontage, may be utilized for any residential use permitted in the zone in which such lot is located, provided that all of the other provisions and requirements of these regulations are or have been complied with as to such lot, and provided further that all applicable Subdivision Regulations of the Town of Ashford are or have been complied with as to such lot.

## Article 2, Section 8 **Construction Begun and/or Permits or Variances Issued Prior to Adoption or Amendment of Regulations or Zone Change**

- A. Nothing in these regulations or any amendment thereof or in any subsequent change in zoning classification shall be deemed to require any change in the plans, construction or designated use of a building, structure or premises for which a zoning permit, special permit or variance has been issued prior to the effective date of the relevant regulations, amendment or change in zoning classification, provided (i) a building permit is obtained from the Building Official within one (1) year from such effective date; (ii) substantial construction is commenced within one (1) year of the date of issuance of such building permit; and (iii) the entire building or structure is completed according to the approved plans within two (2) years from the date of issuance of the building permit. If any of the foregoing provisions are not complied with, such zoning permit, special permit or variance shall become null and void.

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- B. Notwithstanding the foregoing provisions, no improvements or proposed improvements shown on a site plan for residential property which has been approved prior to the effective date of a change in the zoning regulations or zoning classification and filed or recorded with the Office of the Ashford Town Clerk shall be required to conform to such change.
- C. This section shall not alter or affect a Nonconforming Use or Structure as provided in Article 2, Section 8 above.

## Article 2, Section 9 **Enforcement**

- A. These regulations shall be enforced and interpreted by the Ashford Planning and Zoning Commission or its duly appointed Zoning Enforcement Officer, in such a manner as set forth in Section 8-12 and other applicable sections of the Connecticut General Statutes, as amended, and in such a manner as set forth in these regulations.
- B. If any building or structure has been erected, constructed, altered, or maintained, or any building, structure or land has been used, in violation of these regulations, the Planning & Zoning Commission or the duly appointed Zoning Enforcement Officer, in addition to other remedies, may do any or all of the following:
  - 1. institute an action or proceeding to prevent such unlawful erection, construction, alteration, maintenance or use, or to restrain, correct or abate such violation, or to prevent the occupancy of such building, structure or land, or to prevent any illegal act, conduct or use in or about such premises;
  - 2. cause any building, structure, place or premises to be inspected and examined and order in writing the remedying of any condition found to exist therein or thereon in violation of these regulations or, when the violation involves either grading of land, removal of earth, or soil erosion and sediment control, issue in writing a cease and desist order to be effective immediately; and
  - 3. revoke any zoning permit or special permit if, after written notice to the applicant, landowner, or other person conducting such use, and an opportunity for a hearing, the Commission or the Zoning Enforcement Officer makes a finding that any condition or other term of the permit or of these regulations has been violated or has not been complied with.

## Article 2, Section 10 **Effective Date**

These Zoning Regulations of the Town of Ashford and any future amendments shall take effect upon their passage and publication of legal notice in accordance with the Connecticut General Statutes.

# Article 3

## Definitions

In the interests of clarity and brevity, the following terms shall, unless otherwise stated, have the meaning herein indicated for all purposes of these Regulations. Words used in the present tense shall include the future tense. When the context so requires, words in the masculine, feminine, or neuter gender shall include any gender, and words in the singular or plural shall include both singular and plural numbers. The underlined captions set forth in these Regulations are for convenience and reference only, and shall not be deemed to define or limit the provisions hereof or to affect in any way their construction or application.

### A

**Abandonment** – the discontinued use of any structure or land for a period of three (3) years. A structure shall be considered abandoned if it is fully or partial demolished. The use of a structure or land shall be considered abandoned if the activity or operation ceases, the premises are vacated, machinery, equipment or fixtures are removed, or other action terminating the use is taken. to cease or discontinue a use or activity without intent to resume, but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure.

**Abutting** - means separated by no intervening private property; properties separated by a public or private street shall be deemed to be abutting.

**Access Point** - any public/private roadway/driveway established for the purpose of entry to the development or residences.

**Accessory Building or Structure** - means a non-attached building or structure, in addition to the principal building, which is clearly subordinate to, and customarily incidental to, and located upon the same lot as, the principal building or on a contiguous lot under the same ownership. Any accessory building physically attached to a principal building shall be deemed to be a part of such principal building in applying the Bulk Regulations to such building.

**Accessory Use** - means a use, in addition to the principal use, which is clearly subordinate to, and customarily incidental to, and located upon the same lot as, the principal use or on a contiguous lot under the same ownership.

**Accessway** - an area at least fifty (50) feet wide throughout that extends from the road or street to an interior lot.

**Agriculture** - the cultivation of land, including planting and harvesting of crops, tillage, horticulture, forestry, raising and management of livestock and anything else included in the definition of agriculture under Section 1-1(q) of the Connecticut General Statutes; and the storing, processing and sale of agricultural and horticultural products and commodities as defined under Section 1-1(q) of the Connecticut General Statutes, as incidental to agricultural operations.

**Agricultural Buildings and Structures** - permanent, immovable buildings or structures used in connection with agriculture, including shelter for livestock and storage for farm machinery, equipment and supplies.

**Alteration** - any human-induced action which impacts the existing condition of the land. Alterations include but are not limited to grading; filling; dredging; draining; channelizing; cutting, clearing, relocating or removing vegetation; paving, construction, application of gravel; modifying for surface water management purposes; or any other human activity that impacts the existing vegetation, hydrology, wildlife or wildlife habitat. Alteration does not include walking, passive recreation, fishing or other similar activities.

**Antenna** - any exterior or interior transmitting or receiving device mounted on a tower, building or structure, or free standing and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

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**Applicant** - a person who applies for any permit to do anything governed by these regulations and who has legal standing to apply for a permit or approval on the specific property.

**As-Built** - a drawing in an acceptable GIS format, certified by a Connecticut licensed engineer, which represents the true size and location of what is being measured or has already been built in the field.

## B

**Banking and Financial Institutions** - a bank and trust company, savings bank or savings and loan association chartered or organized under the laws of the State of Connecticut

**Bed and Breakfast** - a dwelling in which, for compensation, sleeping accommodations are provided to transient guests in not more than five (5) guest rooms under management and operation of the occupants of the dwelling. A bed and breakfast inn may include the provision of meals for overnight guests only.

**Boarding, Rooming or Lodging Quarters** - a portion or portions of a dwelling which dwelling is occupied by the owner and in which accommodations are offered or provided for no more than two (2) persons for compensation.

**Best Management Practices** - methods, measures or practices selected by an agency to meet its non-point source control needs. BMPs include but are not limited to structural and nonstructural controls and operation and maintenance procedures.

**Boundary Line** - a lot line or property line that legally separates two (2) adjoining lots or parcels of land.

**Buffer, Buffer Area or Buffer Strip** - a strip of land free of any building, structure or use other than natural woody growths, landscaping, fencing or screening designed to shield or block noise, lights or other nuisances.

**Buildable Area** – the area of a lot remaining after the minimum yard and open space requirements of the Regulations have been met.

**Building** - any structure having a roof supported by columns or walls and intended for shelter, housing, or enclosure of persons, animals or materials. When any portion of a building is completely separated from every other portion by masonry or a fire-wall without any window, which wall extends from the ground to the roof, then such portion shall be deemed to be a separate building.

**Building Code** - the provisions of Chapter 354 of the Connecticut General Statutes and any state and local regulations adopted pursuant thereto and in force in the town, as the same may be amended from time to time.

**Building Coverage** - the percentage which the aggregate area of all buildings on the lot bears to the area of the lot.

**Building Height** - The vertical distance measured from the mean level of the ground (finished grade) surrounding the building to the highest point of the roof.

**Building Line** - the line along the front of a building that is parallel to the street at a distance equal to or greater than the required front yard setback, as legally established by the Town.

**Building Official** - the Building Official, also known as the Building Inspector, of the Town of Ashford.

**Building Permit** - a permit which must be obtained from the Building Official before construction of any building may start.

**Bulk** - the size and shape of buildings, structures and use areas and the physical relationships of their exterior walls or spatial limits with lot lines and other buildings, structures and uses; or with the other walls of the same building, or other portions of the same structure or use. Bulk also includes the relationship of buildings, structures and uses with all yards

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and open spaces required by these Regulations; and also includes provisions of these regulations dealing with floor area ratio, building height, lot area per dwelling unit, lot frontage, lot width, required yards, courts, usable open space, spacing between buildings on a single lot, length of building in a row, and all other similar provisions of these Regulations dealing with the relationship between land and the improvements or uses located, or to be located, thereon.

## C

**Certificate of Occupancy** - a certificate granting the right to occupy or use a building, structure or land and attesting to the applicant's having met all the requirements of these regulations and other applicable laws. The Building Official may issue such certificate only after a final inspection.

**Certificate of Zoning Compliance** - a certificate granting the right to occupy or use a building, structure or land and attesting to the applicant's having met all the requirements of these regulations. This certificate may be used where a Certificate of Occupancy is not used or may not be appropriate.

**Change of Use** - any proposed use which substantially differs from the existing use of a building, structure or lot, by having different zoning requirements or is otherwise categorized differently in these regulations.

**Child Day Care Center** - an establishment which offers or provides a program of supplementary care to more than 12 related or unrelated children outside their own homes on a regular basis for a part of the 24 hours in one or more days in the week. If there is any conflict between the definition provided herein and the definition provided in Section 19a-77 of the Connecticut General Statutes, as amended from time to time, the General Statutes shall prevail.

**Church** - an establishment, the principal purpose of which is religious worship and for which the main building or other structure contains the sanctuary or principal place of worship. A church may include accessory uses in the main building or in separate buildings or structures, including Sunday school rooms and religious education classrooms, assembly rooms, a common kitchen, a library room or reading room, recreation hall and living quarters/ dormitories on site for staff and/or students of religious study.

**Civic Building** - a building operated by non- profit organizations dedicated to arts, culture, education, or recreation, government, transit, and municipal parking, or for use operated by the Town.

**Club** - an association of persons for some common purpose, but not including groups organized primarily to render a service that is customarily carried on as a business.

**Cluster Subdivision** - a special permit granted by the Commission after holding a public hearing, which allows a subdivision with reduced lot sizes and reduced minimum required lot frontage if all the requirements and standards of the Cluster Subdivision permit are met by the applicant. In addition, the applicant must meet the all the requirements of the Subdivision regulations.

**Colleges, universities, business colleges, technical or trade schools** - a use, including sub-uses such as classrooms, dormitories, student housing, eating facilities, research laboratories, athletic facilities, libraries, faculty and other offices, museums, auditoria and other facilities of public assembly, parking, and other similar uses.

**Co-Location** - Locating wireless communication facilities from more than one provider on a single tower.

**Commercial Use** - an activity involving the production, preparation or sale of goods or services carried out for profit.

**Commission** - The Ashford Planning & Zoning Commission.

**Community Residence** – a residential dwelling that houses (1) six or fewer mentally retarded persons and necessary staff persons and that is licensed under the provisions of Section 17a-227 of the Connecticut General Statutes; (2) six or fewer children with mental or physical disabilities and necessary staff persons and that is licensed under Sections 17a-145 to 17a-151 of the Connecticut General Statutes; ((3) six or fewer persons receiving mental health or addiction services and necessary staff persons paid for or provided by the Department of Mental Health and Addiction Services and that has

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been issued a license by the Department of Public Health under the provisions of Section 19a-491 of the Connecticut General Statutes; or (4) six or fewer persons receiving inpatient hospice care and services and is licensed to provide such services by the Department of Public Health. If there is any conflict between the definition provided herein and the definition provided in Section 8-3e of the Connecticut General Statutes, as amended from time to time, the General Statutes shall prevail.

**Computer and Data Processing Centers** - a use where the majority of the space is occupied by computers and/or related equipment and where information is processed, transferred and/or stored. Data and computer service/centers may contain data technology centers, internet service providers, network operations centers, web hosting facilities, cloud facilitation and other similar establishments primarily engaged in providing direct access through telecommunications networks to computer held information.

**Connecticut-Grown** - produce and other farm products that have a traceable point of origin within Connecticut

**Conventional Subdivision** - a residential or commercial subdivision of a parcel of land that meets all the requirements and standards of the Subdivision Regulations of the Town of Ashford.

**County Soil and Water conservation District** - the Windham County Soil and Water conservation District established under subsection (a) of section 22a-315 of the Connecticut General Statutes.

## D

**Dark Sky** – night sky with no or minimal light pollution with visible stars.

**Date of Receipt** - the date of the next regularly scheduled meeting of such Commission immediately following the date of submission of the application, request or appeal, or thirty-five (35) days from the date of application, request or appeal, whichever is sooner – if there is any conflict between this provision and the requirements of 8-7d of the General Statutes, the provisions of the General Statutes as amended shall prevail.

**Day Care Center** - means a use of land or buildings which offers or provides a program of supplementary care for compensation to more than twelve (12) related or unrelated children, or any number of adults, outside their own homes on a regular basis for a part of the twenty-four (24) hours in one or more days in the week. "Day Care Center" does not include services which are (1) administered by a public or private school system which is in compliance with Connecticut General Statutes Section 10-188, (2) recreation operations such as, but not limited to, boys' and girls' clubs, church-related activities, scouting, camping or community-youth programs, (3) informal arrangements among neighbors or relatives in their own homes, (4) drop-in supplementary child care operations where parents are on the premises for educational or recreational purposes and the child receives such care infrequently. "Day Care Center" includes "Child Day Care Center" as defined in Section 19a-77 of the Connecticut General Statutes, but does not include a "Family Day Care Home" or "Group Day Care Home" as defined in said Section.

**Density** - a ratio of dwelling units or commercial structures to lot area, usually expressed in terms of dwellings/structures per acre or square feet of land area per dwelling unit/commercial structures.

**Development** - all structures, uses or other alterations or modifications of the natural landscape occurring above or below ground or water on a particular lot.

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

**Driveway** - a private way that affords, or is intended to afford, vehicular access from a public or private street to the principal structure on a lot or parcel of land.

**Dwelling** - any building designed and/or used for human habitation on closed solid foundation, using permanent weather-proof exterior materials, constructed with ceilings and walls finished on the interior with lath and plaster or some comparable material; with facilities which are used or intended to be used for living, sleeping, cooking and eating;

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connected to a safe water supply with adequate sanitary sewerage disposal facilities; and equipped with at least one (1) furnace or other customary form of heating apparatus.

**Dwelling Unit** - one or more rooms in a residential building which are arranged, designed, used or intended for use by one or more persons living together and maintaining a common household including a lawful cooking space and sanitary facilities reserved solely for use by the occupants of said dwelling unit.

## E

**Easement** - a non-possessory interest in land. The owner of an easement has a right to use the land of another for a special purpose, as distinguished from a right to possess that land.

**Enlargement, or to Enlarge** - any addition to the floor area of an existing building, an increase in the size of any other structure, or an increase in that portion of a tract of land occupied by an existing use. "To enlarge" is to make an enlargement.

**Extend, or to Make an Extension** - an increase or amplification, as distinguished from establishment or inception. "Extension" shall be deemed to include the expansion in the seasons or periods of use of a non-conforming seasonal use, or of a seasonal dwelling on a non-conforming lot; and any increase in the normal days or hours of operation, or any increase in the scope of services offered, of any non-conforming, non-residential use of land, buildings, or structures.

**Erosion** - the process whereby the landform is worn away by the action of water, wind, rain, or ice activity.

**Excavation** - the digging out, extraction, regrading, or removal of earth, whether exposed or covered by water, so as to alter its contour.

**Exercise and Fitness Centers** - an indoor establishment designed and equipped for the conduct of recreational sports, physical exercise, leisure time activities, or other usual recreational activities, and open to members and guests or open to the public for a fee. Such establishments may offer classes or instruction in such activities as physical exercise, weight training, martial arts, or weight control and include such facilities and equipment as handball courts, basketball courts, squash or racquetball courts, gymnasiums, tennis courts, swimming pools, cardio exercise apparatus, or weight training equipment.

## F

**Fall Zone** - the area within a circle described about the base of a tower with a radius equal to the height of the tower plus any antennas that may protrude above the tower.

**Family** - any number of individuals related by blood, marriage, civil union, or adoption, living together as a single housekeeping unit; or (b) A group of not more than three (3) persons, not so related by blood, marriage, civil union or adoption, living together as a single housekeeping unit.

**Family Day Care Home** - a private family home caring for not more than six children, including the providers own children not in school full-time, where the children are cared for not less than three nor more than 12 hours during a 24-hour period, where care is given on a regularly recurring basis, and where the principal provider of the service resides on the premises. During the regular school year, a maximum of three additional children who are in school full-time, including the provider's own children, shall be permitted, except that if the provider has more than three children who are in school full-time, all of the provider's children shall be permitted. If there is any conflict between the definition provided herein and the definition provided in Section 19a-77 of the Connecticut General Statutes, as amended from time to time, the General Statutes shall prevail.

**Farm Equipment and Garden Centers** - an establishment primarily engaged in retailing to the general public: (A) Trees, shrubs, other plants, seeds, bulbs, mulches, soil conditioners, fertilizers, pesticides, garden tools, landscaping materials and other garden supplies; and (B) Animal feeds, fertilizers, agricultural chemicals, pesticides, seeds and other farm supplies.

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**Farm Stand** - a movable structure located on a farm in the Town, used by a farm business for the temporary, seasonal sale of raw and/or processed agricultural products. At least seventy percent (70%) of gross sales shall be from agricultural goods produced on the owner's farm.

**Farm Store** - a permanent structure located on a farm that is used by a farm business for the sale of raw and/or processed agricultural products. The Farm Store is not required to cease operations for any period and may be open year round at the owner/ operators discretion. At least fifty (50%) of gross sales shall be from agricultural goods produced on the owner's farm-

**Farmers' Market** - is, in accordance with CGS 22-6r as amended, a cooperative or nonprofit enterprise or association that consistently occupies a given site throughout the season or that occupies a given site for any given day or event and that operates principally as a common marketplace for a group of farmers, at least two of whom are selling Connecticut-grown fresh produce, to sell Connecticut-grown farm products in conformance with the applicable regulations of Connecticut state agencies and where the farm products sold are produced by the participating farmers with the sole intent and purpose of generating a portion of household income.

**Fence** - a structure designed of any material or combination of materials erected to enclose, separate, screen or buffer areas of land.

**Filling** - the process of depositing clean fill such as soil, sand, gravel, rock or clay.

**Fitness, Dance, or Sport Training Facilities** - a place or building where passive or active exercises and related activities are performed for the purpose of physical fitness, improved circulation or flexibility, and/or weight control. Fitness Center may also include incidental accessory uses such as child care for patrons, professional physical therapy services, and incidental food and beverage sales.

**Flood or Flooding** - a general and temporary condition of partial or complete inundation of normally dry land areas from: the overflow of inland or tidal waters; and/or the unusual and rapid accumulation of runoff of surface waters from any source.

- **One-Hundred-Year Flood** - a flood of such magnitude which occurs on the average once in any one-hundred-year period, or which has a one-in-one-hundred chance of occurring in any year.

**Flood Insurance Rate Map (FIRM)** - the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**Floodplain** -See Article 6, Section K.

**Floor Area, Gross** - means the sum of the gross area (horizontal) of every floor of a building, as measured by the exterior faces of the walls or from the centerline of party or common walls separating two buildings, dwellings, or distinct and separate non-residential uses having no common exterior access. "Floor Area, Gross" shall include: (a) basement space; (b) attic space whether or not a floor has been laid, over which there is structural headroom of 7 1/2 feet or more; (c) floor space used for mechanical equipment with structural headroom of 7 1/2 feet or more; (d) roofed porches, breezeways, interior balconies and mezzanines; (e) any roofed-over space not located in a basement such as a garage or carport for off-street parking accessory to a dwelling. "Floor Area, Gross" shall not include: (a) cellar space; except that any such space used for a non-residential use shall be included for the purpose of calculating the required off-street parking spaces for such use; (b) elevator shafts and stairwells, accessory water tanks and cooling towers; and (c) patios, terraces, unroofed open porches/decks, and outside uncovered steps.

**Floor Area, Livable** - means that portion of the gross floor area on a dwelling which is adequately provided with heat, light and ventilation so as to be suitable for residential use and occupancy. "Floor Area, Livable" shall include: Finished basement or attic spaces and enclosed porches; but shall exclude: Garage space; cellar space; terraces/patios, unroofed open porches, steps, and similar unenclosed or unfinished spaces; and stairways and halls serving more than one (1) dwelling unit.

# Ashford, Connecticut - Zoning Regulations

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**Footprint** - the total horizontal cross-area as would be shown on the plan view of the first floor of a residence, excluding porches and garages.

## G

**Golf Clubs or Sporting Clubs** - land area and buildings containing golf courses, recreational facilities, a clubhouse, and other customary accessory uses, either open to the public or open only to members and their guests.

**Grade, finished** - the elevation of a lot after completion of development.

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

**Group Day Care Home** - an establishment which offers or provides a program of supplementary care to not less than seven nor more than 12 related or unrelated children on a regular basis for a part of the 24 hours in one or more days in the week. If there is any conflict between the definition provided herein and the definition provided in Section 19a-77 of the Connecticut General Statutes, as amended from time to time, the General Statutes shall prevail.

**Guidelines for Soil Erosion and Sedimentation Control** - a document (DEP Bulletin 34, ISBN 0-942085-10-8) prepared and amended by the Connecticut Council on Soil and Water Conservation in cooperation with the Connecticut Department of Environmental Protection.

## H

**Hazardous Materials or Waste** - any substance or combination of substances which, because of quantity, concentration or physical, chemical or infectious characteristics, poses a significant present or potential hazard to water supplies or to human health if disposed of into or on any land or water in the Town of Ashford. HAZARDOUS MATERIALS OR WASTE include, but are not limited to the following:

- a. any chemical, substance or material identified as a "hazardous waste" in Conn. Gen. Stat., sec. 22a-448 or any regulations promulgated pursuant to Conn. Gen. Stat., SEC. 22A-448 through sec. 22A-457;
- b. any chemical, substance or material identified as a "hazardous chemical" in Conn. Gen. Stat., sec. 29-336 or any regulations promulgated under Conn. Gen. Stat., sec. 29-336 through 29-341;
- c. any chemical, substance or material identified as a "hazardous waste" in 42 United States Code, sec. 6903 or in any regulations (including but not limited to, 40 Code of Federal Regulations, Part 261) promulgated under the federal Resource Conservation and Recovery Act of 1976 (42 United States Code, sec. 6901 et seq.) as amended.

**Height of a Tower** - the vertical distance measured in feet from the average existing level of the ground surrounding the tower or structure a tower is mounted on, to the topmost point of the tower including any antenna or other appurtenances. The existing elevation shall mean the actual or approved elevations of the property at the time of application.

**Home Occupation** - accessory uses conducted for compensation by the occupant(s) of a residential dwelling and wholly within such dwelling which complies with the provisions of these Regulations. Home occupations shall not include restaurants, tea rooms, or other eating or drinking places; dog kennels, animal hospitals; tattoo parlors; barber shop or beauty parlor having more than one (1) sink with one chair for cutting hair; doctors, dentists, automotive service, supply sales or repairs except for vehicles registered in the name of family members residing in the dwelling. Home occupations include, but are not limited to: The preparation and sale of those products customarily produced in the home or garden, and actually produced in the subject home or garden, such as baking and home preserves; the preparation and sale of the products of arts and crafts actually prepared on the subject premises, such as sewing, painting, wood carving, cabinet making, ceramics, writing, sculpture, ornamental glass and metal working; the workshops of skilled craftsmen such as watchmakers, plumbers, electricians, carpenters, house painters, paperhangers, and radio and television repairmen; the offices of architects, accountants, lawyers, engineers, psychotherapists, real estate and insurance agents, and other

# Ashford, Connecticut - Zoning Regulations

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recognized professionals; and other activities which the Commission determines to be substantially similar in character, nature, intensity or impact to the activities listed above.

## I

**Impervious Surface** - an area of a lot which has been improved in such a way as to be impenetrable by surface water. Such surfaces include, but are not limited to, roofs, paved areas (roads, driveways, parking lots, sidewalks, patios, etc.), and swimming pools.

**In-Law Apartment** - a separate efficiency unit within a single-family detached dwelling that contains no more than five-hundred and seventy six (576) square feet of livable floor area and is used to provide housing for no more than two (2) members of their extended family. Either the dwelling or the efficiency unit shall be owner occupied.

**Interior Lot** - a lot that does not meet the minimum lot frontage requirements.

## J

**Junkyard** - parcel, with or without buildings, used, either as a principal or accessory use, or occupied by the outdoor storage of used or discarded materials such as waste paper, rags, scrap metal, building materials, house furnishings, machinery, vehicles, or parts thereof, with or without dismantling, processing salvage, sale or other use or disposition of the same. A deposit or the outdoor storage on a lot of two (2) or more wrecked or unregistered vehicles, or vehicles otherwise not in a condition for legal use on public highways, or parts of two (2) or more such vehicles, shall be deemed a junk yard.

## K

**Kennel, Avocational/Commercial** - a place, open or enclosed, in which a total of three (3) or more pets, limited to dogs, are kept for breeding, boarding, grooming, or medical attention.

## L

### Lighting:

- Bloom: The lighting from below of dust particles or moisture in the atmosphere causing a glow in the sky when viewed from a distance.
- Glare – Excessive brightness in the field of view that is sufficiently greater than that to which the eyes are adapted, to cause annoyance or loss in visual performance and visibility, so as to jeopardize health, safety or welfare.
- Shielded – A luminaire from which no direct glare is visible at normal viewing angles by virtue of its being properly aimed, oriented, and located and properly fitted with such devices as shields, barn boors, baffles, louvers, skirts or visors.

**Line of Sight** - the maximum unobstructed distance at which it is possible to reasonably visually distinguish and recognize individuals.

**Loading Area** - an area off the street, on the same lot with a building, for the temporary parking of trucks or other motor vehicles while materials or merchandise are loaded or unloaded, to betaken to or from the building.

**Lot** - a parcel of land under unified ownership, and separately described in a deed recorded in the office of the Town Clerk, which is occupied or capable of being occupied by one (1) principal building and the accessory buildings or uses customarily incidental to it, including such open spaces as are required by these Regulations, and which, in addition, meets the minimum area, width, and other applicable requirements of these Regulations for the zone in which such parcel

# Ashford, Connecticut - Zoning Regulations

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is located, or is a legal non-conforming parcel, as defined in these regulations. The term "lot" includes the terms "parcel", but the term "parcel" does not include the term "lot".

**Lot area** - the area of a horizontal plane bounded by all lot lines. See, "Buildable Area"; and, also, "Area, Yard, and Height Requirements."

**Lot, Corner** - a lot of which two (2) adjacent sides face a street or streets so that the interior angle of the intersection is less than one hundred thirty-five (135°) degrees, provided that the corner of any such intersection is not rounded by a curve having an inside radius greater than fifty (50') feet..

**Lot Coverage** - the ratio between the buildable area and the gross area of the Lot.

**Lot Frontage, Lot Frontage Line** - the length of the shortest straight line between Side Lot Lines and located entirely within the Lot, and passing through any point(s) of the Front Lot Line. In the case of an Interior Lot, the Lot Frontage shall be measured at that point closest to the Street from which the Lot derives its principal access In the case of a Corner Lot, the lot must have full frontage along at least one street.

**Lot Line** - same as "Boundary Line"

**Lot Line, Front** - that Lot Line being along the street which that lot abuts. In the case of rear lot, that lot line being closest to the street from which the Lot derives its principal access.

**Lot Line, Rear** - the lot line which is generally opposite the front lot line or if the lot comes to a point at the rear, the rear lot line shall be deemed to be a line parallel to the front lot line not less than ten (10) feet long lying wholly within the lot and farthest from the front lot line.

**Lot Line, Side** - any lot line not a front lot line or a rear lot line extending directly or indirectly from the front lot line.

**Lot of Record** - a lot for which a deed has been recorded in the office of the Town Clerk, which lot met the requirements of these regulations and of the Subdivision Regulations, as the same were in force at the time of such recording; or a parcel of land under unified ownership and separately described on the Land Records prior to the adoption of such regulations.

## M

**Manufacturing** - processing, assembling or fabrication of materials involving methods or manufacturing processes which do not generate noxious or objectionable impacts such as noise, smoke, dust, vibration, odor, or concussion; and does not involve outdoor storage of large quantities of bulk materials or heavy equipment..

**Meeting and Conference Centers** - a commercial facility used for assemblies or meetings of the members or representatives of groups, including exhibition space. This term does not include banquet halls, clubs, or lodges.

**Motel, Hotels and Inns** - a building or group of buildings providing transient lodging with parking conveniently located to each unit, which may also include incidental uses such as meeting rooms, restaurants, etc.

## N

**Non-Conforming Building or Structure** - a building or structure legally existing immediately prior to the effective date of these Regulations, which met all requirements of the Zoning Regulations then in force, if any there were, on said effective date, but does not meet the current requirements of these Regulations; or a building or structure legally existing on the effective date of any amendment hereto which caused such building or structure to cease to meet the requirements of these Regulations.

**Non-Conforming Lot** - a Lot of Record, which does not meet the requirements of Article 4 of these Regulations for the District in which it is located.

# Ashford, Connecticut - Zoning Regulations

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**Non-Conforming Use** - the use of land, buildings, or premises which is not a use permitted by these Regulations for the zone in which such use is occurring, but which was legally existing and conformed to all requirements of the Regulations then in force, if any, on the effective date of these Regulations or on the effective date of any amendment hereto which caused the use to cease to meet the requirements of these Regulations.

## O

**Office** - a building or portion thereof which is used for general business purposes not involving manufacturing, sale of inventory or provision of services involving manual skills or mechanical processes.

**Open Space** - an unoccupied space open to the sky on the same lot as the subject building or structure.

**Outdoor Cafes** - a place that is a direct extension of a permitted restaurant for the consumption of food or drink at a table that is not located within a structure, which table is made available for use in conjunction with a restaurant or other food service business.

## P

**Parcel** - any contiguous piece of land, including one or more contiguous lots of record, unified under the same ownership, whether or not every said piece of land was acquired at the same time; excluding, however, any parcel which is a "Lot", as that term is defined in these regulations.

**Parking Area** - any public or private land area designed and used for parking motor vehicles including parking lots, garages, private driveways and legally designated areas of public streets.

**Parking Lot** - an area designed or intended for the temporary parking of a motor vehicle, not including aisles and driveways giving access thereto, located in other than a public street or other public way and having a permanent means of access to a public street without requiring passage through another parking area.

**Person** - an individual, firm, partnership, joint venture, association, club, corporation, estate, trust, receiver, syndicate, or other entity or combination thereof.

**Personal Services** - establishments which provide consumer services such as banks and credit unions; barber and beauty shops; pet grooming; laundromats and dry cleaners; copy centers; photographic studios; trade/vocational schools; and mortuaries.

**Plan of Conservation and Development** - document or documents adopted by the Commission under the authority of Connecticut General Statutes. §8-23, as the same may be amended from time to time.

**Portable Storage Unit /Pod** - any container designed for the storage of personal property that is typically rented to owners or occupants of property for their temporary use and which is customarily delivered and removed by truck.

**Premises** - a lot, parcel or tract of land together with the buildings and structures thereon.

**Principle Building or Structure** - that single building, or inter-related group of buildings, in which is conducted the principal use of the lot on which the building is situated.

**Principle Use** - the primary purpose or function for which a premises is used, designed, or intended to be used.

## Q

## R

# Ashford, Connecticut - Zoning Regulations

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**Recreation Facilities** - a group of related uses of an athletic, recreational, entertainment, and/or educational nature, on a lot under common ownership and control, and which may consist of natural or artificial playing surfaces for recognized sporting activities (such as baseball, football, soccer, basketball, swimming, or hockey) and which shall be entirely enclosed, except for accessory outdoor athletic fields (not to exceed three in number), normal and customary accessory uses, and parking. The facility may include such uses as indoor swimming pool, skating rink, sports practice facilities, sports and crafts instruction facilities, game room, video games, pinball games, party/function rooms, pro shop, outdoor picnic area, and other related and similar uses, all designed and operated as an integrated unit for the recreation, amusement, and/or education of its patrons. Food service concession areas shall be allowed only as accessory to such facility.

**Recreational Vehicle** - is a vehicle, 400 square feet or less, designed to be used primarily as temporary living quarters for recreational, camping, travel or seasonal use that either has its own motor power or is mounted on or towed by another vehicle, including camping trailers, fifth wheel trailers, motor homes, travel trailers and truck campers.

**Repair Shops** - a business establishment that specializes in the repair of various items with the exclusion of any automotive-oriented repairs.

**Research Facility** - a facility in which scientific or developmental research is performed, but which does not include mass production or mass manufacturing of goods and commodities.

**Restaurant** - a space in a suitable and permanent building kept, used, maintained, advertised and held out to the public to be a place where hot meals are regularly served. If alcoholic drink is served in any restaurant it shall be accessory to the primary function of serving food and operate under a restaurant liquor permit as provided in Section 30-22 of the Connecticut General Statutes as amended and comply with all Liquor Control Commission regulations appertaining thereto.

**Retail Use** - an establishment engaged in the sale of goods or merchandise to the general public located primarily within a building, but which may include outdoor display on walkways within shopping centers, or on public sidewalks as permitted by the Commission.

**Right-of-Way** - the actual property which is publicly dedicated or reserved for street and access and for other public purposes such as public utilities, bicycle paths, and pedestrian walkways.

**Rural Business** - uses conducted for compensation by the occupant of a residential building or lot wholly or partially outside the home or within an accessory building and which complies with the provisions of these regulations. Rural Businesses shall not include restaurants, tea rooms, or other eating or drinking places; dog kennels, animal hospitals, tattoo parlors, tow truck service, including parking of tow trucks on the premises, Junkyards, automobile graveyards and tow truck storage yards, solid waste management facilities, used or new motor vehicle sales, funeral chapels, funeral homes or crematoriums, sexually oriented businesses, beauty parlor having more than one (1) sink with one chair for cutting hair, doctors, dentists, or automotive service, supply sales or repairs except for vehicles registered in the name of family members residing in the dwelling. Rural Businesses include, but are not limited to: The preparation and sale of the products of arts and crafts actually prepared on the subject premises, such as sewing, painting, wood carving, cabinet making, ceramics, writing, sculpture, ornamental glass and metal working; tutoring, music lessons, voice lessons, or similar teaching or training services where more than one student attends class or is given instruction at any one time; workshops of skilled craftsmen such as watchmakers, plumbers, electricians, carpenters, house painters, paperhangers, and radio and television repairmen; and the offices of architects, accountants, lawyers, engineers, psychotherapists, real estate and insurance agents, and other recognized professionals. Other activities and land uses which the Commission determines to be substantially similar in character, nature, intensity or impact to the activities listed above.

## S

**School** - an institution, licensed by the State of Connecticut, whose primary function is the instruction of academic subjects to adults or children, and the word "school" shall not be deemed to include an institution which is primarily a summer or winter camp, whose main function is enjoyment of physical activities with or without instruction or any other institution which has a primary function of providing recreational facilities.

# Ashford, Connecticut - Zoning Regulations

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**Screening** - natural or man-made materials used to prevent a structure or land use from being visible from a road or from adjacent property.

**Seasonal High Water Level** - the highest level to which surface water or groundwater may be expected to rise during any year.

**Setback** - the required minimum distance between any lot line and any structure, building or use.

- Setback, Front - the required minimum distance between the front lot line and any structure, building or use.
- Setback, Rear. - the required minimum distance between the rear lot line and any structure, building or use.
- Setback, Side (Interior) - the required minimum distance between the side lot line which does not abut a street and any structure, building or use.

**Shopping Center** - a grouping of retail business and service uses on a single development site with common parking facilities.

**Sign** - any structure, or part thereof, or any device attached to a building or structure or painted or represented thereon which displays or includes letters, words, symbols, trademarks or any other graphic representation which is in the nature of an announcement, direction, advertisement or other device used to attract the attention of the public for commercial purposes or otherwise; similarly, any natural object, such as a tree, stone, or the earth itself, which is painted or arranged so as to represent or display any of the aforesaid graphic representations; any building feature, including roof or other special illumination, special colors or effects, or building or roof lines which serve to identify the use or occupancy of any building or site through a recognized motif or symbol. The term "sign" shall include sculptures and similar works of art designed or intended to attract the attention of the general public to commercial or industrial premises.

- Off-Premises Directional Signs - a sign which directs attention to a person, business, profession, product, home occupation, or activity not conducted on the same lot.
- Flags - a sign consisting of a piece of fabric or other flexible material attached to a flagpole, except as otherwise authorized. A flag representing the official symbol of a national, state or local government is not a sign for the purposes of these regulations.
- Freestanding Sign – means any non-movable sign not affixed to a building.
- Illuminated Sign – a sign lighted by artificial lighting or exposed to lighting by lights directed at or in the sign.
- Political Sign - means a sign used by a candidate for public office or to express a political point of view.

**Sign Area** - the area of a sign shall be considered to be that of the entire communication device exclusive of supports, unless the supports are also used to advertise. Signs having two (2) faces (sides) are entitled to have up to the maximum permitted area on each face (side) provided both sides are essentially identical.

**Soil Erosion and Sedimentation Control Plan** - a plan that indicates necessary land treatment measures, including a schedule for installation, which effectively minimizes soil erosion and sedimentation.

**Special Permit Use** - permitted uses which must meet specific conditions established within the regulations and must receive the approval of the Commission.

**Sporting Club** - a nonprofit organization catering exclusively to members and their guests whose primary purposes are conservation, hunting, or fishing which are not conducted primarily for gain and provided there are no vending stands,

# Ashford, Connecticut - Zoning Regulations

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merchandising, or commercial activities except as may be required generally for the membership and purposes of such organization.

**Story** - that portion of a building included between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, then the space between the floor and the ceiling next above it. A basement shall be counted as a "story" if its ceiling is more than five feet above the elevation from which the height of the building is measured.

**Street** - a public way or a way open to the public use or other right-of-way giving access to the lot, but excluding an alley used for a service access only. "Street" shall be deemed to include the entire width of the right-of-way.

**Structure** – anything which is constructed or erected and the use of which requires more or less permanent location on ground or water areas or attachment to something having permanent location on ground or water areas, not, however, including wheels; an edifice or a building of any kind; any production or piece of work, artificially built up or composed of parts and joined together in some definite manner, including signs, vending machines, fences or walls, a wharf or dock, an above-ground tank, or a detached solar panel or satellite dish. A structure shall not include a flagpole or an ornamental well.

**Swimming Pool** – any structure used for swimming or bathing which is more than 24 inches deep or has a surface area of more than 250 square feet or any pool that is permanently equipped with a water re-circulating system or where structural materials are involved, for the purpose of these Regulations. A swimming pool is considered an accessory structure.

## T

**Temporary Agricultural Structures** - buildings and structures used in connection with agriculture such as hoop houses, high tunnels, run-in sheds, birthing sheds, sugar houses, pump houses, and similar buildings or structures that are easily moved and not permanently mounted to the ground.

**Theaters** - an enclosed building, or in the event of a multi-screened building, each individual screening room seating area with a 50 person or more capacity, used for presenting material on a screen or stage for presentation to patrons therein.

**Town** - the Town of Ashford, Connecticut.

## U

## V

**Variance** – permission to depart from the literal requirements of the Zoning Regulations as granted by the Zoning Board of Appeals.

**Veterinary Hospitals** - means any building, including facilities for overnight care, used for the treatment and limited temporary boarding of domestic animals by a veterinarian. Such use shall not be construed as a home occupation or a professional office. The term "veterinary hospital" may include the term "kennel", but the term "kennel" does not include the term "veterinary hospital."

## W

**Walk-in Clinics and Medical Laboratories** - a place for the medical or similar examination and treatment of persons as outpatients.

**Warehouse/Freight Movement** - uses involved in the storage and movement of large quantities of materials or products indoors and/or outdoors; associated with significant truck and rail traffic. Examples include free-standing warehouses associated with retail furniture or appliance outlets; household moving and general freight storage; cold storage plants/frozen food lockers; weapon and ammunition storage; major wholesale distribution centers; truck, marine and air

# Ashford, Connecticut - Zoning Regulations

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freight terminals; bus barns; grain terminals; and stockpiling of sand, gravel, bark dust or other aggregate and landscaping materials.

**Wholesale Sales** - involves sales, leasing or rental of equipment or products primarily intended for industrial, institutional or commercial businesses. Businesses may or may not be open to the general public, but sales to the general public may be accessory. Examples include the sale or rental of machinery, equipment, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures; mail order houses; and wholesalers of food, clothing, auto parts, and building hardware.

**Wireless Telecommunications Services** - licenses wireless telecommunication services including, but not necessarily limited to, cellular, personal communication services (PCS), specialized mobilized radio (SMR) enhanced specialized mobilized radio (ESNM), paging and similar services marketed to the general public.

**Wireless Telecommunication Site (WTS)** - a facility operated by a licensed wireless telecommunication service provider which consists of the equipment and structures involved in receiving and/or transmitting electromagnetic waves associated with wireless telecommunication services.

**X**

**Y**

**Yard** - an undeveloped area on the same lot as a building or structure, or group of buildings or structures, which lies between the buildings or structures and the nearest lot line, and which must remain unobstructed and unoccupied, except as these regulations may provide otherwise.

**Z**

**ZEO** – the Zoning Enforcement Officer

**Zone** - an area within which certain uses of land and buildings are permitted, certain others are prohibited, and certain others are designated as uses requiring a Special Exception or Special Permit from the Commission or the Zoning Board of Appeals; yards and other open spaces are required; lot areas, building height limits, and other requirements are established; all of the foregoing being identical for all property located within the zone to which they apply.

**Zoning Permit** - the approval of the Commission, pursuant to Article 5B of these Regulations indicating an existing building or structure, or an existing or proposed use is in compliance with these regulations.

# Article 4

## Zoning Districts

### Article 4A, Section 1 **Establishment of Zoning Districts**

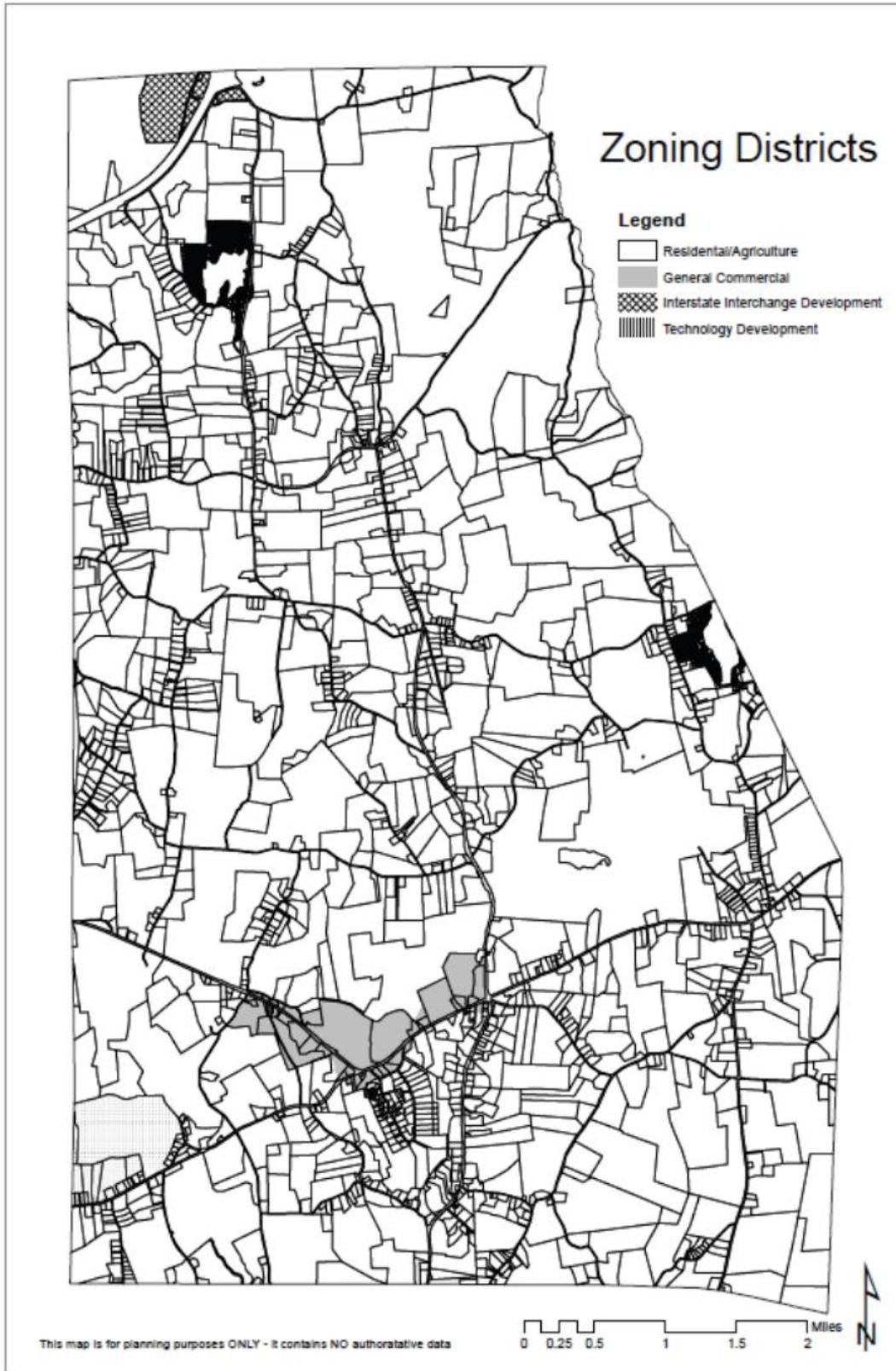
For the purposes of these regulations, the town of Ashford is hereby divided into the following zones:

1. Residential - Agricultural (RA)
2. General Commercial (C)
3. Interstate Interchange Development (SD)
4. Technology Development (TD)

### Article 4A, Section 2 **Zoning Map**

- A. The boundaries of Districts are established as shown on the “Official Zoning Map.”
  1. The Official Zoning Map shall be at a scale of 1” = 1000’ and identified by the signature of the Chairman of the Commission, and shall bear the date of the most recent zoning map amendment.
  2. When, in accordance with the provisions of these regulations, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map together with an entry on the Official Zoning Map as follows: “As amended to (date).” (Such date to be that of the most recent amendment.) The Official Zoning Map shall be filed in the office of the Town Clerk and an updated copy shall be displayed in Ashford Town Land Use Office.
- B. Where the boundary between districts is shown following a street, watercourse, railroad or utility right of way, the boundary shall be the centerline thereof, unless otherwise indicated. Where the boundary is shown approximately in the location of Boundary Lines or Lot Lines, then the Boundary Line or Lot Line shall be the district boundary line. Where the boundary does not follow a street, watercourse, railroad or utility right of way, Boundary Line or Lot Line, the district boundary line shall be determined using the scale on the Official Zoning Map.
- C. Where a District boundary divides a lot in one ownership into a residential and a nonresidential District or into two nonresidential Districts, the area and frontage requirements for that lot shall comply with those that are more restrictive as set forth for such Districts. All other building requirements shall correspond with those of the particular District in which a use, structure or building is established or constructed.
- D. Where the location of a district boundary line is uncertain, the Commission shall interpret the district boundary line.

# Ashford, Connecticut - Zoning Regulations



Article 4B

OFFICIAL DRAFT – EFFECTIVE 11/1/2014

# Ashford, Connecticut - Zoning Regulations

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## Article 4B **Residential/Agricultural Zone (RA)**

### Article 4B, Section 1 **Purpose**

- A. The purpose of the Residential-Agricultural Zone is to allow residential and complementary non-residential development consistent with the rural character of the town that is reflected in its forests, farm fields, historic buildings, and unique landscapes.
- B. The further purpose of the Residential-Agricultural Zone is to promote the economic viability and operational sustainability of agricultural business in the town of Ashford as outlined in the Ashford Plan of Conservation and Development. Specifically, these regulations are intended to:
  1. address food and fiber needs;
  2. enhance environmental quality and the natural resource base upon which the agricultural economy depends;
  3. make the most efficient use of nonrenewable resources and on-farm resources and integrate, where appropriate, natural biological cycles and controls;
  4. sustain the economic viability of farm operations, and;
  5. maintain an agricultural friendly community.

### Article 4B, Section 2 **Permitted Uses**

The following uses are permitted in the Residential-Agricultural Zone in accordance with the requirements found in Article 5:

1. Single family detached dwellings
2. Two family dwelling
3. In-Law Apartments, as accessory to a single family dwelling
4. Agriculture, exclusive of Farmer's Markets and Farm Stores
5. Farm Stands - 200 sq. ft. or less in compliance with Article 4B, Section 9
6. Home Occupations in compliance with Article 4B, Section 8, including without limitation Family Day Care Homes
7. Community Residence, provided there shall be a minimum separating distance of 1,000 feet between the Community Residence and any such other Community Residence.
8. Outdoor Wood Burning Furnace in accordance with Connecticut Law
9. Amateur Radio Towers and Antennas, provided the Height of Tower shall not exceed 200 feet
10. Accessory uses customarily incidental to and associated with the above permitted uses

### Article 4B, Section 3 **Special Permit Uses**

A special permit may be issued for the following uses in the Residential - Agricultural Zone pursuant to Article 5C of these regulations:

1. Educational (including boarding of students), religious or philanthropic buildings, structures or uses, excluding hospitals and correctional institutions
2. Rural Businesses, in accordance with Article 4B, Section 6 of these Regulations

# Ashford, Connecticut - Zoning Regulations

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3. Group Day Care Homes
4. Community Residence within 1,000 feet of another such Community Residence
5. Town Sponsored Farmer's Markets
6. Farm Stores
7. Farm Stands - over 200 sq. ft., in accordance with Article 4B, Section 9
8. Interior Lots in accordance with Article 4B, Section 5
9. Earth Removal and Filling in accordance with Article 6
10. Cemeteries
11. Golf Clubs or Sporting Clubs
12. Bed and Breakfast Establishments
13. Boarding, Rooming or Lodging Quarters
14. Wireless telecommunication sites
15. Amateur Radio Towers and Antennas, if Height of Tower exceeds 200 feet
16. Avocational and Commercial Dog Kennels and Veterinary Hospitals
17. Accessory uses, customarily incidental to and associated with the above special permit uses

## Article 4B, Section 4 **General Standards**

The following general standards shall apply to all lots, buildings, structures and uses in the Residential - Agricultural Zone except as these regulations may specifically provide otherwise.

### 1. Dimensional Requirement

| Use  | Minimum Lot/ Buildable Area   |
|--|---|
| The maximum lot coverage shall be twenty (20) percent. |   |
| Single Family Dwelling                                 | <div style="display: flex; align-items: center;"> <div style="text-align: center; width: 15%;">Two (2)<br/>Contiguous<br/>Acres</div> <div style="margin-left: 10px;">                     exclusive of :                     <ol style="list-style-type: none"> <li>1. wetland soils, as determined by a professional soil scientist,</li> <li>2. bedrock or ledge within four (4) feet of the natural land surface,</li> <li>3. slopes fifteen (15) percent or greater,</li> <li>4. naturally occurring soils less than twenty-four (24) inches to ground water,</li> <li>5. interior lot line angles of less than sixty (60) degrees;</li> <li>6. narrow strips of land less than one-hundred (100) feet in width, and</li> <li>7. any areas containing vehicular travel easements, rights-of-ways, utilities, drainage easement areas, restrictive cutting easements or conservation easements and other easements for public or private facilities.</li> </ol> </div> </div> |

## Ashford, Connecticut - Zoning Regulations

| Use  | Minimum Lot/ Buildable Area   |   |
|--|---|---|
| Two Family Dwelling                                      | Three (3)<br>Contiguous<br>Acres                                    | exclusive of : <ol style="list-style-type: none"> <li>1. wetland soils, as determined by a professional soil scientist,</li> <li>2. bedrock or ledge within four (4) feet of the natural land surface,</li> <li>3. slopes fifteen (15) percent or greater,</li> <li>4. naturally occurring soils less than twenty-four (24) inches to ground water,</li> <li>5. interior lot line angles of less than sixty (60) degrees</li> <li>6. narrow strips of land less than one-hundred (100) feet in width, and</li> <li>7. any areas containing vehicular travel easements, rights-of-ways, utilities, drainage easement areas, restrictive cutting easements or conservation easements and other easements for public or private facilities.</li> </ol> |
| Family and Group Day<br>Care Homes (Single<br>Family)    | Same as Single Family Dwelling                                      |   |
| Family and Group Day<br>Care Homes (Two Family)          | Same as Two Family Dwelling   |   |
| Community Residence                                      | Same as Single Family Dwelling                                      |   |
| In-Law Apartment   | Same as Single Family Dwelling                                      |   |
| Agriculture  | None  |   |
| Farm Stand   | None  |   |
| Farm Store   | None  |   |
| Town Sponsored Farmer's<br>Market                        | None  |   |
| Home Occupations   | same as Single Family or Two-Family Dwelling - whichever is present |   |
| Cemeteries   | two (2) Contiguous Acres  |   |
| Boarding, Rooming or<br>Lodging and Bed and<br>Breakfast | Same as Two Family Dwelling   |   |
| Educational, Religious or<br>Philanthropic               | Five (5)<br>Contiguous<br>Acres                                     | exclusive of : <ol style="list-style-type: none"> <li>1. wetland soils, as determined by a professional soil scientist,</li> <li>2. bedrock or ledge within four (4) feet of the natural land surface,</li> <li>3. slopes fifteen (15) percent or greater,</li> <li>4. naturally occurring soils less than twenty-four (24) inches to ground water,</li> <li>5. interior lot line angles of less than sixty (60) degrees</li> <li>6. narrow strips of land less than one-hundred (100) feet in width, and</li> <li>7. any areas containing vehicular travel easements, rights-of-ways, utilities, drainage easement areas, restrictive cutting easements or conservation easements and other easements for public or private facilities.</li> </ol> |

# Ashford, Connecticut - Zoning Regulations

| Use  | Minimum Lot/ Buildable Area    |  |
|--|--------------------------------|--|
| Rural Businesses - 2,500 sq ft or less                           | Same as Single Family Dwelling |  |
| Rural Businesses - 2,501 sq ft to 5,000 sq. ft.                  | Five (5) Contiguous Acres      | exclusive of :<br>1. wetland soils, as determined by a professional soil scientist,<br>2. bedrock or ledge within four (4) feet of the natural land surface,<br>3. slopes fifteen (15) percent or greater,<br>4. naturally occurring soils less than twenty-four (24) inches to ground water,<br>5. interior lot line angles of less than sixty (60) degrees<br>6. narrow strips of land less than one-hundred (100) feet in width, and<br>7. any areas containing vehicular travel easements, rights-of-ways, utilities, drainage easement areas, restrictive cutting easements or conservation easements and other easements for public or private facilities. |
| Golf Clubs or Sporting Clubs                                     | Twenty (20) Contiguous Acres   |  |
| Avocational and Commercial Dog Kennels, and Veterinary Hospitals | Five (5) Contiguous Acres      |  |
| Ham Radio Antenna  | Same as the primary use        |  |
| Wireless Telecommunication Towers                                | See Article 6                  |  |
| Outdoor Wood burning Furnace                                     | State Minimum                  |  |

## 2. Frontage and Setback Requirements

| Use   | Frontage        | Front | Side | Rear |
|---|-----------------|-------|------|------|
| Single Family Dwelling                          | 200' Continuous | 50'   | 30'  | 30'  |
| Two Family Dwelling                             | 300' Continuous | 50'   | 30'  | 30'  |
| Family and Group Day Care Homes (single family) | 200' Continuous | 50'   | 30'  | 30'  |

## Ashford, Connecticut - Zoning Regulations

| Use  | Frontage        | Front | Side | Rear |
|--|-----------------|-------|------|------|
| Family and Group Day Care Homes (two family) | 300' Continuous | 50'   | 30'  | 30'  |
| Community Residence                          | 200' Continuous | 50'   | 30'  | 30'  |
| In-Law Apartment                             | 200' Continuous | 50'   | 30'  | 30'  |
| Agriculture Structure (permanent)            | 200' Continuous | 25'   | 25'  | 25'  |
| Agriculture Structure (seasonal)             | NA              | 25'   | 25'  | 25'  |
| Agriculture, Waste Storage                   | 200' Continuous | 100'  | 100' | 100' |
| Farm Stand                                   | 200' Continuous | None  | 10'  | None |
| Farm Store                                   | 200' Continuous | 50'   | 30'  | 30'  |
| Town Sponsored Farmer's Market               | 200' Continuous | None  | None | None |
| Home Occupations                             | 200' Continuous | 50'   | 30'  | 30'  |
| Bed and Breakfast or Boarding and Lodging    | 300' Continuous | 50'   | 30'  | 30'  |
| Educational, Religious or Philanthropic      | 200' Continuous | 50'   | 50'  | 30'  |
| Rural Businesses                             | 200' Continuous | 150'  | 100' | 100' |

## Ashford, Connecticut - Zoning Regulations

| Use  | Frontage               | Front  | Side | Rear |
|--|------------------------|--|------|------|
| Cemeteries   | 200' Continuous        | 50'  | 30'  | 30'  |
| Golf Clubs or Sporting Clubs                                     | 200' Continuous        | 50'  | 100' | 100' |
|  |                        | <p>No structure used for recreation purposes shall be within 100' of any adjoining property line or within 100' of any street line.</p> <p>No land used for fairways or bridle paths shall be within 100' of any adjoining property line except by consent or contract.</p> <p>No range for shooting firearms shall be within 100' of any adjoining property line.</p> |      |      |
| Avocational and Commercial Dog Kennels, and Veterinary Hospitals | 200' Continuous        | 125'   | 100' | 100' |
|  |                        | <p>No less than 150' from the seasonal high water level of any wetland or watercourse</p>  |      |      |
| Outdoor Wood Burning Furnace                                     | See State Requirements |  |      |      |
| Wireless Telecommunication tower                                 | See Article 6          |  |      |      |
| Amateur Radio Tower and Antennas                                 | Same as primary use    | <p>All portions of the radio antennas shall be set back from adjoining property lines a minimum distance equal to the height of the antennas.</p>  |      |      |
| Accessory Structures to the Primary Building                     | NA                     | 50'  | 15'  | 15'  |

# Ashford, Connecticut - Zoning Regulations

| Use                  | Frontage | Front  | Side | Rear |
|----------------------|----------|--|------|------|
|                      |          | No porch or deck shall be allowed to project into the required setbacks.   |      |      |
| Special Needs Access | NA       | 50'  | 15'  | 15'  |
|                      |          | The ZEO may permit the construction of a required special needs accessway to protrude into a required setback provided that it is the only reasonable location for such accessway. |      |      |

### 3. Floor Area Requirements

Every building or structure shall meet the applicable floor area requirements prescribed. Only those portions of the building or structure that are soundly and permanently constructed and finished in accordance with applicable state and local Building Codes shall be included in the computation of floor area. Where these regulations refer to the floor area of living quarters, such living quarters may include customary rooms and private halls and closets, but shall not include rooms for heating equipment, garages, open or closed outside vestibules, porches or verandas, stairways, basement spaces or public halls.

| Type Structure         | Floor Area   |  |
|------------------------|--|--|
| One- Story Dwelling    | minimum 900 sq. ft.  | Minimum finished floor area required for Certificate of Occupancy: 900 sq. ft. |
| One and One-Half Story | minimum 1,200 sq. ft. with a minimum 800 sq. ft. footprint |  |
| 2 Story Dwelling       | minimum 1,600 sq. ft. with a minimum 800 sq. ft. footprint |  |
| Agriculture            | NA   |  |

4. Height of buildings and structures. Except as may be expressly authorized elsewhere in these Regulations, the maximum height of any building or structure in the RA Zone shall be thirty-five (35) feet as measured along the side of the building most easily accessible to fire equipment.
5. Limitations on Principal Buildings or Structures.
  - a. Only one principal building or structure shall be placed on a lot.
  - b. The commission may permit a new dwelling to be built pending the demolition of an old dwelling and attach conditions to insure the completion of the demolition.

# Ashford, Connecticut - Zoning Regulations

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- c. No sign, fence, wall, hedge, or other structure or planting more than three (3) feet in height (at maturity) shall be erected, placed or maintained on any corner lot in a manner which obstructs visibility of either street at the intersection

## Article 4B, Section 5 **Interior Lots**

- A. In general, interior lots shall be avoided. However, in Conventional Subdivisions and where topography or shape of the parcel dictates, if it is the opinion of the Commission that the best use of the land would be an Interior Lot, such lot may be permitted by Special Permit. (Example: Commission determines that such a interior lot configuration, in its opinion, will help protect significant natural or manmade features, including: agricultural lands, hilltops or ridges, features along existing roadways and or scenic views or vistas.)
  - 1. Any and all interior lots require a Special Permit from the Planning and Zoning Commission.
  - 2. The maximum coverage of any interior lot shall be twenty (20) percent.
  - 3. The provisions of this Section are intended to permit the use of land for residential purposes which have been unintentionally landlocked or deprived of minimum frontage on a street, or in the case of a subdivision, where the topography or unusual shape of the property lends itself to an interior lot to accomplish the best use of the land. In the case of a subdivision, the Commission shall not approve interior lot(s) unless it finds that such lot(s) provide the best development of the land because of the topography and shape of the land. The Commission shall find that the development of interior lots will provide the most suitable use of the land considering such factors as:
    - a. Drainage;
    - b. Natural Resources;
    - c. Accessibility;
    - d. Topography and shape of the land;
    - e. Emergency service access; and
    - f. All requirements of the zoning and or subdivision regulations (other than applicable frontage requirements) are met.
  - 4. No more than ten percent (10%) of all lots contained within a Conventional Subdivision shall be approved as interior lots.
  - 5. No more than two interior lot accessways may be abutting.
  - 6. A single driveway shall not be shared by two (2) interior lots
- B. INTERIOR LOTS ARE PROHIBITED IN OPEN SPACE SUBDIVISIONS (see Chapter VI, Section B of the Town of Ashford Subdivision Regulations)
- C. Dimension Standards for Interior Lots:

# Ashford, Connecticut - Zoning Regulations

| Item                  | Size   | Notes   |             |
|-----------------------|--|---|-------------|
| Lot Area              | Five (5) contiguous acres, computed as the area of the lot exclusive of the accessway  | <p>Also exclusive of :</p> <ol style="list-style-type: none"> <li>1. wetland soils, as determined by a professional soil scientist,</li> <li>2. bedrock or ledge within four (4) feet of the natural land surface,</li> <li>3. slopes fifteen (15) percent or greater,</li> <li>4. naturally occurring soils less than twenty-four (24) inches to ground water,</li> <li>5. interior lot line angles of less than sixty (60) degrees;</li> <li>6. narrow strips of land less than one-hundred (100) feet in width, and</li> <li>7. any areas containing vehicular travel easements, rights-of-ways, utilities, drainage easement</li> </ol> <p>The Commission may permit the interior lot area to be reduced to no less than the buildable area requirement for a single family dwelling:</p> <ol style="list-style-type: none"> <li>1). If the excess interior lot acreage is to be added to contiguous open space as an addition to the minimum required open space set aside;</li> <li>2). If the addition to the open space land will provide increased protection of sensitive habitats, preservation of corridors or connectivity;</li> <li>3). If sufficient buffer can be provided to abutting lots.</li> </ol> |             |
| Frontage and Setbacks | Front<br>100' from abutting front lot  | Side<br>50'   | Rear<br>50' |
| Accessway             | <p>Continuous minimum 50' wide deeded access-way fronting on a street or a road which will be built to meet the Town Road Standards</p> <p>The accessway to the interior lot shall be owned in fee simple by the owner of the interior lot</p> | <p>Only the construction of a single family dwelling and accessory building(s) shall be permitted on an interior lot. The accessway area shall not be used for an additional interior lot or for the placement of any accessory building(s).</p> <p>The owner of the interior lot shall use the accessway to provide access to the area of the lot on which the dwelling is to be located; shall provide and maintain the driveway and storm drainage system in the accessway area. Said driveway is to be fully capable of providing unrestricted access at any time for emergency vehicles such as fire trucks, etc.</p> <p>Driveways within abutting accessways shall have a minimum separating distance of 20' unless waived by the Commission, taking into consideration the best development of the land, configuration, and topography.</p>  |             |

## Article 4B, Section 6 **Driveways**

A. All lots must have a private way within the lot, or with deeded access, that affords vehicular access from a street. Unless otherwise provided herein, a single driveway may not serve more than two (2) dwellings. If a new driveway is proposed in conjunction with an application for a Zoning or Building Permit, a Driveway Permit must be obtained through the Selectmen's Office before the permit can be issued.

B. Design Criteria:

# Ashford, Connecticut - Zoning Regulations

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1. **Width of Driveway.** A driveway serving a single family dwelling must be designed and constructed to provide a fourteen (14) foot wide, load bearing, hard surface access to accommodate emergency vehicles, including but not limited to fire trucks. A driveway serving two (2) dwellings, or a two-family dwelling, must be designed and constructed to provide an eighteen (18) foot wide, load bearing, hard surface access.
2. **Slopes.** No driveway may have a slope exceeding twelve percent (12%). All slopes exceeding ten percent (10%) must be paved.
3. **Length.** A design must be submitted to the Commission for driveways exceeding five hundred (500) feet in length. The plan should include construction, drainage, sedimentation and erosion control, turnouts and turnarounds. All driveways exceeding five hundred (500) feet must have a turnout, ten (10) feet wide by forty (40) feet long, at the five hundred (500) foot point and one every three hundred (300) feet thereafter. A ninety (90) foot diameter turnaround shall be installed every nine hundred (900) feet instead of a turnout. At the dwelling end of the driveway, a turnaround suitable for a fifty (50) foot long fire truck must be provided.
4. **Maintenance.** Driveways must be maintained for year round access. A driveway agreement for maintenance and snow plowing shall be placed on the land records for a common driveway serving multiple dwellings.

## Article 4B, Section 7 **Fire Fighting Water Supply**

- A. All new developments shall have, constructed by the developer, a water supply. For purposes of this section:
  1. **Water Supply** shall mean either: (a) a natural or dug water source (pond, stream, brook, river, etc) with a minimum usable capacity of 15,000 gallons; or (b) a cistern (precast concrete, fiberglass, or other acceptable tank material), with a minimum capacity of 15,000 gallons.
  2. **New Developments** shall mean three (3) or more new dwellings on an existing or new access point, and new or expanded commercial development exceeding 2,500 square feet, unless the commercial building has a self-contained fire suppression system or sprinkler system from a commercial water source.
  3. **Parking Area** shall mean a ten (10) foot wide by forty five (45) foot long paved or compacted gravel area accessible year round, which shall be adjacent to a hydrant drafting head.
  4. **Lift** shall mean the distance between the average surface level of the water supply and the surface on which the fire engine will park, plus thirty two (32) inches.
  5. **Access Point** shall mean any street or driveway established for the purpose of entry to the new development.
- B. Any dry hydrant, meeting the following criteria, shall be deemed to provide the desired fire fighting protection for a distance of 2,500 feet, as measured along the center line of existing or proposed streets:
  1. All dry hydrants must be designed such that the total lift is not more than fifteen (15) feet. Ten (10) feet is the preferred lift.
  2. Horizontal pipe length shall be limited to no more than forty (40) feet from hydrant head.
  3. Hydrant head shall be a minimum of twenty four (24) inches and a maximum of forty eight (48) inches. The hydrant head shall be parallel with the finished grade. The hydrant head shall be within ten (10) feet of the parking area.
  4. All underground and underwater piping shall be PVC Schedule 40 with a minimum diameter of six (6) inches.
  5. All joints shall be cleaned and securely glued before being placed in the water. All joints underground or underwater will be secured with stainless steel screws on every joint in at least three (3) places. Gluing of joints above ground or above water is acceptable.

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6. All piping extending into the water supply shall be supported on and secured to concrete or stone blocks at least every ten (10) feet such that the strainer portion is a minimum of twenty four (24) inches off the bottom of the water supply. There shall be a minimum of twenty four (24) inches of water at the bottom, left and right side of the piping and forty eight (48) inches of water at the top of the piping to allow for twenty four (24) inches of winter ice. The strainer and hydrant head will be purchased from the Ashford Volunteer Fire Department at their cost.
7. The hydrant riser shall be protected by two (2) concrete filled steel posts, six (6) inches in diameter, placed twenty four (24) inches either side of the riser and extending forty eight (48) inches above finished grade. These posts shall be embedded in concrete after the hydrant is accepted by the Ashford Volunteer Fire Department. Posts shall be painted safety yellow with a six (6) inch red band at the top.
8. Piping installation must be scheduled at least three (3) business days ahead of time with the Ashford Volunteer Fire Department. An Ashford Volunteer Fire Department office or representative must be on site for inspection before any piping is buried or submerged.
9. Upon testing and acceptance of the hydrant, the Ashford Volunteer Fire Department will assume responsibility for future maintenance.

## C. Underground Cistern/Tank – Design Criteria.

1. The tank will have a six (6) inch dry hydrant drafting pipe, two and one-half (2 ½) inch return, four and one-half (4 ½) inch vent and a visible water gauge.
2. The tank shall be installed below frost line and the only visible plumbing shall be the hydrant head, fill pipe, vent pipe and water gauge. Hydrant head and associated plumbing shall be protected by by two (2) concrete filled steel posts, six (6) inches in diameter, placed twenty four (24) inches either side and extending forty eight (48) inches above finished grade. These posts shall be embedded in concrete. Posts shall be painted safety yellow with a six (6) inch red band at the top. The hydrant head shall be located no more than ten (10) feet from the parking area.
3. The number of tanks shall be determined by the Zoning Enforcement Officer and the Chief of the Ashford Volunteer Fire Department.
4. An easement will be provided by the developer to the Town of Ashford, and recorded on the land records, for filling, use and maintenance of the tank and associated plumbing after acceptance.
5. The owner/developer will be responsible for the initial filing of the tank and the Ashford Volunteer Fire Department will conduct a flow test prior to acceptance of the tank and plumbing.
6. Upon testing and acceptance of the system, the Ashford Volunteer Fire Department will assume responsibility for future inspection, maintenance and filling.
7. The cistern/tank shall be installed in accordance with the National Fire Protection Association (NFPA) 1142 (2001) Appendix B.

## Article 4B, Section 8 **Home Occupations and Rural Businesses**

- A. The purpose of this section is to provide economic opportunities in the Residential-Agricultural Zone by permitting the operation of small businesses capable of existing in otherwise residentially zoned areas without any adverse affects on the quality of life, environment, aesthetic values and property values in such areas.
- B. Home occupations after securing a Zoning Permit (or Special Permit in the event there is more than one requested or being conducted on the lot) or Rural Businesses after securing a Special Permit in accordance with Article 5 of these

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Regulations may be permitted in the Residential-Agricultural Zone. Additionally, either use shall comply with the following:

1. The use is clearly secondary to the residential or agricultural use of the property. There shall be no change in the residential character of the site or the neighborhood. There shall be no change in the outside appearance of the residence or accessory building.
2. More than one (1) Home Occupation on any lot shall require a Special Permit.
3. A Home Occupation shall be located entirely within a dwelling and shall not occupy more than fifty (50) percent of the floor area of the dwelling.
4. No Rural Business may occupy a non-residential or accessory structure in excess of five-thousand (5,000) square feet.
5. Any outside area devoted to a Rural Business shall be clearly depicted on the proposed site plan.
  - a. Areas developed in connection with a Rural Business shall be appropriately screened, to the satisfaction of the Commission, from adjacent properties so as to be consistent and compatible with residential uses.
  - b. External storage of equipment shall be located so as to comply with all setback requirements.
6. No traffic shall be generated by such Home Occupation or Rural Business in greater volume than would be normally expected in a residential neighborhood. Any need for client or employee parking generated by the conduct of the home occupation or rural business shall be provided off the street and not in the required setbacks. See Article 6 for Parking requirements.
7. Any lighting, in addition to the requirements set forth in Article 6, used to illuminate off-street parking areas shall be so arranged as to direct the light down, towards the parking area, and away from the adjoining lots and any street.
8. No more than two (2) non-residents of the dwelling shall be employed on the premises for a Home Occupation and no more than five (5) non-residents of the dwelling shall be employed on the premises for a Rural Business.
9. No noise, odor, vibrations, glare, fumes, electrical interference or unsightly conditions shall be noticeable on the premises. There shall be no activity that creates, uses, or forms a byproduct or waste that is hazardous or a volatile material. There shall be no storage of commercial poisons of any kind nor the generation, storage or disposal of hazardous materials on the lot. No activity shall be undertaken nor material used or stored at levels that can be potentially harmful or capable of polluting any surface water, ground water or the air.
10. Notwithstanding any other provision in Article 6 of these Regulations to the contrary, a single sign which states the name of the permitted Home Occupation or Rural Business is allowed with the following conditions:
  - a. no more than four (4) square feet of sign area;
  - b. no more than five (5) feet above the ground level (top of sign) for a free-standing sign or no higher than the roof line for an attached sign;
  - c. meets the side yard setback;
  - d. may not be placed in the street right-of-way; and
  - e. may not interfere with the line-of-sight of traffic.
11. Hours of Operation. The actual hours of operation, landscaping, lighting, screening, etc. of any Home Occupation or Rural Business may be limited by the Commission.

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- C. The initial Home Occupation Zoning Permit or Rural Business Special Permit shall be issued for two (2) years. At the end of the second year the permit shall be reviewed and may be renewed for an additional two (2) year period or revoked. Subsequent permits shall be reviewed every two (2) years for renewal or revocation. Permits are not transferable to another person or parcel without reapplication. Any permit may be revoked if in the opinion of the Zoning Enforcement Officer and the Commission any of the following conditions exist:
1. The use has clearly altered the residential character of the premises and/or neighborhood through the generation of traffic substantially in excess of that normally generated by a residential dwelling;
  2. Changes in the lot or occupied building(s) have been made, altering the residential character of the premises or the neighborhood;
  3. The nature of the occupation has changed from what was originally permitted; or,
  4. Violation of any condition listed above or imposed by the Permit.
- D. The granting of a Home Occupation Zoning Permit or Rural Business Special Permit shall entitle the ZEO to enter upon the premises and make inspections at least annually to verify compliance with these Regulations.

## Article 4B, Section 9 **Agriculture**

### A. Farm Stands and Stores

1. At least 70% of gross sales from Farm Stands and 50% of gross sales from Farm Stores shall be from agricultural goods produced on the owner's Farm. The Commission may permit the sale of items not produced or grown by the farm operator to meet the 50% threshold, or 70% threshold as the case may be, where it is necessary to supplement the grower's production due to circumstances beyond the producers control, such as weather. For agricultural goods not produced or grown by the farm operator, the Commission strongly encourages that they be "CT Grown", as defined by the Connecticut Department of Agriculture.
2. The Farm Stand or Farm Store may only be located on an active farm site.
3. All parking areas shall be in accordance with Article 6.
4. A Farm Store must meet all state and local codes and health requirements.

### B. Seasonal Agricultural Signage

1. All signs shall adhere to the requirements of Article 6, except as specifically provided herein.
2. Seasonal Agricultural Sign (Temporary). One sign, either attached or freestanding, is allowed without permit for the purpose of advertising seasonal grown agricultural products for sale on the premises. Such sign must be located on the premises of the agricultural business. An attached sign may not be more than 5% of the area of the wall to which it is attached. A freestanding sign must be constructed of rigid material and may be no more than thirty-two (32) square feet in size. A freestanding sign must not obstruct or create a hazard to walkways or motorists.
3. Off Site Directional Signs, intended to aid drivers traveling to agricultural businesses, are allowed without permit, subject to the following:
  - a. Signs shall not exceed four (4) square feet and may not be illuminated.
  - b. Signs shall be allowed only for the purpose of identifying the location of the agricultural business.
  - c. No more than four (4) signs shall be allowed per agricultural business.

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d. Only one sign per business is allowed at any one location.

4. In the event the Commission determines that any sign permitted hereunder has not been maintained in good condition, the Commission may issue a Cease and Desist Order and order the sign to be removed.

### C. Temporary Agriculturally Related Uses

Temporary or seasonal events of limited duration on a Farm which are accessory to agricultural uses, such as educational demonstrations, hay rides, petting zoos, or other similar uses, may be allowed after securing a Certificate of Zoning Compliance from the Zoning Enforcement Officer, provided the applicant has demonstrated that there will be adequate and safe on site parking. The Zoning Enforcement Officer has discretion to require Commission approval if he or she determines that the intensity of the event warrants further review. Notwithstanding any provision herein to the contrary, the following types of temporary events of limited duration on a Farm may be allowed after securing a Special Permit in accordance with Article 5: corn mazes, harvest or holiday festivals, weddings, banquets, privately hosted events, bus tours, or other similar uses involving a larger number of visitors.

# Ashford, Connecticut - Zoning Regulations

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## Article 4C **General Commercial Zone (GC)**

### Article 4C, Section 1 **Purpose**

- A. The purpose of the General Commercial Zone, consistent with the Town's Plan of Conservation and Development, is to provide for meaningful and realistic commercial utilization of appropriate portions of the Town for a complimentary and integrated mixture of employment, shopping, entertainment and civic uses while preserving the Town's rural character.
- B. The further purpose of the General-Commercial Zone to promote the economic viability and operational sustainability of agricultural business in the town of Ashford- as outlined in the Ashford Plan of Conservation and Development. Specifically, these regulations are intended to:
  1. address food and fiber needs;
  2. enhance environmental quality and the natural resource base upon which the agricultural economy depends;
  3. make the most efficient use of nonrenewable resources and on-farm resources and integrate, where appropriate, natural biological cycles and controls;
  4. sustain the economic viability of farm operations, and;
  5. maintain an agricultural friendly community.

### Article 4C, Section 2 **Permitted Uses**

The following uses, containing not more than five thousand (5,000) square feet of floor area, are permitted in the General Commercial Zone in accordance with the site plan requirements found in Article 5:

1. Retail stores
2. Agriculture
3. Food and beverage stores for the sale of groceries, fruit and meat; baked goods; dairy products - not including the sale of liquor.
4. Restaurants
5. Farm Stands and Farm Stores in accordance with Article 4C, Section 5
6. Town Sponsored Farmer's Markets
7. Personal Service Establishments
8. Banking and Financial Institutions
9. Repair shops (exclusive of motor vehicle service and repair stations)
10. Fitness, Dance, or Sport training facilities.
11. Business and professional offices
12. Public buildings (without outdoor storage)
13. Day Care Center
14. Accessory uses customarily incidental to the above permitted uses.

### Article 4C, Section 3 **Special Permit Uses**

# Ashford, Connecticut - Zoning Regulations

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The following uses and those uses listed in Section 2 above containing more than five thousand (5,000) square feet of floor area may be allowed in the General Commercial Zone, conditioned on the fact that any such use not exceed twenty-five thousand (25,000) square feet in total floor area, in accordance with the Special Permit requirements found in Article 5B:

1. Outdoor cafes in association with a restaurant
2. Manufacturing
3. Farm Equipment and Garden Centers
4. Motel, Hotel and Inns
5. Lumber yards
6. Motor vehicle dealerships
7. Motor vehicle service and repair stations
8. Liquor Stores
9. Theaters (stage or film)
10. Tire Sales (including wholesale) Stores - without tire manufacturing or retread facilities
11. Walk-in Clinics and Medical Laboratories
12. Wholesale and Distribution
13. Veterinary Clinic
14. Vocational and Avocational Dog Kennel - no outside kennels
15. Wireless Telecommunication sites, in accordance with Article 6
16. Accessory uses, customarily incidental to and associated with the above special permit uses

## Article 4C, Section 4 **General Standards**

A. The following general standards shall apply to all buildings, structures and uses in the General Commercial Zone except as these regulations may specifically provide otherwise.

### 1. Dimensional Standards

|              |  |
|--------------|--|
| Lot frontage | 100' (continuous)  |
| Lot Coverage | seventy-five (75) percent (maximum)  |
| Height       | 35' and no more than three (3) stories   |
| Lot Area     | The minimum lot area for development in this District shall be that which satisfies the District Department of Health's standards for septic and potable water. Shared septic and/or water are allowed provided all applicable health and environmental codes are satisfied. |

### 2. Frontage and Setbacks

| Use                  | Front | Side | Rear |
|----------------------|-------|------|------|
| Primary Structure(s) | 50'   | 20'  | 20'  |

# Ashford, Connecticut - Zoning Regulations

## 2. Frontage and Setbacks

| Use                    | Front  | Side | Rear |
|------------------------|--|------|------|
| Accessory Structure(s) | Behind the Building Line   |      |      |
| Landscaped Buffer Area | <p>Notwithstanding the setbacks for the structure - the Commission may require up to an additional 50' of buffer between a commercial use and a residential or agricultural use. The Commission may require additional screening where it deems it necessary to protect neighboring properties from noise, light or other nuisance. Such additional screening may include the erection of a solid fence or the installation of an earthen berm. Such plantings should be of varieties native to Connecticut.</p> |      |      |

3. Rubbish disposal: Rubbish and waste disposal areas shall be fenced or otherwise screened, and rubbish and waste shall at all times be kept in appropriate closed containers in order to prevent dispersal of refuse materials within or outside of the lot.
4. Signs and site lighting requirements: See Article 6.
5. All developments consisting of two or more units shall utilize shared driveways, private roads or newly dedicated public roads to provide access to their developments in order to limit curb cuts and access to Town roadways and State highways.
6. Off-street parking: See Article 6.

## Article 4C, Section 5 **Agriculture**

### A. Farm Stands and Farm Stores

1. At least 70% of gross sales from Farm Stands and 50% of gross sales from Farm Stores shall be from agricultural goods produced on the owner's Farm. The Commission may permit the sale of items not produced or grown by the farm operator to meet the (50% threshold, or 70% threshold, as the case may be, where it is necessary to supplement the growers production due to circumstances beyond the producers control, such as weather. For agricultural goods not produced or grown by the farm operator, the Commission strongly encourages that they be "CT Grown", as defined by the Connecticut Department of Agriculture.
2. The Farm Stand or Farm Store may only be located on an active farm site.
3. All parking areas shall be in accordance with Article 6.
4. A Farm Store must meet all state and local codes and health requirements.

### B. Seasonal Agricultural Signage

1. All signs shall adhere to the requirements of Article 6, except as specifically provided herein.
2. Seasonal Agricultural Sign (Temporary). One sign, either attached or freestanding, is allowed without permit for the purpose of advertising seasonal grown agricultural products for sale on the premises. Such sign must be located on the premises of the agricultural business. An attached sign may not be more than 5% of the area of the wall to which it is attached. A freestanding sign must be constructed of rigid material and may be no more than

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thirty-two (32) square feet in size. A freestanding sign must not obstruct or create a hazard to walkways or motorists.

3. Off Site Directional Signs, intended to aid drivers traveling to agricultural businesses, are allowed without permit, subject to the following:
  - a. Signs shall not exceed four (4) square feet and may not be illuminated.
  - b. Signs shall be allowed only for the purpose of identifying the location of the agricultural business.
  - c. No more than four (4) signs shall be allowed per agricultural business.
  - d. Only one sign per business is allowed at any one location.
4. In the event the Commission determines that any sign permitted hereunder has not been maintained in good condition, the Commission may issue a Cease and Desist Order and order the sign to be removed.

## C. Temporary Agriculturally Related Uses

Temporary or seasonal events of limited duration on a Farm which are accessory to agricultural uses, such as educational demonstrations, hay rides, petting zoos or other similar uses, may be allowed after securing a Certificate of Zoning Compliance from the Zoning Enforcement Officer, provided the applicant has demonstrated that there will be adequate and safe on site parking. The Zoning Enforcement Officer has discretion to require Commission approval if he or she determines that the intensity of the event warrants further review. Notwithstanding any provision herein to the contrary, the following types of temporary events of limited duration on a Farm may be allowed after securing a Special Permit in accordance with Article 5: corn mazes, harvest or holiday festivals, weddings, banquets, privately hosted events, bus tours, or other similar uses involving larger numbers of visitors.

## Article 4C, Section 6 **Landscaping**

Requirements:

1. The required front and side yard along a street of all lots shall be landscaped and surfaced with best management practices, including but not limited to, meadows, lawn, evergreen cover or ground cover acceptable to the Commission.
2. It is the responsibility of the property owner to replace any vegetation required by this regulation which dies or is lost by theft.
3. In situations where landscaped buffers are required, at least seventy-five (75) percent of all trees shall be evergreen species. A plan for landscaping and buffering shall be submitted as part of the permit application.

## Article 4C, Section 7 **Design Guidelines**

The following are recommended as a means to satisfy the intent of this zone:

1. The architectural design of new buildings and major exterior alterations or additions should relate to neighboring buildings, natural features and the rural character of Ashford. While specific designs need not be duplicated, the general size, bulk, materials and colors should have a complementary design relationship to other buildings and the landscape.
2. The removal or disruption of historic, traditional, or significant structures or architectural elements should be avoided or minimized so that the historic or distinctive character of the Town of Ashford is maintained.

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3. The height and scale of each building should be compatible with its site and existing (or anticipated) adjoining buildings.
4. Where large buildings are to be placed in settings where smaller buildings would be more appropriate, the apparent mass of the buildings should be reduced by introducing variations in wall setbacks and heights, additions of windows and other openings, using different materials or finishes, and similar methods.
5. Newly installed utility services, and service revisions made necessary by exterior alterations, should be underground.
6. A desirable streetscape and attractive landscape transitions to adjoining properties should be provided.
7. Existing trees at four (4) inches or greater caliper should, if possible, be incorporated into the site plan.
8. Utility and service equipment areas should be screened from public view with materials harmonious with the building.
9. Signs should be designed as an integral architectural element of the building and site to which it principally relates and should be coordinated with the building architecture.
10. Exterior lighting, where used, should enhance public safety, the building design, and the landscape.

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## Article 4D Interstate Interchange Development Zone (IID)

### Article 4D, Section 1 Purpose

- A. The purpose of the Interstate Interchange Development Zone is to provide economic opportunity, consistent with the Town's Plan of Conservation and Development, in the Town by permitting the operation of large scale businesses, industries, and complementary commercial activities.
1. The Commission recognizes that the potential exists for the zone to accommodate a wide variety of manufacturing and commercial land uses.
  2. Proposed development must demonstrate that there will be compatibility with adjacent (residential and non-residential) development, and that it will not negatively impact adjacent development.
  3. Site planning is an essential criterion of the Interstate Interchange Development Zone and is intended to be carefully planned, both within the sites own boundaries and in relation to surrounding properties.
  4. This zone is intended to project the image and character of an attractive and distinctive gateway into the Town of Ashford.
- B. The further purpose of the Interstate Interchange Development Zone to promote the economic viability and operational sustainability of agricultural business in the town of Ashford- as outlined in the Ashford Plan of Conservation and Development-. Specifically, these regulations are intended to:
1. address food and fiber needs;
  2. enhance environmental quality and the natural resource base upon which the agricultural economy depends;
  3. make the most efficient use of nonrenewable resources and on-farm resources and integrate, where appropriate, natural biological cycles and controls;
  4. sustain the economic viability of farm operations, and;
  5. put in place an agricultural friendly community.

### Article 4D, Section 2 Permitted Uses

Accessory Uses incidental to and associated with the below mentioned Special Permit Uses may be permitted in accordance with the Site Plan requirements found in Article 5B of these Regulations.

### Article 4D, Section 3 Special Permit Uses

The following uses, or combination thereof, may be permitted by the Commission subject to special permit in accordance with Article 5C of these regulations:

1. Manufacturing
2. Agriculture, including without limitation:
  - The production of agriculture products, the processing of such products as value-added products and the distribution of agricultural products
  - Regional Farmer's Markets

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- Farm Equipment Dealers and Wholesalers
  - Farm Stands and Farm Stores in accordance with Article 4D, Section 6
3. Sale of building equipment, merchandise, material or supply businesses; provided that the principal use is within a completely enclosed building.
  4. Offices for business, financial, professional, research, skilled trade services or personal services or other similar offices.
  5. Motor vehicle service and repair stations, including the dispensing of petroleum fuels and accessories for automobiles and trucks and retail sales of convenience food items.
  6. Motels, Hotels (including temporary extended stay)
  7. Restaurants
  8. Retail
  9. Wireless Telecommunication Site, in accordance with Article 6

## Article 4D, Section 4 **Development Standards**

- A. The following general standards shall apply to all buildings, structures and uses in the Interstate Interchange Development Zone except as these regulations may specifically provide otherwise:

| Structure Size  | Lot Size  | Lot Frontage | Side and Rear Yard Setbacks  |   |
|---|---|--------------|--|---|
| Up to 20,000 sq. ft.  | 2 ac Minimum  | 200'         | 50' for the first 5,000 sq. ft. of gross floor area and 10' for each additional 1,000 sq. ft. of gross floor area to a maximum of 100'   | Notwithstanding the setbacks for the structure - the Commission may require up to an additional 50' of buffer between a commercial use and a residential or agricultural use. The Commission may require additional screening where it deems it necessary to protect neighboring properties from noise, light or other nuisance. Such additional screening may include the erection of a solid fence or the installation of an earthen berm. Such plantings should be of varieties native to Connecticut. |
| 20,000 sq.ft. – 250,000 sq.ft.  | 5 ac Minimum  | 400'         | 100' for the first 20,000 sq. ft. of gross floor area and 10' for each additional 1,000 sq. ft. of gross floor area to a maximum of 200' |   |
| Exceptions (The following improvements are expressly excluded from these setback restrictions): | <ul style="list-style-type: none"> <li>• Steps, walks and driveway access to the site.</li> <li>• Landscaping, including landscaped earthen berms.</li> <li>• Planters not to exceed four (4) feet in diameter or two (2) feet in height where they should interfere with visual safety at site access points.</li> <li>• Lighting</li> </ul> |              |  |   |
| Lot Coverage  | Building Coverage - 25%<br>Impervious Surface Coverage, 60%   |              |  |   |
| Building Height   | 35'   |              |  |   |

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- B. For purposes of integrated development, any number of contiguous parcels may be consolidated, and the consolidated parcel shall be construed to be one lot when computing building coverage and yard requirements, and permitted uses, provided:
1. The owner of each lot within the consolidated parcel shall give to the owner in each other lot in the consolidated parcel by deed, easement, or agreement filed in the office of the Town Clerk, the right of entrance, exit, passage, parking and loading.
  2. The consolidated parcel is developed with an integrated plan of buildings, parking, loading and unloading.
- C. Site planning should employ sustainable practices<sup>1</sup> including:
1. Water quality features such as bio-swales and bio-retention basins integrated in a cohesive and logical manner to take advantage of site topography, orientation and visibility.
  2. Pervious paving in lieu of impervious paving. Applicant must, to the satisfaction of the Commission, demonstrate that impervious paving is necessary.
  3. Buildings shall be oriented to take full advantage of sustainable energy options (i.e. solar, wind, geothermal) - unless site conditions make such orientation, as determined by the Commission, not feasible.
  4. Any outdoor storage, service or loading area that faces adjacent residential uses or a public street or walkway shall be screened by a decorative fence, wall or screen of plant material at least 6 feet in height, or a planting screen shall be provided parallel to the property line, street or walkway.
  5. Loading docks, truck parking, HVAC equipment, electrical, trash collection and other service functions shall be incorporated into the design of the building so that the visual and noise impacts of these functions are fully contained and not visible/audible from adjacent properties and public streets. Areas for the outdoor storage and sale of merchandise, where permitted, shall be permanently defined and screened with walls or fences, with materials compatible with and of similar quality to primary building materials.
- D. Signage - In addition to those standards contained in Article 6B of these Regulations:
1. Tenant Identification signs may be attached to the building or freestanding signs.
  2. Tenant identification signs shall be located near entries to the building and shall be in scale with the design of the building and entryway.
  3. Only one (1) tenant identification sign per street frontage of the development shall be allowed. If a business has a corner lot two signs will be permitted.
  4. With approval of the Commission, additional signs may be allowed when they are for informational purposes such as "Truck Entrance" "Shipping/Receiving Entrance" etc. Informational signs shall be no larger than 24 inches x 30 inches.
  5. All signage shall be setback a minimum of ten (10) feet from any right-of-way or lot line.
- E. Parking - shall be in accordance with those standards contained in Article 6E of these Regulations
- F. Exterior Lighting shall be in accordance with Article 6C.

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<sup>1</sup> *Sustainable Development means development which: increases the efficiencies with which buildings and their sites use energy, water and materials; and reduces building impacts on human health and environment through better siting, design, construction, operation, and maintenance.*

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G. Open/Green Space - ten (10) percent of each lot developed as a Interstate Interchange Development Zone shall be set aside as either passive or active open or green space, exclusive of landscaped areas related to parking, driveways and structures.

H. Landscaping Requirements (minimum):

Requirements:

1. The required front and side yard along a street of all lots shall be landscaped and surfaced with best management practices, including but not limited to, meadows, lawn, evergreen cover or ground cover acceptable to the Commission.
2. It is the responsibility of the property owner to replace any vegetation required by this regulation which dies or is lost by theft.
3. Trees, shrubs and groundcover shall be used to provide variety and to reduce the apparent mass of large, blank facades. All such trees, shrubs and groundcover shall be native to Connecticut.
4. Earth berms shall be used to reduce the apparent mass and height of a building. Additionally, landscaping shall be provided around the perimeter of a building to minimize the "hard edge" that is created where the building meets the pavement.
5. Street trees in public view shall be provided along all public (outside the public right-of-way) and private streets with a minimum of one tree installed (3 inch caliper minimum) for each twenty-five (25) feet of frontage.

## Article 4D, Section 5 **Design Guidelines**

The following are recommended as a means to satisfy the intent of this zone:

1. The architectural design of new buildings and major exterior alterations or additions should relate to neighboring buildings, natural features and the rural character of Ashford. While specific designs need not be duplicated, the general size, bulk, materials and colors should have a complementary design relationship to other buildings and the landscape.
2. The removal or disruption of historic, traditional, or significant structures or architectural elements should be avoided or minimized so that the historic or distinctive character of the Town of Ashford is maintained.
3. The height and scale of each building should be compatible with its site and existing (or anticipated) adjoining buildings.
4. Where large buildings are to be placed in settings where smaller buildings would be more appropriate, the apparent mass of the buildings should be reduced by introducing variations in wall setbacks and heights, additions of windows and other openings, using different materials or finishes, and similar methods.
5. Newly installed utility services, and service revisions made necessary by exterior alterations, should be underground.
6. A desirable streetscape and attractive landscape transitions to adjoining properties should be provided.
7. Existing trees at four (4) inches or greater caliper should, if possible, be incorporated into the site plan.
8. Utility and service equipment areas should be screened from public view with materials harmonious with the building.

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9. Signs should be designed as an integral architectural element of the building and site to which it principally relates and should be coordinated with the building architecture.
10. Exterior lighting, where used, should enhance public safety, the building design, and the landscape.

## Article 4D, Section 6 **Agriculture**

### A. Farm Stands and Farm Stores

1. At least 70% of gross sales from Farm Stands and 50% of gross sales from Farm Stores shall be from agricultural goods produced on the owner's Farm. The Commission may permit the sale of items not produced or grown by the farm operator to meet the (50% threshold, or 70% threshold, as the case may be, where it is necessary to supplement the growers production due to circumstances beyond the producers control, such as weather. For agricultural goods not produced or grown by the farm operator, the Commission strongly encourages that they be "CT Grown", as defined by the Connecticut Department of Agriculture.
2. The Farm Stand or Farm Store may only be located on an active farm site.
3. All parking areas shall be in accordance with Article 6.
4. A Farm Store must meet all state and local codes and health requirements.

### B. Seasonal Agricultural Signage

1. All signs shall adhere to the requirements of Article 6, except as specifically provided herein.
2. Seasonal Agricultural Sign (Temporary). One sign, either attached or freestanding, is allowed without permit for the purpose of advertising seasonal grown agricultural products for sale on the premises. Such sign must be located on the premises of the agricultural business. An attached sign may not be more than 5% of the area of the wall to which it is attached. A freestanding sign must be constructed of rigid material and may be no more than thirty-two (32) square feet in size. A freestanding sign must not obstruct or create a hazard to walkways or motorists.
3. Off Site Directional Signs, intended to aid drivers traveling to agricultural businesses, are allowed without permit, subject to the following:
  - a. Signs shall not exceed four (4) square feet and may not be illuminated.
  - b. Signs shall be allowed only for the purpose of identifying the location of the agricultural business.
  - c. No more than four (4) signs shall be allowed per agricultural business.
  - d. Only one sign per business is allowed at any one location.
4. In the event the Commission determines that any sign permitted hereunder has not been maintained in good condition, the Commission may issue a Cease and Desist Order and order the sign to be removed.

### C. Temporary Agriculturally Related Uses

Temporary or seasonal events of limited duration on a Farm which are accessory to agricultural uses, such as educational demonstrations, hay rides, petting zoos or other similar uses, may be allowed after securing a Certificate of Zoning Compliance from the Zoning Enforcement Officer, provided the applicant has demonstrated that there will be adequate and safe on site parking. The Zoning Enforcement Officer has discretion to require Commission approval if he or she determines that the intensity of the event warrants further review. Notwithstanding any provision herein to the contrary, the following types of temporary events of limited duration on a Farm may be

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allowed after securing a Special Permit in accordance with Article 5: corn mazes, harvest or holiday festivals, weddings, banquets, privately hosted events, bus tours, or other similar uses involving larger numbers of visitors.

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## Article 4E **Technology Development Zone (TD)**

### Article 4E, Section 1 **Intent and Establishment**

The intent of the Technology Development Zone is, consistent with the Town's Plan of Conservation and Development, to encourage the development of well planned, designed technology parks which would accommodate certain technological and professional offices:

1. This zoning category is created to provide for a mixture of compatible office, research, warehouse and technological uses in a park-like setting with high quality standards of development.
2. To encourage a more efficient use of land reflecting changes in the technology of land development
3. To establish the Town of Ashford as a regional center of research-based development

### Article 4E, Section 2 **Permitted Uses**

Accessory Uses incidental to and associated with the below mentioned Special Permit Uses may be permitted in accordance with the Site Plan requirements found in Article 5B of these Regulations.

### Article 4E, Section 3 **Special Permit Uses**

The following uses, or combination thereof, may be permitted by the Commission subject to special permit in accordance with Article 5C of these regulations:

1. Research (applied and basic), development and testing laboratories or centers.
2. Colleges, universities, business colleges, technical or trade schools, and other schools and institutions for academic instruction.
3. Residential units (single family or two-family) secondary to non-residential development and not more than twenty-five (25) percent of the total development area
4. Computer and data processing centers.
5. Meeting and conference centers.
6. Heliports, provided such facilities conform to the requirements of all appropriate Federal, State, and local regulations.
7. Offices for business, professional, non-profit and governmental uses
8. Recreation Facilities
9. Agriculture, including Farm Stands and Farm Stores in accordance with Article 4E, Section 6

### Article 4E, Section 4 **Development Standards**

- A. Any site to be zoned Technology Development Zone shall be a minimum of fifty (50) acres in size.
- B. A concept plan shall be required to be filed in conjunction with any zone change application. Including but not limited to:

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1. A development plan of the site showing the location, arrangement, bulk, type and use of all existing and proposed structures, the proposed traffic circulation pattern within and surrounding the development, the areas to be developed for parking, the points of ingress and egress, access streets where required, and the relationship of abutting land uses.
  2. A statement of the anticipated residential density (when applicable), the proposed total gross floor area of nonresidential uses, and the percentage of the development which is to be occupied by structures.
  3. Preliminary sketches and/or description of the proposed screening and landscaping features
  4. Evidence that the applicant has sufficient control over the parcel of land to effectuate the proposed plan, including a statement of all the ownership and beneficial interests in the land and the proposed development.
  5. When a TD plan includes provisions for common open space, or recreational facilities, a statement describing the provision that is to be made for the care and maintenance of such open space or recreational facilities.
  6. Copies of any restrictive covenants that are to be recorded with respect to property included in the TD plan.
- C. The following general standards shall apply to all buildings, structures and uses in the Technology Development Zone except as these regulations may specifically provide otherwise:
1. Allowable Lot Coverage
    - a. Building Coverage, 25%
    - b. Impervious Surface Coverage, 40%
    - c. Impervious Surface Coverage & pervious Parking Area Together, 60%
    - d. Minimum Green space, 25%
  2. Maximum Building Height - 35'
- D. For purposes of integrated development, any number of contiguous parcels may be consolidated, and the consolidated parcel shall be construed to be one lot when computing building coverage and yard requirements, and permitted uses, provided:
1. The owner of each lot within the consolidated parcel shall give to the owner of each other lot in the consolidated parcel, by deed, easement, or agreement filed in the office of the Town Clerk, the right of entrance, exit, passage, parking and loading.
  2. The consolidated parcel is developed with an integrated plan of buildings, parking, loading and unloading.
- E. Site planning should employ sustainable practices including:
1. Water quality features such as bio-swales and bio-retention basins integrated in a cohesive and logical manner to take advantage of site topography, orientation and visibility.
  2. Pervious paving in lieu of impervious paving. Applicant must, to the satisfaction of the Commission, demonstrate that impervious paving is necessary.
  3. Buildings shall be oriented to take full advantage of sustainable energy options (i.e. solar, wind, geothermal) - unless site conditions make such orientation, as determined by the Commission, not feasible.
  4. Any outdoor storage, service or loading area that faces adjacent residential uses or a public street or walkway shall be screened by a decorative fence, wall or screen of plant material at least 6 feet in height, or a planting screen shall be provided parallel to the property line, street or walkway.

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5. Loading docks, truck parking, HVAC equipment, electrical, trash collection and other service functions shall be incorporated into the design of the building so that the visual and noise impacts of these functions are fully contained and not visible/audible from adjacent properties and public streets. Areas for the outdoor storage and sale of merchandise, where permitted, shall be permanently defined and screened with walls or fences, with materials compatible with and of similar quality to primary building materials.
- F. Signage - In addition to those standards contained in Article 6B of these Regulations:
1. Tenant Identification signs may be attached to the building or freestanding signs.
  2. Tenant identification signs shall be located near entries to the building and shall be in scale with the design of the building and entryway.
  3. Only one (1) tenant identification sign per street frontage of the development shall be allowed. If a business has a corner lot two signs will be permitted.
  4. All signage shall be setback a minimum of ten (10) feet from any right-of-way or lot line.
- G. Parking - shall be in accordance with those standards contained in Article 6E of these Regulations
- H. Exterior Lighting shall be in accordance with Article 6C.
- I. Open/Green Space - twenty-five (25) percent of each lot developed as a Technology Development Zone be set aside as either passive or active open or green space, exclusive of landscaped areas related to parking, driveways and structures.
- J. Landscaping Requirements (minimum):

Requirements:

1. The required front and side yard along a street of all lots shall be landscaped and surfaced with best management practices, including but not limited to, meadows, lawn, evergreen cover or ground cover acceptable to the Commission.
2. It is the responsibility of the property owner to replace any vegetation required by this regulation which dies or is lost by theft.
3. Trees, shrubs and groundcover shall be used to provide variety and to reduce the apparent mass of large, blank facades. All such trees, shrubs and groundcover shall be native to Connecticut.
4. Earth berms shall be used to reduce the apparent mass and height of a building. Additionally, landscaping shall be provided around the perimeter of a building to minimize the "hard edge" that is created where the building meets the pavement.
5. Street trees in public view shall be provided along all public (outside the public right-of-way) and private streets with a minimum of one tree installed (3 inch caliper minimum) for each twenty-five (25) feet of frontage.

## Article 4E, Section 5 **Design Guidelines**

The following are recommended as a means to satisfy the intent of this zone:

1. The architectural design of new buildings and major exterior alterations of additions should relate to neighboring buildings, natural features or the rural character of Ashford. While specific designs need not be duplicated, the general size, bulk, materials and colors should have a complementary design relationship to other buildings and the landscape.

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2. The removal or disruption of historic, traditional, or significant structures or architectural elements should be avoided or minimized so that the historic or distinctive character of the Town of Ashford is maintained.
3. The height and scale of each building should be compatible with its site and existing (or anticipated) adjoining buildings.
4. Where large buildings are to be placed in settings where smaller buildings would be more appropriate, the apparent mass of the buildings should be reduced by introducing variations in wall setbacks and heights, additions of windows and other openings, using different materials or finishes, and similar methods.
5. Newly installed utility services, and service revisions made necessary by exterior alterations, should be underground.
6. A desirable streetscape and attractive landscape transitions to adjoining properties should be provided.
7. Existing trees at four (4) inches or greater caliper should, if possible, be incorporated into the site plan.
8. Utility and service equipment areas should be screened from public view with materials harmonious with the building.
9. Signs should be designed as an integral architectural element of the building and site to which it principally relates and should be coordinated with the building architecture.
10. Exterior lighting, where used, should enhance public safety, the building design, and the landscape.

## Article 4E, Section 6 **Agriculture**

### A. Farm Stands and Farm Stores

1. At least 70% of gross sales from Farm Stands and 50% of gross sales from Farm Stores shall be from agricultural goods produced on the owner's Farm. The Commission may permit the sale of items not produced or grown by the farm operator to meet the (50% threshold, or 70% threshold, as the case may be, where it is necessary to supplement the growers production due to circumstances beyond the producers control, such as weather. For agricultural goods not produced or grown by the farm operator, the Commission strongly encourages that they be "CT Grown", as defined by the Connecticut Department of Agriculture.
2. The Farm Stand or Farm Store may only be located on an active farm site.
3. All parking areas shall be in accordance with Article 6.
4. A Farm Store must meet all state and local codes and health requirements.

### B. Seasonal Agricultural Signage

1. All signs shall adhere to the requirements of Article 6, except as specifically provided herein.
2. Seasonal Agricultural Sign (Temporary). One sign, either attached or freestanding, is allowed without permit for the purpose of advertising seasonal grown agricultural products for sale on the premises. Such sign must be located on the premises of the agricultural business. An attached sign may not be more than 5% of the area of the wall to which it is attached. A freestanding sign must be constructed of rigid material and may be no more than thirty-two (32) square feet in size. A freestanding sign must not obstruct or create a hazard to walkways or motorists.

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3. Off Site Directional Signs, intended to aid drivers traveling to agricultural businesses, are allowed without permit, subject to the following:
  - a. Signs shall not exceed four (4) square feet and may not be illuminated.
  - b. Signs shall be allowed only for the purpose of identifying the location of the agricultural business.
  - c. No more than four (4) signs shall be allowed per agricultural business.
  - d. Only one sign per business is allowed at any one location.
4. In the event the Commission determines that any sign permitted hereunder has not been maintained in good condition, the Commission may issue a Cease and Desist Order and order the sign to be removed.

### C. Temporary Agriculturally Related Uses

Temporary or seasonal events of limited duration on a Farm which are accessory to agricultural uses, such as educational demonstrations, hay rides, petting zoos or other similar uses, may be allowed after securing a Certificate of Zoning Compliance from the Zoning Enforcement Officer, provided the applicant has demonstrated that there will be adequate and safe on site parking. The Zoning Enforcement Officer has discretion to require Commission approval if he or she determines that the intensity of the event warrants further review. Notwithstanding any provision herein to the contrary, the following types of temporary events of limited duration on a Farm may be allowed after securing a Special Permit in accordance with Article 5: corn mazes, harvest or holiday festivals, weddings, banquets, privately hosted events, bus tours, or other similar uses involving larger numbers of visitors.

# Article 5

## Application Process

### Article 5A General Provisions

#### Article 5A, Section 1 Pre-Application Discussion

- A. A pre-application discussion and/or review is optional but strongly recommended to facilitate general consideration of factors and issues before an applicant proceeds with the filing of a formal application and preparation of maps, plans and documents required for formal consideration by the Commission.
- B. Neither the pre-application discussion nor the informal consideration/discussion by the Commission or its staff shall be binding on the Commission. Furthermore, neither the pre-application review or discussion shall be deemed to constitute any portion of the official and formal procedure of applying for and receiving approval as contemplated herein or under any provision of the Connecticut General Statutes.

#### Article 5A, Section 2 Zoning Compliance

- A. No building, structure or premises shall be used, and no building or structure or part thereof shall be erected, altered, enlarged or moved, except in conformity with the regulations herein specified for the zone in which it is located and until a Certificate of Zoning Compliance for the proposed work or use has been issued by the Commission or its authorized agent.
- B. It shall be the responsibility of the Applicant to obtain all permits required by other agencies, if applicable, including other local authorities such as the Department of Health, the Inland Wetlands Commission, and any department or agency of the State or federal government. The applicant shall provide evidence of application to such agency or agencies, and no Zoning Permit shall be issued until evidence of application for all other permits has been submitted. The Commission may require evidence of approval from other authorities as a prerequisite when necessary to ensure compliance with these regulations prior to zoning approval, and failure to receive approval from other agencies may be grounds for denial of a Zoning Permit.
- C. No change shall be made in the use of any building, structure or land until a Certificate of Zoning Compliance for such change is issued by the Commission or its authorized agent.
- D. No lot line shall be reconfigured or relocated (other than in connection with a subdivision application) until the Zoning Enforcement Officer has confirmed compliance with these Regulations and the Health Department has determined that a code complying area exists on each lot affected by the reconfiguration for the installation of a subsurface sewage disposal system.

#### Article 5A, Section 3 Exemptions

The following structures shall not require the issuance of any permit under these regulations:

1. Fences, or walls used as fences, which are no more than six (6) feet in height.
2. Mailboxes
3. Production agriculture fencing

# Ashford, Connecticut - Zoning Regulations

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## Article 5A, Section 4 **Administrative Action**

- A. The Zoning Enforcement Officer, acting on behalf of the Commission, may issue a Certificate of Zoning Compliance for the following:
  - 1. For an addition to an existing structure of no more than five-hundred (500) square feet in gross floor area for any use in any zone.
  - 2. Change in use for permitted uses within any zone, provided change in use meets all applicable requirements
  - 3. Single-family residential dwelling
  - 4. Accessory Uses in the RA Zone or Accessory Structures up to 200 sq. feet in any zone. However, the ZEO shall not approve a modification to a Special Permit.
- B. The Zoning Enforcement Officer shall review the application to ensure compliance with the Zoning Regulations and shall issue a permit if all applicable requirements of these regulations have been met.
  - 1. The Zoning Enforcement Officer may refer the application to other Town Departments for review as necessary.
  - 2. The Zoning Enforcement Officer may waive any part of the application requirements, if the Zoning Enforcement Officer determines the information is not necessary for determining conformity with these regulations.
  - 3. The Zoning Enforcement Officer shall notify the applicant of the decision by certified mail.

## Article 5B **Zoning Permit**

### Article 5B, Section 1 **Site Plan Submission**

- A. Applications for a zoning permit shall require a site plan which shall be filed with the Commission on a form provided by the Commission. If the applicant is not the owner of the property on which the activity is proposed the application shall contain a written statement by the owner of the property authorizing the applicant to apply as agent for the owner. The application shall also contain a written statement by the owner or his/her authorized agent giving consent for the Commission or its agent to inspect the property.
- B. Applications for a zoning permit must include three (3) full-size copies (24x36), twelve (12) reduced-size copies (11x17), and one (1) PDF electronic copy of a site plan, signed and sealed by a professional land surveyor and a professional civil engineer, each licensed to practice in the State of Connecticut, at a scale of at least one (1) inch equal to forty (40) feet, showing the following information:
  - 1. The direction of true north; north arrow shall be oriented toward the top of the page;
  - 2. The zoning classification of the lot;
  - 3. The actual shape and dimensions of the lot, exclusive of any road or streets-rights-of-way, to be used; provided, however, that if the lot is substantially larger than the area to be developed the Commission may allow the applicant to submit a site plan showing the lot in an inset map at a different scale from the scale of the remainder of the site plan;
  - 4. The exact size and location on the lot of existing and proposed buildings and structures;
  - 5. The location of any parking and loading areas, outside storage areas and/or trash disposal areas, with proposed screening;

## Ashford, Connecticut - Zoning Regulations

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6. The location of any required setback and yard lines and landscaped buffer areas;
7. A table showing the dimensional standards, frontage and setbacks requirements and any floor area/height requirements for the zone in which the lot is located as compared to the standards for the proposed building, structure and/or use;
8. The names of all owners of record of any land abutting the lot to which the zoning permit would apply;
9. The location and name of any Town or State street, road or highway which passes through or adjoins the lot or, if no such street, road or highway passes through or adjoins the lot, the entire route of vehicular access to the lot from such a street, road or highway;
10. The locations and numbers of any utility poles within one-hundred (100) feet of the lot or, if there are no such utility poles, the location and number of the utility poles nearest to the lot;
11. The location of any existing or proposed driveway, curbs and curb cuts;
12. The location of any existing or proposed wells and sewage disposal facilities (including principal and reserve leaching areas) showing precise minimum distances among the wells, sewage disposal facilities, buildings, structures, driveways and parking areas;
13. The location of the required minimum lot area;
14. The location of all water bodies, watercourses and wetlands on the lot, as determined by a soil scientist licensed in the State of Connecticut;
15. Existing and proposed (finished grade) contour lines at an interval of two (2) feet in the required lot area, where detail is required, and no more than ten (10) feet over the entire site plan or so much thereof as the Commission may prescribe;
16. The location of any area(s) subject to flooding during a one-hundred (100) year flood, as shown on the most recent Flood Insurance Rate Map published by the Federal Emergency Management Agency, including any zone designated by the letter "A" followed by another letter or a number on the Federal Emergency Management Agency Flood Insurance Rate Maps (FIRMs) for the Town of Ashford, Connecticut (Community No. 090165), effective date December 1, 1981, as they may be amended from time to time. If the FIRMs are amended after the effective date of these regulations, the Flood Plains Zone shall conform to the delineation on the amended FIRMs of all areas subject to flooding during the one-hundred (100year) flood. If there are any differences between the one-hundred (100year) flood areas delineated on the FIRMs and the Flood Plains Zone as delineated on the Zoning Map promulgated under these regulations, the delineation on the FIRMs shall control;
17. An A-2 Survey prepared by an engineer or land surveyor licensed to practice in the State of Connecticut;
18. Specifications and such other information as may be required by the Commission or its agent to determine that the proposed building or structure complies with all local and state codes and ordinances, including any applicable design guidelines including but not limited to illumination, signs, and architectural style;
19. Landscape plan, in accordance with Article 5, for non-residential uses;
20. The location and a description of any proposed surface or subsurface drainage improvements, facilities or structures, including stormwater drainage calculations;
21. The location of soil test pits and test borings and a description of the soils encountered in such pits or borings;
22. Location of any historical or archeological sites identified by the Connecticut's State Historic Preservation Office;

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23. A lighting plan for non residential and multifamily uses;
24. Location and details of any proposed signage;
25. Statement of proposed use, including a brief statement indicating the traffic impact of the proposed development.

## Article 5B, Section 2 **Waiver of Certain Requirements for Zoning Permits**

- A. The Commission may waive, by two-thirds vote, any of the submission requirements relating to the site plan specified in Article 5B, Section 1, if, and only if, the Commission determines that the requirements sought to be waived are not reasonably necessary to a proper disposition of the application.
- B. The applicant shall file a written request to the Commission seeking a waiver of such submission requirements.

## Article 5B, Section 3 **Rendering the Decision**

- A. All applications for a zoning permit shall be reviewed and acted upon in accordance with the time limits prescribed in Conn. Gen. Stat. 8-7d, as may be amended from time to time.
- B. The Commission may deny or approve the application as submitted, modify and approve the application, or approve the application with conditions. A decision to deny or modify an application shall set forth the reasons for such denial or modification. The Commission may attach such conditions as it reasonably deems necessary to assure that any proposed building, structure or use (i) will conform to the standards and limitations set forth in these regulations, (ii) will protect the rights of individuals and the health, safety, welfare and convenience of local residents and the community; (iii) will protect local property values; (iv) will meet the specific standards set forth in this Article of these regulations; and (v) will abide by the vision of the Ashford Plan of Conservation and Development.
- C. A copy of any decision on an application shall be sent by the Commission by certified mail to the applicant within fifteen (15) days after such decision is rendered.

## Article 5B, Section 4 **Final Approval**

- A. The approved site plan, incorporating any modifications or conditions required by the Commission, and containing a copy of the Commission's approval letter, shall be printed upon mylar (or similar) and two(2) sets thereof shall be submitted to the Commission.
- B. The Commission shall stamp or mark the mylars, certifying its approval of the site plan. The certificate of approval shall state that the approval will automatically expire five (5) years from the date of approval and shall specify such expiration date. The Commission shall issue no zoning permit until the final approved plan has been certified by the Commission. Within sixty-five (65) days of the date of the approval, the applicant shall file one mylar copy of the approved plan and certificate of approval in the office of the Ashford Town Clerk and shall pay all required filing fees. The other mylar copy shall be retained in the Ashford Land Use Office. No zoning permit issued in connection with an application shall be effective until the approved plan and certificate of approval have been filed in the office of the Ashford Town Clerk. For good cause shown, the Commission may extend the time for filing the approved site plan. If an approved plan is not filed within such sixty-five (65) day period or within any period of extension, the approval shall be void.

## Article 5C **Special Permits**

### Article 5C, Section 1 **Statement of Purpose**

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The purpose of the Special Permit regulations is to provide a comprehensive review of the proposed plan for the layout of the building(s), structure(s) or use(s) in relationship to the topographical, geological and other natural features of the land, and of the impact of the use(s) upon the environment, health, safety, welfare and convenience of the members of the community consistent with the Town Plan of Conservation and Development. It is intended to insure that the design and layout of the site and the proposed use(s) will constitute suitable and appropriate development in character with the neighborhood and will not result in a decrease in property values or a detriment to the present and potential use of the area in which it is to be located. Special Permit procedures are also intended to assure that proposed buildings, structures and uses will provide for the maintenance of air, surface water and groundwater quality and will not be detrimental to existing sources of potable water or other natural or historic resources.

## Article 5C, Section 2 **When Required**

A Special Permit must be issued by the Commission before any person may establish or change any land use, or use, erect, construct, move, enlarge, or alter any building or structure, in whole or in part, if the use, structure or building resulting from such activity is listed as a Special Permitted Use under Article 4 of these regulations for the zone in which it would be located. The issuance of a Special Permit fulfills the requirement for the issuance of a Zoning Permit.

## Article 5C, Section 3 **Standards for Special Permits**

All buildings, structures and uses for which a Special Permit is required under these regulations must meet the applicable standards set forth throughout these regulations including, but not limited to, the following standards:

1. **Preservation of Landscape:** The landscape shall be preserved in its natural state insofar as practicable by minimizing grading and the removal of vegetation and soil. Where vegetative cover does not exist or has been removed, new plantings may be required. Finished site contours shall depart only minimally from the character of the natural site and the surrounding properties.
2. **Relation of Buildings to Environment:** The proposed project or development shall be related harmoniously to the terrain and to the use, scale and siting of existing buildings in the vicinity of the site. All buildings and other structures shall be sited to minimize disruption of the topography. Strict attention shall be given to the proper functional, visual and spatial relationships of all structures, buildings, landscaped elements and paved areas.
3. **Landscaped Buffer Areas:** All buffered and/or screened areas, including setback areas (landscaped and usable), shall be so designed as to be consistent and compatible with abutting uses.
4. **Circulation:** With respect to vehicular and pedestrian circulation, including entrances, ramps, walkways, drives and parking, special attention shall be given to location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, access to community or public facilities, and arrangement of parking areas that are safe and convenient and, insofar as practicable, do not detract from the use and enjoyment of proposed buildings and structures and the neighboring properties.
5. **Surface Water Drainage:** Special attention shall be given to proper surface drainage so that surface waters will not adversely affect neighboring properties or public storm drainage facilities, will not obstruct the flow of vehicular or pedestrian traffic, and will not create standing water, in paved or pedestrian areas. All surface water drained from roofs, streets, parking lots and other impervious areas shall be disposed of in a safe and efficient manner that will not create problems of water runoff or erosion on the site or on neighboring sites or pollution of surface water or groundwater. Insofar as possible, natural drainage courses and swales shall be properly stabilized and drainage-impounding-areas shall be utilized to dispose of water on the site through natural percolation to a degree equivalent to that prior to development. Also, appropriate erosion control measures shall be employed, including slope stabilization measures and the seeding of exposed areas to replace vegetative cover.

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6. **Groundwater Recharge and Quality Preservation:** Ground water recharge shall be maximized and ground water quality shall be protected. Various techniques may be required to maximize recharge, such as perforated drainpipes, pervious pavement, reduction of structure area, or reduction of lot coverage. Where groundwater elevations are close to the surface, extra site grading precautions may be required to maintain the protective function of the overburden.
7. **Utilities:** The placement of electric, telephone, or other utility lines and equipment shall be underground. Such utilities shall be so located as to provide no adverse impact on groundwater levels, and coordinated with other utilities.
8. **Other Site Features:** Exposed storage or utility areas, exposed machinery installations, and service areas shall be designed with screen plantings, fencing or other screening methods to be compatible with the environment and the surrounding properties.
9. **Safety:** All open and enclosed spaces shall be designed to facilitate evacuation and to maximize accessibility by fire, police and other emergency personnel and equipment.
10. **Neighboring Properties:** The proposed use shall be of such location, size and character that, in general, it will be in harmony with the appropriate orderly development of the zone in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties.
11. **Natural, Agricultural and Historical Resources:** The proposed uses shall not unreasonably destroy, damage or threaten locally significant natural or historical resources.

## Article 5C, Section 4 **Applications**

- A. All Special Permit applications shall require a public hearing.
- B. Applications for a special permit shall be filed with the Commission on a form provided by the Commission. If the applicant is not the owner of the property on which the activity is proposed the application shall contain a written statement by the owner of the property authorizing the applicant to apply as agent for the owner. The application shall also contain a written statement by the owner or his/her authorized agent giving consent for the Commission or its agent to inspect the property.
- C. Applications for a special permit must include three (3) full-size copies (24x36), twelve (12) reduced-size copies (11x17), and one (1) PDF electronic copy of a site plan, signed and sealed by a professional land surveyor and a professional civil engineer, each licensed to practice in the State of Connecticut, at a scale of at least one (1) inch equal to forty (40) feet, containing all information set forth in Article 5B, Section 1B above, and further containing the following information:
  1. All the information specified for a Zoning Permit.
  2. The nature and amount of any hazardous materials or wastes to be produced, used, stored or disposed of on the lot, and the manner in which such production, use, storage, removal or disposal will be carried out.
  3. The names of all owners of record of property within two (200) feet of the lot to which the Special Permit would apply.
  4. The location and nature of any proposed landscaping, buffer areas or screening, and any existing or boundary stone walls.
  5. The location of soil types and forested areas on the parcel.

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6. The location and a description of any proposed surface or subsurface drainage improvements, facilities or structures.
7. Hydrological analyses of runoff and peak flows, both before and after development.
8. Depths to seasonal high groundwater levels and bedrock.
9. A list of other federal, state or municipal permits or licenses which the applicant will need to implement the uses applied for and the status of any applications for such permits or licenses.
10. Architectural drawings of any proposed buildings or structures.
11. A traffic report indicating existing traffic conditions at normal and peak travel times for, at a minimum, any street abutting or passing through the lot affected by the application, and also indicating the projected impacted of the proposed use on such traffic conditions.
12. The schedule for any construction or other development activities, including, but not limited to, erection of or other work on any buildings or structures, grading, removal of vegetation, landscaping and drainage improvements.
13. Identification of wildlife habitats on and near the site and the impact of the proposed use on such habitats.
14. Identification of general vegetation types, as listed on the State's Natural Data Diversity Database
15. Identification of any species, as listed on the State's Natural Data Diversity Database
16. Other information the Commission deems necessary for the proper disposition of the application.

## Article 5C, Section 5 **Waiver of Certain Requirements for Special Permits**

- A. The Commission may, by two-thirds vote of the Commission, waive any of the submission requirements relating to the Special Permit specified in Article 5C, Section 4 if, and only if, the Commission determines that the requirements sought to be waived are not reasonably necessary to a proper disposition of the application.
- B. The applicant shall file a written request to the Commission seeking a waiver of such submission requirements.

## Article 5C, Section 6 **Criteria for Evaluation**

The Commission may, in appropriate cases and subject to appropriate modifications and conditions as provided herein, grant a Special Permit if it determines that:

1. The proposal is consistent with the Ashford Plan of Conservation and Development, as amended
2. The application conforms in all respects to these Regulations, unless a certified copy of a variance from any such provision is submitted with the application or the Zoning Enforcement Officer has issued a finding that the nonconformance is a legal, pre-existing nonconformity as provided in Article 2, Section 7
3. The parking and loading facilities are adequate and properly located, and the entrance and exit driveways are laid out to achieve reasonable convenience and safety of vehicular and pedestrian movement on the site.
4. The streets providing access to the site are adequate in width, grade, alignment and visibility and have adequate capacity for the additional traffic generated by the proposed use.

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5. The application makes adequate provision for accessibility of emergency vehicles, e.g. police, fire and emergency transportation vehicles.
6. The water supply, sewage disposal and storm water drainage shall conform with accepted engineering criteria, comply with all standards of the appropriate regulatory authorities, and that such utilities have, or can be improved by the developer to have, adequate capacity for the proposed use.
7. Adequate measures have been incorporated for the prevention of surface water and groundwater pollution, soil erosion and sedimentation, increased runoff, and changes in groundwater levels.
8. All measures addressing fire safety and police protection have been incorporated to the satisfaction of the Town Fire Marshal and Police Chief, as applicable..
9. The location, design, intensity , layout and operation of the proposed buildings, structures or uses will be in harmony with the orderly development of the area, compatible with other existing uses, and will not hinder or discourage the appropriate use of adjoining property or diminish the value thereof.
10. The design elements of the proposed development are attractive and compatible with the style of other buildings in the immediate area and will not alter the essential characteristics of the area,
11. The proposed use will not have any detrimental effects upon the health, safety, welfare or property values of the community..
12. There shall be no adverse impact on existing or potential local water supplies and recharge areas.
13. I Important natural, agricultural and historic resources have been adequately protected and/or preserved, or due consideration of preservation of the same has been demonstrated..
14. There shall be no adverse impact on wildlife and plant habitats.

### Article 5C, Section 7 **Rendering the Decision**

- A. A public hearing shall be held prior to issuing a decision on any special permit application. All applications for a special permit shall be reviewed and acted upon in accordance with the time limits prescribed in Conn. Gen. Stat. 8-7d, as may be amended from time to time.
- B. In accordance with the time-limits found in 8-7d of the Connecticut General Statutes, the Commission shall either: (i) approve the Special Permit and the site plan as submitted; (ii) approve the special permit and site plan with conditions or modifications, as provided under these regulations; or (iii) deny the Special Permit and site plan. The Commission shall state the reasons for its decision on its records.
- C. The Commission may place on any Special Permit whatever conditions the Commission may reasonably deem necessary to assure that any proposed building, structure or use (i) will conform to the standards and limitations set forth in these regulations, (ii) will protect the rights of individuals and the health, safety, welfare and convenience of local residents and the community; (iii) will protect local property values; and (iv) will meet the specific standards set forth in this Article of these regulations.
- D. The conditions may relate to, without limitation, to (i) the spatial design and layout of buildings, structures and uses; (ii) provisions for lighting, parking, loading, surface and subsurface drainage, sanitary facilities, waste disposal, vehicle and pedestrian circulation, landscaping, screening, and protection of the environment and of natural and historic resources; (iii) construction or other development schedules; and (iv) hours of operation of the proposed building, structure or use.

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- E. A copy of any decision on an application shall be sent by the Commission by certified mail to the applicant within fifteen (15) days after such decision is rendered.

## Article 5C, Section 8 **Filing and Recording of Special Permits**

- A. Any Special Permit issued under these regulations shall not become effective until the Special Permit is certified by the Commission and filed on the Ashford Land Records. The Special Permit shall (i) contain a description of the premises to which it relates, (ii) specify the nature of the Special Permit and any modifications and/or conditions imposed by the Commission, (iii) state the regulation under which the Special Permit is issued, and (iv) state the names of all owners of record of the premises.
- B. The applicant or record owner shall be responsible for filing and recording the Special Permit and shall pay all filing and recording fees.
- C. In addition, the final approved site plan associated with the special permit shall be prepared and filed as provided in Article 5B, Section 4 of these regulations.

## Article 5D, **Amendment of Permits**

### Article 5D, Section 1 **Amendment of Permits and Site Plans**

Following the issuance of a Zoning Permit or Special Permit or the approval of a final site plan by the Commission, no changes or alterations may be made in such permit or site plan except by approval of the Commission upon written applications as provided in these required regulations.

1. If the Commission determines that the requested change or alteration is minor, it may issue an amended permit or approve an amended final site plan without the need for further procedures under these regulations. For the purposes of this section, "minor changes or alterations", shall not include any change of use or any alteration resulting in an increase or decrease in the dimensions of any building or structure, or the location of any building on a lot.
2. If the Commission determines that the requested change or alteration is not minor, it shall direct the applicant to file a new application under these regulations and shall follow the procedures specified under such section for making a decision on such application.

## Article 5E, **Amendment to the Regulations or Zoning Map**

### Article 5E, Section 1 **Amendment of Regulations or Map**

- A. The following procedures shall be followed for any proposed amendment to the Planning and Zoning Regulations or to Zoning District Boundaries
  1. In accordance with the provisions of Section 8-3 of the Connecticut General Statutes, these Regulations and/or the Zoning Map may be amended either on the initiative of the Commission or by petition from one or more property-owner(s) or resident(s) of the Town of Ashford having standing to file such application.
  2. Applications for zone change or zone text amendments shall be filed with the Commission on a form provided by the Commission. The Application shall include all required application materials as provided below, and shall only be received at a regular meeting of the Commission.
  3. Once a petition has been received as complete, the Commission shall hold a Public Hearing within the limits prescribed in 8-7d of the Connecticut General Statutes, complete its review and, within statutory time

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limitations, act upon the changes requested in such petition. The Commission shall approve such regulation or map change only by majority vote of the Commission. The Commission shall establish an effective date for approved changes to the Zoning Regulations or Zoning Map.

4. Upon receipt of an application to amend the Zoning Regulations and/or Zoning Map, the Commission may refer the application materials to town staff members and/or consultants/experts that the Commission deems necessary or appropriate.
- B. Application Requirements: Petitions to amend the Zoning Regulations and/or Zoning Map shall, except as noted otherwise, include the following information:
1. A complete application form including the signatures of all petitioners and all subject property owners; along with the fee.
  2. Statement of Justification for the proposed regulation amendment, or Zoning District Boundary change. Said statement should substantiate:
    - a. the compatibility of the proposal with respect to the Ashford Plan of Conservation and Development;
    - b. the reasons for the particular changes(s); and
    - c. the effects such a change would have on the health, safety, welfare, and property values of Ashford residents.
  3. Petitions for changes to the Zoning Regulations shall include the exact wording of all proposed amendments and Article and Section references. All applications to amend the Zoning Regulations should incorporate into the proposal all related sections of the Regulations that must be modified to ensure consistency among the various regulatory provisions.
  4. Petitions for changes to the Zoning Map shall include three (3) full-size copies (24x36), twelve (12) reduced-size copies (11x17), and one (1) PDF electronic copy of a map prepared and appropriately signed and sealed by a land surveyor licensed to practice in the State of Connecticut, containing the following information:
    - a. For a rezoning involving ten acres or less, said map shall be at a scale of one-inch equals one hundred (100) feet or less.
    - b. For areas greater than ten acres in size, the map shall be at a scale of one-inch equals two hundred (200) feet or less.
    - c. For areas over twenty acres in size, the Planning and Zoning Commission may authorize an alternative scale provided the proposed area of rezoning and all properties within five hundred (500) feet of this area are clearly represented.
    - d. The zone change map shall be distinct from any site plan and shall include the following:
      - i. The area of the zone change and all area within five hundred (500) feet of the proposed rezoning;
      - ii. Existing and proposed zoning district boundary lines;
      - iii. Existing streets, rights-of-ways, easements, watercourses, wetlands and flood hazard areas;
      - iv. Existing property lines and the names and addresses of the current property-owners within five-hundred (500) feet of all property boundaries, as per the Ashford Assessor's records.

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5. In situations where the mapping information required in Section 4 above cannot fit on one 24 inch by 36 inch sheet, the application shall also include an additional 24 inch by 36 inch sheet depicting all property within the area of the zone change and all property within five hundred (500) feet of the proposed rezoning.

## Article 5E, Section 2 **Criteria for Evaluation**

In considering any petition to amend the Zoning Regulations or revise the Zoning Map, the Planning and Zoning Commission shall determine that the applicant's proposal will promote the public's health, safety, property values and general welfare. Further, the Planning and Zoning Commission shall make the following findings:

1. The proposal is complete and contains all required application information;
2. The proposal is consistent with the goals, policies and recommendations contained within the Ashford Plan of Conservation and Development. This finding shall be stated on the record, pursuant to Section 8-3(b) of the Connecticut General Statutes;
3. The proposal is consistent with the expression of regulatory intent and purpose contained in the provisions of Article I of these regulations and Section 8-2 of the Connecticut General Statutes, as amended;
4. Any proposal to amend the Zoning Regulations is appropriately-worded and legally sound and comprehensive and consistent with respect to other regulatory provisions;
5. Any proposal to revise the Zoning Map has comprehensively considered the size and physical characteristics of the subject area; the character and supply of land currently zoned in the subject classification; and the effect of the proposal on existing land uses in the surrounding area.

## Article 5E, Section 3 **Rendering the Decision**

- A. A public hearing shall be held on all applications to amend the Regulations or Zoning Map. All applications shall be reviewed and acted upon in accordance with the time limits prescribed in Conn. Gen. Stat. 8-7d, as may be amended from time to time.
- B. Amendments to the Zoning Regulations or revisions to the Zoning Map shall be adopted by a majority vote of all the members of the Commission, except where a formal protest against a proposed revision to the Zoning Map is filed at or before a Public Hearing on the subject revision.
- C. Such a protest must be appropriately signed by the owners of twenty percent or more of the area of the lots included in such proposed change or of the lots within five hundred feet in all directions of the property included in the proposed change.
- D. Where such a protest is appropriately filed, the proposed change shall not be adopted except by a vote of two-thirds of all the members of the Commission.
- E. Anyone considering the filing of a formal protest against a proposed revision to the Zoning Map, as per the provisions of the Connecticut General Statutes and this Section, is advised to contact the Ashford Planning Office for assistance with respect to proper format and requirements.
- F. When approving an application to amend the Regulations or Zoning Map, the commission must establish an effective date for the approved change. The change shall become effective as such time as fixed by the Commission, provided a copy of the change is filed with the Town Clerk and legal notice of the decision is published, as provided in Article 5G below.
- G. The Commission shall not be required to hear any petition or petitions relating to the same changes, or substantially

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the same changes, more than once in a period of twelve (12) months.

## **Article 5F, Fees**

### **Article 5F, Section 1 Fees**

- A. Fees are required for zoning applications and shall be paid by the applicant upon submitting any application for any approval requested. No application shall be acted upon by the Commission until the appropriate fees are paid. Checks covering any required fees shall be made payable to "Town of Ashford". These fees may be modified from the time by the Town. Check with the Zoning Enforcement Officer for current fees schedule.
- B. The Commission may charge an additional fee sufficient to cover the cost of reviewing and acting on complex applications. Such fee may include, but not be limited to, the cost of retaining consultants to analyze, review and report on environmental, economic, engineering, traffic, infrastructure or other technical issues. The Commission shall estimate the complex application fee which shall be paid within 10 days of the applicant's receipt or notice of such estimate. If the fee is not paid when due, the application shall be deemed incomplete and may be denied for that reason. Any portion of the complex application fee in excess of the actual costs incurred by the Town for the review shall be refunded to the applicant not later than 30 days after publication of the Commission's decision.

## **Article 5G, Notices**

### **Article 5G, Section 1 Notice to Inland Wetlands Commission**

If any application for a zoning permit or special permit involves an activity regulated pursuant to Conn. Gen. Stat. 22a-36 to 22a-45, inclusive, the applicant shall submit an application to the Inland Wetlands Commission not later than the day the application is submitted for the zoning permit and/or special permit. The Commission shall not render a decision on the application until the Inland Wetlands Commission has submitted a report to the Commission with its final report. In making its decision, the Commission shall give due consideration to the report.

### **Article 5G, Section 2 Notice to Regional Planning Agency**

The Commission shall send written notice of any application to change a zone, or change a regulation affecting the use of a zone, any portion of which is within five-hundred (500) feet of the boundary of another municipality, to the regional planning agency for that municipality. The notice shall be sent by Certified Mail, Return Receipt Requested, not later than thirty (30) days before the public hearing on said application. No hearing shall be conducted unless the notice to the regional planning agency has been sent. Any report received from the regional planning agency will be for advisory purposes only.

### **Article 5G, Section 3 Notice to Abutting Towns**

The Commission shall send written notice by Certified Mail, Return Receipt Requested, to the Town Clerk of any adjoining municipality of the pendency of any application concerning a project on any site in in which any portion of the subject property is within five-hundred (500) feet of any boundary of the adjoining municipality. Notice shall be sent within seven (7) days of the receipt of the application by the Commission. The Postal Return Receipts and returned letters, if any, shall be submitted to the Commission by the hearing date as proof of notification. No hearing shall be conducted unless the notice to the adjoining municipality has been sent.

### **Article 5G, Section 4 Notice to Abutting Property Owners**

- A. For all special permit applications, the applicant, or their agent, shall be responsible for notifying owners of property located within 200 feet of the subject property. With the submission of any such application to the Commission, the

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applicant shall provide a list of the names and addresses of owners of property located within 200 feet of the subject property. The latest records of the Ashford Tax Assessor shall be utilized to determine the owner of each property. Notices from the applicant to the surrounding property owners shall be sent via U.S. Certificate of Mailing not less than ten (10) days before the public hearing. This notice shall include a brief description of the application proposal, the date, time and place of commencement of the Public Hearing to be conducted by the Commission. The notice also shall reference the fact the complete application is available for public review at the office of the Ashford Town Clerk. Prior to the date of the public hearing, the applicant shall submit to the Commission the Certificate of Mailings as proof of notification.

- B. For all applications to amend the Zoning Map, the applicant, or their agent, shall be responsible for notifying owners of property located within five-hundred (500) feet of the perimeter boundaries of the subject zone change area. With the submission of any such application to the Commission, the applicant shall provide a list of the names and addresses of owners of property located within 500 feet of the subject property. The latest records of the Ashford Tax Assessor shall be utilized to determine the owner of each property. Notices from the applicant to the surrounding property owners shall be sent via U.S. Certificate of Mailing not less than ten (10) days before the public hearing. This notice shall include the Statement of Justification received by the Commission, the date, time and place of commencement of the Public Hearing to be conducted by the Commission. The notice also shall reference the fact the complete application is available for public review at the office of the Ashford Town Clerk. Prior to the date of the public hearing, the applicant shall submit to the Commission the Certificate of Mailings as proof of notification.

## Article 5G, Section 5 **Notice of Public Hearing Signs**

Prior to any required public hearing, the applicant shall post a sign on the property that is the subject of the application, one (1) each on all streets fronting the property, indicating the intent of the application, date, time and place of the public hearing. Such signs shall be placed no less than fifteen (15) days prior to the date of the scheduled public hearing. Signs shall be located prominently and remain in place throughout the formal public hearing process. The Zoning Enforcement Officer may be contacted for additional details.

## Article 5G, Section 6 **Notice to be filed with Town Clerk**

Any application to amend the Regulations or Zoning Map shall be filed by the applicant with the Town Clerk at least 10 days before the public hearing on any such application.

## Article 5G, Section 7 **Publication of Legal Notice**

The Commission shall cause legal notice of any application requiring a public hearing to be published in a newspaper having general circulation in the Town of Ashford, in accordance with the requirements of Conn. Gen. Stat. 8-7d, as may be amended from time to time. The Commission shall also cause legal notice of any action taken on any application to be published in a newspaper having general circulation in the Town of Ashford. In any case where notice of the Commission's decision is not published within fifteen (15) days after the decision has been rendered, the applicant may provide for the publication of such notice within ten (10) days thereafter.

## Article 5G, Section 8 **Notice to Water Company**

If an application is filed concerning any property within the aquifer protection area delineated pursuant to Conn. Gen. Stat. 22a-354c or the watershed of a water company, the applicant shall send written notice of the same to the water company and the Commissioner of Public Health. Notice shall be sent by certified mail, return receipt requested, within seven (7) days of the date of the application.

# Article 6

## Special Standards

### Article 6A - Soil and Erosion Control

#### Article 6A, Section 1 Purpose

This Section is intended to ensure that proper provision is made to control accelerated erosion and sedimentation and reduce the danger from storm water runoff.

1. A Soil Erosion and Sediment Control Plan, when required, shall contain proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from storm water runoff on the proposed site based on the best available technology. For methods and practices necessary for certification refer to the current version of "Connecticut Guidelines for Soil Erosion and Sediment Control" (2002), as may be amended, and published by the Connecticut Council on Soil and Water Conservation. Alternative principles, methods and practices may be used with prior approval of the Commission.
2. The soil erosion and sediment control plan shall be prepared by a professional engineer licensed by the State of Connecticut.

#### Article 6A, Section 2 Activities Requiring a Soil and Erosion and Sediment Control Plan

- A. All development shall make proper provisions to control accelerated erosion and sedimentation based on the best management practices.
- B. A soil erosion and sediment control plan shall be submitted:
  1. With any application for development when the disturbed area of such development is cumulatively more than one-half (1/2) an acre; and
  2. Whenever any other provision within these regulations specifically requires the submission of such plan.

#### Article 6A, Section 3 Standards for Soil Erosion and Sediment Control Plan

- A. Any proposed development shall be fitted as close as possible to the pre-development topography and soils so as to create the least erosion potential.
- B. To the greatest extent possible, existing vegetation should be retained and protected.
- C. The smallest practical area of land exposure should be kept to the shortest practical period of time.
- D. Best management Practices shall be used to protect areas exposed during development.
- E. Provisions should be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development. Computations for runoff shall be in accordance with Technical Release No. 55, Urban Hydrology, Engineering Division, SCS USDA January 1975, as amended.
- F. The permanent final vegetation and control measure structures and control facilities should be installed as soon as practical in the development process.

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- G. There shall be a plan and maintenance schedule for post development operation of necessary erosion and sediment control measures and any storm water management systems or structures.

## Article 6A, Section 4 **Contents of Plan**

- A. The applicant shall describe, in mapped and narrative form, the measures to be taken to control erosion and sediment both during and after construction. The plan and its specific measures shall be based upon the best available approaches and technology, and shall be in accordance with the principles and meet or exceed the standards described in the “Connecticut Guidelines for Erosion and Sediment Control” (2002) as amended.
- B. The Commission shall certify the control plan complies with the requirements of this regulation before the site plan can be approved. The plan shall contain, but shall not be limited to:
1. A narrative describing the following:
    - a. The development project;
    - b. The sequence and schedule for grading construction activities;
    - c. The start and completion dates;
    - d. Sequence for installation and/or application of soil erosion and sediment control measures;
    - e. Timing and sequence for final stabilization of the project site;
    - f. The design criteria, construction details, installation and application procedures for proposed soil erosion and sediment control measures and storm water management facilities;
    - g. The post construction stabilization operation and maintenance program for proposed soil and erosion and sediment control measures and storm water management.
  2. A site plan map at a scale of one (1) inch equal to no more than forty (40) feet on sheets twenty-four (24) inches by thirty-six (36) inches (24”x36”) in size. The site plan must show:
    - a. The location of the proposed development and adjacent properties;
    - b. The existing and proposed topography including soil types, wetlands, water courses and water bodies;
    - c. The area of proposed site alterations including cleared, excavated, filled or graded areas and proposed structures, utilities, roads and, if applicable, new property lines;
    - d. The existing structures on the project site, if any
    - e. The location and details for all proposed soil erosion and sediment control measures, structures and storm water management facilities;
    - f. The sequence of grading and construction activities;
    - g. The sequence and installation and/or application of soil erosion and sediment control measures;
    - h. The sequence for final stabilization of the development site.

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3. A certification that the soil erosion and sediment control plan is in conformance with the provisions of these regulations, which certification shall be signed, sealed, and dated by the professional engineer responsible for preparing the plan.
4. Any other information deemed necessary and appropriate by the applicant or requested by the Commission or its authorized agent.

## Article 6A, Section 5 **Issuance or Denial of Certification**

- A. Prior to certification, any plan submitted to the Commission may be reviewed by the Eastern Connecticut Soil and Water Conservation District that may make recommendation concerning such plan, provided such review shall be completed within thirty (30) days of the receipt of such plan. When determined by the Commission to be necessary or desirable, the Commission may require that the soil and erosion and sediment control plan be certified by the Eastern Connecticut Soil and Water Conservation District. Any costs related to such certification by the District shall be borne by the applicant.
- B. The Commission may forward a copy of the development proposal to other agencies and/or advisors for review and comment.
- C. Nothing in these regulations shall be construed as extending the time limits for the approval of any application under Chapters 124, 124A, or 126 of the Connecticut General Statutes, as amended.
- D. The Commission or its authorized agent shall either certify that the soil erosion and sediment plan, as filed or with modifications, complies with the requirements and objectives of these regulations or shall deny certification when the development proposal does not comply with these regulations.

## Article 6A, Section 6 **Application of Controls; Bond or Other Security**

The estimated costs of measures required to control soil erosion and sedimentation, as specified in the certified plan, shall be bonded in accordance with Article 6.

## Article 6A, Section 7 **Inspection**

During and after installation, the Zoning Enforcement Officer will inspect the site to verify that all necessary erosion and sediment controls have been properly installed. When the Zoning Enforcement Officer is satisfied they have been properly installed the Commission's agent will so indicate on the owner's application for a building permit. The Commission may require the permittee to verify through progress reports that soil erosion and sediment control measures and facilities have been performed or installed according to the certified plan are operating and are being maintained. If in the opinion of the Zoning Enforcement Officer the control measures have not been installed or maintained in conformance with the certified plan; or if the plan has not adequately addressed certain site conditions and there is a failure of installed controls the property owner will be so notified by Certified Mail. If the problem as described in that notice is not rectified within twenty-four (24) hours of delivery of that notice, the Zoning Enforcement Officer may take steps to correct the problem using funds from the posted cash bond or other security.

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## Article 6B - Signs

### Article 6B, Section 1 Signs

It is the purpose and intent of this Section to accommodate the placement of signs necessary for the identification, direction and reasonable promotion of permitted and special permitted uses while avoiding signs of a character, as well as a proliferation and extension of signs, that would be detrimental to public health and safety, property values and the appearance and beauty of the community.

### Article 6B, Section 2 Signs in the Residential Agriculture Zone

- A. Unless specifically authorized elsewhere in these regulations, the following signs are permitted in the Residence Agriculture Zone:
1. One sign (freestanding or attached), up to two square feet in area, displaying the name of the land or buildings on which the sign is located, the name of the owner or lessee thereof, and his profession or activity.
  2. No trespassing or other signs indicating the private nature of premises, up to two square feet in area, in a quantity not to exceed one (1) for every fifty (50) feet of frontage.
  3. Non-illuminated temporary signs, up to six square feet in area, pertaining to sale or lease of the premises where displayed or where construction is under way provided that such sign(s) shall be removed when the premises are sold, rented or constructed.
  4. Off-premise directional signs for business, educational, and nonprofit uses on posts provided for by the Town at major street intersections approved by the Board of Selectmen. A sign not larger than six inches in width and two feet in length is permitted per business or use. Such signs shall be placed on the Town posts on a space-available basis subject to approval of the Board of Selectmen.
  5. Political signs associated with an official election or referendum provided that such signs are removed within seven (7) days of the election or referendum.
- B. A Certificate of Zoning Compliance shall be issued before any such sign may be erected, and the application for such certificate shall specify the location at which and the time period during which such sign may be erected and maintained.

### Article 6B, Section 3 Signs in Non-Residential Zones

- A. Unless specifically authorized elsewhere in these regulations, the following signs and no others are permitted in Non-Residential Zones provided that no sign shall advertise or refer to any activity, use, structure or business that is not located or does not take place on the lot on which the sign is located:
1. Any sign permitted in a Residential Zone
  2. Up to four (4) business or advertising signs, provided that the total area of all signs on a lot, both attached or freestanding, shall not exceed the lesser of forty square feet, or two square feet per each full foot of length of the "main side" of the principal building where the "main side" of the principal building shall be the side closest, and most closely parallel, to the street providing the principal vehicle access to the lot.
- B. Any freestanding sign shall require approval of a Special Permit by the Commission.
- C. All other signs shall require a zoning permit.

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## Article 6B, Section 4 **Requirements for Signs in All Zones**

1. No sign shall be located where it would obscure the view of street traffic from other vehicles.
2. Rotating, traveling, pulsing, flashing or oscillating light sources, lasers, beacons, searchlights or strobe lighting shall not be permitted. Except for time and weather signs, the digital message shall not be permitted to change more than once each half hour.
3. Any approval required herein shall be granted only after the Commission, or the Zoning Enforcement Officer, as the case may be, is satisfied that excessive illumination, light pollution, glare and light trespass have been adequately mitigated, and shall be subject to the following requirements:
  - a. Lighting fixtures illuminating signs shall be carefully located, aimed and shielded so that light is directed onto the sign facade and shall not be aimed toward adjacent streets, roads or properties and the light source (bulb) of light fixture shall not be directly visible from adjacent streets, roads or properties.
  - b. The average level of illumination on the vertical surface of the sign shall not exceed 3.0 foot-candles, and the uniformity ratio shall not exceed 2:1.
  - c. Externally-illuminated signs shall have lighting units mounted at the top of the sign and aimed downward. The lighting units shall be designed, fitted and aimed to shield the lamp and its reflective surfaces from direct off-site view and to place the light output onto and not beyond the sign. Lighting shall be by linear fluorescent unless it can be demonstrated to the satisfaction of the Commission that equal or superior results with respect to glare, light trespass and light pollution control can be achieved with an alternative source.
  - d. Lighted signs shall only be permitted in non-residential zones, shall be static, shall not be allowed to operate between 11:00 p.m. and dawn when located where visible from a residential district or use, and shall not be located within 1,000 feet of an approaching interchange or traffic-merging lanes. Except for time and weather signs, the digital message shall not be permitted to change more than once each half hour. During hours of darkness, the light output shall be automatically reduced to a brightness level that does not create glare. The sign nighttime brightness shall be capable of being further dimmed if the Commission requires a reduction in brightness when the lighting is judged to create a nuisance or hazard.
  - e. The use of highly reflective signage that creates nuisance glare or a safety hazard shall not be permitted.
4. 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.
5. The top of a freestanding sign shall not be higher than fifteen feet from ground level. No sign mounted on a building shall project higher than the roof line.
6. The Zoning Enforcement Officer may order the removal of any signs that are not maintained or erected in accordance with the provisions of this Section.
7. All signs are subject to the side yard setbacks of the zone in which they are located. Where a non-residential Zone abuts a Residential Zone, the side line setback of the Residential Zone shall apply along the abutting line. Signs are not required to conform to Front Yard setbacks. However, the sign must not protrude into the road right-of-way or interfere with the roadway sight line.

## Article 6B, Section 5 **Nonconforming Signs; Modifications**

Signs existing at the time of the adoption of these regulations must be maintained in their existing size, shape and illumination and cannot be altered, enlarged, expanded or moved. No lights may be added thereto, except as such changes may keep or bring the signs into conformance with these regulations.

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## Article 6C - Outdoor Lighting

### Article 6C, Section 1 Purpose

To require and set minimum standards for outdoor lighting to:

1. Provide for and control lighting in outdoor public places for public health, safety and welfare;
2. Protect drivers and pedestrians from the glare of non-vehicular light sources;
3. Protect neighbors, the environment and the night sky from nuisance glare and light trespass from improperly selected, placed, aimed, applied, maintained or shielded light sources;
4. Encourage quality lighting design, light luminaire shielding, uniform light intensities, maximum lighting levels within and on property lines, and lighting controls;
5. Promote energy efficient lighting design and operation;
6. Protect and retain the intended visual character of the town; and
7. Provide an environmentally sensitive nighttime environment that protects significant wildlife habitat.

### Article 6C, Section 2 Applicability

- A. Outdoor lighting (For the purposes of these provisions, light sources include any refractor, reflector, bulb, tube, or globe) shall be kept to the minimum intensity needed for ground and entryway lighting. No exterior lighting shall be used in a manner which produces a bloom or a direct glare on neighboring property or adjacent street, or which produces an objectionable visual disturbance. All exterior lighting shall be shielded so that the source of light cannot be directly seen from off the property. All outdoor lighting facilities or lamps shall be shielded in such a manner that:
  1. the edge of the lamp shield is below the light source;
  2. direct radiation (glare) from the light source is confined within the boundaries of the property; and
  3. direct radiation is prevented from escaping toward the sky.
- B. The mounting height of a lighting fixture shall be defined as the vertical distance from the grade elevation directly below the fixture to the bottom of the lighting fixture. The height shall be the minimum necessary to illuminate the project area, and in no case shall exceed sixteen feet (16) for parking lot lighting.
- C. Temporary seasonal decorative lighting is exempt from the requirements of this Regulation.

### Article 6C, Section 3 Standards

- A. All lighting shall be aimed, located, designed, fitted and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse and so as not to create a nuisance by projecting or reflecting objectionable light onto a neighboring use or property.
- B. Directional Lighting units such as floodlights and spotlights, when their use is specifically approved by the Commission, shall be so shielded, installed and aimed that they do not project their output onto the properties of neighboring residences, adjacent uses, past the object being illuminated, skyward or onto a public roadway or pedestrian way. Floodlights installed above grade on residential properties, except when motion-sensor actuated,

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shall not be aimed out more than 45° from straight down. When a floodlight creates glare as viewed from an adjacent residential property, the floodlight shall be required to be re-aimed and/or fitted with a shielding device to block the view of the glare source from that property.

- C. Parking facility and vehicular and pedestrian-way lighting (except for safety and security applications and all-night business operations), for commercial, industrial and institutional uses shall be automatically extinguished no later than one-half hour after the close of business or facility operation. When safety or security lighting is proposed for after-hours illumination, it shall not be in excess of twenty-five (25) percent of the number of lighting units or illumination level required or permitted for illumination during regular business hours.
- D. For premises containing commercial, industrial or institutional establishments, illumination for signs, building facades and/or surrounding landscapes for decorative, advertising or aesthetic purposes is prohibited between 11:00 p.m. and dawn, or one-half hour after the close of business and dawn, whichever is later.
- E. Vegetation screens shall not be employed to serve as the primary means for controlling glare. Rather, glare control shall be achieved primarily through the use of such means as cutoff lighting units, shields and baffles, and appropriate application of luminaire mounting height, wattage, aiming angle and luminaire placement.
- F. Only the United States and the state flag shall be permitted to be illuminated from dusk till dawn. All other flags shall not be illuminated past 11:00 p.m.

### Article 6C, Section 4 **Nonconforming lighting; Modifications**

Lighting existing at the time of the adoption of these regulations must be maintained in their existing configuration and illumination and cannot be altered, enlarged, expanded or moved. No lights may be added thereto, except as such changes may keep or bring the lights into conformance with these regulations.

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## Article 6D - Parking and Traffic Requirements

### Article 6D, Section 1 Purpose

The purpose of parking standards is to assure adequate off-street parking, reduce on-street parking, increase traffic safety, maintain smooth traffic flow, and reduce the visual impact of parking lots. These standards are also designed to achieve safe and efficient vehicular and non-motorized circulation (bicycle and pedestrian) and economy of space.

### Article 6D, Section 2 Number and Size of Spaces Required

- A. Off-Street parking spaces shall be provided in at least the amount stated in this section. When the Commission issues a special permit, it may require additional off-street parking in the amount it determines is necessary to fulfill the purpose of these Regulations. Parking spaces other than for residential uses shall be placed behind or to the side of the principal structure on the lot, unless the applicant demonstrates to the satisfaction of the Commission that such location is not feasible due to topography or the nature of the permitted use or that an alternative location is acceptable because it is substantially obscured to view from the street and nearby residences.
- B. Multiple Uses - In the case of more than one use of a building or lot, required parking facilities shall be construed to be the sum of the requirements for all uses computed separately.
- C. Parking Space Size: 8.5 x16 and all parking areas must have adequate access and maneuvering areas
- D. Minimum number of parking spaces required:

|   |  |
|---|--|
| Single-family dwelling                            | 2 spaces   |
| Two-family dwellings                              | 2 spaces per dwelling unit   |
| Bed and Breakfast                                 | 2 spaces for the dwelling unit plus 1 space for each guest room  |
| Boarding Rooms and Rooming Houses                 | 2 spaces for the dwelling unit plus 1 space for each guest room  |
| Home Occupation (including Family Day Care Homes) | 2 spaces for the dwelling unit plus 1 space per employee plus 1 space for visitors   |
| Group Day Care Homes                              | 2 spaces for the dwelling unit plus: (a) 1 space per 500 sq. ft. of gross floor area or (b) 1 space per every six children cared for in the home, whichever is greater |
| Day Care Centers                                  | 1 space per 500 sq. ft. of gross floor area or 1 space for every 6 children or adults cared for at the Center, whichever is greater                                    |
| Community Residence                               | 1 space for every 2 residents plus 1 space for every non-resident staff member   |
| Accessory apartment                               | 2 spaces for the dwelling unit plus 2 spaces for the accessory apartment   |
| Retail Sales                                      | 1 space per 200 sq. ft. of gross floor area  |
| Rural Business                                    | 1 space per employee plus 1 space for customers  |
| Restaurant  | 1 space per 2 seats plus five stacking spaces per drive-up window  |
| Offices   | 1 space per 250 sq. ft. of gross floor area  |

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|-----------------|---|
| Manufacturing   | 1 space per 750 sq. ft. of gross floor area or 1 space per 2 employees on the largest work shift - the greater of either  |
| Other-Type Uses | 1 space for every 250 sq. ft. of gross floor area, except that the Commission may vary this requirement based on a professionally prepared traffic and parking analysis |

- E. Parking spaces shall be provided for the physically handicapped in accordance with the Rules and Regulations of the Americans with Disabilities Act and Laws of the State of Connecticut, as such standards may be amended. Handicapped spaces shall be clearly identified by a sign stating that such spaces are reserved for physically handicapped persons. The handicapped spaces shall be located in the portion of the parking lot nearest the entrance to the use or the structure which the parking lot serves. Adequate access for the handicapped from the parking area to the structure shall be provided.
- F. For all uses that are required to provide, or do provide, ten (10) or more parking spaces, the installation of bicycle racks shall be required. The bike racks shall be designed to provide for the locking of the bicycles to the racks. The design, location and number of bike racks shall be approved by the Commission as part of an approval of the permit request.
- G. No off-street loading space and no truck loading bay, ramp or dock shall be designed or arranged in a manner that trucks must use any part of a public street right-of-way for maneuvering, or for loading and unloading. No portion of the driveway at the edge of the street pavement shall be closer than 75 feet from an intersection. Entrance and exit driveways for parking areas containing fewer than 5 spaces, the minimum width of entrance and exit drives shall be 10 feet wide for one-way use and 18 feet wide for two-way use. For facilities containing five or more spaces, such drives shall be a minimum of 12 feet wide for one-way use and 18 feet wide for two-way use. The minimum curb radius shall be 15 feet. The maximum width of such driveways at the property line shall be 24 feet. The Commission may modify these width and radius limitations to facilitate traffic flow and safety.

## Article 6D, Section 3 **Traffic Requirements**

To provide for the orderly flow of inbound and outbound site generated traffic, applicants must demonstrate to the Commission's satisfaction that the site generated traffic is able to enter and exit the site safely without disruption to external traffic flow. On-site queuing provisions must be adequate to prevent site generated traffic from queuing off-site on public streets. Sight lines for exiting traffic must be satisfactory for the prevailing speed of approaching traffic. The applicant must demonstrate to the Commission's satisfaction that the site design provides for safe and orderly vehicular and pedestrian flow and that conflicts between the two are minimized. Delivery areas must be located so that normal on-site traffic movements are not impeded or compromised. An engineered traffic report may be provided with the application to demonstrate that these requirements are met.

## Article 6D, Section 4 **Shared Parking**

- A. The Commission encourages parking for different structures or uses, or for mixed uses, to be shared in any district. At the applicant's request, shared parking may be provided, subject to the following provisions:
  - 1. A reciprocal written agreement has been executed by all the parties concerned that assure the perpetual joint use of such common parking, a copy of which has been submitted to and is acceptable to the Commission. The Commission may forward such agreements to the town legal counsel for review. The final agreement shall be shall be recorded on the land records.
  - 2. The Commission may require the applicant to provide a parking study with all information deemed necessary to its decision-making on a shared parking arrangement. This information includes but is not limited to:

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- a. the type and hours of operation and parking demand, for each use a site plan displaying shared use spaces in the lot and walking distance to the uses sharing the lot
  - b. a description of the character of land use and parking patterns of adjacent land uses, and
  - c. an estimate of anticipated turnover in parking space use over the course of 12 to 24 hours at the site. .
- B. Uses sharing the parking facility do not need to be contained on the same lot, but shall be a maximum of 500 feet from the closest parking space in the parking lot which is to be used and allow for safe, convenient walking for most parkers, including safe pedestrian crossings, signage, and adequate lighting. A waiver of the maximum allowable distance from the use to the parking may be approved by the Commission with written justification and supporting information provided by the applicant.

## Article 6D, Section 5 **General** (non-residential)

- A. Whenever a parking or loading area is located in or adjacent to a residential use, it shall be effectively screened on all sides which adjoin or face any residential property by a solid wall, opaque fence or a double row, compact evergreen planting screen located on a landscaped buffer strip not less than fifty (50) feet wide. Such fence, wall or planting screen shall not be less than five (5) feet, nor shall any fence or wall be more than six (6) feet in height, and shall be maintained in good condition. The space between such fence, wall or planting screen and the lot line of the adjoining premises in any residential district shall be landscaped with grass, hardy shrubs or evergreen ground cover, and maintained in good condition. Areas between parking facilities and public rights-of-way shall be suitably landscaped. In the event that the terrain and other natural features are such that the erection of such fences, wall or planting screen will not serve the intended purpose, the Commission may waive this requirement.
- B. In order to reduce storm water runoff all parking and loading facilities required under this Regulation together with driveways, aisles, and other circulation areas, shall use grass/pavement block or other pervious pavement systems. The use of non-permeable surfaces shall be allowed only after demonstrating to the Commission's satisfaction that such use is warranted.
- C. Any non-residential parking area which is intended to be used during non-daylight hours shall be fully illuminated during the hours of operation of the principal use. Any lights used to illuminate a parking lot shall be so arranged as to reflect the light away from the adjoining property and away from streets.

## Article 6D, Section 6 **Best Management Practices for Runoff**

- A. It is the intent of these regulations to encourage the use of Best Management Practices (BMPs) to minimize, treat, prevent and /or reduce degradation of water quality and flooding potential due to stormwater runoff from parking. In all zones, all developments shall be designed to the extent practicable with the goal of no-net-runoff from the site. That is, the volume of runoff from the site after development shall not exceed the volume of site run-off prior to the proposed development. In addition, the stormwater management system shall be designed, constructed, and maintained with BMPs to minimize run-off volumes, prevent flooding and soil erosion, protect water quality, maintain or improve wildlife habitat, and contribute to the aesthetic values of the project.
- B. In order to prevent pollution of groundwater by deicing salts and additives or other chemicals, infiltration of runoff from paved parking areas associated with nonresidential uses in any zone shall be kept to a minimum. Appropriate measures shall be taken to collect and discharge such runoff in a manner that will minimize the risk of groundwater contamination. Also see the Town of Ashford Public Improvement Specifications.
- C. Stormwater management systems in parking lots shall be designed in accordance with BMPs as described in the most recent version of the "Connecticut Stormwater Quality Manual" (CTDEP), and in accordance with the erosion and sediment control requirements and flood protection zone requirements specified in Article 6A and 6\_\_ of these regulations, and to meet the following general standards:

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1. Infiltration of stormwater shall be accommodated to the extent possible through limitation of land disturbance and grade changes, retention of existing natural drainage areas and wetlands, and use or creation of vegetated islands, vegetated medians, and vegetated perimeter buffer strips.
2. All stormwater detention and conveyance structures shall be constructed to control the post-development peak discharge rates from 10, 25, and 100 storms to the corresponding pre-development peak discharge rates.
3. Natural drainage patterns shall be maintained to the extent practicable. The applicant shall demonstrate through information provided on and in association with the proposed site plan, the existing and proposed drainage patterns and calculated flows.
4. Parking lot drainage shall be designed such that all surface runoff (both piped and overland flow) is conveyed through vegetated swales, vegetated filter strips, created wetlands, rain gardens, or detention basins with bio-filtration prior to discharge into existing wetlands, streams, ponds, or other water bodies.
5. The use of native grasses and small-diameter wood-stemmed shrubs is required as plantings for all vegetated swales, vegetated filter strips, created wetlands, rain gardens, or detention basins with bio-filtration.
6. Stormwater runoff discharged to wetlands must be diffused to non-erosive velocities prior to reaching any natural wetland based on calculations submitted with the application package.
7. The applicant must demonstrate that any receiving wetlands or waterbodies have sufficient holding capacity, based on calculations submitted with the application.
8. The Commission may send any or all information provided on anticipated stormwater flow patterns and volumes and stormwater management system to the Town Engineer and/or other consulting professional or agency for review and advisory comments at the expense of the applicant.
9. All stormwater BMPs shall be designed in a manner to minimize the need for maintenance and reduce the chances of failure.
10. The estimated costs of measures required to control soil erosion and sedimentation, and storm water management and treatment as specified in the site plan shall be bonded in accordance with Article 6.

## Article 6D, Section 7 **Bicycle Parking**

- A. Bicycle parking is encouraged for all zones where ten (10) or more vehicle parking spaces are required, with the exception of the Rural/Agricultural Zone, to encourage the use of bicycles by providing safe and convenient places to park bicycles. Bicycle parking encourages shoppers, customers, and other visitors to use bicycles by providing a convenient and readily accessible place to park bicycles.
- B. Bicycle parking should serve the main entrance of a building and should be visible to pedestrians and bicyclists. Short-term bicycle parking should be in the form of bicycle racks that meet the following standards:
  1. Outside a building;
  2. At the same grade as the sidewalk or at a location that can be reached by an accessible route;
  3. Within fifty (50) feet of the main entrance to the building.
  4. The Bicycle rack, which must be securely anchored, must, at a minimum provide a bicycle frame where one wheel can be locked to the rack with a high security, U-shaped shackle lock if both wheels are left on the bicycle

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5. Each required bicycle parking space must be accessible without moving another bicycle. There must be an aisle at least 5 feet wide behind all required bicycle parking to allow room for bicycle maneuvering. Where the bicycle parking is adjacent to a sidewalk, the maneuvering area may extend into the right-of-way.

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## **Article 6E Earth Removal and Filling**

### **Article 6E, Section 1 Purpose**

The following regulations regarding the establishment and continuance of earth and gravel removal and the conduct of such removal activities in Town have been developed to:

- A. Protect the health, welfare, and safety of the citizens of the Town of Ashford
- B. Preserve and protect the Town's environmental resources, including but not limited to:
  - 1. maintaining an adequate supply and quality of surface and ground water;
  - 2. prevent the contamination of air, water and soils;
  - 3. maintain hydrological stability and control flooding and erosion; and
  - 4. promote wildlife habitat protection.
- C. Protect property values by insuring that following such removal activities the land utilized for filling and/or excavation will be usable for agriculture, residential, commercial or industrial use consistent with the underling zone in which such use is located.

### **Article 6E, Section 2 Exemptions**

- A. Residential maintenance purposes such as landscaping, driveway repair, etc. involving less than 100 cubic yards of material.
- B. Filling of property is permitted in accordance with a zoning permit, or a subdivision plan approved by the Commission. Additional filling is permitted for situations over and above what has already been approved upon review and approval by the Zoning Enforcement Officer, when such filling is incidental to the original approval on a property so long as such filling does not exceed one thousand (1000) cubic yards.
  - 1. The Zoning Enforcement Officer, at their discretion, may forward any such request to the Commission for review.
  - 2. The Zoning Enforcement Officer may require such information as set forth in these regulations, as it deems appropriate to evaluate any such application.
  - 3. In the event that the volume of fill exceeds one thousand (1000) cubic yards, the zoning permit, special permit, or subdivision plan shall include a plan for filling.
  - 4. Road sweepings as fill material requires a zoning permit and shall be subject to the recommended guidelines of the Connecticut Department of Energy and Environmental Protection and may be further regulated by the Commission, when in their opinion, further regulation is warranted.
- C. Excavation for agricultural production purposes is permitted, upon review and approval by the Commission, when such excavation is essential to the agricultural production process.
- D. Excavation and filling is permitted for the repair or replacement of an on-site septic system.

### **Article 6E, Section 3 Site Plan Requirements**

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- A. Filling and excavation operations, except as prescribed by section 2, may be permitted upon the granting of a Special Permit by the Planning and Zoning Commission in accordance with Article V of these Regulations and as detailed in this section:
- B. Three (3) full-size copies of the site plan in ink on a twenty-four by thirty-six (24 x 36) inch paper to a scale of at least one (1) inch equal to forty (40) feet and twelve (12) eleven by seventeen (11 x 17) copies of the site plan and a PDF electronic copy. The map shall preferably be drawn to a scale of one inch equals forty (40) feet but in no case smaller than 1 inch equals two hundred (200) feet. The map and plan, in addition to those requirements stated in Article 5 of these Regulations, shall show the following:
1. Location of the premises, names of abutting owners, property lines, relations to roadway systems, wooded areas, outcrops, existing rivers, streams, watercourses, pond, swamps, and wetlands on or within two hundred (200) feet of the site
  2. An operations statement that includes an estimate of the number of cubic yards of material to be brought to the site, cubic yards of material to be excavated, processed, or removed – including the rate of removal, which shall be done in phases appropriate to the site and scope of the proposed operation, and estimated time length for the operation including necessary sedimentation and erosion control measures in accordance with the State of Connecticut “Guidelines for Soil Erosion and Sedimentation Control” as amended and the estimated time length for the operation.
  3. Location of stockpiled material.
  4. Grading plan showing existing contours in the area to be filled and proposed contours for the area after operations. Such plans shall include the area to be filled as well as the surrounding area within two-hundred (200) feet of the filling and shall be drawn at a scale of not less than forty (40) feet to the inch and with contours shown at intervals of not less than two (2) feet.
  5. Existing and proposed drainage of the site (temporary and permanent). Such evaluation shall be based on the recommendation of the Town Engineer and may entail the analysis for a two (2), five (5), ten (10), twenty-five (25), fifty (50), and/or one-hundred (100) year storm.
  6. Delineation of the one-hundred (100) year flood plain (if applicable).
  7. The location and type of any building or fixed machinery to be used.
  8. Details of final grading and planting of the site to prevent erosion of the site at the conclusion of operations made in accordance with the State of Connecticut “Guidelines for Soil Erosion and Sedimentation Control” as amended.
  9. An estimate of the number and types of trucks and other machinery to be used on the site, including: the location and size of refueling pads, and maintenance locations for machinery and vehicles. Proposed truck access – including number of daily trips.
  10. Credible evidence of the presence of an endangered or threatened species, or other natural resources, and/or archeological or historically significant features may require study by appropriate consultants. The results of these studies shall be considered in the approval process and the Commission may stipulate protective measures.
  11. Details, to the satisfaction of the Commission, as to how all noise will be held to the site and not reach an unacceptable level to neighboring properties.
  12. Proposed use and storage of explosives (excavation only). Application should detail the extent of such usage (amount, times to be used, places, circumstances etc.), location of temporary and permanent storage of explosives, and copies of all applicable State and/or Federal licenses/permits.
  13. Proposed fencing, signage and gates.

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14. Geological soundings and/or borings to determine level and drainage patterns of underlying bedrock (excavation only).
  15. A statement and supporting documentation regarding potential impact, if any, of any change in surface or groundwater levels or water quality that may be caused by the proposed activities including impacts on private wells and wetlands habitats.
  16. Depth of existing top soil at various points;
  17. Depths to water table before and after the operation;
  18. Other information and/or safeguards as the Commission deems necessary.
- C. Specific requirements may be waived by the Commission when in its opinion such requirement is unnecessary because of the limited size of the operation, or other valid reason whereby the health, safety and public welfare will not be adversely affected.

## Article 6E, Section 4 **Performance Standards**

No special permit shall be issued pursuant to Article 5 unless the following conditions are met:

1. Screening, sifting, washing, crushing or other forms of processing shall, for commercial extraction and/or processing operations only, be conducted during times of the day and week, including specific holidays, as determined and approved by the Commission. Processing shall only be permitted for materials excavated from the site on which the excavation operation is being conducted.
2. No fixed or portable machinery used in a commercial operation shall be erected or maintained within two hundred (200) feet of any property or street line and not less than five-hundred (500) feet from any residence.
3. The location of crushing operations shall be dependent on a noise study performed by a qualified firm at the cost of the applicant.
4. Measures, to the satisfaction of the Commission, shall be taken to minimize nuisance from noise, dust, vibration and flying debris; all trucks shall be covered for off-site transport; suitable fences or other barricades shall be provide around the excavation to protect pedestrians and vehicles.
5. The activity shall not result in the creation of any sharp declivities, pits or depressions, soil erosion, soil fertility problems or permanently depressed land values or create any drainage or sewage problems or other conditions which would impair the use or reuse of the property or neighboring property in accordance with these zoning regulations or which would create a nuisance.
6. The activity shall be in harmony with the general purpose and intent of these regulations and shall not have an adverse affect on any existing or potential surface water or groundwater supplies.
7. It shall be the responsibility of the permittee to ensure that vehicles removing earth materials from the premises are so loaded and/or secured, including load covers, that there will be no spillage or release of such materials within the Town of Ashford. The permittee shall be liable for the cost of cleaning any earth material spillage or repairing any damage to a road or roads of the Town of Ashford caused by improper loading, securing of loads or other operationally related activities.
8. No building except a field office or temporary shelter for machinery shall be erected on the premises except as may be permitted in the Zoning Regulations subject to approval by the Commission.

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9. At all stages of operations, proper drainage shall be provided to prevent the collection and stagnation of water and to prevent harmful effects upon surrounding properties.
10. No excavation conducted under a Permit issued pursuant to these Regulations shall be:
  - a. made below the grade of any abutting highway within one-hundred and fifty (150) feet thereof, unless approved by the commission, or
  - b. below the grade of any adjoining property at the property line within fifty (50) feet thereof, or
  - c. within one-hundred and fifty (150) feet of any dwelling existing at the date the permit is issued without the written approval of the abutting owner of private property or of the owner of the dwelling to be affected and the approval of the commission.
11. At no time shall an overhang and/or undercut be permitted on any face. At no time shall slopes in excess of 2:1 (horizontal-vertical) be present on any face except the face where active excavation is being carried on. Fencing may be required at the discretion of the Commission.
12. Truck access to the excavation shall be so arranged as to minimize danger to traffic and nuisance to surrounding properties. That portion of access road within the area of operation shall be treated to minimize dust.
13. The use and storage of explosives shall be limited to those times, locations specifically authorized by the Commission.
14. When filling, excavation and removal operation is completed the excavated area shall be graded so that slope in disturbed area shall be no steeper than two on one (2:1) (horizontal-vertical).
15. All debris, including but not limited to tree stumps shall be removed from the lot and all loose boulders not conducive to future development shall be removed.
16. Minimum separation distance between any excavation and the groundwater table shall be not less than six (6) feet, unless it can be demonstrated to the Commission's satisfaction that a smaller separation distance will not adversely impact groundwater and/or neighboring uses or future uses on the site. No excavation or fill shall be made that would reduce the final elevation below flood plain, change the area of the flood plain, or expose groundwater unless, after proper analysis, it is determined that no pollution or silting of existing watercourses, or increased flood or erosion hazards, or other effect on water supply or purity will result and any necessary permits have been issued by the Ashford Inland Wetlands and Watercourses Commission.
17. Where necessary to protect the surrounding properties, the Commission may require a landscape buffer and/or an earthen berm of a size, to be determined by the Commission, necessary to protect such properties. Existing vegetation and natural topography shall be preserved where feasible.
18. Connecticut's "Guidelines for Soil Erosion and Sedimentation Control" as amended shall be followed.
19. Groundwater quality monitoring wells may be required by the Commission as a means of protecting water quality.
20. Site restoration:

The area disturbed by the excavation is to be restored by the spreading of subsoil and topsoil at a minimum depth of four (4) inches over the excavated area. The depth of topsoil required may be increased at the discretion of the Commission based on the ultimate use of the property. The area for the storage of topsoil shall be shown on the plans approved by the Commission. All stockpiled topsoil shall be seeded with appropriate perennial grasses and surrounded by appropriate erosion controls. Restoration shall be a continuous operation.

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- a. Following the re-spreading of topsoil, the area is to be seeded with a suitable ground cover and maintained until the area is stabilized. The area is to be limed and fertilized as appropriate. Seeding is to be done between April 15 and June 15 or between August 15th and October 15.
  - b. The Commission may require the planting of deciduous and non-deciduous trees (which may be root stock at the time of such planting) at a density appropriate for the site and its intended usage. To the extent practical, the trees shall be hardy native species and compatible with the post excavation site characteristics.
21. Blasting for the removal of earth products shall not be permitted unless written approval is granted by the Commission and any other local or state agency having jurisdiction over blasting operations. An applicant for any activities involving blasting shall be required to show that the blasting will not cause a nuisance or damage to nearby property. If blasting is proposed as part of a permit application, a plan for such activity shall be prepared and submitted to the Town Fire Marshal for review. Such plan shall include provisions for monitoring weather conditions for production blasts, including plans to schedule blasting well enough in advance to take advantage of the days when air shock is likely to be at a minimum and to avoid blasting on days during times of unstable air masses and temperature inversions when air shock is more likely to occur. Additionally, the following Blasting Notice, Monitoring and Damage Complaint requirements shall be in force:
- a. Permittee shall provide the Town Selectman's Office with notification at least twenty-four (24) hours prior to any anticipated production blast, all persons and businesses within one-thousand (1,000) feet and shall notify other individuals requesting such notification of such blast.
  - b. All production and test blasts shall be monitored with air pressure, seismic and decibel meters at no fewer than five (5) sites for each blast.
  - c. Permittee shall provide, prior to any blasting, Certificates of Insurance written by sureties or insurers licensed in the State of Connecticut. The policies required shall be acceptable to the Town of Ashford. If, at any time, any of the insurance policies shall be or become unsatisfactory to the Town of Ashford in form or substance, or if the surety or insurer issuing any such policies is unacceptably to the Town of Ashford, the Permittee shall promptly obtain a new policy and submit a Certificate of Insurance to the Town of Ashford for approval.
22. At no time shall more than one (1) undivided area, which area shall not exceed three (3) acres in size, be opened within the lot, it being the intent of these regulations that the remainder of the lot either shall be undisturbed land or shall have been restored or stabilized in accordance with these regulations.
23. Any excavation, removal or filling operation may be undertaken only during times and dates approved by the Commission.
24. All arable soils from any excavation or fill area shall be set aside and retained on the premises, and shall be spread back over the affected area and permanently seeded upon completion of the entire operation or any part thereof.
25. Filling operation shall be carried out in such a manner as to prevent the breeding or harboring of insects, rats or other vermin, and to prevent the transport of fill or excavated material or any waste or debris off the premises by wind, water or other causes.
26. In all cases, material used for filling shall be limited to suitable earth material for construction as approved by the Commission. Use of trash, garbage, or other junk material is expressly prohibited. Burial of stumps is not permitted under any circumstances.
27. The site may be inspected at any reasonable time by the Commission or a duly authorized representative of the Commission.
28. The Commission may require the applicant to submit periodic reports, prepared by and bearing the seal of a land surveyor or engineer, showing the status and progress of the work.

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## Article 6E, Section 5 **Performance Bond**

Prior to the commencement of any activity under this Section, the applicant shall post a performance bond with the Town in an amount and form satisfactory to the Commission. In addition to being governed by the provisions of Article 6L, the performance bond shall comply with the following:

1. The performance bond shall secure to the Town of Ashford the actual construction, installation, and completion of each approved phase of permitted activities in accordance with these Regulations including without limitation soil erosion and sedimentation control, streets, private streets, drainage, inspection and monitoring fees, and any specific requirements of any conditions of approval by the Commission.
2. The performance bond shall be released in its entirety after:
  - a. The permitted activities covered by the bond have been completed to the satisfaction of the Commission;
  - b. As-built plans and survey showing final grades, sealed by a land surveyor or engineer licensed to practice in the State of Connecticut, have been filed with the Commission; and

## Article 6E, Section 6 **Approval Criteria**

After the public hearing, the commission may approve the plan and grant the special permit only when it is satisfied that the following conditions will be complied with in the undertaking of the proposed filling or excavation activity:

1. That the proposed activity will be carried out in accordance with the maps, operational statements and plans submitted by the applicant and in accordance with these Regulations.
2. There shall be no adverse effect upon the premises and upon the surrounding premises; upon property values, health and any effect upon the future use of the premises involved consistent with the intent of these Regulations.

## Article 6E, Section 7 **Other**

- A. In order to protect the character of the existing neighborhood or the environment, the Commission may restrict the hours of operation, the type of operation, the types and location of equipment, the use of explosive or any other aspect of the operation which may have adverse impacts on the surrounding properties and provide for increased buffering of surrounding properties.
- B. No permit shall be issued by the Commission for a period exceeding twenty-four (24) months, but upon application, the permit may be renewed by the Commission for an additional twelve (12) month period. Any application to renew or amend an existing permit shall be filed with the Commission at least sixty-five (65) days prior to the expiration date for the permit. Any application to renew or amend such an existing permit shall be made in accordance with these Regulations provided:
  1. The application may incorporate by reference, the documentation and record of the prior application;
  2. The application shall describe the extent of work completed at the time of filing and the schedule for completing the activities authorized in the permit;
  3. The application shall state the reason why the authorized activities were not initiated or completed within the time specified in the permit;
  4. The application shall describe any changes in facts or circumstances for which the permit was issued;

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- C. Failure to comply with the plans and conditions as approved and any deviation therefrom shall be a violation and the Commission may revoke the permit.
- D. If the filling operation, as approved by the Commission is not undertaken within twenty-four (24) months after granting (subject to appeals that may result) of the permit, the permit will be automatically revoked.

## **Article 6F - Cluster Subdivision**

### **Article 6F, Section 1 Applicability**

An owner or owners of land may apply to the Commission for a Special Permit, as stated in Article 5 of these Regulations, for Cluster Development under this Section. This will exempt such land from the lot area, frontage, setback and other applicable dimensional requirements set forth in these regulations.

### **Article 6F, Section 2 Intent**

The purpose of this regulation is to provide a Cluster method for development of land which permits a reduction in lot sizes without an increase in density of population or development, while at the same time providing for the protection of surrounding properties, persons and neighborhood value and allow greater flexibility and creativity in the design and layout of residential and/or commercial development in order to:

1. minimize alteration of or damage to the natural and cultural features and topography of the land;
2. avoid undue adverse impacts of new development on existing homes and neighborhoods;
3. preserve wooded areas and other undeveloped open land particularly along Town roads;
4. reduce public costs for the maintenance of roads and other public infrastructure;
5. reduce the amount of impervious surfaces caused by development; and,
6. preserve the existing rural appearance of the Town.

### **Article 6F, Section 3 Procedure**

A landowner seeking to create a Cluster Development of land may file with the Commission an application for a Special Permit for Cluster Development. The Application shall conform to the applicable requirements for a Subdivision Plan as set forth in the Commission's Regulations for the Subdivision of Land, and the Cluster Development requirements contained herein and all other requirements of a Special Permit. If there is any conflict, this Article shall control.

### **Article 6F, Section 4 Dimensional Requirements**

1. A Special Permit for Cluster Development may authorize the creation and use of lots meeting the following dimensional requirements in lieu of the conventional dimensional requirements
2. Lot Area. Each lot shall be at least of a size capable of supporting the construction of a single-family dwelling or primary use structure and its accessory structures in accordance with all applicable state and local regulatory requirements and the purposes of Cluster Development.
3. Frontage. The frontage of each lot for a building site created in a Cluster Development shall be that necessary to provide for adequate access to the lot. Where shared driveways or other circumstances provided adequate access to an individual lot, frontage may not be required.
4. Setbacks. All structures shall be set back a minimum of twenty (20) feet from all lot lines, provided, however, that with respect to lot lines which abut land outside the Cluster Development, setbacks from said lot lines shall conform to the setback requirements applicable to conventional development in the underlying zoning district.

5. Density. The maximum number of lots for building sites in a Cluster Development shall not exceed the number of buildable lots which could be created through conventional development of the site.

#### Article 6F, Section 5 **Standards**

In reviewing an Application for a Special Permit for Cluster Development, the Commission shall consider the extent to which the Application meets the purposes of Cluster Development by satisfying the following standards:

1. The laying out of developed areas, roads, storm drains, sewage disposal systems, and utilities shall be in conformance with the natural features of the parcel, minimizing changes to the topography and maximizing the amount of preserved wooded areas and other open space.
2. The amount of land to be disturbed for the construction of buildings, driveways, septic systems, utilities, storm drainage systems, and roads shall be minimized.
3. Important natural and historic features of the land, as determined by the Commission, shall be protected.
4. The impacts of road and utility installations for each dwelling unit served shall be less than those generated by a conventional development of the same land.
5. The design, number, and location of curb cuts shall be such that any conflict with existing traffic flow is minimized.
6. Provision, satisfactory to the Commission, shall be made with regard to the ownership and maintenance of any and all private roads, common driveways, common land, or other common facilities within the Cluster Development.
7. The design shall minimize the size of developed areas.
8. The balance of the land not contained in the building lots or roadways shall be in condition, size and shape as to be readily usable for recreation or conservation, and shall be reserved by one of the following means:
  - a. conveyance of fee simple ownership to the Town of Ashford;
  - b. creation of a Conservation Easement in favor of the Town of Ashford;
  - c. creation of a Conservation Easement in favor of the Town of Ashford reserving specific agricultural rights as approved by the Commission;
  - d. conveyance of fee simple ownership to a Tax-Exempt Organization approved by the Commission;
  - e. creation of a Conservation Easement in favor of a Tax-Exempt Organization approved by the Commission with the consent of the applicant;
  - f. conveyance of fee simple ownership to a Connecticut non-stock corporation of which all owners of land within the subdivision or re-subdivision are members, along with a conservation easement in favor of the Town over the entire open space area; or
  - g. any other method which accomplishes permanent dedication in accordance with the requirements set forth in this Section.

**6G – RESERVED FOR FUTURE USE**

## **6H - Temporary or Portable Storage Buildings**

### **Article 6H, Section 1 Purpose**

The purpose of this regulation is to provide for the regulation and use of temporary or portable storage containers.

### **Article 6H, Section 2 General**

- A. Portable storage containers shall not remain on lots or parcels of land longer than sixteen (16) consecutive calendar days and no more than sixteen (16) calendar days per calendar year. A Certificate of Zoning Compliance is required. The owner of each portable storage container and the owner or occupant of a lot or parcel on which a portable storage container will be placed shall be jointly responsible for providing notice to the Zoning Enforcement Officer within twenty-four (24) hours of the placement.
- B. The Commission may approve an extension by issuing a zoning permit up to seventy four (74) days beyond the initial sixteen (16) days, upon determining all of the following:
  - 1. That a principal residential structure is damaged or dilapidated.
  - 2. That the residential structure will undergo renovation, repair or reconstruction during the extension.
  - 3. That a building permit has been issued for the renovation, repair or reconstruction, if required, and remains valid during the extension.
  - 4. That the portable storage container will not be used to store nonresidential materials and equipment such as contractor's materials and equipment during the extension.
  - 5. No more than two (2) portable storage containers shall be located on a single lot or parcel of land.
  - 6. No other type of container or shipping container is located on the same lot or parcel of land.
- C. All such containers are temporary in nature

### **Article 6H, Section 3 Restrictions**

- A. No portable storage unit/pod shall exceed twenty (20) feet in length.
- B. Portable storage units shall never be utilized as accessory structures in any zone as they are intended to be temporary rentals.
- C. No hazardous material or organic waste shall be placed in a portable storage unit /pod.
- D. It shall be the responsibility of the applicant to ensure that the portable storage unit/ pod is maintained in a good condition, free from evidence of deterioration, weathering, discoloration, rust, ripping, tearing or other holes or breaks.
- E. Portable storage units/pods shall have no signage other than a serial number identifying the unit and the name, address and telephone number of the person or firm engaged in the business of renting or otherwise placing the portable storage unit/pod.

### **Article 6H, Section 4 Location, Placement and Condition of Portable Storage units/pods on Residential Zones**

Portable storage units/pods may be located in the Residential Agricultural Zone. Except as provide herein, they shall not be placed in a public area.

1. Unit location must be immediately adjacent to or in the property driveway at the furthest accessible point from the street. Final placement shall be to the satisfaction of the Zoning Officer taking in consideration of existing set-backs, site lines, slope of the land, aesthetics, other structures, safety issues and the like.
2. Only two (2) portable storage unit/pod may be placed on a single family residential property at one time.
3. No portable storage unit /pod located at a single family residential property shall be used for the storage of construction debris, business inventory, commercial goods or goods for property other than the residential property where the unit is located. No material of any kind may be placed or stored outside the unit at any time. Upon reasonable notice to the applicant, the Commission may inspect the contents of any portable storage unit / pod for compliance with the chapter.

#### **Article 6H, Section 5 Location, Placement and Conditions of Portable Storage units/pods in Nonresidential Districts**

Portable storage units/pods may be located in the non-residential zones, subject to the following:

1. Portable storage units/pods may be placed in nonresidential zoning districts only at a designated location as approved by the Commission. The allowable number of units shall be determined by the Commission pending site characteristics, lot area and location of unit/units.
2. Applicants for portable storage units in nonresidential zoning districts must demonstrate, to the satisfaction of the Commission that the specific location/complex has sufficient space to place a unit or units and continue to provide adequate parking and public safety access and to comply with all health, safety and welfare concerns.
3. The unit/units shall be placed only in the rear or side portion of the site. Under no circumstances shall a unit be placed in an area fronting a street or road or in a grass/landscaped area or in the front parking lot of a commercial establishment. The placement of portable storage units/pods in fire lanes, passenger loading zones, commercial loading zones or public rights- of- way shall be strictly prohibited. Units shall not impede the flow of vehicle or pedestrian traffic on said property, and shall not interfere with the ingress and egress from said property. Final placement shall be to the satisfaction of the Commission.
4. No Portable storage unit/pod shall be used for the storage of construction debris or any goods or materials other than that of the commercial or industrial business where the unit is located. The items contained in the temporary portable storage pod shall be, including but not limited to: consistent with the products sold onsite, seasonally appropriate merchandise, holiday goods, or goods that have become replaced inside the business for marketing purposes. Upon reasonable notice to the applicant, the Commission may inspect the contents of any portable storage unit or pod for compliance with this chapter.

## **6I - Recreational Vehicles**

### **Article 6I, Section 1 Purpose**

To provide regulations allowing for the use and storage of recreational vehicles in the Residential-Agricultural Zone.

### **Article 6I, Section 2 General**

Except as otherwise provide in these regulations, recreational vehicles are allowed on private property within the Recreational Agricultural Zone for a period not to exceed 180 days in any 12-month period.

### **Article 6I, Section 3 Standards**

The following standards apply to all recreational vehicles:

1. Recreational vehicles must remain readily mobile. Nothing may be attached to a recreational vehicle or placed in a manner that would prevent or hinder the immediate removal of the recreational vehicle
2. RVs must be placed at least six (6) feet from all buildings.
3. The RV site and hook-ups to the RV must be in compliance with all applicable building, fire, electrical, mechanical and related codes.
4. The RV must have a current registration and/or vehicle license.
5. No more than one (1) RV is permitted per parcel.
6. RVs must be transported to a sanitary dump station as needed to empty gray water and toilet waste tanks

### **Article 6I, Section 4 Temporary dwelling during construction of a single-family residence**

An RV may be located as a temporary dwelling during the construction of a single-family dwelling on the same lot or parcel subject to the following conditions:

1. A valid building permit for the permanent single family dwelling must be in effect during the entire time that the RV is located on the site.
2. The RV is connected to the sewage disposal system that will serve the single-family dwelling, unless other arrangements have been approved by the Health Department.

### **Article 6I, Section 5 Storage of Unoccupied RVs**

- A. Residential storage of an RV, that do not qualify as junk vehicles and are owned by the occupant of a single family dwelling, may be stored outside on the same lot with the dwelling. Vehicles must be located on the lot such that they will not cause traffic sight obstructions or safety hazards and are subject to all side and rear yard setback requirements.
- B. RVs parked on private property may not be leased to another party for use on that property.

## **6J - Floodplain Protection**

### **Article 6J, Section 1 Purpose**

In order to protect life and property the areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in its Federal Insurance Study (FIS) for Windham County, Connecticut, dated June 18, 2010, and accompanying Flood Insurance R Maps (FIRM) dated June 18, 2010, and other supporting data applicable to the Town of Ashford, any subsequent revision thereto, are hereby adopted by reference and declared to be a part of this section. Since mapping is legally adopted by reference into this section it must take precedence when more restrictive until such time as a map amendment or map revision is obtained from FEMA. For purposes of these Regulations, “areas of special flood hazard” include any area on the FIRM as Zones A and AE, including areas designated as floodway on a FIRM. Areas of special flood hazard are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the FIS for a community. The BFEs provided on a Firm are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. The flood insurance study is on file at the office of the Town Clerk, Town Hall, Ashford, Connecticut. The regulatory flood protection elevation for any point in question shall be the governing factor in locating the regulated area.

### **Article 6J, Section 2 Special Permit**

A Special Permit shall be obtained before construction or development begins within any area of special flood hazard. Application for a Special Permit shall be made in accordance with Article V of these Regulations and as detailed in this section. In addition to the requirements set forth in Article V, the following information is required:

1. Elevation in relation to mean sea level of the lowest floor, including basement, of all structures;
2. Elevation in relation to mean sea level to which any structure is to be floodproofed;
3. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing
4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

### **Article 6J, Section 3 Permitted Uses**

- A. The following uses may be permitted, as provided above, within an area of special flood hazard to the extent that they are permitted in the underlying zone:
1. All agricultural uses, provided that all structures are located outside the floodway.
  2. Seasonal commercial uses, including open-air markets and drive-in theaters, provided that all structures are located outside the floodway.
  3. Parking areas and loading areas, provided that all structures are located outside the floodway.
  4. Nonstructural residential uses, including lawns, gardens parking areas and play areas, provided that all structures are located outside the floodway.
  5. Storage of low-cost, non-hazardous materials, provided that all structures are located outside the floodway.
  6. Nonresidential buildings whose lowest floor is elevated one foot (1') above the one hundred year flood or is floodproofed to an elevation one foot (1') above the one hundred year flood, provided that all structures are located outside the floodway.

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7. Residential buildings whose lowest floor, including basement, is elevated one foot (1') above the one hundred year flood, provided that all structures are located outside the floodway.
  8. Uses or structures accessory to a permitted use.
- B. In accordance with the authority granted by Title 8, Chapter 124, Section 8-6, of the Connecticut General Statutes, no use variances shall be permitted in the Floodplain District.

## **Article 6K – Security for Completion of Improvements**

### **Article 6K, Section 1 Purpose**

It is the purpose of this section to ensure, in conjunction with approval of Zoning Permits and/or Special Permits, the completion of improvements that may reasonably be required by the Commission in the granting of said approvals.

### **Article 6K, Section 2 Performance Bond for Zoning Permit**

As a condition of the approval of any Zoning Permit, the Commission shall require that the record owners of the subject property post a performance bond with the Town in an amount necessary to cover one hundred percent (100%) of the actual costs to complete construction of any site improvements that will be conveyed to or controlled by the Town and the implementation of any erosion control measures required during construction activities, plus a contingency amount of ten percent (10%) of such costs.

Prior to posting the bond, the party posting the bond shall submit to the Commission an estimate of the costs necessary to complete the items being bonded. Within thirty (30) days thereafter, the Town Engineer shall review the estimate and advise the Commission of the amount of security recommended. Once posted, the amount of the bond may be reviewed periodically and adjusted by the Commission to account, if necessary, for inflation or any unanticipated increases in the cost of completion.

### **Article 6K, Section 3 Performance Bond for Special Permit**

As a condition of the approval of any Special Permit, in addition to bonding for the items set forth in Section 2 above, the Commission shall require that the record owners of the subject property post a performance bond with the Town in an amount necessary to cover one hundred percent (100%) of the actual costs to complete construction or implementation of any private site improvements, inspections and/or maintenance required by the Commission in connection with its approval, plus a contingency amount of ten percent (10%) of such costs. Private site improvements may include but are not limited to drainage, septic facilities, landscaping, lighting, walkways and reclamation of property upon completion of the permitted activity.

Prior to posting the bond, the party posting the bond shall submit to the Commission an estimate of the costs necessary to complete the items being bonded. Within thirty (30) days thereafter, the Town Engineer shall review the estimate and advise the Commission of the amount of security recommended. Once posted, the amount of the bond may be reviewed periodically and adjusted by the Commission to account, if necessary, for inflation or any unanticipated increases in the cost of completion.

### **Article 6K, Section 4 Types of Bonding**

To satisfy the bonding requirements of Sections 2 and 3 above, the Commission may accept surety bonds and shall accept cash bonds, passbook or statement savings accounts, or letters or credit in form acceptable to the Commission, the Board of Selectmen and Town Counsel, and from financial institutions acceptable to the Commission and Board of Selectmen. Notwithstanding the foregoing, however, performance bonds in an amount of five thousand dollars (\$5000) or less shall not require review and approval from the Board of Selectmen.

### **Article 6K, Section 5 When to Post Bond**

For any bond required pursuant to Section 2 above, the person posting the bond may post the same at any time before all approved site improvements are completed, except that the Commission may require the bond for the erosion controls to be posted prior to the commencement of any of the site improvements.

For any bond required pursuant to Section 3 above, the person posting the bond shall post the same prior to commencing the work or activities authorized by the approval.

For any site plan that is approved for development in phases, the bonding provisions of this Article shall apply as if each phase of development was approved as a separate site plan.

#### **Article 6K, Section 6 Certificates of Occupancy/Certificates of Zoning Compliance**

No certificate of occupancy or certificate of zoning compliance shall be issued before a required bond is posted or the improvements that would otherwise be required to be bonded are completed to the reasonable satisfaction of the Commission.

In the event that certain private improvements shown on a site plan approved in connection with a Zoning Permit are required to be made prior to the issuance of a Certificate of Zoning Compliance, and said private improvements are delayed due to weather conditions or other factors beyond the control of the party required to make those improvements, the party required to make the delayed improvements may, with the permission of the Commission, elect to post a bond to ensure completion of the same so as not to delay the issuance of a Certificate of Occupancy or Certificate of Zoning Compliance. The bond shall be in an amount necessary to cover one hundred percent (100%) of the costs of completion of the delayed improvements within not more than six (6) months following the issuance of the Certificate of Occupancy or Certificate of Zoning Compliance, plus a contingency amount of ten percent (10%) of such costs.

#### **Article 6K, Section 7 Maintenance Bond**

Maintenance bonds may be required by the Commission to ensure that any improvement covered by a performance bond, once made, shall have been properly made and maintained and that any defects which do not appear immediately after completion of construction will be repaired or replaced. Such maintenance bonds shall be released or utilized, as the case may be, not more than one (1) year following completion of the bonded improvements, as evidenced by the issuance of a Certificate of Occupancy or Certificate of Zoning Compliance.

Notwithstanding anything herein to the contrary, the Commission shall not require a bond to finance the maintenance of roads, streets, retention or detention basins or other improvements approved with any Site Plan or Special Permit for more than one (1) year after the date on which such improvements have been completed to the reasonable satisfaction of the Commission or accepted by the Town. Furthermore, the Commission shall not require the establishment of a homeowners association or the placement of a deed restriction, easement or other similar encumbrance on property for the maintenance of approved public site improvements to be owned, operated or maintained by the Town.

#### **Article 6K, Section 8 Reductions or Releases of Bond**

Any request for a release or reduction in the amount of any bond shall be submitted to the Commission in writing. Within 65 days of receipt of the request, the Commission or its agent shall: (1) release or authorize the release of any such bond or portion thereof, provided the Commission or its agent is reasonably satisfied that the site improvements for which such bond or portion thereof was posted have been completed; or (2) provide a written explanation as to the additional site improvements that must be completed before such bond or portion thereof may be released.

In addition, in order to obtain a reduction and/or release of bond, the person posting the bond shall submit an A-2 as-built survey prepared by a land surveyor or engineer licensed to practice in the State of Connecticut showing the completed improvements.

#### **Article 6K, Section 9 Insufficiency of Bond**

If, for any reason, the performance bond is insufficient to pay for all costs of activities covered by the bond, the person posting the bond shall remain liable to the Town for any costs necessary to complete all such activities.

**Article 6L – RESERVED FOR FUTURE USE**

## **Article 6M Wireless Telecommunication Sites**

### **Article 6M, Section 1 Intent**

The intent of this section is to regulate the placement, construction and modification of wireless telecommunication services within the Town of Ashford while protecting neighborhoods and minimizing the adverse visual and operational effects of wireless telecommunications facilities through careful design, siting and screening. More specifically, this regulation has been developed to:

1. maximize use of existing and approved towers and other structures to accommodate new antennas and transmitters in order to reduce the number of communication towers needed to serve the community;
2. encourage providers to co-locate their facilities on a single tower;
3. minimize the location of facilities in visually sensitive areas;
4. encourage creative design measures to camouflage facilities;
5. protect historic and conservation sites and school and residential areas from potential adverse impacts of communication towers;
6. avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures;
7. screen towers and associated structures from roads and residential areas.

### **Article 6M, Section 2 Location preferences**

The locations for siting equipment involved in receiving or transmitting electromagnetic waves associated with wireless telecommunication services are listed below, in order of preference:

1. on existing structures such as buildings or utility poles;
2. on existing approved towers;
3. on new towers on municipal properties;
4. on new towers, as may be permitted pursuant to Article 4.

### **Article 6M, Section 3 General Requirements**

In addition to the requirements set forth in Article 5, the following information shall be required to be submitted with all applications for telecommunication towers:

1. the applicant shall provide a photograph simulation of the proposed wireless telecommunication site in order to help the Commission ascertain the visual impacts associated with such proposal and may be required to provide additional photographs from private and/or other specific locations;
2. the applicant shall provide a view shed analysis showing all areas from which the tower will be visible within the Town of Ashford and within one thousand (1,000) feet of the tower in adjacent towns;
3. a design drawing, including cross section and elevation of all proposed towers, a description of the tower's capacity including the number and type of antennas and the minimum separation distances between antennas.

4. the location of all WTS structures, including the tower, antenna locations if on an existing structure, equipment sheds or cabinets, the access road and utility easements;
5. existing tower or structure height and design and location of the tower and antenna assembly;
6. the location and identification of all structures on or off the site which will be within two hundred fifty (250) feet in commercial zones and five hundred (500) feet in residential zones, of the proposed WTS;
7. the latitude and longitude of the proposed tower and/or antenna assembly;
8. the ground elevation at the tower or other structure foundation based on USGS data;
9. the location of other telecommunication facilities (proposed, under construction or existing) within the Town of Ashford and within five (5) miles of the proposed facility;
10. the topography of the WTS and the area within the fall zone of the proposed tower and the access driveway surveyed to T-2 standards with two (2) foot contour intervals;
11. a plan showing where and how the proposed antenna will be affixed to a particular building or structure;
12. details of all proposed antennas and mounting equipment including size and color;
13. elevation of all proposed shielding and details of materials, including color;
14. an elevation of all proposed equipment, buildings or cabinets and details of all proposed fencing, including color;
15. a report prepared by a licensed engineer indicating that the proposed WTS will not interfere with public safety communications;
16. a structural analysis must be provided with all new WTS proposals and any proposal for additional provider antennas on existing towers or other structures;
17. proof that either the applicant or co-applicant holds a bona fide license from the Federal Communications Commission (FCC) to provide the telecommunication services that the proposed tower is designed to support;
18. a report or letter from the Federal Aviation Administration (FAA) or a licensed consulting aviation engineer stating that the proposed tower complies with all flight safety requirements;
19. a map depicting the extent of the providers planned coverage within the Town of Ashford, the service area of the proposed wireless telecommunication site, and whatever information indicates that the proposed tower has been designed to minimize the visual impacts to the Town of Ashford;
20. current color photographs from at least two (2) directions of any existing structure to be used as a WTS;
21. a statement describing the service that this tower is expected to provide.

#### Article 6M, Section 4 **Height and Visibility limitations and Area Requirements**

- A. The maximum height for any tower including all mounted antennas shall be: seventy five (75) feet in the RA zone; and one hundred eighty (180) feet in all other zones.
- B. Lot Size:

1. Non Residential zones: a minimum lot size as required by the underlying zone that also meets all the required setbacks.
  2. Residential zones: a minimum lot size of five (5) acres shall be required. Additional towers may be permitted at the rate of one (1) tower for each additional five (5) acres.
- C. To insure the safety of all abutting properties and residential buildings, all towers shall comply with the following minimum property line setbacks and separating distances:
1. In non-residential zones - setback requirements shall be a distance equal to one and one half (1-1/2) times the height of the tower (including antennas).
  2. In a residential zones. the minimum front setback shall be three hundred (300) feet from the street line (both street lines on a corner lot). Minimum side and rear setbacks shall be one and one-half (1-1/2) times the height of the tower.
  3. All towers shall be located a minimum of five hundred (500) feet from an existing dwelling.
  4. No tower shall be located within five hundred (500) feet of another tower.
  5. All equipment buildings/cabinets or equipment areas shall comply with the minimum property line setbacks for a principal building in the underlying zone.
  6. All towers shall be sited so as to minimize detrimental visual impacts.
  7. No tower shall be visible from Warrenville or from any portion of Route 44 where the Mount Hope River Valley is visible.
  8. No tower shall be visible from anywhere along Mansfield Road, Westford Road or Turnpike Road until it leaves the Mount Hope River Valley.

#### Article 6M, Section 5 **Other requirements**

The following requirements apply to all telecommunication towers:

1. No lights shall be mounted on towers unless otherwise required by the FAA.
2. Towers not requiring special FAA painting or markings shall be a noncontrasting blue, grey or other neutral color (acceptable to the Commission) which will best blend with the surrounding environment.
3. Landscape buffering shall be required in all zoning districts. Existing vegetation shall be preserved to the maximum extent possible. Landscaping shall be placed completely around the tower and ancillary facilities at ground level except as required to access the facility. Such landscaping shall consist of evergreen vegetation with a minimum planted height of six (6) feet, placed densely so as to form an effective screen. Landscaping shall be compatible with other nearby landscaping and shall be kept healthy and well maintained.
4. WTS may not be used to exhibit any signage or other advertising except as may be required by other governmental licensing agencies or which may be required for public safety purposes.
5. Any proposed tower shall be designed in all respects to accommodate both the applicant's antennas and comparable antennas for at least two additional users if the tower is over one hundred (100) feet in height or for at least one additional comparable antenna if the tower is over fifty (50) feet but less than one hundred (100) feet in height. The Commission may require the tower to be of such design as to allow for future rearrangements of antennas upon the tower and to accommodate antennas mounted at varying heights.

6. Antennas or equipment buildings/cabinets mounted to or on buildings or structures shall to the greatest degree possible, blend with the color and design of such building.
7. No proposed wireless telecommunication site shall be designed, located or operated as to interfere with existing or proposed public safety communications.
8. The design of all wireless telecommunication sites shall comply with the standards promulgated by the FCC for nonionizing electromagnetic emissions.
9. If it is found by the Commission that any such proposed facility will have significant negative impact on the public health, safety, convenience, property values, aesthetics or the environment, it may not be approved.
10. All generators installed in conjunction with any WTS shall comply with all state and local noise regulations.
11. All towers and related equipment shall be enclosed within an area secured by at least a six (6) foot chain link (or comparable) fence. If barbed wire is to be used it shall begin at a point at least six (6) feet above grade. These provisions may be modified by the Commission depending on specific site and facility design features.
12. If feasible (as determined by the Commission), the site access road shall be secured by a locked gate.
13. The lower ten (10) feet of towers shall be designed to prevent unauthorized access to the tower.
14. The height of the tower must be certified by a licensed engineer/surveyor before a Certificate of Occupancy will be issued.
15. The latitude and longitude of the tower or the antenna assemblies and as-built location of the tower on the site certified by a licensed surveyor must be submitted before a Certificate of Occupancy will be issued.
16. No permit shall be approved for a WTS within the flood hazard areas.
17. Each ancillary building shall contain not more than one hundred fifty (150) square feet of gross floor area or be more than eight (8) feet in height.
18. All utilities to the tower area shall be located underground.
19. The telecommunications tower owner or operator shall provide space for Town of Ashford agencies or emergency services departments if required.

#### Article 6M, Section 6 **Facility maintenance**

The applicant or operator shall maintain the wireless telecommunications facility in good conditions. Maintenance shall include, but not be limited to, painting, structural repairs, landscaping and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and Emergency Medical Services. The owner or operator shall be responsible for the cost of maintaining the system and any access road(s) unless accepted as a public way, and the cost of repairing any damage occurring as a result of the operation or construction.

#### Article 6M, Section 7 **Abandonment**

A. A wireless telecommunication facility which has reached the end of its useful life or has been abandoned shall be removed. When the system is scheduled to be decommissioned, the applicant shall notify the Town by certified mail of the proposed date of discontinued operations and plans for removal. The owner/operator shall physically remove the facility no more than 150 days after the date of discontinued operations. At the time of removal, the site shall be restored to the state it was in before the facility was constructed or any other legally authorized use. More specifically, decommissioning shall consist of:

1. Physical removal of all wireless telecommunication facility structures, equipment, security barriers and transmission lines from the site.
  2. Disposal of all solid and hazardous waste in accordance with state and federal waste disposal regulations.
  3. Stabilization or re-vegetation of the site as necessary to minimize and prevent erosion. The Commission may allow the owner to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.
- B. Absent notice of a proposed date of decommissioning, the facility shall be considered abandoned when the system fails to operate for more than one year without the written consent of the Commission. If the applicant fails to remove the facility in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the Town shall have the authority to enter the property and physically remove the facility and bill the owner of the system for such costs.
- C. Prior to constructing any wireless telecommunication facility, the Commission may require, in accordance with Article 6, Section L (Bonding), the applicant to post a bond to cover the reasonable costs of decommissioning the facility in accordance with the provisions of this section. The amount of the bond may be reviewed annually by the Commission and adjusted, if necessary, to cover said costs.
- D. A permit issued pursuant to this regulation shall expire if:
1. The wireless telecommunication facility is not installed and functioning within 48-months from the date the permit is issued; or
  2. The wireless telecommunication facility is abandoned. If there are two (2) or more users of a single tower, the facility will not be considered abandoned until all users cease utilizing the tower.

# Article 7

## Zoning Board of Appeals

### Article 7, Section 1 **Powers and Duties**

The Zoning Board of Appeals (ZBA) shall have all the powers and duties prescribed by Chapter 124, Section 8, and by Chapter 250, Section 14, of the General Statutes and by these regulations, which powers and duties are summarized and more particularly specified below. None of the following provisions shall be deemed to limit any of the authority of the ZBA that is conferred by general law.

1. Appeals. The ZBA shall have the authority to hear and decide upon any appeal where it is alleged that there is an error in the order, requirements, decision or determination of the Zoning Enforcement Officer. No question of hardship shall be involved in such an appeal, and the action of the ZBA thereon shall be limited to the question of whether or not, and to what extent, such order, requirement, decision or determination was a correct interpretation of the subject provision of these regulations.
2. Variances. The ZBA shall have the authority to vary or adjust the strict application of these regulations in only those cases where the unusual size, shape or topography of a lot or other unusual physical conditions pertaining to it or to any building situated thereon make it impossible to strictly apply a specific provision of these regulations to such lot without resulting in exceptional difficulty or unusual hardship, so that substantial justice shall be done and the public health, safety and welfare secured.
3. Location of motor vehicle uses. The ZBA shall have the authority to hear and decide upon all requests for certificates of approval for motor vehicle sales, services and repair uses in accordance with Sec. 14 -54 of the General Statutes. In this function the ZBA is acting as the local authority of the Department of Motor Vehicles and not in a zoning capacity; the DMV recognizes no conditions on such certificates of approval. Such authority shall not supersede the Commission's authority to hear and decide upon requests for, or impose conditions on special permits for such uses.
4. Use variances. No use variance shall be granted by the ZBA that would permit:
  - a. A use prohibited either implicitly or explicitly by these regulations.
  - b. The expansion of a nonconforming use.
  - c. A use otherwise allowed by special permit in the district in which the use is located.

Prior to a public hearing on any application for a use variance, the ZBA shall transmit the application to the Commission for its review and comment. Any report submitted by the Commission to the ZBA shall be read into the record of the public hearing of the subject application.

### Article 7, Section 2 **General Rules**

- A. Appeals. All appeals to the ZBA from an order, requirement, decision or determination of the Zoning Enforcement Officer shall be taken within such time as is prescribed by a rule adopted by the ZBA, or if none, as prescribed by law. Such appeals shall be made in writing on a form prescribed by the ZBA and shall be accompanied by a filing fee to cover the cost of processing the appeal.
- B. Application. All applications for variances shall be submitted in writing in a form prescribed by the ZBA. The ZBA may deny an application for incomplete information having been submitted.

- C. Referrals. To assist with its consideration of an appeal or application, the ZBA may refer such appeal or application to any department, agency or official it deems appropriate to review and comment upon those technical matters which are the concern or responsibility of such department, agency or official.
- D. Public hearing. The ZBA shall hold a public hearing on all appeals and applications for variances shall decide thereon and shall give notice of its decision in accordance with the provisions of the General Statutes.
- E. No variance shall be granted by the ZBA unless it finds:
  - 1. That there are special circumstances or conditions, fully described in the findings of the ZBA, applying to the lot or structure for which the variance is sought which are peculiar to such lot or structure and do not apply generally to lots or structures in the neighborhood and which have not resulted from any willful act of the applicant subsequent to the date of adoption of the regulation from which the variance is sought, whether in violation of the provisions herein or not;
  - 2. That, for reasons fully set forth in the findings of the ZBA, the aforesaid circumstances or conditions are such that the particular application of the provisions of these regulations would deprive the applicant of the reasonable use of the lot or structure, that the granting of the variance is necessary for the reasonable use of the lot or structure and that the variance as granted by the ZBA is the minimum adjustment necessary to accomplish this purpose;
  - 3. That the granting of the variance shall be in harmony with the general purposes and intent of these regulations and the town's Plan of Development and shall not be injurious to the neighborhood or otherwise detrimental to the public health, safety and welfare; and
  - 4. That the granting of the variance is not based upon the nonconformity of neighboring lots, uses, buildings or structures nor upon a financial or economic hardship.
- F. Whenever the ZBA grants a variance, it shall include in its minutes as part of the record the reason for its decision, the specific provision of these regulations that were varied, the extent of the variance and the specific hardship upon which its decision was based.
- G. In exercising any of its authority, the ZBA may attach any conditions and safeguards as may be required to protect the public health, safety and general welfare and to ensure ongoing compliance with these regulations. Violation of such conditions and safeguards shall be deemed to be a violation of these regulations.
- H. Any variance granted by the ZBA shall become effective upon its filing by the applicant in the office of the Town.
- I. Any variance granted by the ZBA that is not recorded within one (1) year from its effective date shall be null and void.
- J. If the ZBA denies a variance, it shall not be required to hear an application for the same variance or substantially the same variance for a period of six (6) months after the date of denial, unless the circumstances associated with the application have substantially changed. A change in ownership of property or any interests therein shall not be deemed a substantial change.
- K. No appeal or variance shall be granted that would alter, revise or otherwise change any of the conditions attached to the granting of a special permit by the Commission, if such conditions are more restrictive than otherwise provided for in these regulations or if such conditions do not refer to specified standards in these regulations.