

ZONING REGULATIONS
CHAPTER 193
FROM THE CODE OF THE TOWN OF BARKHAMSTED
COUNTY OF LITCHFIELD
STATE OF CONNECTICUT

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ARTICLE I

General Provisions

193-1. Adoption

The Town of Barkhamsted Planning and Zoning Commission, pursuant to Chapter 124 of the Connecticut General Statutes, does hereby adopt the following revised zoning regulations for the Town of Barkhamsted. The regulations are set forth below in the form of text, map and tables that collectively shall be known and cited as the “Town of Barkhamsted Zoning Regulations.”

193-2. Purposes

These regulations are adopted in accordance with a Comprehensive Plan for the purpose of protecting the public health, safety and general welfare of the town and to:

- A. Encourage the most appropriate use of land.
- B. Conserve the value of buildings and property.
- C. Regulate the size and location of open spaces and yards.
- D. Provide adequate open space for light and air.
- E. Secure safety from fire, panic, flood and other dangers.
- F. Prevent overcrowding of land.
- G. Lessen congestion in the streets.
- H. Facilitate adequate provision for transportation, water, sewage, schools, parks and other requirements.
- I. Encourage housing opportunities consistent with soil types, terrain and roads and public facilities.

- J. Provide reasonable consideration for the protection of historic factors.
- K. Protect existing and potential public surface and groundwater drinking water supplies.
- L. Provide proper provision for soil erosion and sediment control.
- M. Encourage energy-efficient patterns of development.

193-3. Effect of regulations

In order to accomplish the above-stated purposes, these zoning regulations shall:

- A. Divide the town into zone districts of such number, size, shape and area that they may best suit these regulations.
- B. Regulate the density of population and the location and use of buildings, structures and land for business, industry, residences and other purposes.
- C. Regulate the erection, construction, reconstruction, alteration or use of buildings or structures and the use of land in each zone.
- D. Permit certain classes of use for kinds of buildings and structures only after securing a special exception.
- E. Regulate the height, number of stories and size of buildings and other structures and the percentage of the lot area developed and the area of yards, open spaces and buffer strips.
- F. Regulate the height, size and location of signs, parking areas and other uses of land.
- G. Regulate development to minimize erosion and sedimentation, ground and surface water pollution and adverse impact on wetlands, watercourses, flood hazard areas, steep slopes and other sensitive and significant features of the natural environment.

193-4. Effect on other agreements or regulations

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

193-5. Tables

For convenience in the use and understanding of these regulations, tables are provided setting forth the uses permitted in the various zones, area and dimensional requirements and parking requirements. These requirements are supplemented by other provisions of these regulations. (See Article VI)

193-6. Permitted uses

In any zone district established in these regulations, no premises shall be used and no building shall be erected, constructed, enlarged, altered, arranged, changed to another use or designed to be used, in whole or in part, except for use(s) set forth in the Table of Uses Permitted by Zone and until the Planning and Zoning Commission or the Zoning Enforcement Officer has issued a special exception and/or a zoning permit as required by these regulations. (See Article XI) Only those uses specifically listed shall be permitted; uses not listed on the Table of uses Permitted by Zone are specifically prohibited.

193-7. Area and dimensional requirements

In any zone district established in these regulations, no premises shall be used and no building shall be erected, constructed, enlarged, altered or arranged on a lot except in accordance with the requirements set forth in the Table of Area and Dimensional Requirements. No yard or other open space provided around any building for the purpose of complying with the provisions of this table shall be considered as providing a yard or open space for any other building, and no yard on one lot shall be considered as providing a yard for a building on any other lot.

193-8. Off-street parking and loading requirements

In any zone district established in these regulations, off-street parking and loading facilities shall be provided in accordance with the requirements set forth in the Table of Off Street Parking and Loading Requirements, except where additional parking may be required as a condition for the issuance of a special exception.

193-9. Fees

A fee for a zoning permit, site plan approval and/or a special exception permit shall be required as specified by town ordinance.

193-10. Procedural requirements for processing applications

The minimum procedural requirements for processing applications shall be as set forth in the Connecticut General Statutes.

193.10A Conservation Restrictions and/or Preservation restrictions. For any permit application involving property subject to a conservation restriction or preservation restriction, the following shall apply:

- 1) For purposes of this section, “conservation restriction” means a limitation, whether or not stated in the form of a restriction, easement, covenant or condition, in any deed, will or other instrument executed by or on behalf of the owner of the land described therein, including but not limited to, the state or any political subdivision of the state, or in any order of taking such land or water areas predominantly in their natural, scenic, or open condition or in an agricultural farming, forest or open space use.
- 2) For purposes of this section, “preservation restriction” means a limitation, whether or not stated in the form of a restriction, easement, covenant or condition, in any deed, will or other instrument executed by or on behalf of the owner of land, including, but not limited to, the state or any political subdivision of the state, or in any order of taking of such land whose purpose is to preserve historically significant structures or sites.
- 3) No person shall file a special exception application, site plan application or zoning permit application, other than for interior work in an existing building or for exterior work that does not expand or alter the footprint of an existing building, relating to property that is the subject to a conservation restriction or preservation restriction unless the applicant provides proof that the applicant has provided written notice of such application, by certified mail, return receipt requested, to the party holding such restriction not later than sixty days prior to the filing of the permit application.
- 4) In lieu of such notice pursuant to subsection 193.10.A.3, the applicant may submit a letter from the holder of such restriction or from the holder’s authorized agent, verifying that the application is in compliance with the terms of the restriction.
- 5) In the case of an application where the applicant has provided written notice pursuant to subsection 193.10A3 of these regulations, the holder of the restriction may provide proof to the Planning and Zoning Commission or Zoning Enforcement Officer that granting of the permit application will violate

the terms of the restriction. Upon a finding that the requested land use violates the terms of such restriction, the Planning and Zoning Commission or Zoning Enforcement Officer shall not grant the permit approval.

- 6) In the case of an application where the applicant fails to comply with the provisions of subsection 193.10A3 or 193.10A4 of these regulations, the party holding the conservation or preservation restriction may, not later than fifteen days after receipt of actual notice of permit approval, file an appeal with the Planning and Zoning Commission or Zoning Enforcement Officer, subject to the rules and regulations of such agency relating to appeals. The Planning and Zoning Commission or Zoning Enforcement Officer shall reverse the permit approval upon a finding that the requested land use violates the terms of such restriction. AMENDED EFFECTIVE 10/8/2010.

193-11. Site plan

A site plan shall be required for all special exception uses and may be required by the Commission or the Zoning Enforcement Officer for a permitted use. (See Article VIII)

A stormwater management plan shall be prepared that incorporates best management practices in accordance with the 2004 Connecticut Stormwater Quality Manual, as amended, unless the Commission waives the requirement because the proposed activity will have minimal impact to the environment. In determining whether the project will have minimal impact to the environment the Commission will consider the report received on the project from the Inland Wetlands Commission. However, stormwater management plans shall be developed for all new and redevelopment projects, including phased developments that meet the following criteria:

- Any development resulting in the disturbance of greater than or equal to one acre of land;
- Residential development consisting of 5 or more dwelling units;
- Residential development consisting of fewer than 5 dwelling units involving the construction of a new road or reconstruction of an existing road.
- Residential development consisting of fewer than 5 dwelling units where imperviousness of the site after construction exceeds 30 percent.
- Stormwater discharge to wetlands/watercourses or in areas designated by the Town of Barkhamsted as Aquifer Protection Areas.
- Land uses or facilities with potential for higher pollutant loadings such as industrial facilities subject to DEP Industrial Stormwater General Permit or U.S. EPA National Pollution Discharge Elimination System (NPDES) Stormwater Permit Program, vehicle salvage yards and recycling facilities, vehicle fueling facilities, vehicle service, maintenance and equipment cleaning facilities, fleet storage areas (cars, busses, trucks, public works), commercial parking lots with high intensity uses (shopping center, fast food restaurants, convenience stores, supermarkets), public works storage areas, road salt storage facilities, commercial nurseries, flat metal rooftops of industrial facilities, facilities with outdoor storage and loading/unloading of hazardous substances or materials, regardless of the primary land use of the facility or development.
- Industrial and commercial developments which result in 10,000 sq ft or greater of impervious surface.
- New highway, private road, and street construction
- Modifications to existing storm drainage systems.

193-12. Submission of certain applications to the Inland Wetlands Commission

As required by the Connecticut General Statutes, any site plan or special exception application involving an inland wetland or watercourse regulated by the Barkhamsted Inland Wetlands Commission shall be submitted to the Inland Wetlands Commission on or before the date that it is submitted to the Planning and Zoning Commission. (See Article VII)

193-13. Sewage disposal and water supply approval required.

Prior to the approval of a zoning permit, the applicant shall obtain from the Health Officer (Farmington Valley Health District) written approval of the plans for sewage disposal and water supply. (See Articles VII and XI.

193-14. Erosion and sediment control code exemption

An erosion and sediment control plan shall be required for any application for development when the cumulative disturbed area is more than one-half (1/2) acre. A single family dwelling that is not part of a subdivision of land shall be exempt from the requirement for an erosion and sediment control plan. (See Article VI)

193-15. Fire Marshal approval required

When a building or use is intended to accommodate the public, plans and specifications must be approved, in writing, by the Fire Marshal.

193-16. Water supply provided by private water company

Where an application involves a water supply to be provided by a private water company incorporated on or after October 1, 1984, the Commission shall not approve such application unless and until such company has been issued a certificate pursuant to C.G.S.*6-262m

193-17. Certificate of zoning compliance

No certificate of building compliance shall be issued by the Building Official until the Commission or the Zoning Enforcement Officer has issued, in writing, a certificate of zoning compliance in accordance with the provisions in Article XI.

193-18. Expiration of zoning permit

The approval of a zoning permit shall expire in one (1) year if a building permit is not issued within that time. The Commission may extend this time period by up to one (1) year, provided that the application for extension is submitted prior to the expiration of the initial one-year period: (See Article XI)

193-19. Change or extension of non-conforming use

No non-conforming use of land or buildings shall be changed or extended without a zoning permit approval issued by the Commission according to the provisions of Article X.

193-20. Documentation required where subdivision is in question

Where the Commission or the Zoning Enforcement Officer questions whether a lot proposed for building or development constitutes or is part of a subdivision, the applicant may be required to provide an affidavit issued by a Connecticut licensed attorney documenting that the proposed lot does not constitute a subdivision.

ARTICLE II

Establishment of Zoning Districts

193-21. Districts enumerated

The Town of Barkhamsted is hereby divided into the following zoning districts:

RA-2 Residence Zone [minimum lot size two (2) acres]

B-1 Restricted Business Zone

B-2 General Business Zone

RC/PVC Riverton Center and Pleasant Valley Center Special Design District Zone

I-1 Restricted Industrial Zone

I-2 General Industrial Zone

I-3 Special Industrial Zone

IH Incentive Housing District

P0 Professional Office Zone

193-22. Zoning Map

The districts listed in 193-21 are bounded as shown on the map entitled “Zoning Map-Town of Barkhamsted Connecticut,” which is hereby made a part of these regulations.

Said Zoning Map shall include any overlay districts provided for in these regulations.

193-23. Interpretation of district boundaries

Where there is uncertainty with respect to the boundaries of any of the aforesaid districts, the Commission shall render a determination with respect thereto.

193-24. Lots lying in more than one district

Where a district or overlay district boundary line divides a lot or land in single ownership, where such lot existed at the time of the enactment of the district boundary line, the district or overlay district requirements applying to the less restricted portion of the lot shall be permitted to extend into the more restricted portion of the lot beyond the district boundary lines for a distance not exceeding thirty-five (35) feet.

193-25. Purpose of RC/PVC District

The purpose of this district is to encourage a mix of appropriate uses and to preserve and maintain the unique mix of uses in the district. The regulations are intended to provide an opportunity for creative design. In this district, a site plan is required for any construction or reconstruction involving exterior alterations, including landscaping, parking and signs. The Commission may waive sections of the site plan requirements if it is determined that certain submission requirements are not necessary. The Commission may vary parking requirements in consideration of the historical nature of the centers.

193-26. Overlay districts

In addition to the above districts, the following overlay districts are hereby created. Overlay district requirements are in addition to the requirements of the underlying district. Where the requirements of the overlay district are more restrictive than the underlying district, the more restrictive requirement shall apply. The overlay districts are:

The Floodplain Overlay District and Farmington River Protection Overlay District. The Floodplain Overlay District includes all special flood hazard areas designated as Zone A, A1-30, on the Town of Barkhamsted Flood Insurance Maps (FIRM) and the Flood Boundary and Floodway Maps, dated February 17, 1982, on file with the zoning office. These maps, as well as the accompanying Flood Insurance Study, are incorporated herein by reference. For Floodplain Overlay District regulations, see Article IX.

193-27A Table of Uses by Zone - Residential RA-2 Zoning District		
P = permitted by right zoning permit required SP = permitted by right site plan approval required SE = permitted by special exception and site plan required NZP = No zoning permit required T = temporary use permit Blank = not permitted Other uses not listed are not permitted		
Use	Zoning District RA-2	Zoning Regulation Section Reference (1)
All agricultural uses, including livestock	P	
Temporary roadside stands	T	193-38C

Institutional

Buildings, Uses, and Facilities of the Town of Barkhamsted	SE
Buildings, Uses, and Facilities of the State of Connecticut and Federal Government	SE
Cemeteries	SE
Churches	SE
Public Utility Stations	SE
Energy-generation facilities (wind turbines may exceed height limits in 193-28)	SE
Day-care facilities (other than family/group as per CGS)	SE
Public and Private Schools with a State license	SE
Public and semi-public institutional uses	SE

Office

Professional	SE
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Real estate, broker	SE
Investment broker	SE
Manufacturing sales representative	SE
Non-display sales	SE
Educational, charity and civic	SE
Other offices similar to above	SE

193-27A Table of Uses by Zone - Residential RA-2 Zoning District		
Recreational	RA-2	Reference
Shooting range, turkey shoot, hunting clubs or any event involving the discharge of a firm arm inside or outside of a building		
Private commercial recreational campsites		
Non profit recreation other than the above recreational uses	SE	
Non-profit golf and member clubs	SE	
Temporary permit-one day event	T	193-60
Temporary permit - two day event	T/SP	193-38 D.1
Temporary permit-3-7 day special event	T/SE	193-38 D.2
Residential		193-38 E.
Single family detached	P	
Conservation Subdivision	SP	193-67
Barn, detached without single family for agricultural purposes	SE	
Accessory buildings	P	193-30
Day care, group/family as per CGS	P	193-30G
Accessory apartment	SE	193-57
Bed and Breakfast	SE	193-58
Satellite transmission receiving devices (to the rear of dwellings and not within any required yard setback)	P	
Home Office	NZP	193-56A
Home Enterprise	SP	193-56B
Home Occupation	SE	193-56C
Contractor Shop and Storage	SE	193-64B

Parking of Commercial Vehicles	P/SE	193-56D
Other		
Earth excavation	SE	
Temporary trailer	T	193-65
Wireless communication facilities (*regulated by the Conn. Siting Council)	SE	193-38 A & B
Towers other than wireless communication facilities	*	192-62
Hospital and health care facilities subject to approval of Certificate of Need by State Commission on Hospitals and licensing by the State Dept of Public Health Services	SE	193-62A
Bed and Breakfast	SE	
Country Inn	SE	193-58
Fences and walls	P/SE	
(1). Note Section 193-39 applies to all non residential buildings in residential zones		193-30D

**Table 193-27B Table of Uses
RC/PVC Riverton Center Pleasant Valley Special
Design District Zone and PO Professional Office Zone**

P = permitted by right zoning permit required
SP = permitted by right site plan approval required
SE = permitted by special exception and site plan required
NZP = No zoning permit required T = temporary use permit
Blank = not permitted Other uses not listed are not permitted

Use	Zoning District RC/PVC	Zoning District PO	Zoning Regulation Section Reference
All agricultural uses, including livestock	P	P	
Temporary roadside stands	T	T	193-38C
Financial			
Banks	P		
Financial Institutions	P	P	
Industrial			
Small machine shop (not more than 3 persons employed)	SE		
Warehouse - no outside storage	SE		

Manufacturing, processing and assembly of goods	SE		
Manufacturing, processing and assembly of goods, all facilities within a building	SE		

Institutional

Buildings, Uses, and Facilities of the Town of Barkhamsted	SE	SE	
Buildings, Uses, and Facilities of the State of Connecticut and Federal Government	SE	SE	
Cemeteries	SE	SE	

Table 193-27B Table of Uses RC/PVC Riverton Center Pleasant Valley Special Design District Zone and PO Professional Office Zone			
Use	RC/PVC	PO	Reference
Churches	SE	SE	
Public Utility Stations	SE	SE	
Energy-generation facilities (wind turbines may exceed height limits in 193-28)	SE	SE	
Day-care facilities (other than family/group as per CGS)	SE	SE	
Public and Private Schools with a State license	SE	SE	
Public and semi-public institutional uses	SE		

Office

Professional	SP	SO	
Real estate, broker	SP	SP	
Investment broker	SP	SP	
Manufacturing sales representative	SP	SP	
Non-display sales	SP	SP	
Educational, charity and civic	SP	SP	
Other offices similar to above	SP	SP	

Recreational

Shooting range, turkey shoot, hunting clubs or any event involving the discharge of a fire arm inside or outside of a building		SE	
Non-profit golf and member clubs	SE	SE	193-60
Indoor recreational facilities such as bowling alleys, tennis courts, handball, racquetball, exercise or health facility or similar recreational facilities	SE		
Temporary permit-one day event	T	T	193-38 D.1
Temporary permit - two day event	T/SP	T/SP	193-38 D.2

Temporary permit-3-7 day special event	T/SE	T/SP	193-38 E.
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Residential

Single family detached	P		
Duplex, 2 family	SE		
2 or more family residences as conversions of existing buildings	SE		
Accessory buildings	P		193-30F
Day care, group/family as per CGS	?		
Accessory apartment	SE		

**Table 193-27B Table of Uses by Zone - RC/PVC
Riverton Center Pleasant Valley Special Design District
Zone**

Residential	RC/PVC	PO	Reference
Bed and Breakfast	SE		193-57
Satellite transmission receiving devices (to the rear of dwellings and not within any required yard setback)	SP		193-58
Home Office	NZP		
Home Enterprise	SP		193-56A
Home Occupation	SE		193-56B
Contractor Shop and Storage	SE	SP	193-56C
Parking of Commercial Vehicles	P/SE	SP	193-56D

Retail

Shops, general	SP		
Small retail shops	SP		
Drug, food, bakery or dairy	SP		
Art galleries, dance studio or similar artistic educational or instruction use	SP		
Restaurant, low-turnover	SE		
Auto service and repair service	SE		193-64

Other

	RC/PVC	PO	Reference
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Earth excavation	SE		
Temporary trailer	T	SE	193-65
Wireless communication facilities (*regulated by the Conn Siting Council)		T	193-38 A & B
Towers other than wireless communication facilities	SE		192-62
Hospital and health care facilities subject to approval of Certificate of Need by State Commission on Hospitals and licensing by the State Dept of Public Health Services	SE	SE	193-62 ^a
Country Inn	SE		
Fences and walls	P/SE	P	193-30D

**Table 193-27C Table of Uses by Zone
Business and Industrial Zones**

P = permitted by right zoning permit required
SP = permitted by right site plan required
SE = permitted by special exception site plan required
NZP = No zoning permit required T = temporary use permit
Blank = not permitted
Other uses not listed are not permitted

Use	B-1	B-2	I-1	I-2	I-3	Reference
	All agricultural uses, including livestock	P				
Temporary roadside stands	T					193-38C

Financial

Banks	SP	SP				
Financial Institutions	SE	SE				

Industrial

Small machine shop (not more than 3 persons employed)	SE	SE	SP	SP	P	
Warehouse - no outside storage			SP	SP	P	
Manufacturing, processing and assembly of goods			SE		P	
Manufacturing, processing and assembly of goods, all facilities within a building				SE	P	
Contractor storage yard				SE	P	
Sale and storage of fuel				SE	Se	

Sale and storage of building materials				SE	P	
Bulk storage				SE	Se	
Public utility garages				SE	Se	
Uses where waste, discharged or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking and used lumber				SE	Se	
Research laboratories			SE	SE		

Institutional

Buildings, Uses, and Facilities of the Town of Barkhamsted	SE				
Buildings, Uses, and Facilities of the State of Connecticut and Federal Government	SE				
Cemeteries	SE	SE	SE	SE	
Churches	SE	SE	SE	SE	
Public Utility Stations	SE	SE	SE	SE	Se

Use	B-1	B-2	I-1	I-2	I-3	Reference
Institutional					Se	
Energy-generation facilities (wind turbines may exceed height limits in 193-28)	SE	SE	SE	SE		
Day-care facilities (other than family/group as per CGS)	SE	SE	SE	SE		
Public and Private Schools with a State license	SE	SE	SE	SE		
Public and semi-public institutional uses						

Office

Professional	SP	SP	SP	SP	
Real estate, broker	SP	SP	SP	SP	
Investment broker	SP	SP	SP	SP	
Manufacturing sales representative	SP	SP	SP	SP	
Non-display sales	SP	SP	SP	SP	
Educational, charity and civic	SP	SP	SP	SP	
Other offices similar to above	SP	SP	SP	SP	

Recreational

Non profit recreation other than the above recreational uses	SE	SE	SE	SE	
Indoor recreational facilities such as bowling alleys, tennis courts, handball, racquetball, exercise or health facility or similar recreational facilities	SE	SE	SE	SE	
Temporary permit-one day event	T	T	T	T	193-38 D.1
Temporary permit - two day event	T/S P	T/S P	T/S P	T/SP	193-38 D.2
Temporary permit-3-7 day special event	T/S	T/S	T/S	T/SE	193-38 E.

	E	E	E			
Residential						
Single family detached						
Duplex, 2 family		SE		SE		
2 or more family residences as conversions of existing buildings						
Accessory buildings	SP	SP	SP	SP		193-30G
Efficiency Unit/Apartment	P	P	P	P		193-57
Bed and Breakfast	SE					193-58
Satellite transmission receiving devices (to the rear of dwellings and not within any required yard setback)	?					
Home Office						193-56A
Home Enterprise						193-56B
Home Occupation						193-56C
Contractor Shop and Storage	SP	SP	SP	SP		193-64B
Parking of Commercial Vehicles	P/S E	P	P	P		193-56D

Use	B-1	B-2	I-1	I-2	Reference
Retail					
Shops, general	SP	SP			
Small retail shops	SP	SP	SE		
Drug, food, bakery or dairy	SP	SP			
Art galleries, dance studio or similar artistic educational or instruction use	SP	SP			
Restaurant, low-turnover	SE	SE	SE	SE	193-64
Restaurant, high-turnover	SE	SE	SE	SE	193-64
Printing and publishing		SP			
Repair services and businesses, including repair of bicycles, radios, televisions and other home appliances and similar uses		SP			
Auto, mobile home and recreational vehicle sales, repair and service	SE	SE			
Auto service and repair service		SE			
Auto washes, subject to report from registered professional engineer in impact on groundwater		SE			
Sales and storage of contractor equipment	SE	SE	SE	SE	
Contractor storage yard, including outside storage	SE	SE	SE	SE	
Storage	SE	SE	SE	SE	
Wholesale business	SE	SE	SE	SE	

Other					
Aircraft landing field	SE				
Veterinary hospitals		SE			
Commercial and private kennels		SE			
Earth excavation	SE	SE	SE	SE	1993-65
Temporary trailer	T	T	T	T	193-38A/B
Wireless communication facilities (*regulated by the Conn. Siting Council)			SE	SE	192-62
Towers other than wireless communication facilities	SE	SE	SE	E	193-62A
Hospital and health care facilities subject to approval of Certificate of Need by State Commission on Hospitals and licensing by the State Dept of Public Health Services	SE	SE	SE	SE	
Country Inn	SP	SP	SE	SE	
Fences and walls	P	P	P	P	193-30D

ARTICLE IV

193-28 Table of Area and Dimensional Requirements

Zone	Minimum Lot Area* (acres) 1 acre=43,560 (square feet)	Minimum Lot Front-age (feet)	Minimum Front Yard Setback* (feet)	Minimum Rear Yard Setback (feet)	Minimum Side Yard Setback (feet)	Maximum Lot Coverage* (percent)
RA-2	2	200	50	40	40	25
B-1	1	200	50	50	40*	40
B-2	2	200	50	50	40*	40
I-1	2	200	75	50	40*	40
1-2	5	200	75	50	20	40
RC/PVC	NA	NA	30	20	20	40
PO	1	150	50	50	40	40
I-3	1	200**	75**	20**	20**	40

Minimum floor area per dwelling unit shall not be less than seven hundred fifty (750) square feet, and the plot plan for the dwelling shall show how an additional four hundred fifty (450) square feet of area on the first floor

may be added to the minimum seven hundred fifty (750) square feet and be in compliance with all setback requirements.

The maximum building height shall be thirty five (35) feet.

* Denotes exceptions to these requirements which are stated in Section 193-30

See Article V for definitions of the following terms used in this table: “building height,” “lot,” “lot frontage,” “floor area,” ”front yard,” ”front yard setback” and “maximum lot coverage.”

NA = Not applicable

****Minimum Lot Frontage:** 200 feet on Town or State Road and 40 feet if on Private Road; **Minimum Front Yard Setback:** 75 Feet on Town or State Road and 40 feet on Private Road; **Minimum Rear Yard Setback:** 20 feet and 50 feet if abutting a Residential Zone; **Minimum Side Yard Setback:** 20 feet and 40 feet if abutting a Residential Zone. **Note: The Commission may reduce the side yard or rear yard setback by Special Exception to not less than 20 feet.**

193-29. Reserved:

193-30. Exceptions

The following are exceptions to the requirements shown on the Table of Area and Dimensional Requirements:

A. Front yard setback on arterial roads. Lots fronting on an arterial road (see definition in Article V) located in an RA-2 zone shall have a front yard setback of sixty-five (65) feet.

B. Side yard setback requirements for lots in a business or industrial zone where the lot abuts a lot in a residential zone. Where a lot is in a business (B-1 or B-2) zone, a fifty foot side yard setback is required and a landscaped buffer zone shall be provided as determined by the Planning and Zoning Commission. Where a lot is in an industrial zone (I-1 and 1-2) and it abuts a lot in a residential zone, a sixty-foot side yard setback is required and a landscaped buffer zone shall be provided as determined by the Planning and Zoning Commission.

C. Corner lots. A “corner lot” is a lot situated at the intersection of and fronting on two (2) or more streets or upon two (2) parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees. On corner lots, front yards shall be required on both streets, the interior lot lines shall meet side yard requirements, and no rear yard shall be required.

D. Through lots. A through lot is a lot with frontage on two (2) streets but not located at an intersection. On through lots, a front yard is required on both street frontages.

E. Building height exceptions. The building height provisions of these regulations shall not apply to the erection of churches, belfries and towers designed exclusively for ornamental purposes, flag staffs, chimneys, silos, water tanks or similar structures. Chimneys, spires, masts, elevator penthouses, tanks, and similar projections shall not be included in the limitations of the building height requirement, provided that:

(1) The total area of any such projection shall not exceed twenty five (25) percent of the roof area.

- (2) It shall not extend more than fifteen (15) feet higher than the maximum allowable building height.
- (3) The height of the structure is less than the distance to any property line.

F. Accessory buildings. In a residential zone, an accessory building shall not exceed twenty-five (25) feet in building height. Accessory buildings and uses shall meet all required yard setback lines. Tool/utility sheds are permitted but shall not be more than ten (10) feet tall as measured at the roof ridge nor more than one hundred twenty (120) square feet and shall be no less than ten (10) feet from any side or rear property line. The term “accessory building,” when used in connection with a farm, shall include all structures customarily used for farm purposes, and they shall be limited in height. AMENDED 10/5/2002)

NOTE: SEE ALSO SECTION 193-64C FENCES AND WALLS

193-31. Rear lot special exception permit

A “rear lot” is defined as a lot that does not meet the lot frontage requirements of these regulations. A rear lot may be permitted for single-family residential use in a residential zone by special exception, subject to the following standards and requirements:

- A. Accessway. Each rear lot shall be served by an accessway suitable for the location of a driveway. The accessway shall intersect with an existing or proposed public street and shall be not less than twenty-five (25) feet in width at all points.
- B. Minimum lot area. The minimum lot area shall be one hundred thirty thousand (130,000) square feet. The area of the accessway shall not be included in the calculation of the required minimum lot area.
- C. Accessway ownership. The accessway shall be owned in fee simple by the owner of the rear lot.
- D. Yard and frontage requirements. The rear lot shall meet all of the yard setback requirements of these regulations. However, the minimum lot frontage requirement shall be measured along the lot line of the rear lot which intersects the accessway and is most parallel to the Street line.
- E. Driveway plan. The Commission may require a driveway construction and drainage plan where the driveway grade is in excess of ten percent (10%) or its length is in excess of two hundred (200) feet.
- F. Accessway separation distance. No two (2) accessways to rear lots shall be closer to each other than the minimum lot frontage measured along the street line, except as permitted in subsection G below.
- G. Accessway to two (2) rear lots. The accessways may be closer to each other than the minimum lot frontage requirement only if the two (2) lots have a common driveway entrance within all or part of the street right-of-way and at the intersection with the town street or state highway. The common driveway intersection shall be maintained by the owners of the rear lots. A common driveway maintenance requirement shall be stipulated in the deeds of both rear lots and presented as part of the application for a special use permit.
- H. Maximum number of rear lots in a subdivision. For any parcel of land in existence on the effective date of this regulation, the maximum number of rear lots shall be determined according to the following formula: one (1) rear lot in a subdivision of less than ten (10) lots; two (2) rear lots in a subdivision of ten (10) to fourteen (14) total lots; three (3) rear lots in a subdivision of fifteen (15) to nineteen (19) total lots; four (4) rear lots in a subdivision of twenty (20) to twenty-four (24) total lots, and so forth.

ARTICLE V

Definitions and Word Usage

193-32. Word Usage

Words in the present tense include the future; the singular word includes the plural; the word “lot” includes the word “plot;” and the word “used” includes “designed, intended or adapted for use”.

193-33. Definitions.

Certain words in these regulations are defined for the purpose thereof as follows.

ACRE -Equal to forty-three thousand five hundred sixty (43,560) square feet of land area

ACCESSORY BUILDING OR STRUCTURE- A subordinate structure detached from the principal structure but located on the same lot. **For the purpose of this definition, the square footage of the principal structure is determined by using the total square footage of living space, as shown on the Assessor’s Property Card.** AMENDED NOVEMBER 12, 2014.

ACCESSORY USE-A use incidental to and on the same lot as a principal use.

AGRICULTURE and FARMING - Includes the use of land either as a principal or accessory use for the cultivation of the soil, dairying, raising or harvesting of any agricultural or horticultural commodity, silviculture and the raising and management of livestock, including horses, bees and poultry, the production or harvesting of maple syrup or any agricultural commodity which is considered incidental to ordinary farm operations. (NOTE: The sale of produce grown on the premises is permitted as a temporary use; see 193-38C, Roadside stands.)

APARTMENT - A unit which is used as living quarters and contains sleeping accommodations, a flush toilet, a tub or shower bath, kitchen facilities and plumbing and electrical connections for attachment to outside systems; (1) the minimum floor area of the apartment shall be four (400) hundred square feet; (2) Parking: Each apartment shall have at least one (1) off street parking space on site for each apartment. AMENDED 3/15/07

ARTERIAL ROAD-A road that carries most of the town’s traffic, both for internal movement and for inter-town connections. Providing access to individual properties is a secondary function of an “arterial road.” “Arterial roads,” as identified in the Town Plan of Development (2005), are State Routes 44, 181, 179, 318, 20, 219 and West River Road.

BARN – An agricultural building used primarily for the purpose of sheltering any or all of the following: harvested crops, livestock, pigs and fowl; and agricultural implements including farm vehicles. No structure, any part of which is used in the operation of a kennel, shall be considered a barn.

BASEMENT - Means any area of the building having its floor sub grade (below ground level) on all sides.

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

BEST MANAGEMENT PRACTICES: Techniques that are effective practical ways of preventing or reducing pollution and providing environmental stewardship.

BUILDING - An independent structure having a roof supported by columns or walls resting on its own foundation, including a shed, garage, stable, greenhouse or other accessory building.

BUILDING HEIGHT -The vertical distance measured from the average level of the ground along all walls of the building to the highest point of the roof for flat roofs, to the deck line for mansard roofs and to the mean height between eaves and ridge for gable, hip and gambrel roofs and to the highest point of any other type of roof.

COMMERCIAL VEHICLE is a motor vehicle utilized for business purposes, regardless of size or registration, but excluding farm or construction machinery. AMENDED 7/1/01

COMMISSION - The Planning and Zoning Commission of the Town of Barkhamsted.

CONTRACTOR SHOP AND STORAGE: Contractor or building tradesman who conducts his or her trade to provide services. This shall include, but is not limited to, plumbers, electricians, carpenters, excavating contractors, contractor storage yards, portable sawmills and similar occupations. AMENDED 4/2/01, and 10/8/2010

DEVELOPABLE LAND - means the area within the boundaries of an approved incentive housing zone that feasibly can be developed into residential or mixed uses consistent with the provisions of this section and Connecticut General Statutes Sections 8-13n to 8-13x, inclusive, not including: (A) Land already committed to a public use or purpose, whether publicly or privately owned; (B) existing parks, recreation areas and open space that is dedicated to the public or subject to a recorded conservation easement; (C) land otherwise subject to an enforceable restriction on or prohibition of development; (D) wetlands or watercourses; and (E) areas exceeding one-half or more acres of contiguous land that are unsuitable for development due to topographic features, such as steep slopes.

DRIVEWAY - A private roadway providing access for vehicles to a parking space, garage, dwelling or other structure

DUPLEX HOME OR TWO-FAMILY HOME - A residential building consisting of two (2) dwelling units located on an individual lot and entirely surrounded by open space. The building shall have a party wall separating the dwelling units from basement to roof line or an unpierced ceiling and floor extending from exterior wall to exterior wall separating dwelling units. Each dwelling unit shall be a separate house-keeping unit with a separate entrance and exit. "Duplex homes" are also called "two-family homes."

DWELLING, SINGLE-FAMILY DETACHED - A residential building designed for and occupied by not more than one (1) family and which is located on an individual lot and is entirely surrounded by open space.

DWELLING UNIT - One (1) or more rooms physically arranged as an independent housekeeping establishment for occupancy by one (1) family, but not including rooms in hotels, boarding houses or rooming houses.

EFFICIENCY UNIT - A small dwelling unit intended for occupancy by not more than two people, comprised of not more than one room, in addition to a kitchen and bathroom. AMENDED 3/15/07

ELDERLY PERSONS - Those persons age fifty-five (55) or older.

ELIGIBLE HOUSEHOLD – A household whose annual income is at or below 80 percent of the area median income for Barkhamsted, as determined and reported by the United State Department of Housing and Urban Development (HUD). Amended June 12, 2015.

FAMILY - Individuals living together as a single housekeeping unit and doing their cooking on the premises, as distinguished from groups occupying a hotel or dormitory.

FLOOD BOUNDARY AND FLOODWAY MAP - Means an official map of a community on which the Federal Emergency Management Agency has delineated the boundaries of the floodway.

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

FLOOD INSURANCE STUDY (FIS) -Means the official report from the Federal Emergency Management Agency (FEMA) which contains examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations.

FLOODWAY -Means the channel of a river or other watercourse and the adjacent land areas that must be preserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a desired height.

FLOOR AREA -The sum of the gross horizontal areas of those portions of each floor of a dwelling measured from the exterior walls. It does not include attached garages, basements, unenclosed porches or attics not used for human occupancy.

FRONTAGE - See the definition of “lot frontage”.

FRONT YARD -An open space extending across the full width of the lot, bounded for its full length by a street, and to the setback depth required by the zone in which the lot is located. (See 193-31 for a definition of a “rear lot”)

HAZARDOUS MATERIALS - Hazardous materials are substances or a combination of substances (including waste products) which present an actual or potential hazard to human health or to private or public drinking water supplies if discharged to the ground or surface waters, including but not limited to:

A. Substances which are toxic, flammable, corrosive, explosive, radioactive or infectious;

B. Substances listed in the “Title III List of Lists-Chemicals Subject to reporting under Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986.” Office of Toxic Substances, U.S. Environmental Protection Agency, Washington D.C. 20460) and which exist in quantities greater than those associated with normal household use;

C. Acids and alkaloids outside the pH range of 2 to 10;

D. Petroleum products, including fuels and waste oil;

E. Synthetic organic solvents

F. Any solid which if exposed to water will leach or dissolve to form a hazardous material as defined above.

INCENTIVE HOUSING DEVELOPMENT – A residential or mixed-use development (A) that is proposed or located within an approved incentive housing zone; (B) that is eligible for financial incentive payments set forth in this section and sections 8-13n to 8-13x, inclusive; and (C) in which not less than twenty percent of the dwelling units will be conveyed subject to an incentive housing restriction requiring that, for at least thirty years after the initial occupancy of the development, such dwelling units shall be sold or rented at, or below, prices which will preserve the units as housing for which persons pay thirty percent or less of their annual income, where such income is less than or equal to eighty per cent or less of the median income. Amended June 12, 2015.

INCENTIVE HOUSING DISTRICT - A district adopted by the Barkhamsted Planning & Zoning Commission pursuant to Connecticut General Statutes Sections 8-13m to 8-13x and Section 193.67.2 of the Barkhamsted Zoning Regulations, inclusive, as an overlay to one or more existing zones, in an eligible location. Amended June 12, 2015.

INCENTIVE HOUSING RESTRICTION – Means a deed restriction, covenant, zoning regulation, site plan approval condition, subdivision approval condition, or affordability plan constituting an obligation with respect to the restrictions on household income, sale or resale price, rent and housing costs required by Connecticut General Statutes Sections 8-13n to 8-13x, inclusive, enforceable for thirty years as required by said sections, and recorded on the land records of the municipality where the housing is located. Amended June 12, 2015

INCENTIVE HOUSING UNIT – A dwelling unit within an Incentive Housing Development that is subject to an Incentive Housing Restriction. Amended June 12, 2015.

INFILTRATION: The process of precipitation percolating into the subsoil.

KENNEL - Any facility having dogs, cats, or other household pets and where boarding, breeding, training or selling of animals is conducted as a business.

LOT- A parcel of land occupied or to be occupied by a building or group of buildings and accessory buildings and including such open spaces as are required.

LOT DEPTH - The mean distance from the front lot line to the rear lot line, measured in the same general direction as the side lines.

LOT FRONTAGE - The length of the front lot line measured at the street right-of way line. Where the front line is an arc or the side lines converge toward the front line, the required frontage may be measured along the front yard setback line.

LOT LINE - The property line bounding the lot.

LOT WIDTH - The distance between the side lines of a lot, measured along the front lot line.

LOWEST FLOOR - Means the lowest floor of the lowest enclosed area (including basement).

LOW IMPACT DEVELOPMENT (LID): A site design strategy intended to maintain or replicate predevelopment hydrology through the use of small-scale controls integrated throughout the site to manage runoff as close to its source as possible.

MANUFACTURED HOME - Means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle.”

MAXIMUM LOT COVERAGE - The maximum total percentage of the lot area which may be covered with buildings, parking areas, walks or other impervious surfaces.

MEDIAN INCOME - Means, after adjustments for household size, the area median income as determined by the United States Department of Housing and Urban Development for the Town of Barkhamsted. Amended June 12, 2015.

MIXED USE DEVELOPMENT - A development containing one or more multifamily or single-family dwelling units and one or more commercial, public, institutional, retail, office or industrial uses. Amended June 12, 2015.

MULTIFAMILY HOUSING - Means a building that contains or will contain three or more residential dwelling units. Amended June 12, 2015.

MOBILE HOME, TRAILER, TRAVEL TRAILER or TRAILER COACH - Any vehicle which is used as sleeping or living quarters, which is or may be mounted on wheels and which is or may be propelled either by its own power or by another power-driven vehicle to which it may be attached or on which it may be carried.

NEW CONSTRUCTION - Means structures for which the “start of construction” commenced on or after the effective date of the FIRM, February 17, 1982, and includes any subsequent improvements to such structures.

NONPOINT SOURCE POLLUTION: Pollution caused by diffuse sources that are not regulated as point sources and are normally associated with precipitation and runoff from the land that carries pollutants.

PERMEABLE PAVING: Materials that are alternatives to conventional pavement surfaces and that are designed to increase infiltration and reduce stormwater runoff and pollutant loads. These materials have variable porosity dependent on the product, its installation and the site conditions.

PRINCIPAL USE - The main use of land or a structure as distinguished from any accessory use.

PROFESSIONAL ENGINEER: A person licensed by the State of Connecticut to practice as a professional engineer in civil engineering.

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

RAIN GARDENS/BIOFILTRATION: A low impact development practice to manage and treat stormwater runoff by using a specially designed planting soil bed and planting materials to filter and infiltrate runoff gathered in a shallow depression.

REAR YARD - An open space extending across the full width of the lot, most distant from and most nearly parallel to the front yard line, and to setback depth as required by the zone in which the lot is located.

RECREATIONAL VEHICLE - Means a vehicle which is:

- (i) built on a single chassis;
- (ii) 400 square feet or less when measured at the longest horizontal projection;
- (iii) designed to be self propelled or permanently towable or carried by a light duty - truck; and
- (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel or seasonal use.

SIDE YARD - An open space extending between the front yard and the rear yard setback line to a setback depth as required by the zone in which the lot is located.

SIGN - Any structure or part thereof or device attached thereto or painted thereon which shall display or include any letter, word, model, banner, flag, pennant, insignia, device or representation used as or which is in the nature of an announcement, direction or advertisement.

START OF CONSTRUCTION - Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, or any work beyond the stage of excavation. For a substantial improvement, the actual start of construction means the first alteration of the building, whether or not that alteration affects the external dimensions of the building.

STORMWATER: Water consisting of precipitation runoff or snowmelt.

STORMWATER MANAGEMENT PLAN: Plan describing the potential water quality and quantity impacts associated with a development project both during and after construction. It also identifies selected source controls and treatment practices to address those potential impacts, the engineering design of the treatment practices, and maintenance requirements for proper performance of the selected practices.

STORMWATER RUNOFF: Above ground water flow resulting from precipitation or snowmelt.

STORMWATER TREATMENT: Devices constructed for primary treatment, pretreatment or supplemental treatment of stormwater.

STORMWATER TREATMENT TRAIN: Stormwater treatment practices, as well as site planning techniques and source controls, combined in series to enhance pollutant removal or achieve multiple stormwater management objectives.

STREET - A state highway located in the Town of Barkhamsted, a town-owned and maintained Street or a street as shown on a subdivision plan approved by the Barkhamsted Planning and Zoning Commission.

STREET LINE or **STREET RIGHT-OF-WAY LINE** - The line between the lot and the street.

STRUCTURAL ALTERATION - Any change in or addition to the structural or supporting members of a building, such as bearing walls, columns, beams, girders or foundations.

STRUCTURE - Anything constructed or erected which requires location on the ground or attached to something having a location on the ground, excluding driveways.

SUBSTANTIAL IMPROVEMENT - Means any combination of repairs, reconstruction or improvements to a structure taking place over a one (1) year period in which the cumulative cost equals or exceeds fifty percent (50%) of the market value of the structure. The market value of the structure should be (1) the appraised value of the structure using the cost approach to value, prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any improvement project required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.

TOWNHOUSE - A residential building consisting of a single-family dwelling unit constructed in a group of three (3) or more attached units, in which each unit extends from foundation to the roof and has open space on at least two sides. (State definition) Amended June 12, 2015.

TRAILER CAMP - A lot, parcel or area of land which is used for the location of two (2) or more trailer coaches, mobile homes, trailers or travel trailers which are occupied for living purposes.

WATER QUALITY SWALES: Vegetated open channels designed to treat and attenuate the water quality volume and convey excess stormwater runoff.

WATER QUALITY VOLUME: The volume of runoff generated by one inch of rainfall on a site.

YARD (FRONT YARD, REAR YARD and SIDE YARD)

ZONE - See the Zoning Map for “zone” boundaries. See Article II for information on “zones

ARTICLE VI

Supplementary Regulations

193-34. Off-street parking and loading requirements.

A. Parking spaces. Parking spaces shall be provided on the same lot or on adjacent land permanently available to the applicant in sufficient number to accommodate the motor vehicles of all occupants, employees, customers and any others normally visiting the premises at any one (1) time. The minimum parking space requirements shall be as specified in the following table.

B. The Commission shall determine the number of parking spaces for any use not specifically included in the table, such as schools used for multiple purposes. (NOTE: Gross square feet of building floor area, as used below, is determined by using outside building dimensions per floor occupied.)

193-34 B - Table of Off-Street Parking and Loading Requirements

Use	Number of Parking Spaces per gross square feet of building floor area
Retail Stores.	1 per 1,000 sq ft of floor area
Offices, financial and similar business buildings	2 per 1,000 sq ft of floor area
Restaurants	6 per 1,000 sq ft of floor area
Hotels/motels	1 per guest room
Industrial	1 per 1,000 gross square feet
Single Family Dwelling Unit	2 parking spaces
Personal service facilities	2 per 1,000 sq ft of floor area
Other (theaters, churches, places of public assembly; etc.)	1 space per 5 seats in the portion of the building used for services or public assembly

C. Minimum parking space size requirements. Parking spaces shall be clearly delineated at a minimum of nine by eighteen (9x18) feet. Aisles for access to parking stalls shall be at least twenty-two (22) feet wide for double-load bays. Where parking spaces front on a landscaped strip, the spaces may be delineated at nine by sixteen (9x16) ft.

D. Landscaping and paving. Sufficient landscaping shall be provided and shall be shown on an accompanying site plan. Landscaping shall be used to reduce the visual impact of large paved areas. Parking areas, excluding those for single-family dwellings, shall be paved with bituminous concrete or with pervious pavement alternatives. Overflow areas low-use parking to be grass surface.

E. Reduction of parking facilities

1. It is the intent of these regulations that all structures and land uses be provided with a sufficient amount of off-street motor vehicle parking, while allowing for some flexibility of site design to accommodate the unique characteristics of individual properties. The Commission may require the submission of a parking demand analysis as part of any request for a waiver or exception from the general parking requirements. In the case that an applicant believes that the required parking amounts are in excess of what is needed for the proposed use, the applicant may submit a request with justification to the Commission for a reduction in parking space requirements. The Commission will consider and act on this request concurrent with and as part of the full development application process.

2. In Mixed-Use developments, or developments where parking is affected by cooperative agreements between the different land uses, for any proposed use, substantial change in use, construction, conversion, or increase in intensity of use of any buildings or structures, the applicant shall submit a parking demand analysis that demonstrates parking demand patterns. The parking demand analysis must be approved by the Commission and will serve as the basis for determination of required parking at the mixed-use site.
3. For phased developments, the Commission may provide that up to 50 percent of the parking spaces required by this section will not be immediately constructed and may be kept in reserve. Such reserve parking areas must be kept planted and maintained rather than surfaced for parking until such time the additional parking space is necessary to serve completed phases of the associated development. No above ground improvements shall be placed or constructed upon such reserve parking area. The area designated as reserve parking must be clearly depicted on the phased development site plan and the terms and conditions of phasing of the parking area completion as determined by the Commission, must be clearly set forth in notations on the approved site plan.

F. Handicap Parking Facilities

Handicap Parking Space shall be provided for all non-residential uses in number and design as specified by the laws and regulations of the State of Connecticut (State Building Code). No new structure, addition or use shall receive a Certificate of Occupancy until the required handicap parking has been provided, striped and signed as provided by current specification. Handicap parking spaces shall be provided in addition to the minimum number of required parking spaces.

193-35. Driveway regulations

- A. Angle of intersection. Every driveway shall meet at the edge of the highway pavement at an angle of no less than seventy-five (75) degrees and shall adhere to this angle to a distance of forty (40) feet, measured from the center line of the highway.
- B. Grade of intersection. Every driveway shall have a finished grade of not more than four (4) percent extending a distance of twenty (20) feet from the edge of the highway pavement (travel way).
- C. Maximum grade. No driveway shall contain any portion having a grade greater than twelve (12) percent along the length. No driveway shall contain any portion having grade of more than five (5) percent across its width. An as-built survey to include driveway and embankment grades and associated drainage may be required under questionable circumstances as determined by the town Engineer.
- D. Drainage. No driveway shall be constructed or maintained so as to discharge water into any roadway. No driveway shall be constructed or maintained so as to allow roadway water to enter the main portion of the driveway. Driveway design shall provide low impact development techniques, best management practices, and erosion and sedimentation control measures. All best management practices and erosion and sedimentation control measures shall be maintained by the property owner/permittee. No driveway shall be constructed so as to allow untreated water to enter an inland wetland or watercourse.
- E. Minimum width. All driveways shall have a minimum of at least ten (10) feet and shall be at least fourteen (14) feet across where joining any highway.
- F. Pavement at intersection. All driveways must be paved to the street line or for a length of ten (10) feet, whichever is greater, from the point that they meet the existing road pavement (not required if existing

road is not paved). The pavement will be two inch bituminous concrete on a six inch gravel base, approved by the Highway Foreman.

G. Where pavement is not required, the driveway shall be stabilized to prevent material from being washed onto or otherwise deposited on the highway.

H. Public or commercial driveway width. No public or commercial driveway shall be more than thirty (30) feet in width unless permitted with the approval of the Planning and Zoning Commission.

I. Sight lines. A minimum of two hundred (200) feet sight line distance shall be provided at the intersection of a driveway and a town road. The measurement of the sight line distance shall be based on a three-and-five-tenths-foot height of eye and a four-and-twenty-five-hundredths-foot height of the approaching vehicle. The sight line shall be measured ten (10) feet from the edge of the Town road.

J. Separation from intersection. No driveway shall be located within twenty (20) feet of a street intersection or within five (5) feet of an established or proposed crosswalk.

K. Culverts. Where determined necessary to control drainage, a culvert may be required for a driveway entering a street. Such culvert shall be a minimum of eighteen (18) feet long or two (2) feet wider than the driveway on each side. The First Selectman or his/her designated agent shall be responsible for determining when a culvert is necessary and also the type and diameter.

L. Intersection with state highway. All driveways entering state highways must also conform to the current specifications set forth by the Department of Transportation.

M. Erosion control. All erosion and sedimentation control measures shall conform to the 2002 Department of Environmental Protection Connecticut Guidelines for Erosion and Sedimentation Control Manual, as amended. The Highway Foreman shall consult with the Zoning Enforcement Officer regarding erosion control. Every reasonable precaution shall be exercised throughout the period of driveway construction to prevent, control and abate siltation, sedimentation and pollution of all waters. Unless a specific type of sedimentation control system is ordered by the Zoning Enforcement Officer, the type of system will be as designed by a Design Engineer on the site plan or at the contractor's option, in that order. Geotextile silt fence and/or hay bale systems will be allowed to remain at toe of-slope areas unless ordered removed by the Zoning Enforcement Officer.

N. Restoration. All earth slopes and areas of disturbed soil shall be loamed, seeded, and stabilized with hay or straw mulch. Erosion control blankets may be required in areas deemed critical by the Zoning and/or Inland/Wetlands Enforcement Officer or the Town Engineer. All erosion and sedimentation control measures shall remain in place until all disturbed areas have established permanent cover.

O. It shall be the duty of the permittee to comply with all applicable laws and regulations during driveway construction within highway boundaries.

P. Any existing payment and/or Town property that is damaged in any way during construction shall be restored to its original condition by the permittee. Failure to restore it shall give the Town and its designee the right to do so. The permittee shall be liable for the actual cost of restoration and administrative expenses. The Town shall have a cause of action for all fees and amounts paid out for such work together with attorney's fees.

Q Conn-OSHA regulations shall be adhered to at all times while on Town property.

193-35 N. Shared Driveways by Special Exception. AMENDED NOVEMBER 12, 2014

The purpose of this regulation is to provide for the approval of a shared driveway to service up to two (2) lots by Special Exception. The applicant must demonstrate due to environmental, sight line or safety concerns such as for driveways entering on a State Highway or Collector Street that a shared driveway is preferable to individual driveways. *However, both lots shall have and preserve a corridor of land for location of a driveway which is suitable for safe access and meets the standards of the Zoning Regulations.* The shared driveway shall be subject to the General Standards and Objectives for Special Exceptions, Section 193-49 of the Regulations and the Specific Standards and Criteria listed in 193-35 N (1) below. In reviewing the Special Exception Application for a Shared Driveway the Commission shall consider reports provided by the Barkhamsted Inland Wetlands Commission, Town Engineer, Barkhamsted Highway Supervisor or State of Connecticut Department of Transportation Official for a driveway entering a State Road.

193-35 N (1) Specific Standards and Criteria:

- a. The design and the layout shall provide safe access for emergency services.
- b. The deeds for any lots which utilize a shared driveway shall include all appropriate easements to pass and repass; to install utilities as necessary; to grade, drain, and maintain; and provide slope easements where required by the Town Engineer. A driveway maintenance agreement shall be stipulated in the deeds of both lots and shall be presented as part of the application for a Special Exception. Such deeds shall also contain a provision that the driveway shall not be used for access to any other property and an acknowledgment that the Town shall have no responsibility to construct, maintain, repair, or replace the driveway or to provide any service on or along the driveway access to such lot that is not generally provided by the Town, on or along other individual driveways within the Town.
- c. Accessway. The shared driveway shall intersect with an existing or proposed town street or State highway. The driveway right of way shall be suitable in location and dimensions for the proposed driveway and the shared portion of the driveway shall only be the length required to solve the safety or environmental issue and shall be a minimum of twenty-five (25') in width.

193-36. Signs

A. The signs as specified in this section, and no others, are permitted as accessory uses in any residential zones:

- (1) Residence signs: one (1) sign up to two (2) square feet in area giving the name of the land or buildings on which displayed or of the owner or lessee thereof and/or of his profession or activity.
- (2) "No trespassing" or other signs indicating the nature of premises. Multiple signs are permitted, provided that each is not more than two (2) square feet in area.

(3) Non-illuminated temporary signs. Temporary signs up to six (6) square feet in area pertaining to the sale or lease of the premises where display or where construction is underway. Such signs shall be removed when the premises are sold, rented or constructed.

(4) Town, church or school bulletin boards: one (1) per property, each not more than sixteen (16) square feet in area.

(5) Temporary signs for civic events or non-profit organization events, each not more than thirty-two (32) square feet in area, may be permitted by obtaining a permit from the Zoning Enforcement Officer for a period of one (1) month.

B. Signs permitted in B-1, I-1, 1-2, PO and Riverton Center and Pleasant Valley Center Special Design Districts shall be as follows:

(1) Any sign permitted in a residence zone. (See subsection A. above).

(2) Business and advertising signs, provided that the total area of all signs on a lot shall not exceed one (1) square foot in area for every running foot of building frontage occupied by the principal structure (excluding porches; etc.) on the lot or thirty-two (32) square feet, whichever figure is less. Only one (1) side of the principal structure shall be used to compute the maximum sign size.

(3) A minimum of fifteen (15) feet from the edge of the pavement for signs up to ten (10) square feet and thirty (30) feet from the edge of the pavement for signs over sixteen (16) square feet.

C. Requirements for signs in all zones shall be as follows:

(1) No sign shall advertise or refer to an activity, use, structure or business which does not take place or which is not located on the same lot as the sign, except for temporary signs as permitted above.

(2) No sign shall be located so that it will cause danger to traffic on a street by obscuring the view.

(3) No sign shall be of the flashing, animated, pulsing, moving or rotating type.

(4) Signs must be constructed of good materials, firmly supported, maintained in good condition and repair and removed when the purpose for which they were erected no longer exists.

(5) Pennants, flags and banners, such as those made of cloth, aluminum or plastic shall not be allowed. This provision does not apply to the display of national or state flags or to the display of flags and banners by a church, club, non profit institution or campaigns, drives, movements or public events, or for a maximum of one (1) week for business events.

(6) No freestanding sign shall project higher than ten (10) feet from ground level. No sign mounted on a building shall project higher than twenty (20) feet from ground level.

(7) The Zoning Enforcement Officer shall order the removal of any signs that are not maintained or erected in accordance with the provisions of this section. Any firm or corporation violating the provisions of this section shall be punished by a fine of not more than fifty dollars (\$50) for each day of each offense.

(8) Any replacement of signs shall be considered a site plan amendment and shall not require Commission approval. *AMENDED 10/15/02

D. Freestanding sign special exception in any residential zone. One (1) detached free standing sign per lot, greater than two (2) square feet but not exceeding twelve (12) square feet in area, for identification of an occupant, building or complex, may be permitted by the Commission in any residential zone as a special exception after a public hearing in accordance with the following guidelines: The Commission must find that the location, size, material, colors and other aspects of the proposed sign will be in harmony with the

orderly development of the area and will not alter the essential characteristics of the area. A plan showing the location of the proposed sign on the property shall also be required. The Commission may impose conditions on the approval of the application for a special exception. AMENDED 10/15/2002

F. In the B-1, I-1, I-2, B-2 and PVC/RC Zones the Commission, by Special Exception approval, may increase the maximum size of building sign and free standing signs above that which is allowed in that zone per Section 193-36 B, as follows:

A. One additional free standing sign may be granted by Special Exception approval to properties with building (s) exceeding 20,000 square feet in size and with more than (1) one tenant.

B. In no case shall a Special Exception approval be granted to allow:

- a. More than (2) two free standing signs per lot, with a maximum of 90 square feet each;
- b. A free standing sign taller than 16 ft in height or 120 sq ft in size.
- c. Building signage exceeding one and a half (1.5) square foot in sign area for every running foot of building frontage occupied by the principal structure (excluding porches, etc.).

AMENDED 5/10/2013

193-37. Erosion and sedimentation control

A. General

(1) An erosion and sedimentation control plan shall be required in accordance with this section.

(2) An erosion and sedimentation control plan shall be submitted with any application for development when the disturbed area of such development is cumulatively more than one-half (1/2) acre or whenever any other provision within these regulations specifically requires the submission of such a plan. A single-family dwelling that is not part of a subdivision of land shall be exempt from the provisions of this section, except as these regulations may specifically provide otherwise.

(3) The Barkhamsted Planning and Zoning Commission shall review and certify such plan and shall direct its designated agent to inspect for compliance with said plan.

B. Definitions. For the purposes of this section, the following terms, phrases and words shall have the meanings thereafter stated:

CERTIFICATION - A signed, written approval by the Commission, its designated agent or the Litchfield County Soil and Water Conservation District that a soil erosion and sediment control plan complies with the applicable requirements of these regulations.

DEVELOPMENT - Any construction or grading activities to improved or unimproved real estate.

DISTURBED AREA - An area where the ground cover is altered, destroyed or removed, leaving the land subject to accelerated erosion.

EROSION - The detachment and movement of soil or rock fragments by water, wind, ice or gravity.

GRADING - Any excavation, tilling (including hydraulic fill) or stockpiling of earth materials or any combination thereof, including the land in its excavated or filled condition.

INSPECTION - The periodic review of sediment and erosion control measures as shown on the certified plan.

SEDIMENT - Soil material, either mineral or organic, that is in suspension, is transported or has been removed from its site of origin by erosion.

SOIL - Any unconsolidated mineral or organic material of any origin.

C. Contents of plan.

(1) To be eligible for certification, a soil erosion and control plan (hereinafter the “plan”) 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.

(2) For methods and practices necessary for certification, refer to the Connecticut Guidelines for Soil Erosion and Sediment Control (2002), as amended, published by the Connecticut Council on Soil and Water Conservation. Alternative principles, methods and practices may be used with prior approval of the Commission. The Commission may refer requests for the use of alternatives to the Litchfield County Conservation District for review and approval. The soil erosion and sedimentation control plan shall be prepared by a professional civil engineer licensed to practice in the State of Connecticut.

(3) The plan shall consist of a written report and a site plan, which shall contain, but not be limited to, the following information:

(a) The written report, with appropriate typical details and illustrations, shall include:

(1) A description of the proposed project.

(2) A schedule for grading and construction activities, including starting and completion dates, a sequence of grading and construction activities, a sequence for installation and/or application of soil erosion and sediment control measures and a sequence for final stabilization of the project site.

(3) The design criteria for the proposed soil erosion and sediment control measures and stormwater management facilities.

(4) The construction details for proposed soil erosion and control measures and stormwater management facilities.

(5) The installation and/or application procedures for proposed soil erosion and sedimentation control measures and stormwater management facilities.

(6) The operations and maintenance program for proposed soil erosion and sedimentation control measures and stormwater management.

(b) The erosion and sedimentation control site plan shall be drawn at a scale of one (1) inch equal to no more than forty (40) feet on sheets either eighteen by twenty four (18x24) inches or twenty-four by thirty-six (24x36) inches in size. The site plan shall show:

(1) The location of the proposed development and adjacent properties.

(2) The existing and proposed topography, including soil types, wetlands, watercourses, and water bodies.

(3) The proposed area alterations, including cleared, excavated, filled or graded areas and proposed structures, utilities, roads and, if applicable, new property lines.

(4) The existing structure on the project site, if any.

(5) The location and details for all proposed soil erosion and sediment control measures and stormwater management facilities.

(6) The sequence of grading and construction activities.

(7) The sequence and installation and/or application of soil erosion and sediment control measures.

(8) The sequence for final stabilization of the development site.

D. Statement of compliance. The professional civil engineer responsible for preparing the plan shall state on the plan that it is in conformance with the provisions of these regulations. The statement of compliance shall be properly signed, sealed and dated by the professional engineer.

E. Other information. The applicant shall provide any other information deemed necessary and appropriate by the Commission or its designated agent.

F. Minimum standards for soil erosion and sediment control.

(1) Plans for soil erosion and sediment control shall be developed in accordance with these regulations using the principles outlined in Chapters 3 and 5 of the Connecticut Guidelines for Soil and Erosion and Sediment Control (2002), as amended (hereinafter the "Guidelines"). The plan shall result in a development that minimizes erosion and sedimentation during construction, is stabilized and protected from erosion when completed and that does not cause off-site erosion and/or sedimentation.

(2) The minimum standards for individual measures are those in the Guidelines. The Commission or its authorized agent may grant exception when requested by the applicant if technically sound reasons are presented.

(3) The appropriate method from Chapter 9 of the Guidelines shall be used in determining the peak flow rates and volumes of runoff unless an alternative method is approved by the Commission.

G. Issuance or denial of certification.

(1) The Commission or its authorized agent shall either certify that the plan, as filed, complies with the requirements and the objectives of these regulations or shall deny certification when the development proposal does not so comply.

(2) Nothing in these regulations shall be construed as extending the time limits for the approval of any application under Chapter 124, 124a or 126 of the Connecticut General Statutes.

(3) Prior to certification, any plan submitted to the Commission may be reviewed by the Litchfield County Soil and Water Conservation Dist which may make recommendations concerning such plan, provided that s 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 plan be certified by the Litchfield District. Any costs related to such certification by the District shall be borne by the applicant.

(4) The Commission may forward a copy of the development proposal to other agencies and/or advisors for review and comment.

H. Application of controls, bond or other security:

(1) The estimated cost of measures required to control soil erosion and sedimentation, as specified in the certified plan, shall be covered by a completion and maintenance bond or other security acceptable to the Commission for the completion and maintenance of the required soil erosion and sedimentation control measures. A cost breakdown forming the basis of the amount of the bond or other security to be posted may be submitted to the Commission by the applicant with the application for a soil erosion and sedimentation control development proposal.

(2) Site development shall not begin unless the plan is certified and those measures and facilities scheduled for installation prior to site development are installed and functional and/or a bond or other security assuring the completion and maintenance of measures and facilities has been posted in a form and in an amount acceptable to and approved by the Commission.

(3) Erosion and sedimentation control measures and facilities shall be installed as scheduled according to the plan.

(4) All control measures and facilities shall be maintained in effective condition.

I. Inspections. Inspections may be made by the Commission or its authorized agent during the development to ensure compliance with the certified plan. The Commission may require the applicant to verify through progress reports that the required control measures and facilities have been carried out according to the certified plan and are being maintained.

J. Release of bond or security. Upon completion of all work specified in the certified plan, the applicant shall notify the Commission thereof and submit a report including maps as necessary, certifying that the soil erosion and sedimentation control measures have been completed as approved by the Commission. Upon receipt of the report and inspection of the site by the Commission or its designated agent, the Commission may release the portion of the bond or other security posted for the installation of the required measures upon the finding that the provisions of the certified plan have been complied with. The portion of the bond or other security posted for assurance that the installed measures shall be adequately maintained may be released, subject to the above inspection and reporting requirement, at the end of the maintenance period, normally eighteen (18) months.

193-38. Temporary uses

The following temporary uses may be issued a temporary use permit in accordance with the stated requirements:

A. Trailers occupied as dwelling units where such trailers are connected to an approved sewage and water system and where the trailer is located in a residential zone. The temporary use permit may be issued by the Zoning Enforcement Officer for six (6) months and renewed once for not more than six (6) months. AMENDED EFFECTIVE 10/15/2002

B. Construction trailers or storage sheds for construction-related office and storage uses only where they are associated with a bona fide construction activity for a period determined by the by the Zoning Enforcement Officer to coincide with completion of the proposed construction activity. AMENDED EFFECTIVE 10/15/2002

C. Roadside stands selling only produce grown on the premises located in any zone.

D. Temporary use permits

1. One-day event. A temporary use is permitted in any zone for a church, school, civic association, social club, volunteer department, or other organization to hold a fair, carnival, circus, horse show, athletic meet or similar event for a period not exceeding one (1) day per event.

2. Two-day event. A temporary use permit for a two-day event, day-time only, can be issued by the Zoning Enforcement Officer upon the filing of a site plan showing that parking and safety issues have been addressed. No fee will be charged for this permit.

E. Special Exception for a Temporary Use for special events sponsored by any organization to hold a fair, carnival, circus, horse show, athletic meet or similar event on its own premises for a period of more than two days and/or during evening hours, but not more than seven (7) consecutive days in any calendar year. The Commission may issue a Temporary Use Special Exception Permit to any group or organization to hold an event as described and limited above upon other permissible premises than those of such group or organization. The Commission may waive fees for a non-profit organization if it so desires.

In addition to the standards and requirements of Article VIII, the Commission shall find that the nature of the event is such that it will not create an unsafe level of traffic or congestion on a local street or create noise, off-site lighting or other significant disturbances to the surrounding residential neighborhood.

193-39. Site design standards for new non-residential development in residential districts

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

The following site design standards shall be in addition to any other applicable zoning requirement. These standards shall apply in the RA-2 zone and to all buildings and accessory structures associated with any permitted use or special exception use with the following exceptions:

- (1) Buildings and accessory structures designed or intended for residential dwelling purposes.
- (2) Buildings and accessory buildings and structures designed and intended for farm use.
- (3) The conversion of existing buildings to a non-residential use provided that the total addition to any individual building or structure is not increased by more than 25%.

B. Standards for lot coverage. The following standards limit the developed portion of a lot and the total floor area of the building(s) on a lot as a percentage of the total lot area. These standards are consistent with the purposes of the Town Plan and the intended scale of development in residential zoning districts.

- (1) The maximum percentage of total building(s) footprint to the total lot area shall be 10%. (Building footprint is the area within the foundation of a building).
- (2) The maximum percentage of total floor area of all building to the total lot area shall be 15%.
- (3) The maximum lot coverage shall be 25%.

C. Location requirements for large buildings. Each non-residential building with a building footprint in excess of four thousand (4,000) square feet shall be set back from the front, side and rear lot line by the distance required for the front, side and rear yard for the zone in which the building is located, plus an additional twenty-five feet from the front, side and rear yard line for each one thousand (1,000) square feet, or fraction thereof of building footprint in excess of four thousand (4,000) square feet.

The Commission may not require such additional setback(s) along property line(s) where the information submitted by the applicant demonstrates to the satisfaction of the Commission that, due to the existing

topography and/or existing proposed landscape, the building will not be visible from property line(s) or where the adjacent land is permanently protected land.

D. Location of parking and driveways. No parking area or internal driveway(s) connecting parking areas shall be permitted within the minimum front, side or rear yards. No above or below ground parking structure shall be permitted.

E. Site grading. Grading of the site within the required yards shall be kept to a minimum. Where grading is permitted within a required yard, the finished grade shall not vary from the original grade before construction by more than three (3) percent.

The Commission may permit grading within a required yard(s) which exceeds the above standard along a property line(s) where the information submitted by the applicant demonstrates to the satisfaction of the Commission that due to the existing topography and/or existing or proposed landscape, the building will not be visible from a property line(s) or where the adjacent land is permanently protected land.

F. Landscape buffers. Natural stands of trees and shrubs located within the required yards shall be preserved wherever possible. The Commission shall require a planting of additional trees and shrubs on the lot to provide a visual buffer between the proposed buildings and structures and any adjacent residentially (zoned) property and from the street. The Commission may determine that this requirement need not be applied where the adjacent property is permanently protected open space.

G. Landscape requirements for parking lots. The following standards shall apply to the design and development of the parking lots for non-residential development in non residential zones and for non-residential special use permits in residential zones.

The site plan for any such proposed or expanded parking area shall be accompanied by a parking lot, landscape plan drawn to scale showing all existing and proposed plantings clearly located and labeled with the common name, height, caliper, eventual spread, the quantity of each and, where appropriate, spacing.

For any parking lot that contains ten (10) or more parking spaces, not less than ten (10) percent of the total parking lot area shall be landscaped and continuously maintained with trees, shrubbery and other planting beds as shown on the approved parking lot landscape plan.

The Commission may not require landscaping within that portion of a parking lot located to the rear of a building on the site or which is otherwise not visible from a public Street. Otherwise landscaped areas must be distributed as evenly as possible throughout the parking area.

Planting outside of the parking area along the perimeter of the parking lot or adjacent to a building between the building and parking lot shall not be considered a part of the ten (10) percent parking lot landscape requirement.

The landscape design for the parking lot and open space areas on the lot shall be integrated with the plan for storm water drainage on the site.

Individual parking lot landscape areas shall be not less than twenty-five (25) square feet, excluding curbing.

Preparation of landscape areas shall be described. Mulched planting beds shall be provided around all trees and shrubs. Trees and shrubs planted within five (5) feet of any parking area shall be of a variety capable of withstanding salt damage. Where possible, existing trees shall be saved by appropriate welling or mounding.

A bond shall be provided in an amount sufficient to cover the cost of all perennial landscape plantings. The bond shall be released upon the recommendation of the Zoning Enforcement Officer after such plantings have survived one winter and survival is clearly established.

H. A stormwater management plan shall be prepared that incorporates best management practices in accordance with the 2004 Connecticut Stormwater Quality Manual, as amended, unless the Commission waives the requirement because the proposed activity will have minimal impact to the environment.

ARTICLE VII

Site Plans

193-40 Site Plan Standards and Requirements

A. Purpose. The Site Plan is intended to provide the Commission with information which will aid in determining the conformity of a proposed building, use or structure with specific provisions of these regulations including the "Criteria or Approval" set forth in hereof.

B. Applicability. A Site Plan, as prescribed in this section shall accompany the application for any permitted use or Special Exception, or for any expansion thereof, except for single-family homes, permitted accessory buildings and such other uses that are specifically exempted from submission of a Site Plan as stated in the Regulations unless otherwise specified. Applicants are encouraged to submit a draft proposed Site Plan for review by the staff prior to formal submission of the Site Plan application.

Where a Site Plan is required it must be approved by the Commission, or its authorized agent, prior to the issuance of a zoning permit or Special Exception.

C Decision. A decision by the commission on a Site Plan, submitted as part of a zoning permit application or an application for a Special Exception, shall be rendered within 65 days after receipt of such Site Plan. The applicant may withdraw such plan or may consent to one or more extensions of such period, provided the total period of any such extension or extensions shall not exceed two further 65-day periods.

D. Expiration of Site Plan approval. All work in connection with a Site Plan shall be completed within five (5) years after the date of approval of the Site Plan (unless otherwise provided for in the Connecticut General Statutes). The Site Plan shall include an approval block, which shall state the date on which such five (5) year period expires. Failure to complete all work within such required time for completion shall result in automatic expiration of the approval of such Site Plan. "Work" for the purpose of this requirement means all physical improvements required by the approved plan.

E. Submission to Inland Wetlands Commission If a site plan application involves an activity regulated pursuant to the requirements of Chapter 133, Inland Wetlands Regulations, the applicant shall submit an application for a permit to the Inland Wetlands Commission not later than the day such application is filed with the Planning and Zoning Commission. The decision of the Planning and Zoning Commission shall not be rendered on the site plan application until the Inland Wetlands Commission has submitted a report

with its final decision. In making its decision, the Planning and Zoning Commission shall give due consideration to the report of the Inland Wetlands Commission.

F. Submission to Planning and Zoning Commission. Site plans shall be submitted to the Planning and Zoning Commission, which shall grant final approval, disapproval or approval with modifications.

G. Public hearing not required for amendments. Amendments to approved site plans which do not substantially alter the content of the approved plan may be submitted without a public hearing.

H. Number and size of copies, standards. When applying for site plan approval, an applicant shall file four (4) copies of the plan and one (1) recording mylar with the Commission. The Site Plan shall be accurately drawn to a scale not to exceed one inch = 100 ft on sheets not to exceed 24" X 36". Site Plans shall be certified correct to A-2 Survey Standards by a Connecticut Registered Land Surveyor (R.L.S.) Where it determines that A-2 level of accuracy is not necessary to determine compliance with these regulations the Commission may upon request of the applicant allow a lesser degree of accuracy for the location of certain improvements or certain property lines.

The design, layout and computations relating to the construction of facilities for storm drainage or improvements such as a new accessway, parking areas, etc. shall be prepared by a Connecticut registered engineer or where qualified to do so by a Connecticut registered landscape architect. Where the regulations require a landscape plan or such is required a condition of approval of a special exception the landscape plan shall be prepared by a professional landscape architect. The applicant may request the Commission to authorize that the landscape plan be prepared by a qualified landscape designer. The Commission may approve such a request where it determines that the size and complexity of the project do not require a landscape architect prepared plan.

I. Information to be included on Site Plans. A Site Plan shall contain the following information as applicable, as determined by the Commission or its authorized agent:

- (1). Name of applicant and owner of property.
- (2). Scale and North arrow.
- (3). Property boundary, dimensions angles, area, zoning setback requirements, zoning district and the proposed use and the corresponding reference category as set forth in Article II, Uses Permitted Section 193-27 "Table of uses permitted by zone"
- (4). Names of record owners of abutting properties.
- (5). Locations and dimensions of all existing and proposed buildings, driveways, parking and loading areas, storage areas, drainage features. Location of fences and walls, natural and artificial water features, wetlands and exposed ledge rock.
- (6). In a table form show the existing requirements for the zone as set forth in Article IV, Section 193-28 "Table of area and Dimensional requirements" and compare this to the dimensions as proposed on the Site Plan. Also show the number of off-street parking spaces as required under Article I, Section 193-8 "Off street parking and loading requirements" and the number of off-street parking spaces proposed.
- (7). Adjacent properties in relation to the proposed development and the neighborhood within 500 feet in all directions.
- (8). Proposed signs showing locations, dimensions, and means of illumination and all other exterior lighting fixtures. i. Locations and methods of water supply and sewage disposal facilities; ii, "Show Erosion and Sedimentation Control devices in accordance with Article VI Sections 193-37; and iii, "Proposed Stormwater Management Plan for stormwater treatment and/or detention during and after construction."

- (9). Illustrations, elevations, and renderings of the proposed buildings and project area sufficient to clearly show the proposal, as required by the Commission. A landscaping buffering and plan shall be submitted which shows existing and proposed landscaping, plantings, including a table of sizes, types, and amounts of proposed materials.
- (10). Certification, on the plan or separately, by the Health District concerning satisfactory conditions for sewage disposal, consistent with the State Health Code.
- (11). Where grading is required, existing and proposed contours at two-foot intervals, based upon field survey.
- (12). Existing and post construction surface drainage patterns.
- (13). A biological assessment of the natural resources located on the subject property with special reference to wetlands, vernal pools and biodiversity prepared by a qualified expert shall be submitted unless the Commission waives the requirement because the proposed activity will have minimal impact to the environment.

For an application involving a Special Exception the Site Plan shall also:

- (14). Identify any abutting church, school, library, public playground or similar facility or use.
- (15). List the similar existing Special Exception uses in the vicinity of the proposed site.

J. A Criteria for Site Plan Approval. Criteria for approval. Applications for Site Plan approval shall be considered and evaluated by the commission under the following criteria:

- (1). The capacity of adjacent and feeder streets to accommodate the projected traffic volume. Where required by these Regulations or by the Commission, a traffic study shall be prepared by a licensed professional engineer addressing the impact of the development upon the street system in the area.
- (2). The location of any points of ingress and egress and arrangement of off-street parking facilities.
- (3). Accessibility of emergency vehicles and equipment.
- (4). The availability and adequacy of public utilities such as electricity, telephone, gas, water, sanitary sewers and cable television.
- (5). Provisions for solid waste pick up.
- (6). Ease of entrance to, and exit from the development, with a minimum of disturbance to outside traffic flow.
- (7). Entrances and exits shall be located either at an existing intersection or a minimum of 50 feet from an intersection.
- (8). No exit or entrance shall exceed a grade of three (3%) percent within twenty-five (25) feet of any street line nor eight (8%) per cent of any other point.
- (9). The adequacy of design of the interior vehicular circulation system, to provide safe and convenient access to all structures, uses, parking spaces and loading spaces.
- (10). The (a) basic design of the proposed use(s) or buildings; (b) relationship between the buildings and the land; and (c) overall physical appearance of the proposed use(s) or buildings will be in general harmony with the character of the surrounding neighborhood and will not serve to blight or detract from abutting residences or other property.
- (11.) Adequacy of the Stormwater Management Plan.
- (12.) Effect the project may have on the property's natural resources.

K. Completion of improvements, bond. The Zoning Enforcement Officer or other designee of the Commission shall certify that all site development work and auxiliary facilities, sewer system, parking

areas, landscaping and planting and recreation areas and related facilities have been installed as shown on the approved site development plan prior to the issuance of a certificate of zoning compliance. In lieu of the completion of all improvements as a condition of the approval of the site plan, the Commission may require a bond in the amount of one hundred twenty-five percent (125%) of the outstanding work. The bond shall be posted in the name of the Town of Barkhamsted. The Planning and Zoning Commission shall set the bond amount after detailed estimates have been submitted by the applicant.

L. Modification of submission requirements. The Planning and Zoning Commission may modify the above stated submission requirements any particular Site Plan application, where in the opinion of the Commission, the scope and circumstances of such a proposed development application are such that certain information is not necessary to determine compliance with the regulations or complete its review of the proposed project.

193.41. Landscape Standards and Requirements

A. Purpose

- (1). The purpose of this section is to establish landscape standards compatible with the rural character of the Town, to retain natural vegetation for scenic and water quality purposes and to enhance the appearance of public areas, such as parking lots.
- (2). Properly placed and designed landscape areas help to visually separate different categories of land uses and minimize the conflict between adjoining uses of land. Site development factors, such as noise, glare of lights, signs, incompatible buildings, parking and loading areas, accessways and circulation areas can be mitigated by landscape buffers. Landscape areas provide visually attractive separating spaces that reduce these adverse impacts.

B. Standards and Requirements. For all uses other than permitted residential uses, the portion of a lot covered by buildings, other structures, outside storage or paved areas shall be suitably landscaped with trees, shrubs, lawns or other landscape materials. Areas not disturbed by filling, grading, excavation or other construction activity, shall be wherever possible left as natural terrain.

C. Landscape Plan Required.

- (1). The Commission may require submission of a Landscape Plan as part of any Special Exception application.
- (2). It shall require a landscape Plan as part of the Site Plan application for development of a lot located in non-residential zones and for a Special Exception application involving a non-residential use located on a lot in residential zone.
- (3). The Commission may require a Landscape Plan for any use involving outside storage of goods, materials or machinery.

D. Landscape Plan. Where a landscape plan is required, a registered landscape architect or architect shall provide a professional assessment of the visual impact of the development upon the surrounding land uses and as viewed from public streets serving the site. Where required by the Commission, the landscape architect shall provide cross section views from various vantage points of the site showing the existing and the proposed development and landscape materials. The Commission may waive this requirement where it determined that a visual assessment and/or cross sections are not needed.

(1). The landscape plan shall be designed to mitigate the visual impact of the proposed development upon the existing and the probably future development of the area surrounding the site. The plan shall include a detailed estimate of the cost of landscaping. The property owner is responsible for proper maintenance of all landscape areas.

- i. Landscape plans shall incorporate native tree species based on known performance for managing stormwater runoff.
- ii. Public trees removed or damaged during construction associated with private development may be required to be replaced on or off-site with an equivalent amount of tree caliper (e.g. remove a 24" diameter tree/replace with six 4" diameter trees.)
- iii. Construction protection practices shall be implemented for protection of public trees (e.g., fencing, no hazardous materials, avoid cutting into root zones.)
- iv. Trees over a minimum size of 3" caliper protected during development are credited towards landscaping requirements.

(2). The Commission shall review and decide on the landscape plan in consideration of the purposes stated in paragraphs one and two above. The Commission may require that one or all of the yard areas along a property boundary line shall be landscaped with evergreen shrubs or trees, or such landscaping in combination with embankments, fences and/or walls, to provide a screen and transition from the site to the surrounding area.

(3). Natural stands of trees and shrubs located within the required yards shall be preserved wherever possible. The Commission may require planting of additional trees and shrubs on a lot to provide a visual buffer between the proposed non-residential buildings and structures and any adjacent residentially zoned property and from the street.

(4). The Commission may require that a performance bond be provided to ensure the completion of the landscape plan.

(5). Clear-cutting or harvesting of trees within buffer areas is expressly prohibited at any time without prior Commission approval.

E. Landscape Materials. Plant materials shall be nursery grown and conform to standards of ANSI 260-1 *American Standards for Nursery Stock*. Sizes listed are minimum acceptable; larger sizes are encouraged.

F. Plant material Specifications.

(1). Large, deciduous shade trees (example: maple, oak, ahs, linden) shall be single tem, 3" caliper at 6" above ground.

(2). Ornamental deciduous trees (example: crabapple, cherry, magnolia, flowering dogwood) shall be single stem, 2" caliper at 6" above the ground.

(3). Evergreen trees (example: pine, spruce) shall be single stem and a minimum of 6' in height.

(4). Deciduous shrubs: 18" to 24" in size range.

(5). Broadleaf evergreen shrubs (example: rhododendron) shall be 24" in spread or height.

(6). Minimum size container grown shrubs: 3 gallons.

(7). Ground covers: minimum 2-year old plants.

(8). Vines: minimum five leaders of 6" length.

The applicant shall provide a plant list of all landscape materials including English and Latin names, size branching height, root form (bare root or balled in burlap), quantity of each species and remarks regarding planting and care.

G. Landscape Buffer. A landscape buffer shall be provided between any use in a non-residential zone and an adjacent residential zone or between any non-residential or multi-family residential use and adjacent uses in a residential zone as follows:

- (1). The minimum width of a buffer for multi-family residential uses shall be 20 feet; for non-residential uses, 50 feet.
- (2). Landscape the buffer with continuous evergreen trees or hedges having a minimum height of five feet to provide screening and separation.
- (3). No paving is allowed within the buffer.
- (4). The Commission may reduce or waive this buffer requirement and instead authorize the substitution of landscape screening with appropriate fencing or walls.

H. Screening. Provide screening for any objectionable area or view that is visible from adjacent properties or from the street, including but not limited to, loading areas, refuse storage or ground fixed mechanical equipment. Acceptable screening materials include: evergreen hedges, fences providing visual screening, masonry walls or any combination to the above materials.

I. Landscape Screening for Parking Areas. In parking lots of ten or more parking spaces, at least 10% of the parking area shall be suitably landscaped with appropriate trees, shrubs and other plant materials, subject to approval of the Commission, based upon consideration of the adequacy of landscaping to provide a safe, convenient and attractive parking lot.

Landscaped areas shall be provided in parking lots, distributed among end islands, interior islands and planting strips; there shall be allocated at least 20 square feet of net planting per parking space. Shade trees shall be provided at a rate of one per six cars.

Existing suitable landscape materials shall be preserved where practical and shall be designed with new planting to reduce the visual and audio impacts, glare and heat.

J. Maintenance. Maintain landscaping in a healthy, growing condition at all times. The property owner shall be responsible for regular weeding, mowing of grass, irrigating, fertilizing, pruning and other operations necessary for proper care. Any plant that dies shall be replaced with another living plant as soon as possible.

193-42. Outdoor Lighting Regulations.

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

Except as herein provided, these regulations shall apply to any outdoor lighting fixture installed, modified or refurbished within the Town of Barkhamsted. This regulation applies to all sites located in non-residential zones and special exception uses in residential zones.

B. Definitions:

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

Direct Light Source. The lamp or bulb that produces the actual light.

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

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

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

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

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

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

Lamp. The light source component of luminaries that produce the actual light.

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

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

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

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

Outdoor Lighting. The night time illumination of an outside area or object by any man made devicelocated outdoors that produces light by any means.

Ratio. Uniformity ratio, describing the average level of illumination in relation to the lowest level of illumination for a given area.

Example: U.ratio = 4:1 for the given area, the lowest level of illumination (1) should be no less than 1/4 or 4 times less than the average (4) level of illumination.

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

C. Lighting Plan. Outside lighting for non-residential and multi-family uses will be subject to a site plan review, unless waived in writing by the Commission and shall be accompanied by a lighting plan showing:

- (1) The location, height and type of any outdoor lighting luminaries, including building mounted.
- (2). The luminaire manufacturer's specification data, including lumen output and photometric data showing cutoff angles, the type of lamp (metal halide, compact fluorescent, high pressure sodium).
- (3). The Commission may require an isodiagram showing the intensity of illumination expressed in foot candles at ground levels.

D. General Requirements.

- (1). All exterior lights and illuminated signs shall be designed, located, installed and directed in such a manner as to prevent objectionable light trespass at (and glare across) the property lines and disability glare at any location on or off the property. The "maintained horizontal illuminance recommendations" set by the Illumination Engineer Society of North America (IES) shall be observed. (See Appendix A and B)
- (2). All lighting for parking and pedestrian areas will be full cut-off type fixtures. Floodlighting is prohibited.
- (3). Lighting for display, building and aesthetics must be shielded to prevent direct glare and/or light trespass and must also be, as much as physically possible, contained to the target area. All building lighting for security or aesthetics will be full cut off or a fully shielded/recessed type, not allowing any upward distribution of light.
- (4). Adjacent to residential property and in all residential zones, no direct light source will be visible at the property line at ground level or above.
- (5). Employ soft, transitional light levels, which are consistent from area to area. Minimize contrast between light sources, lit areas and dark surroundings.
- (6). All non-essential lighting, except signs, will be required to be turned off after business hours, leaving only the necessary lighting for site security - motion or infrared sensor lighting is encouraged.
- (7). Ornamental lighting designed to highlight flagpoles, sculptures or landscape feature should be targeted directly at the object and should not extend 10% beyond the perimeter of the object.
- (8). The height of luminaries, except streetlight in public right-of-ways, shall be the minimum height necessary to provide adequate illumination, but shall not exceed a height of 24 feet, including the base.
- (9). Exemptions - Traditional seasonal lighting and temporary lighting used by police and fire departments and emergency services are exempt from these regulations.

APPENDIX A

IES MAINTAINED HORIZONTAL ILLUMINANCE RECOMMENDATIONS_(Foot-candles)

IES Parking Lot Levels of Activity (Examples)	General Parking & Pedestrian			Vehicle Use Area Only		
	Average	Minimum	U.Ratio	Average	Minimum	U.Ratio
High						
Major Athletic Events	3.6	.9	4:1	2.0	0.67	3:1
Major Cultural/Civic Events	3.6	.9	4:1	2.0	0.67	3:1
Regional Shopping Centers	3.6	.9	4:1	2.0	0.67	3:1
Fast Food Facilities	3.6	.9	4:1	2.0	0.67	3:1
Medium						
Community Shopping Centers	2.4	.6	4:1	1.0	.33	3:1
Cultural/Civic/Recreational Events	2.4	.6	4:1	1.0	.33	3:1
Office Parks	2.4	.6	4:1	1.0	.33	3:1
Hospital Parking	2.4	.6	4:1	1.0	.33	3:1
Airports/Commuter Lots	2.4	.6	4:1	1.0	.33	3:1
Residential Complex Parking	2.4	.6	4:1	1.0	.33	3:1
*Low						
Neighborhood Shopping	.8	.2	4:1	.5	.13	4:1
Industrial Employee Parking	.8	.2	4:1	.5	.13	4:1

Educational Facility Parking	.8	.2	4:1		.5	.13	4:1
Church Parking	.8	.2	4:1		.5	.13	4:1

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

APPENDIX B

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

Example	Level of Activity
Regional shopping centers containing retail space of 300,000 sq. ft. or greater	HIGH
Community shopping centers containing retail space of 5,000 to 299,000 sq. ft.	MEDIUM
Neighborhood shopping centers containing retail space of less than 5,000 sq. ft.	LOW
Fast food facilities (means only with customer seating capacity of 40 or more	HIGH
Automotive dealerships	HIGH
Entertainment theaters, sports arenas	HIGH

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

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

193-43. Architectural Review Committee and Criteria

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

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

- (1) All site plans;
- (2) All Incentive Housing Development applications (See Article Section 193-67.2)
- (3) All changes to facades of non-residential buildings; and
- (4) Signs except:
 - a. those on one, two and three family residential properties; and
 - b. those less than 50 square feet in area.

C. Establishment

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

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

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

E. Relationship of Building to Site

- (1) The site should be planned to accomplish desirable transition with the streetscape buffers between incompatible land uses, and safe vehicle and pedestrian movement
- (2) The visibility of parking areas from streets should be restricted by means of planting, berms, decorative walls, buildings, or other means.
- (3) Large contiguous expanses of parking should be avoided. Plantings, walls, berms, and sidewalks should be placed within parking areas to control traffic and reduce the parking areas' visual impact.

F. Relationship of Buildings and Site to Adjoining Area

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

G. Landscape and Site Treatment

- (1) Where existing topographic patterns and vegetation contribute to the beauty of a development, they should be preserved.
- (2) Service yards, dumpsters, utility structures, loading areas and other places that tend to be unsightly should be screened from public view by landscaping, berms, fencing or other means. The screening should be effective year round.
- (3) In areas where planting will not thrive, other materials such as fences, berms or walls should be used.

(4) Exterior lighting should enhance building design. Lighting standards and building fixtures should be of a design and size compatible with the building and adjacent areas. Lighting should be restrained and excessive brightness should be avoided.

H. Building Design

- (1) Architectural style is not restricted. Evaluation of the appearance of a project shall be based on the quality of its design and its relationship to its surroundings.
- (2) Buildings should have a good scale and be in harmony with the neighboring development.
- (3) Materials should be selected so that the proposed structure is in harmony with the adjoining structures.
- (4) Materials should be of a durable quality.
- (5) Building components, such as windows, doors, eaves, and parapets, should have good proportions and relationship to one another.
- (6) Colors should be harmonious and should use only compatible accents.
- (7) Mechanical equipment or other utility hardware on the roof, ground or buildings should be screened from public view with materials harmonious with the building. Alternatively, they should be located so as not to be visible from public areas.
- (8) Monotony of design in single or multiple building projects should be avoided. Variation in detail, form and sitting should be used to provide visual interest.

I. Signs

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

J. Application

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

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

ARTICLE VIII
Special Exceptions

193-48. Purpose

This article sets forth the standards and procedures for Commission action on special exceptions. Special exception uses, as listed on the table of use regulations, are uses which may be necessary to the Town but which may be detrimental to adjacent properties and the neighborhood unless proper safeguards are taken. The Commission must evaluate the impact of such uses upon neighboring uses and surrounding areas and whether or not to grant the special exception.

193-49. General standards and objectives

The Commission may approve a special exception for specific uses listed in these regulations. For all special exception applications, the Commission shall take into consideration the public health, safety and welfare. The Commission shall prescribe appropriate conditions and safeguards to ensure the accomplishment of the following general standards and objectives and any specific standards or requirements for individual special exception uses as set forth herein:

A. All proposed structures, equipment or material shall be readily accessible for fire and police protection.

B. The proposed use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the zone, neighborhood and Town and will not be detrimental to established properties in the area. The Commission may refuse to grant a special exception if it has reasonable cause to believe:

(1) That the proximity of the proposed special exception use will have a detrimental effect upon any church, school, library, public playground or similar facility or use.

(2) That the number of similar special exception uses in the vicinity is such that the granting of a new special exception is detrimental to the public health, safety and welfare.

C. Pedestrian and vehicular traffic to and from and in the vicinity of the use will not be hazardous or detrimental to the character of the zone or conflict with the traffic characteristics of the neighborhood. The Commission's decision shall be made in consideration of the location, size and layout of such use, its nature and the intensity of operations involved and its relation to local streets providing access to the site.

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

E. The adequacy of the following shall be shown:

(1) Proposed methods for the disposal of wastes.

(2) Proposed measures for the control of pollution of surface and ground water supplies

(3) Proposed measures for the control of storm water runoff

(4) Proposed site design and the layout of proposed buildings and structures to protect the value of nearby properties.

(5) Existing fire and police protection, transportation, water and sewer facilities, schools or other public facilities to meet the needs of the proposed use.

193-50. Form: filing, fee

- A. Application for special exception shall be made on forms provided and shall include all necessary data.
- B. All applications for special exceptions shall be accompanied by site plans in conformance with Article VII of these regulations.
- C. Applications and site plans shall be filed with the Commission in triplicate.
- D. The fee for an application for a special exception shall be as set by the Planning and Zoning Commission or any town ordinance on land use application fees.

193-51. Submission to the Inland Wetlands Commission

If an application for a special exception involves an activity regulated by the Barkhamsted Inland Wetlands Commission, the applicant shall submit an application to the Inland Wetlands Commission no later than the day the application is filed with the Planning and Zoning Commission.

193-52. Planning and Zoning Commission action

- A. The Planning and Zoning Commission shall hold a public hearing on a special exception application within sixty-five (65) days of receipt of a completed application and fee.
- B. Notice of the time and place of hearing shall be published in a newspaper having a substantial circulation in the Town at least twice, at intervals as set forth in the Connecticut General Statutes.
- C. The Commission shall act on the application not later than sixty-five (65) days after the closing of the hearing.
- D. The Commission shall not render a decision on the application until the Inland Wetlands Commission has submitted a report with its final decision. In making its decision, the Planning and Zoning Commission shall give due consideration to the report of the Inland Wetlands Commission.
- E. Whether the Commission grants or denies a special exception, it shall state the reasons for its decision upon its records.
- F. Notice of the decision of the Commission shall be addressed, by certified mail, to the applicant in writing, within fifteen (15) days after the decision. Notice of the decision shall be published within fifteen (15) days of the decision in a newspaper having a substantial circulation in the Town.

193-53. Performance guaranty

- A. To assure conformance with all proposals, excluding buildings, shown on the approved site plan and other approved required documents, a performance guaranty in the amount required by the Commission shall be posted prior to the approval of the final site plan.
- B. The performance guaranty may consist of one (1) or more of the following: a savings bank deposit book, a letter of credit or other similar surety acceptable to the Commission and the Town counsel.

193-54. Filing and recording

- A. Any special exception issued under these regulations shall not become effective until copies of the permit are:
 - (1) Filed in the office of the Town Clerk.

(2) Recorded in the Town land records.

B. The copy of the special exception filed in the land records shall:

(1) Contain a description of the premises.

(2) Specify the nature of the special exception.

(3) State the regulation under which the special exception is issued.

(4) State the names of all owners of record of the premises.

C. The applicant or record owner shall be responsible for filing and recording the special exception and shall pay all filing and recording fees.

193-55. Conformance to standards and requirements

In addition to the above requirements, certain special exception uses shall conform to the following specific standards and requirements.

193-56. Home occupations (AMENDED EFFECTIVE 10/8/2010)

193.56 A. In-Home Business and/or Office Use

An In-Home Business and/or Home Office is allowed as an accessory use by Zoning Permit when the business or office use involves conducting business primarily by the telephone, internet or mail, maintaining records and similar functions. The Zoning Enforcement Officer may issue a zoning permit for an In-Home Business and/or Home Office use. Such an In-Home Business and/or Home Office shall comply with the following:

1. The business or office activity shall be conducted entirely within the home and shall occupy no more than 33% of the gross floor area of the residence.
2. The only employees or persons involved with the Home Office use on the residential premises shall be members of the family residing in the dwelling.
3. The Home Office use shall be clearly incidental to the use of the dwelling as a residence.
4. No outdoor display or storage, including but not limited to materials, goods, supplies or equipment shall be permitted in conjunction with the Home Office use.
5. There is no change in the exterior of the dwelling or any evidence of the Home Office Use which is visible from the exterior of the dwelling other than the posting of a sign in conformance with Section 193-36 - Signs.
6. There is no additional traffic, parking, noise or electrical interference over that which is typical for the residential use without a Home Office use.
7. There is no hazardous materials stored, used, or disposed of in association with a Home Office use (other than that commonly associated with a residence.)

193-56 B. Home enterprise

The purpose of the home enterprise section of these regulations is to permit the production and sale of home-made goods as an accessory use. Primary qualifying criteria for uses in this category are that the goods or product must be made on the premises by the owner- resident of the property or member of the family. This regulation is designed to keep the home enterprise in scale with residential use of the neighborhood and to assure that it does not expand into a commercial retail business activity selling goods which are not home-produced. The Zoning Enforcement Officer may issue a zoning permit for a home enterprise.

1. Uses permitted:

a. Preparation and sale of those products produced in the home provided that such are created entirely on the premises, such as: home baking, needlework, dressmaking, - tailoring and the like.

b. Preparation and sale of the products of arts and crafts, provided such are created entirely on the premises, such as painting and illustration, wood carving and cabinet making, ceramics, sculptures, ornamental glass and the like.

2. Uses not permitted:

a. Uses not permitted in this category include, but are not limited to, barber shops, beauty shops, dancing schools, karate schools, restaurants, printing shops, employment agencies, radio stations and the like.

3. Standards and criteria:

a. The use must be conducted by the resident members of the family, and may include one non-resident.

b. The home enterprise shall be clearly secondary to the use of the premises as a residence.

c. No finished consumer goods shall be acquired for sale in connection with a home enterprise.

d. There shall be no external evidence of the home enterprise except a permitted sign and required off-street parking. The residence shall not differ in its residential character either by use of materials, construction, lighting, emission of sound vibrations, electrical impulses, or release of odors.

e. Any hazardous materials used in conjunction with the home enterprise must be identified. A management plan must be provided which details how these materials will be stored, handled and disposed of.

f. Off-street parking shall be provided to accommodate the parking needs of the home enterprise. The Commission may limit the number of parked vehicles at any one time.

g. The total floor area occupied by the home enterprise shall not be more than 33% of the total floor area of the residence.

h. No noise or electrical interference associated with the home enterprise use shall exceed that which is typical for the residential use without a home enterprise use.

193.56 C. Home Based Business - Purpose

The purpose of this Section is to provide the opportunity for the use of a residence and lot for limited business purposes, while maintaining the residential nature of the lot and neighborhood and protecting residential property values. A Home Based Business where such business use does not comply with the requirements of Section 193.56 A, In-Home Business and/or Office Use, shall require a Special Exception application and shall submit the following:

1. A site plan prepared in accordance with Section 193-40 and building plans clearly drawn to scale showing the floor area and layout of the residence and/or Accessory Building and Gross Floor Area devoted to the Home Occupation Use. Any proposed outside storage and screening shall be shown on the site plan.
2. A business use and activity plan. This shall consist of a written statement describing in general the type and nature of the proposed activity, the product, equipment and/or processes involved, projected typical traffic volume and type, customer/client activity and such other information as the Commission shall require in order to make a determination that the proposed use is qualified under the standards and requirements of these Regulations.
3. Home Based Business Specific Standards:
 - a. The lot shall meet the minimum lot size requirements for the zone that the lot is located in.
 - b. The Home Occupation Use may occupy a portion of a Single-Family Dwelling residence and/or an Accessory Structure on a lot with a Single-Family residence as specified herein and as determined by the Commission.
 - c. A Home Occupation located in a Single-Family Residential Dwelling shall not occupy more than one half of the Gross Floor Area of the dwelling. The Use, whether located in a residence or an Accessory Structure, shall be clearly secondary to the residential use on the lot.
 - d. The Home Occupation Use may occupy an Accessory Building if:
 - i. The location and appearance of the Accessory Building is consistent with the residential character of the Lot and the neighborhood, and
 - ii. It can be demonstrated that the type and intensity of the proposed Use in the Accessory Building will not alter the primary residential character of the Lot.
 - e. The Home Occupation Use shall be conducted by the resident of the dwelling and by members of the family residing on the premises. No more than two non-resident persons shall be employed, full-time or part-time, on the residential lot in association with the Home Occupation use.
 - f. Signage shall be in accordance with Section 193-36 – Signs.
 - g. The appearance of the lot and structures on the lot shall not be altered in a manner that would cause the residence to differ from its residential character either by use of materials, construction, lighting, signs or the emission of sounds, vibrations or electrical impulses.
 - h. There shall be no more than two business related cars, vans or pick-up trucks (or any combination thereof) permitted on the Lot in association with a Home Occupation Use.
 - i. Traffic generated by the Home Occupation Use shall not significantly exceed the volume of traffic consistent with the site and neighborhood. The number of daily vehicle trips associated with the Home Occupation Use, including delivery and pick-up of materials and commodities by a commercial vehicle, may be limited by the Commission as a condition of the special permit according to the nature and location of the proposed Home Occupation Use.
 - j. No on-street parking spaces shall be permitted in association with a Home Occupation Use.
 - k. Off-street parking spaces shall be provided to accommodate the parking needs of the Home Occupation. No additional off-Street Parking Spaces shall be created between the

residence and the Street Line. The Commission may limit the number of parking spaces allowed where it is determined it is necessary to control and limit the volume of traffic, l. The Commission may require a landscape plan that specifies plantings and locations designed to screen the off-street parking area and any approved outside storage areas from view from a public street or neighbor. A landscape screen shall be required if based upon site inspection and public hearing testimony the Commission determines that such a screen is necessary to protect neighboring residential property values and to maintain the single-family residential appearance of the neighborhood.

m. Events for the purpose of selling merchandise or taking orders shall not be held more often than once per month.

n. The use shall not utilize or store hazardous materials, unless the Commission determines that the proposed types and quantities of the hazardous materials utilized or stored will pose a minimum risk to health. Home Occupation uses which pose a significant threat to water quality shall not be permitted including but not limited to furniture stripping, auto or major appliance repair.

o. No retail sales shall be permitted on the premises unless such sales are determined by the Commission to be incidental to the primary Home Occupation Use and such sales are specifically limited as a condition of the permit.

193-56D Parking of commercial vehicles. REVISED EFFECTIVE 7/1/2001

A special exception will be required to park any tractor trailer, more than one commercial vehicle or any commercial vehicle not meeting at least one of the following criteria in the PVC/RC or RA2 zone:

1. A van, pickup truck or dump truck typically used by tradesmen and having a GVW under 12,000 lbs.
2. A vehicle with a GVW over 12,000 lbs. if it is garaged or parked in a location not visible from the road or adjacent homes
3. The vehicle is used for farm purposes, personal use by the owner or is registered as an antique.

193-57. Accessory apartments

An accessory apartment may be permitted within a single-family residence or an approved accessory building associated with a single-family residence, as a special exception in a residential zoning district, subject to the general standards and requirements of this article and the following specific standards and requirements:

A. The purpose of this Section is to broaden the options for housing in the Town of Barkhamsted by permitting accessory apartments associated with a single-family owner-occupied residence. An accessory apartment may be permitted by zoning permit within a single family residence when there is no change to the footprint of the residence, or by special exception approval when there is new construction changing the footprint of the single family residence, or in an approved accessory building associated with a single family residence, in a residential zoning district, subject to the general standards of this Section and the following specific standards.

B. General standard. An accessory apartment may be permitted where it is demonstrated that it will maintain the character and scale of the single-family residence and will blend in with existing surrounding residences and land uses.

REVISED EFFECTIVE 12/29/2003 and again on 10/8/2010

C. The following specific standards and criteria shall be applied by the Zoning Enforcement Officer when reviewing an application for an accessory apartment proposed within a single family dwelling or the Commission in reviewing and deciding upon any application for an accessory apartment by special exception approval in an accessory building:

- (1) The owner of the principal dwelling shall reside in the main dwelling or the accessory apartment.
- (2) Only one (1) accessory apartment shall be permitted on a lot.
- (3) The accessory apartment shall be clearly subordinate to the single-family residential dwelling and shall be subject to the following floor area requirements:
 - (a) The minimum floor area of the accessory apartment shall be four hundred (400) square feet.
 - (b) The total floor area of an accessory apartment created in a main dwelling shall not exceed fifty (50%) percent of the total floor area of the main dwelling. An accessory apartment created in an accessory building shall be not more than sixty percent (60%) of the total floor area of the principal residential dwelling.
- (4) Where construction of an accessory apartment involves an outside addition or modification to a residence or accessory building, the application shall demonstrate that the new construction will blend in with the existing residence or building and will maintain the single-family residential appearance of the building and the lot. The addition shall be in scale with adjoining residences and blend into the existing neighborhood by use of building shape, height, material and landscaping. An addition to an existing single-family residence shall be to the side or rear, and only one (1) entrance shall be visible from the front yard.
- (5) A total of at least three (3) off-street parking spaces shall be provided for the use of the principal residential dwelling and the accessory apartment, preferably located to the rear of the building. Where parking will be located within view from the street, the Commission may require that the parking spaces be screened from public view.
- (6) The accessory apartment shall have its own outside access to the parking area and shall be equipped with its own kitchen.
- (7) The applicant shall submit approval from the Farmington Valley Health District that the existing or proposed well and sub surface sewage disposal system is adequate to serve the proposed use. The apartment may utilize the existing sanitary system on the lot if approved by the Health District. The Health District may require a complete new sanitary system if the existing system is inadequate for the proposed use or if insufficient data is available concerning the existing system.
- (8) The Zoning Enforcement Officer may require an affidavit that the owner is in residence in either the main dwelling unit or accessory apartment.
 - (9) The following provisions shall apply to an apartment created without a zoning permit after the effective date of the zoning regulations and before the effective date of this amendment. (12/29/03) Such an apartment may be issued a zoning permit by the Zoning Enforcement Officer, provided that the Zoning Enforcement Officer shall obtain the following from the applicant:
 - (a) Documentation that the owner is in residence.
 - (b) Written approval of the Farmington Valley Health District.

(c) Off-street parking as required in subsection C (5) above.

193-58. Bed and breakfast establishments (AMENDED EFFECTIVE 10/15/02)

A. The provision of rooms for transient visitors in a residential structure may be permitted as a special exception in a residential zone, subject to the general requirements of this article and the following specific standards and criteria.

B. Standards and criteria for bed and breakfast use. The following specific standards and criteria shall be applied by the Commission in reviewing and deciding upon any application for a bed and breakfast special exception.

(1) Owner/resident. The owner of the principal dwelling on the lot shall reside on the property housing the bed and breakfast.

(2) Parking. The lot shall be large enough to provide additional parking at the rate of one (1) space per guest room, screened from public view and preferably located on the rear portion of the lot.

(3) Structure suitable for use. The applicant must show that the structure is suitable to accommodate guest rooms based upon its interior arrangement, size and structural condition.

(4) Maximum rooms. No more than four (4) guest rooms rated for double occupancy are permitted in a structure in which the owner is in full-time residence.

(5) Bathrooms. Complete bathrooms shall be provided at the rate of one (1) per two (2) guest rooms.

(6) Water and septic approval. The applicant shall present certification from the Farmington Valley Health District that the existing or proposed well and sub-surface sewage disposal system are adequate to serve the proposed use.

(7) Additions. Minor additions may be made to a structure up to two hundred (200) square feet, for improvement necessary for a bed and breakfast use.

(8) Length of stay. The length of stay shall not exceed eight (8) days per guest. Food service shall be limited to continental breakfast only. AMENDED NOVEMBER 12, 2014.

193-59. Private commercial recreation campsites

A. Private commercial recreation area campsites may be permitted as a special exception subject to the general requirements of this article and the following specific standards and criteria.

B. Standards and criteria for private commercial recreation campsites. The following specific standards and criteria shall be applied by the Commission in reviewing and deciding upon any application for a private commercial recreation campsite special exception:

(1) Minimum lot. The minimum lot size shall be twenty-five (25) acres, exclusive of water bodies. Water bodies, for the purpose of this section; shall include any pond, swamp, marsh or bog.

(2) Public Health Code requirement. Section 19-13-B26 of the Public Health Code of the State of Connecticut, including all referenced sections 19-13-B27 to 19-13-B29, inclusive, and section 19-13-B97, are adopted as part of these regulations and shall be complied with in all applicable respects.

(3) Maximum campsites: No more than one hundred fifty (150) campsites shall be permitted.

- (4) Access. Each overall site must have direct access to a paved town road, and each individual campsite must have access (be served) by the interior road circulation system.
- (5) Buffer. Where an area abuts any use except a state forest or other such permanent open space, a tree buffer strip shall be provided at least one hundred (100) feet wide, sufficient, in the opinion of the Commission, to conserve the value of adjoining properties.
- (6) Septic separated from campsite. Other provisions of these regulations notwithstanding, no campsite may be permitted which is within seventy-five feet of any septic tank drain field or reserve area.
- (7) Recreation structures. No structures used for recreation and no campsites shall be located within two hundred fifty (250) feet of any adjoining property line or within one hundred (100) feet of any Street line.
- (8) Dates of operation. The commercial recreation campsite shall only operate from April 15 to October 15 of any calendar year.

193-60. Non-profit golf clubs and membership clubs

- A. Non-profit golf clubs and membership golf clubs may be permitted as a special exception in any zone, subject to the general requirements of this article and the following specific standards and criteria.
- B. Standards and criteria for non-profit clubs and membership clubs. The following specific standards and criteria shall be applied by the Commission in reviewing and deciding upon any application for a non-profit golf club and membership golf club special exception:
 - (1) Recreational structures. No structure used for recreation or other purposes shall be within two hundred fifty (250) feet of any adjoining property line or within one hundred (100) feet of any Street line.
 - (2) No land for fairways or bridle paths shall be located closer than one hundred (100) feet to any adjoining property line.
 - (3) Vehicular access shall not be within one hundred (100) feet of any adjoining property line.
 - (4) The minimum lot size shall be twenty (20) acres.

193-61. Non-profit recreation buildings operated by membership clubs

The following specific standards and criteria shall be applied by the Commission in reviewing and deciding upon any application for a non-profit golf club and membership golf club special exception:

- A. No structure used for recreation or other purposes shall be within two hundred fifty (250) feet of any adjoining property line or within one hundred (100) feet of any street line.
- B. No land used for fairways or bridle paths shall be located closer than one hundred (100) feet to any adjoining property line.
- C. Vehicular access shall not be within one hundred (100) feet of any adjoining property line.

193-62. Wireless communication facilities

See addendum in separate folder.

193-62A Towers REVISED EFFECTIVE 10/15/2002, REVISED AGAIN EFFECTIVE 09/19/09

All towers other than wireless communication facilities, as defined by the FCC, are permitted by special exception providing they are located a minimum distance from any property line at least equal to the height of the tower. This requirement and setback requirements in Article IV may be satisfied by an easement or other non-revocable, legally binding agreement from one or more adjoining property owner.

193-63. Country inns

A residence or other building which was in existence at the time of the adoption of this regulation on May 1, 1997 may be converted for use as a country inn.

For the purpose of this regulation a country inn shall be defined as a facility with ten or less transient guest rooms in which lodging is offered for compensation to transient guest lodgers.

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

A. With exception of existing lots in the PVC/RC Zone, the minimum lot area shall be five (5) acres; however, where the applicant demonstrates to the satisfaction of the Commission that the lot is effectively buffered from existing or potential residential development by the presence of adjacent protected open space land, the Commission may reduce the minimum lot area requirement to three (3) acres.

B. With exception of existing lots in the PVC/RC Zone, the total area of impervious surfaces on the lot shall not exceed fifteen percent (15%) of the total area of the lot. For the purpose of this section of the regulations, impervious surface shall include the footprint of any building and the area of any paved parking areas.

C. Modification or additions proposed to accommodate the use of the structure as a country inn shall not exceed fifty percent (50%) of the total habitable floor area of the existing structure.

D. With exception of existing lots in the PVC/RC Zone, all parking areas shall be screened from view from surrounding residences. Parking shall be located to the side and rear of the structure whenever possible. No parking shall be located within fifty (50) feet of the front line or twenty-five (25) feet of the side or rear line.

193-64. Restaurants, high turnover and low turnover

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

B. Restaurant, low turnover: A food service establishment which meets all of the following criteria:

(1) Customers are served only while seated at tables or counter.

(2) No customers are served in motor vehicles.

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

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

193-64A. Small retail shop on a pre-existing lot in the I-1 zone REVISED EFFECTIVE 7/28/2000

A. Statement of Purpose. The purpose of this regulation is to permit the option for an alternative commercial use on the few undersized lots in the I Industrial Zone with frontage on a state highway. These lots are generally too small to be useful for industrial uses and accordingly this regulation permits an alternative small retail shop use subject to the general requirements for all Special Exceptions and the following specific requirements:

(1) To be eligible under this section the applicant shall demonstrate that the lot:

- pre-existed the date of this amendment, (Effective date: July 28, 2000) and
- is non-conforming in lot area (less than two acres in total lot area), and
- has lot frontage on and suitable access from a state highway.

(2) Wherever possible the parking spaces shall be located to the side or rear of the building.

193-64B. Contractor shops and storage. REVISED EFFECTIVE 7/1/2001

A contractor shop and storage use shall be allowed as a SPECIAL EXCEPTION subject to the general standards for all Special Exceptions and the following specific standards and criteria.

A. Statement of purpose. This regulation is designed to permit a home shop and storage use for a contractor or building tradesman who conducts his trade primarily away from the home and provides a needed local service. This shall include, but is not limited to, plumbers, electricians, carpenters and similar occupations subject to standards and criteria established herein.

B. Standards and criteria. The following standards and criteria are designed to permit this use in locations and under conditions which will protect neighboring residential property values. The Commission may attach conditions to a Special Exception for shop and storage use to assure compliance with this purpose and the following standards and criteria.

(1) A shop and storage use in a residence or an attached garage shall not occupy more than one half of the floor area (see definitions) of the dwelling. A detached accessory structure shall be of a size, scale, and appearance that maintains the residential appearance of the lot and blends with the surrounding neighborhood structures. The application shall clearly specify the floor area of the detached accessory structure to be devoted to the shop and storage use.

(2) The use shall be conducted by an owner-occupant of the dwelling. Only members of the family residing in the dwelling and no more than two non-family members shall work on the lot. Work conducted on the residential lot shall be clearly secondary to work of the contractor or tradesman off the premises.

(3) There shall be no display of products or external evidence which suggests a commercial retail use other than a single permitted sign. There shall be no exterior storage of goods, supplies or other material associated with the shop and storage use.

(4) In making its decision, the Commission shall consider the adequacy of the Town or State road access to the lot, the size of the vehicles(s), the number of trips, the visual effect of the vehicle storage/parking plan on the neighborhood, and the findings from any on-site inspection and the testimony from the public hearing. As part of its approval of a shop and storage use involving commercial vehicles, the Commission may attach conditions requiring the storage/parking of vehicles in a structure, limiting the number and size of vehicles, the number of trips, the hours of vehicle operation and other such conditions necessary to assure compliance with the general and specific criteria of this regulation.

(5) Shop and storage uses involving the storage, use or disposal of hazardous materials shall be permitted only where the Commission has determined that the proposed use will not pose a threat to ground water quality. Such determination shall consider the type of shop and storage use, the amount and type of hazardous material(s) involved and the adequacy of plans submitted by the applicant for hazardous material use, storage and disposal.

193-64C. Fences and walls REVISED EFFECTIVE 10/15/2002

The requirements of these regulations shall not be deemed to prohibit any retaining walls nor any fence, wall or other barrier to contain noise, provide screening or security, providing that in a residential zone no wall or fence shall exceed six (6) feet in height measured above the natural grade.

A fence in excess of six (6) feet in height may be located in a yard in a residential zone as a Special Exception where it is demonstrated to the satisfaction of the Commission that the proposed fence location, design and construction material are compatible with the residential character of the lot and neighborhood and such fence will not adversely affect neighboring property values.

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

Any fence that is to be constructed in any zone other than residential shall be addressed in the site plan for that activity.

ARTICLE IX

Special Regulations

193-65. Earth material

A. Statement of intent. The intent of the Commission in proposing such a regulation is to regulate and control the excavation and removal of soil, loam, sand, gravel, clay, rock or any other earth material so as to prevent the creation of any safety or health hazards to the public or to owners of adjoining or adjacent property, to preserve land values of premises situated within the Town, to provide for the quiet use and enjoyment thereof and to ensure that the existing topography of the Town is not altered in a permanent manner inconsistent with the goals of the plan of development.

B. The excavation and removal of sand, gravel, stone, loam, dirt or earth products may be permitted upon written permission of the Planning and Zoning Commission after a public hearing, except that the following activities may be undertaken without a permit, provided that no dangerous condition is created nor one which damages surrounding land or lowers its value.

(1) The excavation and/or removal of less than fifty (50) cubic yards or material from any single parcel of land recorded as such in the office of the Town Clerk.

(2) Necessary foundation and trench excavation or excavation for a road or driveway, landscape construction or other improvement approved as part of a subdivision plan or only in connection with work on the premises for which a subdivision permit or building permit has been issued.

C. Screening, sifting, washing, crushing or other activities incidental to processing will be permitted only by portable machinery for a maximum of sixty (60) days per year as determined by the Commission.

D. Procedure. Application for a permit to excavate or remove any of said products shall be made to the Planning and Zoning Commission by the property owner or his authorizing agent on forms provided by the Planning and Zoning Commission. The Commission shall require that the application be accompanied by a plan of operation, including the following maps, plans and specifications:

(1) The location of the premises, the lands immediately surrounding them and the amount of materials to be excavated or removed.

(2) A grading plan showing contours in the area to be excavated and proposed contours after excavation. Such plan must also include the topography of the area surrounding the area to be excavated within a distance of three hundred (300) feet from all sides of the area. A seeding timetable shall also be required indicating the type, amount and timing of all seeding of disturbed areas.

(3) The existing and proposed drainage of the site.

(4) The proposed truck access to the excavation.

(5) The number of types of trucks and other machinery to be used on the site and the hours of operation, as well as the locations and size of any buildings to be erected, as provided by the zoning regulations.

(6) Details of regrading and revegetation of the site at the conclusion of the operations.

E. The Planning and Zoning Commission shall approve the plan and grant the permit only when it is satisfied that the following conditions will be complied with in the undertaking of such excavation:

(1) The premises shall be excavated and graded in conformity with the plan, as approved, and any deviation from the plan shall be cause for the Planning and Zoning Commission to revoke such permit.

(2) The applicant shall file with the Planning and Zoning Commission a performance bond in such amount as the Commission shall deem sufficient to insure completion of the work following excavation pursuant to the conditions as set forth by this regulation.

(3) No fixed machinery shall be erected or maintained within two hundred (200) feet of any property line or street line.

(4) No excavation shall take place within one hundred (100) feet of any property line or within two hundred (200) feet of any street line unless specifically authorized by the commission.

(5) No building shall be erected on the premises except as a temporary shelter for machinery and a field office as permitted in the Zoning Regulations.

F. At all stages of operation, proper drainage shall be provided to prevent stagnant water, erosion, excessive runoff pollution of streams and rivers by silting or otherwise, and damage to public or private property wells, streams, rivers, roads or drainage facilities. At the termination of excavation, permanent drainage facilities shall be installed by the applicant and inspected by the Zoning Enforcement Officer or other designee of the Commission prior to release of the bond.

During the period of excavation and removal; barricades, fences and signs shall be erected as are deemed necessary by the Planning and Zoning Commission for the protection of pedestrians and vehicles.

H. Truck access to the excavation shall be so arranged as to minimize danger to traffic and nuisance to surrounding properties. Dust shall be controlled on the access road and within the area of operation.

Proper measures, as determined by the Planning and Zoning Commission, shall be taken to minimize the nuisance of noise and flying dust or rock. Such measures may include, when considered necessary, limitation of stockpiling excavated materials upon the site.

J. When excavation and removal operations, or either of them are completed, the excavated area shall be graded so that no gradients in disturbed earth shall be greater than a slope of three to one 3:1 (horizontal to vertical). The Planning and Zoning Commission may allow the slope requirement of three to one (3:1) to be as steep as two to one (2:1) upon the written testimony of a registered professional engineer experienced in soil stabilization, when it is the majority opinion of the Planning and Zoning Commission that the proposed slope will be compatible with surrounding topography and will not devalue surrounding

properties. A layer of topsoil of a quality approved by the Zoning Enforcement Officer or other designee of the Commission shall be spread over the excavated area to a depth of four (4) inches in accordance with the approved contour plan. The area shall be seeded and maintained until the area is stabilized and approved by the Planning and Zoning Commission.

K. Excluding a reasonable area for building, plants, parking and stockpiling, at no time shall more than five (5) acres be opened within the permit area. The remainder of the permit area shall be undisturbed land or shall have been restored.

L. Where applications for excavation for adjoining properties are filed, the Commission may consider them as one (1) application.

M. A permit issued under these regulations can be revoked by the Planning and Zoning Commission for reasons specified hereunder.

(1) Failure to work. The failure of any permittee to actively work the permit area for a period of one (1) year without the prior written approval of the Planning and Zoning Commission shall be cause for revocation of the permit. Such revocation shall become effective thirty (30) days after the mailing of notice to the permittee and owner, unless the permittee sooner proves to the Commission that the area has been actively worked during such one-year period or provides written assurance to the Commission that the work will be resumed and continued. The failure of the permittee thereafter to actively work the area in accordance with such written assurance shall be grounds for revocation without further notice.

(2) Violation of regulations. Any permit issued under this regulation may be revoked by the Planning and Zoning Commission where there has been a violation of any provision of this regulation or any permit issued hereunder, provided that notice of said violation has been given to the permittee, together with an order to comply therewith within twenty-one (21) working days as set forth in said order, and the permittee has failed to comply with said order.

N. Any permit issued by the Planning and Zoning Commission shall expire two (2) years from the date of issuance. The Planning and Zoning Commission shall not renew or extend any permit unless the operator is able to show that the excavation already completed conforms to the plan of operations as approved. The Planning and Zoning Commission may require the report of a certified engineer in order to renew or extend any permit to show that the excavation already completed conforms to the plan of operations as approved.

O. Renewal applications containing all required documentation shall be submitted sixty (60) days prior to the expiration of the existing period.

P. Modification of plans after approval. If, during the conduct of work or restoration of the premises, special circumstances unforeseen at the time of the application are encountered, the Planning and Zoning Commission may grant modifications to the approved plan which, in the opinion of the Commission, are reasonably necessary to complete the work within the intent of this regulation. No request for modification shall be considered if the applicant is in violation of the provisions of this regulation.

Q. The applicant shall pay the prevailing permit fee as set by the Planning and Zoning Commission.

R. Pre-existing non-conforming earth excavation operations. Any bona fide earth excavation operation (not including activities that qualify under Subsection B of this section) which existed at the time of the adoption of this regulation (February 17, 1982) shall be permitted to continue subject to the following: The landowner shall submit to the Planning and Zoning Commission an application conforming to the requirements of subsection D of this section. The Commission shall review and approve the application

limited to the continuation of the operation within the area of the lot that existed at the time of adoption of the earth excavation regulation (February 1, 1982) and under the general standard as set forth in subsection A of this section, and the application must be renewed every five (5) years.

193-66. Floodplain Overlay District

General. The Floodplain Overlay District includes all special flood hazard areas designated as Zone A, A1-30, on the Town of Barkhamsted Flood Insurance Rate Maps (FIRM and the Flood Boundary and Floodway Maps, dated February 17, 1982, on file with the Zoning Office. These maps, as well as the accompanying Flood Insurance Study and any revisions, are incorporated herein by reference. Within the Floodplain Overlay District, the following regulations shall apply.

A. Residential construction. New construction and substantial improvement of any residential structure shall have the lowest floor, including the basement elevated to or above the base flood elevation.

B. Manufactured homes. Placement of manufactured homes is prohibited in the Floodplain Overlay District. Recreational vehicles shall be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect utilities and security devices, and has no permanently attached additions.

C. Nonresidential construction. New construction and substantial improvement of non residential structures shall have the lowest floor (including basement) elevated one foot above the base flood level or, together with attendant utility and sanitary facilities, be floodproofed to at least one foot above the base flood elevation.

A registered professional engineer or architect shall develop and/or review structural design, plans and specifications for the construction, and shall certify that the design includes walls substantially impermeable to the passage of water and structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy resulting from flood waters one foot above the base flood elevation.

Once constructed, certificates, which include the specific “as built” elevation (in relation to mean sea level) to which such structures are elevated or floodproofed, shall be provided and will be maintained with the building official.

D. Development of floodway. In zones where base flood elevations have been determined, but before a floodway is designated, no new construction, substantial improvement, or other development (including fill) shall be permitted which will increase base flood elevations more than one (1) foot at any point along the watercourse, when all anticipated development is considered cumulatively with the proposed development.

The Town may request floodway data of an applicant for watercourses without FEMA-published floodways. When such data is provided by an applicant, or when ever such data is available from any other source (in response to the Town’s request or not), the Town shall adopt a regulatory floodway based on the principle that the floodway must be able to convey the waters of the base flood without increasing the water surface elevation more than one (1) foot at any point along the watercourse.

E. Base flood elevation data required. Within Zone A, the applicant shall obtain any existing base flood elevation data, and it shall be reviewed by the Planning and Zoning Commission for its reasonable utilization toward meeting the elevation or floodproofing requirements of this district. If no base flood

elevation data is available, then the flood plain limit elevation shall be determined by scaling methods and used.

F. General standards. Within A, A1-30, the following standards must be met prior to issuing permits for any proposed construction/development:

(1) Anchoring. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

(2) Construction materials and methods. All new construction and substantial improvements shall be constructed with materials resistant to flood damage. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(3) Utilities.

(a) All new and replacement water supply and sanitary sewerage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.

(b) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(c) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(4) Alteration of watercourses. Adjacent communities and the Department of Environmental Protection shall be notified prior to any alteration or relocation of a watercourse, and evidence of such notification shall be submitted to the Federal Emergency Management Agency. Maintenance shall be required to be provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

G. Floodplain permit. A permit shall be obtained from the Planning and Zoning Commission before construction or development begins within the Floodplain Overlay District. Additional federal or state permits may be required. Copies of such permits shall be provided and will be maintained on file with the building permit.

Additional permits may include: Stream channel encroachment line permit, water diversion permit, dam safety permit, or Corps of Engineers 404 permit.

(1) Information required. The actual elevation, in relation to mean sea level, of the lowest floor, including the basement, of all new or substantially improved structures shall be obtained and recorded.

(2) Floodproofed structures. For all new substantially improved floodproofed structures, the actual elevation and an as-built, in relation to mean sea level, shall be verified and recorded and the required floodproofing certifications maintained. The building official shall maintain for public inspection all r pertaining to the provisions of this regulation.

193-67. Residential clusters

The purpose of this section is to allow, by special exception, flexibility in the design, layout and use of land for single-family or multifamily housing where such use and density is environmentally sound and is

in keeping with the general character of Barkhamsted. The Commission shall be guided by criteria outlined in Article VIII in reviewing and permitting a residential cluster special exception. A site plan shall be prepared for a residential cluster application in accordance with the requirements of Article VII. Applicants are encouraged to present preliminary plans to the Commission for informal review prior to submitting a full application.

A. Permitted uses. Any building or: buildings designed and constructed or rehabilitated for use as residential dwelling units shall be permitted. Such residential cluster shall be allowed in any residential zoning district.

B. Minimum lot. The minimum lot area for a residential cluster shall be ten (10) acres.

C. Density

(1) Maximum density shall be calculated according to the following formula: Total acres of the lot minus one hundred percent (100%) of the inland wetlands as defined by the Inland Wetlands Regulations, minus fifty percent (50%) of the lot area with slopes of over thirty percent (30%) as determined by field or aerial survey and plotted by a licensed surveyor, divided by the lot size for the residential zone in which the lot is located, equals the maximum number of dwelling units permitted on the lot.

(2) The actual number of dwelling units shall be as approved by the Planning and Zoning Commission after careful review, and the number of units may be reduced by the Commission. For elderly housing, density shall be determined on a case-by-case basis but shall not exceed either four (4) units per acre or eight (8) bedrooms per acre.

D. Review. The applicant must present sufficient evidence to demonstrate the effectiveness of the design of the proposed development, especially with regard to the provision of water and disposal of sewage. All necessary requirements of the State of Connecticut Public Health Code and any other applicable state requirements must be adhered to, and evidence of review by all applicable services must be presented before any approvals for such special exception will be given. All buildings shall have individual septic systems.

Section 193-67.1 Conservation Subdivisions

193-67.1: Purpose:

The purpose of this section is:

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

190-67A. Minimum lot size

The minimum lot area for a Conservation Development shall be ten (10) acres

193-67B. Permitted uses

- a) Detached single family dwellings.
- b) Playgrounds, recreation areas, parks, open spaces, and natural areas
- c) Accessory uses and structures such as private garages, swimming pools, clubhouses, recreation facilities, and other structures and facilities which are customarily incidental and subordinate to the principal uses.

193-67 C. Configuration of lots:

The individual lots in Conservation Developments may be reduced from the conventional area, except that lot shall have a minimum lot size of 40,000 sq ft, with a minimum buildable land area of 30,000 sq ft and minimum buildable land shape of a 100 ft rectangle on all sides. Setbacks and building heights for principle buildings and accessory structures, other than maintenance sheds, shall meet the maximum height for buildings and structures in the RA2 Zone. The minimum setbacks allowed are 25 ft front and rear yards and 20 ft side yards. However, proposed lots with frontage on existing Town or State roads shall contain a minimum of 200 feet of lot frontage and shall maintain a minimum front yard setback of 50 feet. A maximum of 25% lot coverage shall be permitted.

193-67 D. Open Space Preservation:

A minimum of 50% of the overall parcel area shall remain as open space, preferably in one contiguous parcel. No more than 50% of the required open space shall be classified as inland wetlands soils or watercourses, subject to easements for utilities or purposes unrelated to recreation or preservation of open space, or have slopes greater than 25%. The open space land shall be deeded either to the Town, Home Owner’s Association, Land Trust or another conservation organization acceptable to the Commission on such a basis as will insure that such land will be properly maintained and will remain as Open Space in perpetuity.

193-67 E. Maximum Density of Development

- 1. Maximum density shall be calculated according to the following formula: Total acres of the lot minus one hundred percent (100%) of the inland wetlands as defined by the Inland Wetlands Regulations, minus fifty percent (50%) of the lot area with slopes of over thirty percent (30%) as determined by field or aerial survey and plotted by a licensed surveyor, divided by the lot size for the residential zone in which the lot is located.
- 2. The actual number of dwelling units shall be as approved by the Planning and Zoning Commission after careful review, and the number of units may be reduced by the Commission.

193-67.2 INCENTIVE HOUSING OVERLAY DISTRICT (IH)

193-67.2.a Purpose.

- 1. The Incentive Housing District (IH) is adopted pursuant to the authority of Connecticut General Statutes Chapter 124b. Its purpose is to encourage affordable housing in both

- residential and business districts that have the transportation connections, nearby access to amenities and services, and infrastructure necessary to support concentrations of development.
2. The Incentive Housing District (IH) seeks to avoid sprawl and traffic congestion by encouraging a more vibrant residential component to business or mixed use areas to sustain a lifestyle in which residents can walk or use public transportation to reach jobs, services, and recreational or cultural opportunities.
 3. It is a further purpose that the IH enable development and reuse of existing, historic or underutilized Buildings or properties in Barkhamsted that may otherwise be lost to progress.

193-67.2.b General Requirements.

1. Any such zone shall be in compliance with the locational requirements of Connecticut General Statutes Chapter 124b.
2. Subzones.
 - A. The Commission may designate subzones within an overall IH District in which different types of uses may be permitted, as in the case of a mixed-use incentive housing development.
 - B. Each IH District may consist of one or more subzones, which may overlay each other as well as the underlying district. Within any IH District, there may be any or all of four (4) subzones, designated as:
 - (a) Single Family - SF Subzone
 - (b) Duplex - DH Subzone,
 - (c) Multi-family - MF Subzone, or
 - (d) Mixed-use- MU Subzone.

193-67.2.c Bulk Requirements

The following Bulk Requirements shall apply when an IH project is proposed. The requirements in the Underlying Zone (UZ) remain in effect when noted UZ.

<i>SUBZONE</i>	<i>MAXIMUM LOT COVERAGE RATIO</i>	<i>DENISTY (UNITS PER ACRE)</i>	<i>HEIGHT</i>
<i>IH-SF</i>	<i>UZ</i>	<i>4</i>	<i>UZ</i>
<i>IH-DH</i>	<i>UZ</i>	<i>6</i>	<i>UZ</i>
<i>IH-TF</i>	<i>UZ +10%</i>	<i>10</i>	<i>UZ</i>
<i>IH-MU</i>	<i>UZ +10%</i>	<i>10</i>	<i>UZ</i>

193-67.2 d Density.

1. Density is calculated by the number of units allowed per acre of developable land.
2. Where an incentive housing development contains a mix of the above dwelling types, the land occupied by non-residential uses will be included in the residential density calculation. The residential densities will be calculated by apportioning the total acreage of the incentive housing development in the same proportion that each type of housing bears to the total number of dwelling units.
3. For any incentive housing development to be developed in phases, each phase will comply with the minimum residential densities and the incentive housing restrictions set forth in this section.
4. Public Applicant. In the case of an incentive housing development proposed by a public applicant, the residential densities will be in accordance with a waiver as may be granted by the Secretary of the Office of Policy and Management in accordance with Connecticut General Statutes Section 8-13n(b)(3).

193-67.2.e Buffers

1. From Rear Property Line.
 - A. Where the underlying district is a residential district, no less than ten (10) feet.
 - B. Where the underlying district is business or industrial district, in accordance with the underlying district.
 - C. For non-residential uses, in accordance with the underlying district.
2. From Other Property Line.
 - A. Where the underlying district is a residential district, no less than ten (10) feet.
 - B. Where the underlying district is a business or industrial district, in accordance with the underlying district.
 - C. For non-resident uses, in accordance with the underlying district.
3. Minor Accessory Buildings or Structures.
 - A. For residential uses, same as for principal buildings or structures, above.
 - B. For non-residential uses, in accordance with the underlying district.

193-67.2.f Principal Uses and Activities.

1. Prior to the approval of any application for Certificate of Zoning Compliance for any Incentive Housing Development that includes any principal or accessory use permitted under this Section, a Site Plan will be submitted to and approved by the Commission in accordance with Article VII Section 193-40. In considering an incentive housing development, the Commission will find that any application for an incentive housing development will comply with the provisions of this Section, as well as the Site Plan Objectives and, for uses requiring a Special Exception, the General Standards for Special Exception Uses in Article VIII Section 193-49.
2. **Mixed Uses.**
 - A. For any incentive housing development in a mixed-use subzone, the Commission may allow by Special Exception the inclusion of uses otherwise permitted by Site Plan or Special Exception in the underlying district provided that the minimum residential densities are met for the total incentive housing development.
 - B. In any mixed-use incentive housing development, at least 50 percent of the gross floor area of the first story will be non-residential uses. Bulk requirements for stand-alone non-residential uses in an incentive housing development will be in accordance with the requirements of the underlying district.

- C. Special Exceptions. Prior to the approval of any application for Certificate of Zoning Compliance for any incentive housing development that includes any principal or accessory use permitted by Special Exception under this Section, an application for Special Exception use, including a Site Plan, will be submitted to and approved by the Commission.
2. **Accessory Uses.** Any accessory use as permitted in the underlying district and subject to the requirements and approval procedures as may be applicable to the uses.

193-67.2.G. Incentive Housing Restriction.

1. For an incentive housing development proposed by a private applicant at least 20 percent of the dwelling units will be rented or conveyed subject to an incentive housing restriction requiring that, for at least 30 years after the initial occupancy of the development, the dwelling units will be sold or rented at, or below, prices that will preserve the units as housing for which persons pay 30 percent or less of their annual income, where the income is less than or equal to 80 percent or less of the median income. In determining compliance with this paragraph, the Commission will utilize regulations or guidelines published by the Connecticut Office of Policy and Management, or any other successor agency designated in accordance with Connecticut General Statutes Sections 8-13m to 8-13x.
2. Public Applicant for Incentive Housing Development. For an incentive housing development proposed by a public applicant, 100 percent of the dwelling units will be rented or conveyed subject to an incentive housing restriction requiring that for at least 30 years after the initial occupancy of the development, the dwelling units may be sold or rented at, or below, prices that will preserve the units as housing for which persons pay 30 percent or less of their annual income, where the income is less than or equal to 80 percent or less of the median income. In determining compliance with this paragraph, the Commission will utilize regulations or guidelines published by the Connecticut Office of Policy and Management or any other successor agency designated in accordance with Connecticut General Statutes Sections 8-13 to 8-13x.

193-67.2.H. Submission of Affordability Plan.

Each applicant for an incentive housing development will provide an affordability plan that will detail the administration, monitoring and enforcement of the dwelling units to be sold or rented at below-market rates as described above. The plan will include proposed deed restrictions or covenants, lease agreements, common interest ownership documents, bylaws, rules and regulations, sample income calculations, and any other information as the Commission may require to establish compliance with this Section and Connecticut General Statutes Sections 8-13m to 8-13x.

193-67.2.I Designation of Administering Agency.

The applicant will indicate the name, address and other contact information for the agency that will administer the sale or rental of dwelling unit: that are subject to the below-market sale or rental in accordance with this Section.

193-67.2.J Approval of IH or Subzones.

- A.** In considering each subzone, or any IH as a whole, the Commission will find that any application for an Incentive Housing Overlay Zone or subzone will comply with the provisions of this Section and the Connecticut General Statutes Chapter 124b.
- B.** In establishing a subzone, the Commission will have the discretion to exclude one (1) or more uses that would otherwise be permitted in an incentive housing development in that subzone, including uses permitted in the underlying district, which exclusions, if any, will be stated in the resolution creating or amending the subzone and will become part of the text describing the Incentive Housing Overlay District.

193-67.2.K Design Standards.

- 1.** Applicable Standards. Incentive Housing Development applications shall apply the design criteria identified in the “Barkhamsted Design Review Guidelines.” In adopting the design criteria of “Barkhamsted Design Review Guidelines” the Commission has considered design standards that:
 - A.** Ensure that development is complementary to adjacent or neighboring buildings or structures and consistent with the housing plan provided for in Connecticut General Statutes Section 8-13p, and
 - B.** Address the scale or proportions of buildings; site coverage; alignment, width or grade of streets or sidewalks; type or location of infrastructure; location of building or garage entrances; off-street parking; protection of significant natural site features; location or design of open spaces; signage; or setbacks or buffering from adjacent properties; provided that the applications of such standards will not unreasonably impair the economic or physical feasibility of constructing housing at the minimum densities and with the required incentive housing restriction set forth in this Section.

193-67.2.L Application Processing For Incentive Housing Developments.

- 1.** Incentive Housing Development Proposed within an Existing Incentive Housing Overlay District. For incentive housing developments involving land already designated as an Incentive Housing Overlay District on the Barkhamsted Zoning Map, applicants shall submit a site plan application in accordance with Article VII Section 193-40 of these regulations.
 - A.** The Commission shall conduct a public hearing in accordance with the timeframe requirements in Section 8-7d (b) of the Connecticut General Statutes.

B. The Commission shall forward the application to Architectural Review Committee for review, in accordance with *Article XII Section 193-43* of these regulations.

2. Application to Expand an Existing Incentive Housing Overlay District, or Establish a New Incentive Housing Overlay District. For projects involving land not designated as an Incentive Housing District on the Barkhamsted Zoning Map, applicants shall submit a zoning map amendment application in accordance with Article XII Section 193-76C of these regulations. Upon approval of the zoning map amendment, the applicant may seek approval in accordance with subsection 1 above.

193-67.2.M Decision Considerations.

1. Approval of an incentive housing development. The Commission may waive any standards that would unreasonably impair the economic or physical feasibility of constructing dwellings at minimum densities or with required incentive housing restrictions set forth in this Section. The Commission will approve an incentive housing development subject only to conditions necessary to:
 - A. ensure substantial compliance of any proposed development with the requirements of this Section, the design standards of these regulations and, if applicable, the subdivision regulations; or
 - B. to mitigate any extraordinary adverse impacts of development on nearby properties.
2. Denial of an incentive housing development application. An application may be denied only on the grounds:
 - A. the development does not meet the requirements set forth in this Section;
 - B. the applicant failed to submit information or fees required by the regulations and necessary for an adequate and timely review of the design or potential impacts of the development; or
 - C. it is not possible to adequately mitigate significant adverse project impacts on nearby properties by means of conditions acceptable to the applicant.

193-67.2.N Method of Ownership.

1. Dwelling units. Dwelling units may be offered for sale or for rental in individual, public, cooperative or condominium ownership. Documentation as to management, organization and incorporation of applicable ownership associations shall be submitted to the Commission at the time of filing of the application for incentive housing development.
2. Methods of Open Space Reservation. All open space or supporting facilities and systems will be in compliance with applicable law and provide for maintenance, liability, financing or rights of access and use by residents of the incentive housing development as is acceptable to the Commission. Open space

areas required will be permanently reserved for the designated use by means acceptable to and approved by the Commission, such as, but not limited to:

- A. Deeded to the Town. Where open space areas are to be conveyed to the Town, the applicant will convey them at the stage and in the condition agreed upon in connection with the processing and approval of the subdivision.
- B. Deeded to a non-profit organization acceptable to the Commission.
Such nonprofit organization will be a private non-profit, non-stock corporation that has as its purpose the preservation of open space land. The deed to such organization will contain language satisfactory to the Commission requiring that the land be held in perpetuity as open space land for the use of the public. If open space is to be conveyed to a non-profit organization, the Commission may require that a copy of the organization's Certificate of Incorporation be submitted for its review. The deed to the organization will contain the provision that in event of the dissolution of the corporation, the property will be conveyed to the Town, or subject to the approval of the Commission, to another non-profit corporation. The Commission will have the right to reject any proposal for the transfer of open space land to a private non-profit organization if the Commission determines that such conveyance would not be in the best interest of the Town.
- C. Held in corporate ownership by owners of lots within the development. Open space may be conveyed by warranty deed to a homeowner's association within the development upon such terms and conditions as specified by the Commission. When tracts are conveyed in this manner, a copy of the by-laws of the homeowners' association will be submitted as a part of the application for the IH Development. Membership in such corporation will be mandatory for all lot owners within the development. Each deed conveyance to lot owners will include the membership stipulation, the beneficial right in use of the open land or all other pertinent restrictions, and will be recorded in the Barkhamsted Land Records. Wording on each deed will state that such open land is reserved for use only as open space in perpetuity.
- D. Perpetual easement. Where the right of use, interest or privilege, short of fee ownership in the open space owned by another, is obtained by the Town or acceptable non-profit organization, a deed stipulating that the owner transfers development rights to, and open space or scenic easements over, the land will be required, the fee owner will retain the fee tide to the premises and all incidents of fee ownership, except the right to construct any structure, sign, fence or other improvement, or to alter the contours. Minimum lot requirements cannot be satisfied by use of land dedicated to open space.
- E. Conditions of Open Space Conveyance. Title to the open space land will be unencumbered and will be transferred at a time approved by the Commission, and in any case, not later than the time at which title to the streets in the development is accepted by the town.
- F. Deed Guarantees. Regardless of the method employed, the instrument of the open space conveyance must include provisions suitable to the Commission and its Legal Counsel for guaranteeing the following:

1. Continuity of proper maintenance for those portions of the common open space land requiring maintenance;
2. When appropriate, the availability of funds required for such maintenance; and
3. Recovering of loss sustained by casualty, condemnation or otherwise.

193-68. Farmington River Protection Overlay District

The Farmington River Protection Overlay District shall be defined as the Farmington River within the Town of Barkhamsted, including the area within the river's ordinary high water marks and a contiguous and parallel buffer strip which together constitutes a culturally significant and environmentally sensitive river corridor. All use and activities established after the effective date of this regulation shall be in accordance with the standards and requirements in this regulation which are established to accomplish the following publicly recognized purposes:

- A. To establish standards and requirements for the use and conservation of the district in recognition of the river's eligibility for designation under the National Wild and Scenic Rivers Act and in furtherance of the Town's resolution dated October 10, 1990 and to contribute to the regional conservation of the river corridor.
- B. To prevent any alterations to the natural flow of the river in order to maintain its ecological, recreational, aesthetic and other qualities such as documented in the Farmington River National Wild and Scenic River Study and other federal, state and local documents, relating to the Farmington River.
- C. To prevent water pollution caused by erosion, sedimentation, nutrient or pesticide run-off; and waste disposal facilities and to encourage retention and enhancement of shore vegetative cover, including diversity of native species, age distribution, and ground cover density to provide a protected buffer and pollution filter strip along the river bank as required in other important river corridors and as recommended in numerous pollution prevention studies, such as published by the Smithsonian Environmental Research Center.
- D. To conserve the ecological, water supply, and flood storage functions of the river's flood plain and related groundwater table and aquifer recharge areas and to protect life, public safety and property from flooding hazards, especially within the river's flood hazard areas as defined and protected under the Flood Plain Overlay District as defined and regulated under section 193-66 of these regulations.
- E. To protect valuable fisheries and wildlife habitat within and along the Farmington River, as cited in various documents including the Farmington Wild and Scenic River Study (Draft Eligibility Report, August, 1989) and the State Comprehensive Outdoor Recreation Plan.
- F. To conserve and enhance the natural scenic and topographic conditions in the river corridor and its environmental quality, recognizing that these are vital to the economic and environmental health of the Town, and to preserve the natural scenic quality of the river by maintaining, where possible, screening of man-made structures from the river view, and:

G. To carry out the recommendations of the Town Plan of Development and the State Plan of Conservation and Development and to prevent unnecessary or excessive expenditures of municipal funds for services and utilities, which might be required as a result of improper development of land within the district.

Definition of the boundaries of the district. The Farmington River Protection Overlay District shall consist of the following areas:

A. The river, which shall be defined as the area between the ordinary high water mark on each side of the river. The ordinary high water mark is that mark along the river's edge where the presence and action of waters are so common and usual, and are so long continued in all ordinary years, as to produce soil and/or vegetation types which are distinct from those of the abutting upland.

B. A buffer strip consisting of one hundred feet (100') measured landward and horizontally from the ordinary high water mark as defined above. Where there is a question or dispute over the district boundary, the Commission may require an applicant to have the ordinary high Water mark determined by a certified soil scientist and, if necessary, the boundary shall be shown on a site plan prepared by a Connecticut registered land surveyor.

General. Within the district the following standards and requirements shall apply. These shall be in addition to the requirements of the underlying zoning district. Site alterations, regrading, filling or clearing of vegetation before submission of an application for a zoning permit or special exception permit as required under this regulation shall be a violation of these regulations and subject to the penalties as provided under the Connecticut General Statutes.

A. Basic requirement and limitation. Within this overlay district, all uses allowed in the underlying zoning district shall be subject to the following general requirements and limitations unless otherwise provided for as a special exception or permitted activity under this regulation.

(1) No use shall result in:

- an impoundment, dam or other obstruction to the flow of the Farmington River,
- a new building or structure or addition to an existing building or structure,
- a new septic system (including septic tank, leach fields and reserve leach fields) or any other types of waste disposal system, or
- dredging or removal of sand, gravel or other earth materials, nor dumping or filling.

(2) No use or activity shall be permitted which involves cutting or removal of trees, shrubs or other vegetation in the buffer strip.

B. Special exception. Uses and activities allowed in the underlying zoning district may be permitted as a special exception, subject to the above general requirements and limitations, the general standards and requirements of section 193-48 of these regulations and only under the following specific conditions, standards and requirements.

(1) Special exception for the development of a lot existing at the time of the adoption of this regulation where there is no established principal building or use.

(a) Conditions: Where there is a lot which existed at the time of the effective date of this regulation (1/18/91) and

- said lot has no principal building or use, and

- said lot does not contain sufficient depth, a buffer strip as defined herein, or
- said lot contains sufficient land for the buffer strip but does not contain sufficient additional depth to permit establishing a building or use of the lot permitted in the underlying zoning district:

Under these conditions the Commission may approve development within the buffer strip as a special exception subject to the following specific standards and requirements.

(b) Standards and requirements

- i. The applicant shall submit a site plan and provide documentation that the above conditions apply and that the proposal is designed to minimize disturbance within the buffer strip.
- ii. The Commission shall permit a reduction of the buffer strip by no more than is necessary to provide for establishment of a principal building, structure or use permitted in the underlying zoning district and for necessary buildings and structures.
- iii. In no case shall the Commission permit the total area within the buffer strip which is to be improved, regraded or disturbed, to equal or exceed fifty percent (50%) of the total area of the buffer strip on any such existing lot.
- iv. In no case shall the Commission permit any point of such improved, regraded or disturbed area to be closer to the ordinary high water mark than a distance equal to 50% of the mean lot depth as measured from the ordinary high water mark boundary of the lot to the lot line which is most opposite said water mark.

(2) Special exception for the extension or enlargement of existing structures located on existing lots within the buffer strip.

(a) Conditions: Where there is a principal building or structure located within the buffer strip, and both the building or structure and the lot on which it is located existed on the effective date of this regulation. Under these conditions, such building or structure may be extended or enlarged within the buffer strip by special exception approved by the Commission subject to the following standards and requirements.

(b) Standards and requirements:

- i. The applicant shall submit a site plan and provide documentation that the above conditions apply and that the proposal is designed to minimize disturbance within the buffer strip, especially between the river and the existing building or structure.
- ii. In no case shall the Commission permit the existing and proposed area which is, or will be, improved, regraded or disturbed to equal or exceed fifty percent (50%) or the total area of the buffer strip on any such existing lot.

Nothing in this section shall prohibit or require a permit for the ordinary repair and maintenance of existing buildings or structures within the district.

(3) Removal of timber. The Commission may permit by special exception the cutting of timber for forestry management purposes, provided that such cutting is performed in accordance with an approved forest management plan prepared by a qualified forester which shall be submitted with the application. The Commission may impose any additional conditions necessary to satisfy the purposes of this regulation.

(4) Removal of vegetation for filter view of river. The Commission may permit by special exception the selective pruning or removal of trees, shrubs and other vegetation to allow for the creation of a view of the

river, provided that such shall only be a filtered view of the river designed to provide reasonable visual access to the river while maintaining, to the greatest extent possible, a natural screen for man-made structures and objects and otherwise furthering the purposes of this regulation. Where such plan involves removal of trees in excess of four inches (4") in diameter at breast height, the plan shall be prepared by a qualified forester.

(5) Special exception for municipal improvement. The Commission may permit a special exception for a municipal improvement (such as a water line, sewer line or needed recreational facility, necessary public access, e.g. handicapped access ramp) which unavoidably must encroach upon the buffer strip or be located within the high water mark area provided the Town demonstrates that there is no practical alternative for the provision of the needed utility or improvement outside of the district and that all measures will be taken to minimize the adverse impact of such improvement.

C. Activities permitted within the district without a zoning permit. The following activities may be carried out within the district without the necessity of a zoning permit.

(1) The selective pruning or removal of trees or shrubs to:

- a. Maintain an existing view of the river from a principle structure
- b. Provide foot access to the river means of a path which meanders down to the river
- c. Remove dead, diseased unsafe or fallen trees and noxious plants and shrubs, and
- d. Promote the health and vitality of existing vegetation.

For these purposes and wherever permitted under this regulation, selective pruning and/or removal shall be done in a manner that:

- promotes stream bank stabilization and erosion control by maintaining stump and root structure wherever possible.
- provides the greatest possible screening of man-made structures and objects.

(2) Planting of perennial native species in the buffer strip is permitted and encouraged, especially where exposed soil and steep slopes exist.

(3) Other permitted activities. Activities considered generally compatible with the purposes of this regulation shall include the following similar activities:

- Surveying a boundary posting, including fences, for the purpose of marking boundary lines subject to the limitations of Section 193-30 of these regulations.
- Non-intensive and non-commercial recreational uses not requiring structures, such as hunting, fishing and hiking.
- Family garden plots as accessory to a residential use.
- Continuation of a farming activity which is in existence on the effective date of this regulation
- Fire prevention activities.
- Emergency operations.
- Fish and wildlife management practices according to a plan approved by the County Conservation District.

ARTICLE X

Non-conforming Uses, Buildings and Lots

193-69. Continuation

Any non-conforming use of buildings and land lawfully existing at the time of the adoption of these regulations or any amendments thereto may be continued, and any building so existing which was designed, arranged, intended for or devoted to a non-conforming use may be structurally altered and the non-conforming use therein changed, subject to the following regulations:

- A. No non-conforming use may be changed except to a conforming use or, with the approval of the Zoning Board of Appeals, to another non-conforming use of a less objectionable character.
- B. No non-conforming use shall, if changed into a conforming use, be changed back into a non-conforming use.
- C. No non-conforming use and no building containing a non-conforming use shall be extended or expanded.
- D. Structural alterations which do not materially alter the characteristics or exterior appearance of a building containing a non-conforming use may be made, subject to the following condition: The total cost of such alterations does not exceed fifty percent (50%) of the assessed valuation of such building at the time it became non-conforming. This limitation shall not apply if the use is changed to a conforming use or to another non-conforming use of less objectionable character.
- E. No non-conforming use which has been discontinued for a period of one (1) year shall thereafter be resumed.

193-70. Alteration, enlargement or rebuilding

A building which does not conform to the requirements of these regulations regarding building height limit or area or lot coverage or is located on a lot containing less than the required lot area, width or yard requirements, but which contains a permitted use, may be altered or enlarged or rebuilt, provided that:

- A. Such additions or enlargements conform to the applicable provisions of these regulations, and the total added floor area does not exceed fifty percent (50%) of the floor area of the original building.
- B. Where a part of a non-conforming building extends into a required yard, any additions shall have the required yards, except that the Planning and Zoning Commission, by Special Exception, may approve a variance in yard requirements of a size not less than presently exists where such smaller yards will not have a detrimental effect on adjoining property.
- C. Any non-conforming building which has been damaged by fire, explosion or accident may be repaired, rebuilt or replaced, provided that such repairs, rebuilding or replacement does not extend or expand the previously existing non-conforming building.
- D. Nothing in this section shall require any change in the plans, construction or designated use of a building for which a building permit in accordance with the existing regulations has been issued and of the adoption of these regulations or of any amendments thereto and which shall be completed within one (1) year of the adoption of same.

193-71. Non-conforming lots

A lot containing less than the number of square feet required by these regulations for the proposed use, which lot is owned as a separate parcel as evidenced by a deed recorded prior to the adoption and effective

date of these regulations or any pertinent amendments thereto or a shown on a subdivision map legally recorded prior to the effective date of these regulations or any pertinent amendments thereto, was not at that time or is not at the time of the proposed use contiguous to any other land belonging to the owner of said lot, may be developed as a non-conforming lot subject to obtaining all necessary permits regarding subsurface sewage disposal and private water supplies and subject to all other pertinent zoning regulations as provided herein.

ARTICLE XI

Administration and Enforcement

193-72. Interpretation and application

In their interpretation and application, these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, convenience and general welfare. Where these regulations impose a greater restriction on the use of buildings or land or on the height of buildings or require larger yards, courts or other open spaces or a greater percentage of lot to be built upon or impose other higher standards than are imposed by the provisions of any law, ordinance, regulation or private agreement, these regulations shall control. When greater restrictions are imposed by any law, ordinance, regulation or private agreement than are required by these regulations, such greater restriction shall not be affected by these regulations.

193-73. Zoning Permit

- A. It shall be unlawful to commence construction or alteration of any building or excavation for any building or structure or use until the application and plans therefor shall have been approved by the Zoning Enforcement Officer and a written zoning permit issued by him.
- B. The Zoning Enforcement Officer shall require that the application for a zoning permit and the accompanying plan shall contain all the information necessary to enable him to decide whether the proposed building, alteration or use complies with all the provisions of these regulations.
- C. Prior to granting or denying a zoning permit, the Zoning Enforcement Officer may require the applicant to submit a survey of the land on which such construction, alteration or excavation is to be performed.
- D. Under no circumstances shall a zoning permit be issued until the Farmington Valley Health District has approved the proposed sewage disposal system. Where required, the applicant shall obtain approval of the proposed sewage disposal system from the State Department of Health Services or the State Department of Environmental Protection.
- E. The zoning permit shall be void one (1) year from the date of issuance of the permit if the footing course for the foundation of the structure approved under the permit has not been laid within that period or, where no foundation is involved, if the construction authorized by the permit has not begun.
- F. Nothing herein contained, however, shall require any change in the plans, construction or use of a building for which a valid zoning permit has been issued if the work has been started within one (1) year from the date of issuance of such permit.

193-74. Certificate of zoning compliance

No land shall be occupied or used and no building hereafter erected or altered shall be occupied or used, in whole or in part, for any purpose until a certificate of zoning compliance shall have been issued by the Zoning Enforcement Officer stating that the premises or building complies with all the provisions of these

regulations. Such certificate of zoning compliance may be applied for at the same time that the building permit is applied for.

193-75. Enforcement; penalties for offenses

These regulations shall be enforced by the Zoning Enforcement Officer, who is hereby authorized to cause any building, place or premises or use to be inspected and to order, in writing, the remedying of any condition found to exist in violation of these regulations. The Town Planning and Zoning Commission, Zoning Enforcement Officer or any official having jurisdiction, in addition to other remedies, shall institute an action proceeding to prevent the unlawful erection, alteration, reconstruction, maintenance or use of any building or to correct or abate any unlawful act or to prevent the illegal occupation of buildings or land or to prevent any illegal act in or about such premises. Any person, firm or corporation violating the provisions of these regulations shall be punished by a fine of not more than one hundred dollars (\$100) for each day of each offense.

ARTICLE XII

Miscellaneous Provisions

193-76. Amendments

- A. These regulations may be amended, changed or repealed as provided in the Zoning Law of the State of Connecticut.
- B. A petition to change the zoning regulations or the zoning map shall be submitted on a form provided by the Commission.
- C. The following requirements apply to a petition for a change to the boundaries on the zoning map.
 - (1) The application shall be signed by the owner of the property or a person authorized by the owner in writing.
 - (2) Where the proposed zone map boundary change does not follow property lines or divides a property or where the boundary change affects a boundary for any zone other than a single family residential zone, the Commission may require an A-2 survey of the proposed zone boundary line.
 - (3) The application shall include a list of all property owners of record within five hundred (500) feet in all directions of the proposed zone map boundary change.
 - (4) The applicant for the zone boundary change shall send a return-receipt notification to all the property owners of record identified above. The notice shall state the time, place and date of the public hearing on the proposed zone boundary change. Prior to, or at the outset of, the public hearing, the applicant shall present to the Commission verification that a return-receipt notice was sent not less than fourteen (14) days prior to the public hearing on the proposed zone change.
- D. Except for appeals from the Zoning Enforcement Officer, a notice of a public hearing sign or signs shall be posted on property which is the subject of a public hearing before the Zoning Commission or Zoning Board of Appeals.

Specification on size, placement, content and number of required signs are available in the land use office. The Zoning Enforcement Officer will inform the Planning and Zoning Commission if the sign requirements have been met at the time of the hearing.

In addition, a notice must be sent to all abutting property owners and the Zoning Enforcement Officer by certified mail, return receipt, no later than 10 days before the public hearing, explaining the purpose of the public hearing and listing the date, time and place the hearing will be held. The applicant will supply the Commission with proof that the notices have been mailed at the time of the hearing.

The proof of sign placement and proof of notice of mailings must be received by the Planning and Zoning Commission at the hearing. The failure to provide such proof is reason for denial of the application.

193-77. Severability

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

193-78. When effective

These regulations and any subsequent amendments thereto shall become effective on the dates established by the Planning and Zoning Commission after due notice and public hearing as prescribed by the law.

