Town Of Canaan, Connecticut
(Falls Village)

ZONING REGULATIONS



Drone photo captured by Ben Willis

Revised to November 1, 2026

PREAMBLE

The Town of Canaan (also known as Falls Village) is a classic small New England town which is located along the banks of the Housatonic River, in the foothills of Northwestern Connecticut.

The Planning & Zoning Commission has prepared these Zoning Regulations to help protect our town's proud country heritage and rural character as well as prepare for our future needs as a growing municipality.

These Zoning Regulations are intended to provide standards and guidance for land use activities in Canaan (Falls Village). The Regulations are intended to help maintain and enhance community character and help protect the public health, safety, and welfare.

The Regulations are intended to define reasonable standards for the use of property. These standards strike a balance between what people want to be able to do on their own property and what people think their neighbors ought to be able to do on their property.

The Planning and Zoning Commission, in recognition of the need to balance numerous factors when establishing or revising Zoning Regulations, has given careful consideration to the following:

1. *Protecting natural resources;*
2. *Protecting existing properties and neighborhoods;*
3. *Allowing for uses and activities that will be in keeping with overall community standards and meet community needs;*
4. *Ensuring the reasonableness and legality of regulatory provisions; and*
5. *Furthering implementation of the Plan of Conservation and Development.*

It is the general purpose and intent of these Regulations to foster the use and development of land in an orderly manner by both private and public interests.

These Regulations provide standards and procedures by which development of property within the Town may be configured in order to maintain the character of the Town, the economic value of property, and the general welfare of the citizens.

These Regulations are intended to be a dynamic document, not a static document. It is anticipated that these Regulations will be regularly reviewed and updated, as necessary, to anticipate and reflect the ever changing needs of the community and to guide land use activities in Canaan (Falls Village) in ways that will continue to maintain and enhance community character and protect the public health, safety, and welfare.

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1. INTRODUCTION

1.1. Authority

These Zoning Regulations are adopted under the authority granted by Chapter 124 of the Connecticut General Statutes, as amended.

1.2. Purposes

As provided in Section 8-2 of the Connecticut General Statutes, these Zoning Regulations are adopted to help accomplish the following purposes:

1. Promoting and protecting the public health, safety, convenience, and general welfare of the community;
2. Conserving and protecting natural resources, such as ridgetops, hillsides, wetlands, watercourses, and other sensitive natural resources and areas;
3. Protecting water quality, especially groundwater and existing and potential drinking water supplies;
4. Conserving the value of buildings and property and encouraging the most appropriate use of land throughout the town;
5. Preventing the overcrowding of land and avoiding the undue concentration of population;
6. Lessening congestion in the streets and securing safety from fire, panic, flood, and other dangers;
7. Providing and maintaining adequate light and air and privacy;
8. Facilitating adequate provision of transportation, water, gas, electric power, sewerage, drainage, schools, parks and other public requirements;
9. Assuring that proper provision is made for sedimentation control and the control of erosion caused by wind or water for any project for which a permit is required or sought from the Town;
10. Encouraging the development of housing opportunities, including opportunities for multi-family dwellings, consistent with soil types, terrain and infrastructure capacity, which will promote housing choice and economic diversity in housing, including housing for both low and moderate income households, and encouraging the development of housing which will meet identified housing needs; and
11. Implementing the Plan of Conservation and Development for the Town of Canaan (Falls Village) prepared under Section 8-23 of the Connecticut General Statutes.

1.3. Jurisdiction

These Regulations apply to all areas within the Town of Canaan (Falls Village) and to the use to which any area and any and all buildings or structures may be devoted.

1.4. Zoning Districts

A. Districts Established

To accomplish the purpose of these Regulations, the Town of Canaan (Falls Village) is divided into different zoning districts as provided in these Regulations.

B. Zoning Map Established

The established zoning districts are shown on the official Zoning Map, as amended, which is on file in the office of the Town Clerk and is hereby made a part of these Regulations.

C. Interpretation of Zoning Map

1. Unless otherwise dimensioned on the Zoning Map, zone boundaries shall be construed as follows:
   a. Following the center line of a street, highway, railroad, right-of-way, or easement.
   b. Following the lines of a particular geophysical feature including brooks, streams, flood-plains, or steep slopes.
   c. Following lot lines, such being lines of record at the time of adoption of these Regulations or relevant amendments hereto.
   d. Where zone boundaries are set back from such lines, they shall be considered running parallel thereto, at distances indicated.

2. In case of uncertainty regarding zone boundaries on the Zoning Map, the Zone boundary shall be determined by the Commission.

1.5. Interpretation of Provisions

A. Permitted or Prohibited Uses

1. Any activity or any use of land, buildings or structures not clearly permitted by these Regulations in the specific zoning district is prohibited; including, but not limited to, the following:
   a. Billboards;
   b. Mobile home parks, travel or recreational vehicle trailer parks;
   c. Handling, storage, use or disposal of radioactive materials;
   d. Junkyards;
   e. Race tracks of any type or kind;
   f. Nudist colonies;
   g. Helicopter landing pads or sites;
   h. Gun shooting ranges;
   i. Tattoo parlors;

j. Adult-oriented establishment.

2. For a principal use permitted by these Regulations, uses which are customarily incidental and subordinate thereto are permitted.

3. In the event of uncertainty as to whether a use or activity is permitted, the Commission shall be responsible for interpreting these Regulations.

B. Minimum or Maximum Requirements

In their interpretation and application, the provisions of these Regulations shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare, unless the context clearly indicates that such provision is intended to be a maximum limitation.

C. In The Event of Conflict

Where any conflict arises between the provisions of these Regulations and any other law, ordinance, easement, covenant, rule, regulation, or permit, the provision that establishes the greatest restriction upon the use of land, buildings or structures or imposes the highest standard shall control.

1.6. Conformity Provisions

1. No building, structure or land shall be used except in conformity with these Regulations for the zone in which the land, building, or structure is located.

2. No building or other structure or part thereof shall be erected, moved, reconstructed, extended, enlarged, or altered except in conformity with these Regulations for the zone in which the building or structure is located.

3. No land shall be sold, divided, or diminished in area in a manner which results in:
   a. the lot area requirement, lot frontage, yard setback, or other dimensional standard ceasing to conform to the requirements of these Regulations, or
   b. the use of all or a part thereof ceasing to conform to these Regulations.

1.7. Administrative Provisions

A. Severability

1. Should any provision of these Regulations be declared to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any other provision of these Regulations.

2. If a court of competent jurisdiction finds the application of any provision of these Regulations to be invalid or ineffective in whole, or in part, with respect to any use, land or improvement, the effect of such decision shall be limited to the person, property or situation immediately

involved and the application of any such provision to other persons, property or situations shall not be affected.

B. Repealer and Effective Date

1. Any previously enacted zoning regulations for the Town of Canaan (Falls Village), including any and all amendments thereto are hereby repealed and replaced with these Regulations as of the effective date hereof.

2. These Regulations and any amendments hereto shall be in full force and effect from the date established by the Commission in accordance with the Connecticut General Statutes.

2. RESIDENTIAL ZONES

2.1. Purposes

The Village Residential (VR) Zone is intended to recognize and provide for the historic, compact, pedestrian-oriented village area.

The Residential / Agricultural (R/A) Zone is intended to recognize and support the rural residential and agricultural uses which have been established in Canaan (Falls Village).

The Mountain Residential (MR) Zone is intended to allow for very low intensity residential development in the most remote areas of Canaan (Falls Village).

2.2. Permitted Principal Uses

	Village Residential	Residential / Agricultural	Mountain Residential
Open Space-Type Uses			
1. Open space, nature preserves, wildlife sanctuaries.	No Permit Required	No Permit Required	No Permit Required
Farming-Type Uses			
2. Farm or farming.	No Permit Required	No Permit Required	No Permit Required
Residential-Type Uses			
3. Single family dwelling.	Zoning Permit	Zoning Permit	Zoning Permit
4. Two-family dwelling.	Zoning Permit	Special Permit	Not Permitted
5. Interior lot for single-family dwelling in accordance with Section 2.6.D.	Not Permitted	Special Permit	Special Permit
6. Multiple detached single-family dwellings on one parcel (a residential compound) provided: a. no more than four (4) dwellings are proposed, and b. there is at least five (5) times the land area for the number of units proposed, and c. the dwellings are served by one driveway unless modified by the Commission, and d. the land is capable of being subdivided in the future in compliance with the Zoning Regulations and Subdivision Regulations, and e. permanent provision for the preservation of open space and the protection of natural features is made at the time of approval.	Not Permitted	Special Permit	Special Permit
Business-Type Uses			
7. Day Care Center.	Special Permit	Special Permit	Not Permitted

8. Kennel, veterinary hospital, or commercial stable on a lot of at least five acres provided: a. no animals which are boarded or kept overnight shall be kept in any buildings or enclosures within 150 feet of any property line; and b. the use shall not create any odors, noise or other impacts that would constitute a common-law nuisance with respect to any other property.	Not Permitted	Special Permit	Special Permit

Institutional-Type Uses

9. Municipal building or use.	Special Permit	Special Permit	Special Permit
10. Public or private school or educational institution.	Special Permit	Special Permit	Special Permit
11. Religious institution.	Special Permit	Special Permit	Special Permit
12. Cemetery.	Special Permit	Special Permit	Special Permit
13. Facilities affiliated with a recognized philanthropic / charitable organization.	Special Permit	Special Permit	Special Permit
14. Summer camp affiliated with a recognized philanthropic / charitable organization.	Not Permitted	Special Permit	Special Permit
15. Non-profit music venue affiliated with a recognized philanthropic / charitable organization.	Not Permitted	Special Permit	Not Permitted
16. Public library.	Special Permit	Not Permitted	Not Permitted
17. Post office.	Special Permit	Not Permitted	Not Permitted
18. Forest research and related scientific activities.	Not Permitted	Not Permitted	Special Permit

Other Uses

19. Club, with the exception of any club whose on-site activities include the use of firearms or the use of internal combustion engines.	Special Permit	Special Permit	Special Permit
20. Telecommunications antennae in accordance with Section 6.6.	Special Permit	Special Permit	Special Permit
21. Expansion of a pre-existing non-conforming use.	Special Permit	Special Permit	Special Permit
22. Temporary Wind Monitoring or Meteorological Structures	Not Permitted	Zoning Permit	Zoning Permit
23. Energy producing Wind Devices	Not Permitted	Special Permit	Special Permit
24. Trailers for Temporary Habitation	Zoning Permit	Zoning Permit	Zoning Permit

2.3. Permitted Accessory Uses

	Village Residential	Residential / Agricultural	Mountain Residential
Day Care			
1. Family day care home.	No Permit Required	No Permit Required	No Permit Required
2. Group day care home.	Special Permit	Special Permit	Special Permit
Home-Based Business			
3. When operated in accordance with Section 2.6.A, a home-based business such as:			
a. a home office	No Permit Required	No Permit Required	No Permit Required
b. a cottage food operation*	No Permit Required	No Permit Required	No Permit Required
c. contractor shop & storage	Zoning Permit	Zoning Permit	Zoning Permit
d. a minor home business	Zoning Permit	Zoning Permit	Zoning Permit
e. a major home business	Special Permit	Special Permit	Special Permit
4. Bed & Breakfast in accordance with Section 2.6.C.	Special Permit	Special Permit	Special Permit

*Except if retail sales are to occur on-site, then the Special Permit Process is applicable

Home-based businesses that do not meet the limitations of cottage food operations, home offices, contractor shop & storage and/or minor home businesses shall be considered as Major Home Businesses and shall be subject to a Special Permit.

Accessory Apartment			
5. Accessory apartments are permissible with a Zoning Permit in all Residential Zones	Zoning Permit	Zoning Permit	Zoning Permit

2.4. Permitted Accessory Structures

	Village Residential	Residential / Agricultural	Mountain Residential
Accessory Farm Structures			
1. Barns and agricultural outbuildings accessory to a farming use.	Zoning Permit	Zoning Permit	Zoning Permit
2. Farm stand accessory to a farming use of 400 square feet or less.	Zoning Permit	Zoning Permit	Zoning Permit
3. Farm business/ farm store accessory to a farming use of more than 400 square feet.	Special Permit	Special Permit	Special Permit
4. Accessory uses to agriculture	Zoning Permit	Zoning Permit	Zoning Permit
5. Agri-tourism and/or events on farm property	Special Permit	Special Permit	Special Permit
Accessory Residential Structures			
6. A detached garage accessory to a residential use.	Zoning Permit	Zoning Permit	Zoning Permit
7. Residential outbuildings accessory to a residential use.	Zoning Permit	Zoning Permit	Zoning Permit
Other Accessory Structures			
8. Telecommunications antennae in accordance with Section 6.6.	Special Permit	Special Permit	Special Permit
9. Storage Trailers	Zoning Permit	Zoning Permit	Zoning Permit
10. Utility Trailer	By Right	By Right	By Right
11. Recreational Trailer for Human Habitation	Zoning Permit	Zoning Permit	Zoning Permit

2.5. Dimensional Standards

	Village Residential	Residential / Agricultural	Mountain Residential
Minimum Lot Size			
Single Family	20,000 SF	80,000 SF	160,000 SF
Two-Family	30,000 SF	120,000 SF	
Minimum Frontage			
Single Family	100 Feet	200 Feet	300 Feet
Two-Family	150 Feet	300 Feet	

Minimum Yard Setbacks			
Front Yard	30 Feet	50 Feet	50 Feet
Side Yards	10 Feet	25 Feet	50 Feet
Rear Yard	10 Feet	50 Feet	50 Feet
Maximum Building Standards			
Maximum Building Height - Principal Building	35 Feet	35 Feet	35 Feet
Maximum Building Height - Accessory Building	25 Feet	25 Feet	25 Feet
Maximum Building Coverage	20%	10%	5%

See Section 6.3 for possible exceptions to dimensional standards. See Section 2.6 E for possible flexibility in dimensional standards due to the preservation of open space.

2.6. Special Residential Regulations

A. Home-Based Business

1. General Provisions

The following standards shall apply to all home business uses:

a. All home businesses shall be clearly incidental to the use of the property for residential purposes.
b. The home business use may be conducted either in the dwelling in in a separate structure.
c. No toxic, explosive, flammable, combustible, corrosive, or otherwise hazardous materials shall be allowed in association with a home business use.
d. No equipment or processes shall be used in a home business that creates objectionable noise, vibration, glare, fumes, and/or odors that adversely impact the neighboring properties.
e. The residential appearance of the dwelling unit shall be maintained.
f. All signs associated with a home business shall be subject to a zoning permit. The sign's placement shall not encroach on the public right-of-way and/or impede motorists, pedestrians, cyclists, and/or other passersby's.
g. All outside storage associated with the home business activity shall adhere to the prevailing setback standards.
h. More than one (1) home business use may be authorized on a single property. The cumulative effect of the home businesses and their combined characteristics will be evaluated to determine the permitting process.
i. All home businesses may be subject to additional approvals such as state licensing and renewals, local health district review, and/or other applicable regulations such as building, health, and fire codes. The ZEO reserves the right to request proper documentation of other approvals.

2. Special Permit Requirements

The application for a Special Exception for a Major Home Business shall be on a form provided by the Land-Use Department and shall include the following information:

a. A narrative summarizing the nature of the home business
b. Proposed hours of operation if the premises will be open to the public
c. Proposed number of employees and number of vehicles that will regularly parked on the premises and associated with the home business. Parking for employees and/or clients/customers shall be indicated on a site plan or plot plan. Parking associated with a home business must not take place within the public right-of-way of the Town of Canaan (Falls Village).
d. A site/plot plan that indicates where the home business activity will be conducted on the property, on-site parking areas, and other elements associated with the home business such as setbacks and screening from adjacent properties, lighting, signage, etc. The Commission reserves the right to request specific details and/or supplemental information to determine compliance such as, but not limited to, the distance of the business activity from adjacent properties, outdoor illumination details as well as a floor plan of the structure/area of the dwelling associated with the major home business.
e. An analysis of anticipated traffic (number of daily trips to the site by non-residents) and other potential adverse impacts (noise, frequent deliveries/pick-ups) based on the proposed home business use
f. The ZEO may request the documentation of other approvals required to lawfully operate the major home business, such as but not limited to, state licensing and renewals, local area health district approval, and/or other documentation certifying compliance.

All Major Home Businesses will be subject to a three (3) year renewal application and fee. The Planning & Zoning Commission and/or its agent reserves the right to request a new Major Home Business application (which requires a Special Permit & public hearing) if the nature and scope of the previously approved Major Home Business has significantly changed.

3. Approval Criteria

See 7.2 Administration by Commission D.5 Special Permit Criteria

B. Accessory Apartment

1. Purpose

This Section of the Regulations is intended to allow for the establishment of accessory apartments in order to provide housing opportunities and meet community needs.

2. General Standards

a. Except as specifically approved by the Commission by Special Permit:
    i. The owner of the property shall occupy either the principal dwelling unit or the accessory dwelling unit.
    ii. Only one accessory apartment shall be permitted for each lot.
    iii. The lot shall equal or exceed the minimum lot area requirement for the zone in which the property is located.
b. No accessory apartment shall be established as part of a two-family dwelling or any multi-family use.

c. Both the accessory apartment and the principal dwelling shall meet the requirements of the Building and Public Health Codes.

3. Standards For Accessory Apartments Which Are Internal / Attached

a. Except as specifically approved by the Commission by Special Permit, no accessory apartment within or attached to the principal building shall exceed 1,500 square feet or 40% of the floor area of the principal building, whichever is greater.
b. For an accessory apartment within or attached to the main dwelling:
   i. the accessory apartment shall be accessible from the main dwelling by an operable door along a common wall, and
   ii. the exterior appearance of entire building shall be designed to reflect the architectural style of a single family unit.

4. Standards For Accessory Apartments Which Are Detached

a. Except as specifically approved by the commission by Special Permit no accessory apartment detached from the principal building shall exceed 1,500 square feet or 40% of the floor area of the principle building, whichever is greater.
b. Any detached accessory apartment shall be secondary in size to the principal building.
c. A Special Permit for a detached accessory apartment may, if so specified by the Commission, be subject to occasional renewal or reauthorization by the Commission.

5. Application Materials

As part of any Special Permit application to establish an accessory apartment:
a. A letter shall be provided indicating that the property owner will occupy either the principal dwelling unit or the accessory dwelling unit.
b. A schematic set of floor plans shall be provided, drawn to scale, indicating the interior use of the building after the establishment of the accessory apartment.
c. A detailed site plan drawing shall not typically be needed unless specifically required by the Commission due to the nature or intensity of uses or activities proposed on the property.

C. Bed & Breakfast

1. Purpose

This Section of the Regulations is intended to allow for the establishment of bed and breakfast facilities in order to provide for low intensity lodging facilities in the region.

2. Standards

a. The bed and breakfast operation shall be conducted by the owner resident(s) of the premises.
b. All requirements of the Public Health Code, Building Code, and Fire Code as they apply to Bed and Breakfasts shall be met.
c. The residential character of the building, the property, and the neighborhood shall be maintained.
d. Additional off-street parking in the amount of one (1) space per guest room shall be provided and shall be adequately screened from the street and adjacent property.

3. Application Materials

As part of any application to establish a bed and breakfast, the following documentation shall be provided, unless waived by the Commission:

a. A letter shall be provided indicating how the bed and breakfast operation will comply with the requirements of this Section.
b. Two sets of schematic floor plans shall be provided, drawn to scale, indicating the interior use of the building.
c. Two sets of a site plan, drawn to scale, showing the location of structures on the parcel, parking and drive areas, utility services, and any other pertinent information, both existing and proposed.
d. If exterior building modifications are proposed, two sets of schematic building elevations, drawn to scale, indicating the exterior appearance of the building both existing and proposed.

D. Interior Lot for Single Family Dwelling

1. Purpose

This Section of the Regulations is intended to allow for the establishment and development of interior lots in situations where adequate provision has been made for preservation of important resources and where adequate access will be provided.

2. Applicability

The Commission may, as a Special Permit, approve the establishment of an interior lot where the land is located in a residential zone and the use is limited to a single-family dwelling, and either:

a. The land is not part of a subdivision and could not otherwise be developed because it lacks the required street frontage, and it has an accessway at least 20 feet in width at all points which intersects with an existing public street; or
b. The land is part of a proposed subdivision and the application meets the following requirements:
    i. Not more than 20 percent of the total number of lots in the subdivision shall be interior lots; and
    ii. The applicant provides adequate information (and legal documentation) demonstrating that the proposed subdivision layout will result in the permanent preservation of a natural resource or scenic feature (such as a farm field or view), or an historic or cultural feature that would not otherwise be so protected; and
    iii. The lot shall be served by an accessway that intersects with an existing or proposed public street and which is at least 50 feet in width at all points.

3. Lot Standards

The interior lot shall conform with all dimensional and other standards of these Regulations.

4. Single Lot Accessway Standards

a. The accessway for a single lot shall be owned in fee simple by the owner of the interior lot and shall not be shared with another lot.

b. The Commission shall require a driveway construction and drainage plan if the accessway grade is in excess of 10 percent or its length is in excess of 200 feet.
c. The grade and alignment of the accessway and proposed driveway shall be adequate to accommodate fire and other emergency equipment.
d. The maximum travel way grade of a driveway shall be 15 percent overall and 18 percent over any distance of 100 feet;

5. Shared Accessway Standards

The Commission may, by majority of those members present and voting, permit up to three lots to share an accessway, provided that:

a. the Commission determines that sharing an accessway will reduce the threat of erosion, diversion of waterways, unsightliness, unnecessary defoliation, or other detriment to the affected and neighboring land,
b. the shared portion of the accessway shall be jointly owned by the owners of all of the lots that it serves,
c. the owners of an existing lot using an existing accessway shall agree to the addition of more lots to the accessway, and
d. an agreement to maintain the shared portion of the accessway and driveway shall be presented as part of the application for a special permit and shall be stipulated in the deeds of all lots sharing the accessway, and
e. the interior lot(s) sharing the accessway include(s) land sufficient to accommodate an accessway that conforms with these Regulations.

E. Development Flexibility for Open Space Preservation

1. The Commission may, by Special Permit, modify certain requirements of Section 2.5 for any lot or lots in a proposed residential subdivision or resubdivision when:
   a. more than 20 percent of the parcel is permanently preserved as open space, and
   b. a substantial open space buffer along the undeveloped portions of existing roads is deeded to the Town or a recognized conservation organization as permanently preserved open space.

2. Prior to modifying any such requirement of Section 2.5, the Commission shall make findings on the record that:
   a. there will be a significant community benefit resulting from the additional open space that is being preserved in perpetuity, such as:
      i. protection of important natural or scenic resources,
      ii. preservation of a sizable area of open space,
      iii. preservation of areas along Town or State roads that will protect rural appearance or character,
      iv. establishment of an open space corridor or greenway or interconnection of existing open spaces, and/or
      v. provision for public access, and
   b. that there will be an appropriate visual buffer or separation to adjacent existing residential development, and
   c. that the open space will not result in small or fragmented open space parcels that do not provide community benefits.

3. The Commission may, in its sole discretion, modify the following requirements on a lot or lots within a proposed residential subdivision which have the required frontage on and obtain

access from a new road by up to the same percentage that open space is preserved in perpetuity in the parcel in excess of the minimum open space requirement

a. The minimum lot size may be decreased provided that the Commission, in its sole discretion, finds that such reduction shall not result in an increase in the number of lots that would otherwise be built on the property.
b. The minimum frontage may be decreased.
c. The maximum lot coverage may be increased.
d. The minimum setback and yard dimensions may be reduced.

F. Trailers for Temporary Habitation

A trailer shall not occupy a residential lot as a primary use, except, if a temporary use of the trailer has been approved on the subject lot for a specific, limited, and temporary period of time so that a primary structure may be established. The approval for the temporary use of a trailer for habitation shall be approved by a zoning permit and shall include a specific term or a period of time. Torrington Area Health District approval shall also be required for the temporary use of any trailer used for habitation in the Town of Canaan (Falls Village).

G. Agricultural Uses, Structures, and Agri-tourism

1. Purpose

Agriculture has always been an integral part of Canaan's (Falls Village) economy, culture, and landscape. These regulations seek to support traditional agricultural practices as well as provide flexibility for innovative methods and practices in support of viable farm businesses and the local economy. These regulations permit farming in all residential zones, as well as within the Light Industrial Zone, allows farming activities consistent with the state's definition of agriculture, and provides opportunities for accessory agricultural uses, farm businesses and agri-tourism. Careful consideration has been given to encourage the preservation of tracts of farmland, which includes significant open fields, prime agricultural soils, historic barns, and scenic vistas.

2. Definitions

Accessory Uses to Agriculture- These uses shall be ancillary to a farming operation and may include, but not limited to, the following:

- Pick your own operations
- Hayrides/sleigh rides/ horseback rides
- Educational Farm Tours
- Corn mazes, pumpkin patches, and other seasonal attractions
- Community Supported Agriculture (CSA) pick-ups and events
- Farm demonstrations

Accessory uses to a working farm may include a combination of activities like those listed above and which are connected to the undertakings of a working farm to promote/sell products and/or practices of a working farm. If any accessory use and/or combination of agricultural uses consistently attracts 25 or more individuals to the premises of a working farm simultaneously, that use shall be considered Agri-tourism and permitted as such.

Agriculture- "farming", The cultivation of soil dairying, forestry, raising or harvesting any agricultural or horticultural commodity, including cannabis, the raising, shearing, feeding, caring for, training, and management of livestock, including horses, bees, poultry, fur-bearing

animals, and wildlife; the operation, management, conservation, improvement, or maintenance of a farm and its buildings, tools, and equipment.
Accessory uses shall include salvaging timber or clearing land of brush or debris left by a storm, as an incident to such farming operations; the production or harvesting of maple syrup or maple sugar, the harvesting of mushrooms, the hatching of poultry, or the construction, operation, or maintenance of ditches, canals, reservoirs, or waterways used exclusively for farming purposes; handling, planting, drying, packaging, processing, freezing, grading, storing, or delivering to storage or to market, or to a carrier for transportation to market, or for direct sale of any agricultural or horticultural commodity as incident to ordinary farming operations, or in the case of fruits and vegetables, as an incident to the preparation of such fruits and vegetables for market or for direct sale.
The term "farm" includes farm buildings, and accessory buildings thereto, nurseries, orchards, greenhouses, hoop houses, and other temporary structures or other structures used primarily for the raising and, as an incident to ordinary farming operations, the sale of agricultural and horticultural commodities.

Agri-tourism- The combination of a farming operation with aspects of tourism which includes the generation of income and/or the attraction of visitors to the setting of a farm. Agri-tourism as a use attracts many visitors (greater than 25 individuals at any given time) to a working farm and includes an event such as farm dinners, weddings, workshops, etc.

Farm stand- a structure established for the display and sale of farm products which primarily have been grown on the premises and:

a. Shall not exceed 400 square feet
b. Shall adhere to the setback requirements required in the applicable zone
c. Shall provide at least one (1) off-street space as a safe vehicular pull-off for each fifty square feet (50 sf) of building area and shall provide for safe vehicular ingress/egress to and from the public roadway
d. May include on-site signage

Farm Business/Farm Store- an establishment associated with an active farm and/or a conglomerate of active farms which sells or serves agricultural products that may be produced on/or off site. Examples of a farm business may include but are not limited to, a grocery food co-op, farm brewery, or winery tasting room and retail store, a farm café, and/or restaurant, an establishment offering farm stays, workshops open to the general public, and/or a combination of these uses.

3. Additional Provisions
   a. Modifications- any expansion and/or modification of an agricultural use that requires permitting shall be brought to the attention of the ZEO on behalf of the P&Z. When considered to be more impactful that the current authorized use(s), the ZEO and the P&Z Commission may require a new application to be considered.
   b. Multiple Uses- More than one (1) agricultural accessory use may be authorized on a single property. The proposed agricultural, accessory uses, and agri-tourism uses will be considered cumulatively when determining compliance.
   c. Lighting- All outdoor lighting associated associated with accessory agricultural uses and Agri-tourism shall adhere to **Section 5.6 Outdoor Illumination & Dark Sky Principles**.
   d. Signage- All signage shall comply with **Section 5.4 Sign Standards**.
   e. Parking- All farm uses shall provide adequate off-street parking. Parking areas shall not encroach on property setbacks. In general, one (1) space should be provided per 250 feet of gross floor area (See **Section 5.2 Parking & Loading**).

f. Sanitary Systems- all on-site water and sanitary systems shall be adequately sized and in suitable condition to serve the proposed use(s). TAHD approval shall be included with the application materials, when applicable.
g. All activities associated with agricultural, and agri-tourism uses shall comply with all local, state, and Federal Regulations. Approval of plans by other regulatory agenices (eg Building Official, Fire Marshal, local area health district, Inland Wetlands Commission, public safety shall be obtained when applicable.

Recommendation: These regulations suggest that any new residential use that is established next to a working farm maintain a minimum recommended setback of 75' from the property line of the abutting farm. This buffer protects the farm from nuisance complaints for noise and smell as well as ensures that the new residential property is buffered from herbicides, pesticides, manure, and/or other externalities that are inherent in farming. It is the responsibility of the new residential owner and not the farmer's responsibility to enhance their setback.

3. BUSINESS & INDUSTRIAL ZONES

3.1. Village Business Zone

A. Purpose

The Village Business Zone is intended to provide for a compact and cohesive, pedestrian-oriented area scaled to serve the needs of the community and retain the village character.

B. Permitted Principal Uses

1. Single family dwelling.
2. Retail stores, provided that no building or group of buildings used for retail purposes on any one lot shall have more than 2,500 square feet of total floor area.
3. Office or financial institution.
4. Personal service establishment.
5. Restaurant.
6. Inn.
7. Mixed use buildings with a permitted business use on the first floor and residential use(s) on the upper floor(s).
8. Commercial Trailers
9. Construction Trailers
10. Storage Trailers

C. Principal Uses Allowed By Special Permit

1. Retail stores, if any building or group of buildings used for retail purposes on any one lot has more than 2,500 square feet of total floor area.
2. Two-Family Dwelling.
3. Municipal Building or Use.
4. Post Office.
5. Day Care Center.
6. Expansion of a pre-existing non-conforming use.
7. Telecommunications antennae in accordance with Section 6.6.

8. Temporary Restaurant Trailer

9. Recreational Trailer for Human Habitation

D. Accessory Uses

1. The following accessory uses are permitted in the Village Business Zone:
   a. Parking in accordance with Section 5.2.
   b. Signage in accordance with Section 5.4.

2. Outdoor dining or the use of a Temporary Restaurant Trailer may be permitted by a zoning permit when accessory to a permissible principal use.

3. When accessory to a residential use or a farming use, any accessory use listed in Section 2.3 is permitted in the Village Business Zone subject to the same conditions or limitations as provided in Section 2.3.

E. Accessory Structures

1. Outbuildings and other structures accessory to a permitted principal use or a permitted Special Permit use are permitted where the principal structure or building has been established.

2. When accessory to a residential use or a farming use, any accessory structure listed in Section 2.4 is permitted in the Village Business Zone subject to the same conditions or limitations as provided in Section 2.4.

3. Telecommunications antennae in accordance with Section 6.6.

F. Area and Dimension Requirements

Minimum Lot Size	5,000 SF
Minimum Frontage	50 Feet
Minimum Front Yard Setback	0 Feet
Minimum Side Yard Setback	10 Feet
Minimum Rear Yard Setback	30 Feet
Maximum Building Height	35 Feet
Maximum Building Coverage	n/a
Maximum Impervious Coverage	n/a

3.2. Rural Business Zone

A. Purpose

The Rural Business Zone is intended to provide for business uses in locations and with intensities appropriate for a rural community in order to meet community and regional needs.

B. Permitted Principal Uses

1. Office or financial institution.

2. Personal service establishments.

3. Mixed use buildings with a permitted business use on the first floor (either by being a business use that is a permitted principal use in the zone or that is a principal use allowed by special permit in the zone) and residential use(s) on the upper floor(s).

4. Farm and farming, including a farm stand.

5. Single-family dwelling.

6. Temporary Wind Monitoring structures require a Zoning Permit

7. Commercial Trailers

8. Construction Trailers

9. Storage Trailers

C. Principal Uses Allowed By Special Permit

1. Retail stores, provided that no building used for retail purposes on any one lot shall have more than 5,000 square feet of total ground floor area.

2. Municipal building or use.

3. Day care center.

4. Restaurant.

5. Inn

6. Kennel, veterinary hospital, or commercial stable on a lot of at least five acres, provided:
   a. no animals shall be kept in any buildings or enclosures within 150 feet of any property line; and
   b. the use shall not create any odors, noise or other impacts that would constitute a common-law nuisance with respect to any other property.

7. Expansion of a pre-existing non-conforming use.

8. Energy producing Wind Devices.

9. Temporary Restaurant Trailer as a primary use

D. Accessory Uses

1. The following accessory uses are permitted in the Rural Business Zone:
   a. Parking in accordance with Section 5.2.
   b. Signage in accordance with Section 5.4.

2. When accessory to a residential use or a farming use, any accessory use listed in Section 2.3 is permitted in the Rural Business Zone subject to the same conditions or limitations as provided in Section 2.3.

3. The use of a Temporary Restaurant Trailer may be permitted by a zoning permit when accessory to a permissible principal use.

E. Accessory Structures

1. Outbuildings and other structures accessory to a permitted principal use or a permitted Special Permit use are permitted where the principal structure or building has been established.

2. When accessory to a residential use or a farming use, any accessory structure listed in Section 2.4 is permitted in the Rural Business Zone subject to the same conditions or limitations as provided in Section 2.4.

3. Telecommunications antennae in accordance with Section 6.6.

F. Area and Dimension Requirements

Minimum Lot Size	40,000 SF
Minimum Frontage	200 Feet
Minimum Front Yard Setbacks	50 Feet
Minimum Side Yard Setbacks	25 Feet
Minimum Rear Yard Setbacks	50 Feet
Maximum Building Height	35 Feet
Maximum Building Coverage	25%
Maximum Impervious Coverage	50%

G. Consolidated Parcels

For the purpose of integrated development, any number of contiguous parcels in a Rural Business zone may be consolidated for the purpose of development, and the consolidated parcel shall be construed to be one lot when computing building coverage and yard requirements, and permitted uses provided:

1. The consolidated parcel is developed with an integrated plan of buildings, parking, loading and unloading, and open space.

2. The owner of each lot shall give the right of entrance, exit, passage, parking and loading to the owner of each lot in the consolidated parcel by deed, easement, or condominium agreement filed in the office of the Town Clerk.

3. Said agreement shall clearly establish the responsibility of each separate owner for maintenance of the entire outside premises, including the exterior walls of the building, and shall be executed and recorded in the Town Clerk's office after the granting of approval by the Commission.

4. The Commission may require or limit use of access driveways to one or more parcels, whether or not under separate ownership, in order to assure safe traffic movement onto the street and to avoid congestion.

H. Design Principles

The following design principles shall be used to guide development in the Rural Business Zone:

1. Buildings should reflect the character and scale of the community.

2. Parking areas should be located to the side and rear of buildings to reduce their visual prominence from the road.

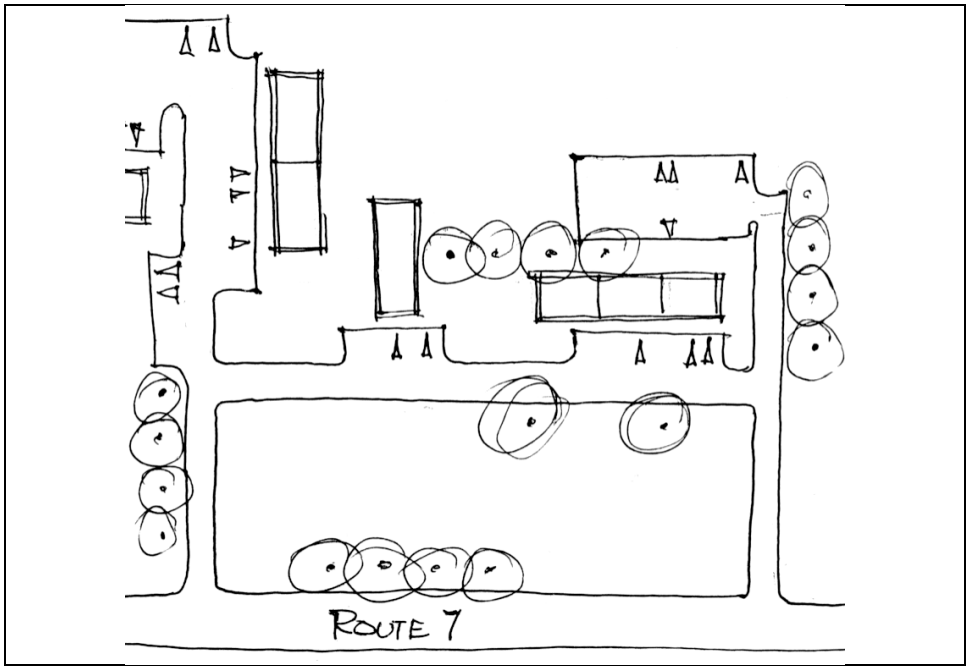
3. If parking is to be provided in front of buildings, parking areas should be set well back from the road to provide for a generous landscaped front yard.

4. Driveways used to access businesses should be located perpendicular and parallel to the road.

5. All driveways should be configured to provide shared access to adjacent properties in order to minimize the number of driveways intersecting the road.

6. All properties being developed for business uses should share access and parking with other existing and future business properties in the vicinity as evidenced by mutual cross-easements.

7. A generous landscaped front yard should be provided and well landscaped in order to enhance the visual appearance of the development.



I. Design Considerations

The following design considerations shall be used to guide the review of development proposals

in the Rural Business Zone:

	Encourage and Require	Discourage and Prevent
Building Mass And Location	• Small building size • Complexes of small buildings • Buildings "oriented" to street	• One large building footprint • "Strip" orientation of a building • Buildings oriented internally to site
Building Design And Materials	• Colonial character / facades • Sloped roofs (>6:12 pitch), gables • Building eaves / shutters / porches • Adaptive reuse of existing buildings • Brick / stone masonry • Wood siding • Traditional building / trim colors • Architectural roof shingles	• One-story "box" buildings • Flat / mansard / unbroken roof line • No windows / metal display windows • New buildings with no character • Stucco / masonry block / metal buildings • Inappropriate building or trim colors • Flat shingles / metal roofs
Site Design	• Provision of walkways • Parking to rear / side of buildings • Interconnected sites • Few, defined or narrow curb cuts	• No pedestrian amenities • Undefined traffic or parking layouts • Separate sites with no connections • No landscape areas in parking lots
Landscaping	• Saving large existing trees • Grass with mulch planting beds • Mass plantings and stone walls	• Clear-cutting a site • Large areas of stone or mulch • Chain link or stockade fences
Utilities/ Lighting	• Underground utilities • Screened HVAC units / service areas • Coordinated lighting fixtures • Low lighting levels	• Overhead utilities • Exposed HVAC unit / service area • Uncoordinated fixtures / floodlights • Glaring lighting levels
Signage	• Low, modest, visible signage • Wood / stone wall signage	• Large, elevated, excessive signage • Internally lit metal or plastic signs
Drainage	• Storm water renovation • Detention basins / water recharge • Permeable surfaces	• Direct storm water discharge • Impervious surfaces
Maintenance	• Diligent maintenance	• Low maintenance/ • No maintenance

3.3. Light Industrial Zone

A. Purpose

The Light Industrial Zone is intended to provide for low-intensity industrial uses in locations and with intensities appropriate for a rural community in order to meet community and regional needs.

B. Permitted Principal Uses

1. Office.

2. Manufacturing, processing, packaging, or assembling of components or goods.

3. Truck and freight terminals and warehouses.

4. Lumber yards.

5. Farm or farming.

6. Temporary Wind Monitoring Structures require a Zoning Permit.

7. Commercial Trailers

8. Construction Trailers

9. Storage Trailers

C. Principal Uses Allowed By Special Permit

1. Automobile sales and service facility.

2. Contractor's yards / equipment storage with adequate visual screening.

3. Saw mill.

4. Kennel, veterinary hospital, or commercial stable on a lot of at least five acres, provided:
   a. no animals shall be kept in any buildings or enclosures within 150 feet of any property line; and
   b. the use shall not create any odors, noise or other impacts that would constitute a common-law nuisance with respect to any other property.

5. Expansion of a pre-existing non-conforming use.

6. Energy producing Wind Devices.

7. Food & Beverage Manufacturer- In accordance with state law regulating adult use cannabis, this license holder incorporates cannabis into food or beverage intended for human consumption.

8. Product Manufacturer- In accordance with state law regulating adult use cannabis, this license holder performs cannabis extraction, chemical synthesis, and permitted manufacturing activities associated with adult use cannabis.

9. Mixed-Use

D. Accessory Uses

1. The following accessory uses are permitted in the Light Industrial Zone:
   a. Parking in accordance with Section 5.2.
   b. Signage in accordance with Section 5.4.

2. When accessory to a residential use or a farming use, any accessory use listed in Section 2.3 is permitted in the Light Industrial Zone subject to the same conditions or limitations as provided in Section 2.3.

3. The use of a Temporary Restaurant Trailer may be permitted by a zoning permit when accessory to a permissible principal use.

E. Accessory Structures

1. Outbuildings and other structures accessory to a permitted principal use or a permitted Special Permit use are permitted where the principal structure or building has been established.

2. When accessory to a residential use or a farming use, any accessory structure listed in Section 2.4 is permitted in the Light Industrial Zone subject to the same conditions or limitations as provided in Section 2.4.

3. Telecommunications antennae in accordance with Section 6.6.

F. Area and Dimension Requirements

Minimum Lot Size	40,000 SF
Minimum Frontage	200 Feet
Minimum Front Yard Setbacks	50 Feet
Minimum Side Yard Setbacks	20 Feet
Minimum Rear Yard Setbacks	20 Feet
Maximum Building Height	35 Feet
Maximum Building Coverage	25%
Maximum Impervious Coverage	50%

G. Additional Standards

When reviewing development in the Light Industrial Zone, the Commission shall be guided by the provisions of Section 3.2.H and Section 3.2.I of these Regulations.

F. Additional Standards for Special Exceptions Involving Adult Use Cannabis

In addition to providing the Planning & Zoning Commission with the information required for a Special Exception application, the applicant of an Adult Recreational Cannabis Manufacturing facility shall also provide the following information to the Commission, where applicable:

1. Details regarding the license type, license number, license holder, and contact information of the point person who is to be deemed responsible for the property during its use as an Adult Cannabis Manufacturing facility shall be provided to the ZEO and shall be updated if this information changes.

2. The applicant associated with a Food & Beverage Manufacturing and/or a Product Manufacturers Facility shall have or be in the process of obtaining an applicable license from the Department of Consumer Protection. At the time of

applying for a Special Exception, the applicant shall be able to produce documentation that substantiates a valid license with the state.

3. The application shall indicate the anticipated number of employees that will be working on-site as well as the average number of daily vehicular trips to be anticipated arriving and departing the facility including employees, deliveries, and other trips that can be associated with the operation of the facility.

4. The site plan shall indicate the measures being taken by the license holder to ensure the property is secure and to ensure that there are no adverse impacts to proximal property owners (such as glare from outside lighting, odors, and/or noise).

5. Applicant shall provide indication that the sanitary systems have been reviewed and approved by the Torrington Area Health District.

6. The site plan shall indicate the location of all facilities, the parking area, site access, and other features.

7. The application shall include a lighting plan for all outdoor illumination with indication of what is required by state law versus what lighting has been chosen during the process of the site's design.

8. The site plan shall indicate the designated loading zone if drop-offs and pick-ups are an integral part of the operations. This loading zone shall not utilize the public right-of-way.

9. The application shall include a schematic depiction of the facility's signage and the sign(s) location. As provided for in state legislation, any outdoor signage shall contain only the name and logo of the cannabis production establishment and shall not contain any image or visual representation of the cannabis plant as well as conform with the Town of Falls Village sign standards as outlined in **5.4**.

The Planning & Zoning Commission and/or Zoning Enforcement Officer shall have the right to request additional information and documentation of the applicant to support or clarify any information previously provided.

If a Special Exception to operate a cannabis establishment is granted, the information furnished in the application shall be updated within thirty (30) days of any material changes. Such update shall be filed with the ZEO and reported to the Planning & Zoning Commission.

Special Exception approval can be revoked by the Commission and/or ZEO for noncompliance with this regulation, any Town ordinance, State Law, or State Regulation.

3.4. Quarry Zone

A. Purpose

The Quarry Zone provides for quarrying of stone when undertaken in conjunction with an overall, long term plan and when conducted in a way to protect public health, safety, and welfare.

B. Principal Uses Allowed By Zoning Permit

1. Temporary Wind Monitoring Structures.

C. Principal Uses Allowed By Special Permit

1. Quarrying, removal, and processing (including, but not necessarily limited to, screening, sifting, washing, crushing and stockpiling) of stone materials excavated from the site.

2. Accessory uses, activities, and facilities (including, but not necessarily limited to, scales, equipment storage, truck garages, maintenance facilities) that directly support the quarrying operation.

3. Energy Producing Wind Devices.

D. Operational Standards

1. Operations shall be arranged and conducted to minimize noise, dust or any other impacts and nuisances to neighbors:
   a. Unless specifically approved by the Commission as part of the Special Permit application, no more than 2,000 square feet of area shall be open to quarrying at any one time.
   b. Access roads within the area of operation shall have a dustless surface.
   c. Proper drainage shall be provided at all stages of operations.
   d. No fixed machinery shall be erected or maintained within 250 feet of any property line.
   e. No excavation shall undermine other property.
   f. Unless modified by the Commission, no excavation or removal of earth products shall occur within 250 feet of the property line.
   g. Unless modified by the Commission, a 200-foot wide buffer strip of existing and/or planted vegetation shall be shall be provided and maintained between the quarry area and any property line to reduce visual, noise, and any other nuisances.

2. Unless otherwise approved by the Commission:
   a. Quarrying and other operations (except blasting) shall be limited to 7:00 AM to 6:00 PM on weekdays, 8:00 AM to 5:00 PM on Saturdays, and there shall be no operations on Sundays or on New Year's Day. Memorial Day, Fourth of July, Labor Day, Thanksgiving Day or Christmas Day.
   b. Blasting shall be limited to 9:00 AM to 4:00 PM on weekdays and there shall be no blasting on weekends on New Year's Day. Memorial Day, Fourth of July, Labor Day, Thanksgiving Day or Christmas Day.
   c. Fences shall be erected and maintained during and, to the extent necessary, following the operation to securely fence the area and protect pedestrians and vehicles.
   d. Any blasting event shall:
      i. be preceded by a pre-blast notification to abutting landowners at least one-half hour in advance of blasting,
      ii. be preceded by a determination of the safe blast radius,
      iii. use blasting techniques that minimize the potential environmental impacts of blasting (blasting to the open face, multiple small charge blasting, use of decked charges, and/or use of millisecond delays between detonation).
      iv. deploy seismic equipment at the blasting perimeter on appropriate ground,

E. Application Materials

1. A Special Permit application shall be accompanied by a Site Plan application indicating:
   a. existing topography to a distance of 300 feet from all sides of the area to be quarried,
   b. scenic areas and natural features and proposed measures for their protection or preservation,
   c. area proposed for excavation in the next five (5) years with proposed finish contours,
   d. restoration plan showing proposed final contours, drainage, and revegetation at the conclusion of the quarry activity,
   e. proposed truck access to the quarry,
   f. locations and types of any buildings to be erected, and
   g. the location and structural details of proposed fencing and warning signs.

2. The application shall be accompanied by a complete narrative description of the quarry operation including:
   a. A description of proposed activities and processing sequences, estimated volumes of materials involved, use and storage areas of hazardous materials.
   b. A description of traffic flow and estimated number of vehicles, the types of trucks and other machinery to be used at the site.
   c. The proposed hours of operation.
   d. Proposed measures to control noise, dust, smell, and other impacts.

3. The applicant shall provide other information requested by the Commission to ensure that the requirements of this Section will be met.

F. Procedures

1. As a condition of any approval, the applicant shall provide a performance bond in an amount and form acceptable to the Commission to ensure proper conduct of the work and completion of the restoration and other work approved by the Commission.

2. Any deviation from an approved plan may be cause for the Commission to revoke the permit following a hearing held for that purpose.

3. A permit shall expire one (1) year from the date of issuance unless renewed by the Commission.

4. No permit shall be renewed or extended, and no operations may proceed beyond the one-year projection, until:
   a. the operator demonstrates that the excavation already completed conforms with the approved plan (including restoration), and
   b. a one-year projection and a new site plan or, with Commission approval, a revised site plan showing any changes that have occurred in the prior year have been approved by the Commission.

G. Restoration Standards

1. Any quarry operation shall provide, in writing, for a restoration plan acceptable to the Commission.

2. Such restoration plan shall clearly indicate:
   a. the proposed final steepness of all rock faces and sloped areas,
   b. any permanent fencing and signage proposed to prevent accidents,
   c. areas to be top-soiled to a specified depth, seeded with a perennial rye grass, and maintained until the area is stabilized, and
   d. the proposed or potential future use(s) of the excavation area.

3. In considering the reasonable restoration of areas excavated prior to the enactment of these Regulations, the Commission may consider:
   a. site topography,
   b. length of time areas have been open,
   c. degree to which area has been naturally settled and restored,
   d. extent to which excavation has been completed,
   e. steepness of slopes,
   f. nature of existing soil condition,
   g. character of neighborhood, and
   h. size of open area.

4. OVERLAY ZONES

4.1. Housatonic River Overlay Zone

A. Purpose

It is the purpose of this Section to protect a carefully defined corridor of land along the Housatonic River which is flood prone, environmentally sensitive, and possesses many valuable natural resources.

B. Delineation

The Housatonic River Overlay Zone as defined by the Housatonic River Commission's Housatonic River Management Plan, as amended, shall be superimposed on underlying zoning districts.

1. The Inner Corridor represents the combined streambelt limit based on soil type criteria as determined and mapped by the Litchfield County Soil Conservation Service, and the 100 year flood hazard limit based on land contours as determined and mapped under the Federal Flood Insurance Program, whichever is greater, as shown on maps on file in the Town Hall.

2. The Outer Corridor representing that portion of the immediate river watershed lying between the Inner Corridor and the top of the valley ridge, excluding the village centers and delineated by lines drawn from peak to peak along the ridge line or such boundary as each town may determine, being an area wherein improper land use would constitute a potential pollution hazard.

3. The Village Center representing the Falls Village town center along with any contiguous areas marked for future expansion.

4. If there is a conflict between the provisions of this Section and any other Regulations, the more restrictive provisions shall apply.

5. Zoning applications for projects within the Housatonic River Overlay Zone shall be forwarded to the Falls Village representatives of the Housatonic River Commission for review and comment.

C. Village Center Standards

1. The portion of Falls Village center lying within the Inner Corridor shall be subject to the Inner Corridor provisions of these Regulations.

2. The portion of Falls Village center lying within the Outer Corridor shall be exempt from those restrictions.

D. Inner Corridor Standards

1. Permitted Uses in the Inner Corridor

The following shall be permitted uses subject to the requirements of these Regulations in the underlying zone:

a. Open space uses which do not require moving, removing or otherwise altering the position of the earth, stone, sand, gravel, or water except for flood control or erosion control measures.
b. Game management, fishing, hunting where permitted, camping and picnicking in specified areas and other recreational activities compatible with the objectives of the Housatonic River Management Plan and which do not trespass on private property.
c. Farming, plant nurseries, pastures, trails, forest management, horticultural and other agricultural uses that do not significantly alter the natural character of the corridor.
d. Maintenance or reconstruction of existing public ways and bridges.

2. Special Permit Uses in the Inner Corridor

a. Except for the uses stated above, all other uses permitted in the underlying zones within the Inner Corridor shall be allowed only as a Special Permit.
b. In deciding upon a Special Permit application, the Planning and Zoning Commission shall evaluate the application based upon the following general requirements and criteria and it shall be the responsibility of the applicant to demonstrate that the proposed use shall meet these requirements and criteria.
c. No Special Permit should be granted if the Planning and Zoning Commission finds that a proposed land use will:
    i. Create water or air pollution,
    ii. Increase erosion or sedimentation,
    iii. Create danger of flood damage,
    iv. Obstruct flood flow,
    v. Damage fish or wildlife habitat,
    vi. Adversely affect any unique feature or natural resource.

3. Standards Applicable in the Inner Corridor

a. Air or water pollution control. There shall be no land use which would adversely affect air quality through release of noxious fumes, gases, or other emissions, or through creation of significant amounts of dust or particulate matter. No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxious conditions, toxicity, or temperature, that run off, seep, percolate, or wash into surface streams or ground waters so as to contaminate, pollute, or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.
b. Erosion and sedimentation control. Filling, grading, lagoon construction, dredging, earth-moving activities, road construction, and other land use activities shall be conducted in such manner to prevent to the maximum extent possible, erosion and sedimentation damage to surface stream waters. To this end, all construction shall be accomplished in conformance with the erosion prevention provisions of the Connecticut Guidelines for Erosion and Sediment Control, as amended.

c. Mineral Exploration and Excavation. Mineral exploration to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods which create minimal disturbance. Sand, gravel and topsoil excavation shall be permitted only where such operation, with an accepted conservation plan developed with the County Conservation District, will not leave an objectionable scar on the landscape nor adversely affect an aquifer area. Such operations must be completed within a specified time with a specified amount of material to be removed and will require posting of a bond acceptable to the Commission adequate to assure leaving the land with acceptable contours and vegetative cover.

d. Subsurface Sewage Disposal. New subsurface Sewage Disposal Systems shall be located only in soils having characteristics rated as having no more than "slight" limitations for the proposed use in the current "Statewide Set of Connecticut Soil Descriptions and Interpretations" published by the U.S. Department of Agriculture Soil Conservation Service, unless specifically designed by a Connecticut qualified sanitary engineer and approved by the State Director of Health as required in Section 19-131320M of the Public Health Code and by the Town Sanitarian.

e. Flood Control. No use shall be permitted which would create a danger of flood damage or obstruct flood flows. The 100 year flood area shall be as shown on the applicable Federal Flood Insurance Rate Map. Within this area all new construction or substantial improvement of residential structures shall be elevated to or above the level of the I 00 year flood; all new construction or substantial improvements to non-residential structures shall be elevated to or above the level of the I 00 year flood or together with attendant utility and sanitary facilities, shall be flood-proofed up to the level of the I 00 year flood.

f. Insecticides, Herbicides and Fertilizers. Use of these shall be prohibited except as recommended according to the standards established by the County Extension Service.

g. Timber Harvesting. Extensive logging or clear cutting of timber may be permitted only when in compliance with a plan approved by a State certified Forester.

h. Signs. The use of signs in the inner corridor is governed by these Zoning Regulations.

i. Scenic Resources. All possible care shall be taken to protect scenic vistas, scenic roads, and unique aesthetic features such as prominent ridge lines, large trees and stonewalls from damage, obstruction or other degradation.

j. Historic/Archeological Sites. The State Archeologist will be consulted where any proposed land use will impact on identified areas of potential archeological or historic remains. Where it is found that the project may adversely impact an historical or archaeologically sensitive area or feature, a plan shall be submitted by the applicant to demonstrate measures to be taken to mitigate such impacts and protect and preserve such sites and features.

E. Outer Corridor Standards

1. Permitted and Special Permit Uses in the Outer Corridor

All uses permitted in the existing Zoning Regulations shall be permitted in the outer corridor subject to the standards provided in this Section.

2. Standards Applicable in the Outer Corridor

a. Activities involving construction or earth moving, shall be reviewed with regard to soil types in exposed areas to determine whether provisions must be made for erosion and sediment control in accordance with guidelines available from the U.S. Department of Agriculture Soil Conservation Service.

b. All permits involving installation of subsurface sewage systems shall be reviewed using the Soil Conservation Service interpretation of the soils and slopes involved in order to identify those specific areas where existing minimum lot sizes are most likely to be inadequate to support a permanent subsoil sewage system or where special design engineering of the system may be required by the State Health Code.
c. Clearing of land (other than immediate areas required for building construction or clearing for agricultural use) shall be reviewed by a certified State Forester.
d. Permits involving commercial or industrial construction shall be reviewed to assure building location, site layout, landscaping and screening will be compatible with the rural and natural character of the Corridor area.
e. Mineral Exploration and Excavation permits shall be reviewed according to the criteria described for the Inner Corridor.
f. Use of insecticides, herbicides and fertilizers shall be prohibited except as recommended according to the standards established by the County Extension Service.

4.2. Floodplain Overlay Zone

A. Purpose

The Floodplain Overlay Zone is intended to provide a reasonable degree of notification to persons regarding the location of property which may be subject to the effects of flooding.

B. Standards

1. Use and activities allowed in the underlying zone are permitted in the Floodplain Overlay Zone to the same extent provided that such uses and activities shall also comply with the requirements of “An Ordinance Concerning Flood Hazards” as adopted at a Town Meeting on March 11, 1988 and August 24, 1988 and as may be subsequently amended.

4.3. Steep Slope Overlay Zone

A. Purpose

The purpose of this Section is to carefully monitor development in areas of steep slopes in order to determine whether public services (such as fire, ambulance, and public works) can be reasonably provided, to minimize soil erosion and sedimentation, and to minimize adverse visual impacts on the rural character of the community. It is not the intent of this Section to prohibit or preclude development in designated areas. Rather, this Section is intended to establish a process whereby property owner’s interests in capitalizing on scenic views or other assets can be balanced with the community’s desire to provide a reasonable level of services and to protect environmentally sensitive steep slopes and hillsides from inappropriate development. The uses and standards of this Section are similar to the uses and standards which have been utilized in the Housatonic River Overlay Zone since the 1980s.

B. Philosophy

1. The extensive and essentially undisturbed slopes and ridges are a defining feature of Canaan (Falls Village).

2. Experience in other communities has shown that, if these resources are not protected, insensitive development of steep slopes can adversely affect the availability of public services, harm important natural resources, and detract from community character.

3. Because of their steepness and prominent visibility, the areas within the Steep Slope Overlay Zone need stricter standards to protect them from excessive or inappropriate development.

4. These standards should strike an appropriate balance between the use of private property and the Commission's responsibility to protect the public health, safety and welfare, the integrity of the steep slopes, and the scenic views within the community.

C. Delineation

1. The Steep Slope Overlay Zone, as delineated on the Zoning Map, shall be superimposed on underlying zoning districts and the standards in this Section shall apply in addition to the requirements of an underlying zoning district.

2. If there is a conflict between the provisions listed below and the underlying district or other Regulations, the more restrictive provisions shall apply.

D. Uses

1. Permitted Uses and Activities

The following shall be permitted uses within the Overlay Zone subject to the requirements of these Regulations in the underlying zone:

a. Open space uses which do not require moving, removing or otherwise altering the position of the earth, stone, sand, gravel, or water.
b. Game management, fishing, hunting (where permitted), camping and picnicking, hiking, and other passive recreational activities.
c. Maintenance, repair, or reconstruction of existing public ways or bridges.

2. Special Permit Uses and Activities

Other uses shall only be allowed within the Steep Slope Overlay Zone as a Special Permit and only to the extent permitted in the underlying zone. This procedural requirement is intended to ensure that activities are conducted in ways that avoid or minimize adverse impacts in these significant natural and aesthetic resource areas.

E. Special Permit Considerations

In deciding upon a Special Permit application in the Steep Slope Overlay Zone, the Commission shall, in addition to the criteria specified in Section 7.2.D.5, consider the following:

1. The extent to which public services (such as fire, ambulance, and public works) can be provided at all times and in all seasons to current and future owners of the property.

2. The extent to which any proposed activity will cause erosion or slipping of soil, or cause sediment to be discharged including whether:

a. the stability of soils will be adequate to support any proposed construction, landscaping, agricultural use, or similar activities.
b. the natural stability of the soil on the site has been used to determine the proper placement of structures and other development within the steep slope area.
c. all construction shall be accomplished in conformance with the erosion prevention provisions of the Connecticut Guidelines for Erosion and Sediment Control, as amended.
d. such operation will occur with an acceptable conservation plan, so that it will not leave an objectionable scar on the landscape.

3. The extent to which existing vegetation will help to retain the stability of the slopes and soils including whether:
   a. plant life located on the slopes outside of the minimum area that needs to be disturbed for carrying on approved development will be retained.
   b. plants or other acceptable ground cover will be re-established in the disturbed area immediately upon completion of development activities to maintain the natural scenic characteristics of any steep slope.

4. The extent to which storm water drainage will be designed and located to ensure slope stability and not:
   a. cause erosion or siltation,
   b. contribute to slope failure,
   c. pollute groundwater, or
   d. cause damage to, or flooding of, property.

5. The extent to which care will be taken to protect scenic views, scenic vistas, scenic roads, and unique aesthetic features such as prominent ridgelines, from damage, obstruction or other degradation.

6. The extent to which there is an alternative location for the proposed development on that portion of the site not containing steep slopes or an alternative location on that portion of the site having fewer impacts on sensitive resources.

4.4. Incentive Housing Overlay Zone

A. Purpose

Pursuant to **CGS Chapter 124b**, the Incentive Housing Zone (IHZ) is established to:

1. Enable as-of-right development of higher-density, mixed-income housing;
2. Increase the supply of affordable housing; and
3. Direct growth to appropriate locations consistent with the State Plan of Conservation and Development and the Town of Canaan (Falls Village) Plan of Conservation and Development.
4. Align with the application enabling the IHZ in the Town of Canaan (Falls Village) dated 7/25/2013 as submitted to the Office of Policy & Management.

B. Definitions

For purposes of this Section:

- **Administering Agency** – A qualified entity approved by the Town of Fall Village (Canaan) Planning & Zoning Commission to administer and enforce affordability requirements.
- **Developable Land** – Land within the IHZ suitable for development, excluding:
  - Land committed to public use;
  - Protected open space or conservation land;
  - Land subject to legal development restrictions;
  - Wetlands and watercourses (CGS Chapter 440);
  - Contiguous areas ≥ 0.5 acres with slopes > 20%.
- **Duplex** – A building containing two dwelling units.
- **Eligible Household** – A household earning ≤ 80% of Area Median Income (AMI), adjusted for household size.
- **Incentive Housing Development (IHD)** – A residential or mixed-use development within the IHZ where all units are subject to an Incentive Housing Restriction for a minimum of 30 years.
- **Incentive Housing Restriction** – A recorded legal instrument ensuring compliance with affordability requirements.
- **Incentive Housing Unit** – A dwelling unit affordable to Eligible Households at ≤ 30% of income.
- **Incentive Rental Unit / Homeownership Unit** – Units meeting affordability standards for rental or ownership, respectively.
- **Median Income** – Area Median Income as defined by HUD.
- **Multifamily Housing** – A building containing three or more dwelling units.
- **Townhouse** – A dwelling unit in a group of three or more attached units, each extending from foundation to roof.
- **Open Space** – As defined in CGS §23-8.

C. Location

The IHZ is an overlay district mapped as “Incentive Housing Zone Overlay District” and incorporated into the Zoning Map, on file with the Town Clerk and as illustrated by the Town’s GIS Mapping.

D. Applicability

1. **Optional Overlay**
   Property within the IHZ may be developed under either:
   - The IHZ provisions; or
   - The underlying zoning district regulations.
2. **Superseding Standards**
   Where elected, IHZ standards supersede conflicting underlying zoning provisions.

E. Permitted Uses

1. As-of-Right Uses (Site Plan Approval Required)

Use	Approval
Single-family detached dwellings	Site Plan
Duplex, townhouse (max. 4 attached units)	Site Plan

Accessory structures are permitted per these Regulations.

F. Site Plan Review

1. Application

Applications shall comply with **Section 9.1B. Site Plan Requirements**.

2. Approval Criteria

The Commission shall approve a site plan upon finding that:

- The application is complete;
- The proposal complies with this Section;
- Design standards are met; and
- Impacts are adequately mitigated.

3. Waivers

The Commission may waive dimension requirements (such as building height, setbacks, lot coverage), parking requirements, or road design standards to support:

- Desired density
- Mix of Uses
- Physical Compatibility

G. Housing and Affordability

1. Affordability Requirement

100% of units shall be Incentive Housing Units.

2. Administering Agency

The Agency shall oversee:

- Pricing compliance;
- Income eligibility;
- Marketing and selection;
- Fair unit allocation;
- Recording of restrictions.

3. Compliance Prior to Certificate of Zoning Compliance

The applicant shall provide:

- Documentation of Affordability Requirements from the Administering Agency;
- Verified site/design compliance;

- Executed Incentive Housing Restriction.

4. Cost Standards

- **Rental Units**: ≤ 30% of eligible income (including utilities/parking).
- **Ownership Units**: Per CGS §8-13m.

5. Design Requirements

Affordable units shall:

- Be comparable in quality;
- Be integrated throughout the development.

6. Incentive Housing Restriction

Shall include:

- Minimum 30-year term;
- Enforcement authority;
- Unit identification or proportional applicability;
- Pricing formulas;
- Occupancy restrictions;
- Monitoring and reporting requirements.

7. No Waiver

Affordability requirements shall not be waived.

H. Development Standards

1. Density

The maximum density in this zone is 16 dwelling units with a fixed cap of 27 bedrooms.

2. Dimensional Standards

Standard	Requirement
Lot frontage	50 ft
Front setback	15 ft
Side/rear setback	15 ft
Max height	35 ft

3. Parking

Per general requirements (**Section 5.2 Parking & Loading**) unless modified by the Commission

I. Design Standards

1. Lighting

a) All exterior lighting shall utilize full cut-off fixtures consistent with Dark Sky principles and in accordance with **5.6 Outdoor Illumination.**

b) Lighting shall be designed and located to prevent glare onto adjacent properties or public rights-of-way.

c) The maximum height of freestanding light fixtures shall not exceed eighteen (18) feet.

2. Landscaping

a) Existing mature vegetation shall be preserved to the maximum extent practicable and shall be identified on the site plan.

b) Site design shall incorporate a mix of landscape elements, including street trees, shrubs, and groundcover plantings. Native plants are encouraged. Invasive plants are prohibited.

c) All plantings shall be maintained and guaranteed for a minimum period of one (1) year.

3. Stormwater Management

All Incentive Housing Developments shall comply with applicable stormwater management requirements of the Connecticut Department of Energy and Environmental Protection (DEEP).

5. BASIC STANDARDS

5.1. Landscaping and Buffers

A. Purpose

This Section of the Regulations is intended to ensure that new uses are adequately and appropriately landscaped to protect natural and scenic resources and to blend with the rural character of the community.

B. Applicability

This Section of the Regulations shall apply whenever any proposed building, structure, or development activity requires the submission of a Site Plan application or a Special Permit application. However, these provisions shall never apply to the construction of a single-family dwelling or a two-family dwelling or to a farm or farming use.

C. Overall Landscaping Requirement

1. All portions of a property not required for buildings, structures, parking, driveways or sidewalks shall be suitably landscaped with ground cover, trees and evergreen shrubs.

2. To the extent possible, existing trees, vegetation and unique site features, such as stone walls, shall be retained and protected and existing healthy, mature trees, if properly located, shall be fully credited against the requirements of these Regulations.

3. Planted areas adjacent to a building shall be a minimum of three feet in width and all others a minimum of five feet in width.

4. As a minimum, one shade tree having a caliper of not less than 1.5 inches, measured at four feet above the ground, shall be provided within the front landscaped area for each 50 feet or fraction thereof of lot frontage and along the roads bordering the property lines.

5. Where physical characteristics of the lot or existing structures make it not feasible to comply with the requirements for a front landscaped area or landscaped parking area, the Commission may approve the substitution of planters, plant boxes or pots containing trees, shrubs and/or flowers to comply with the intent of these Regulations.

D. Perimeter Landscaping Requirement

1. Where a non-residential use is proposed adjacent to an existing residential use, the proposed non-residential shall be fully visually screened by trees and shrubs from the existing dwelling.

2. In the event the existing vegetation is inadequate to provide such screening at the time of application for a Zoning Permit for the proposed use:
   a. the Commission shall require the submission of a planting plan showing the areas where, and the tree or shrub species with which, the applicant proposes to create such screening.
   b. Such planting areas shall be no less than 25 feet in width and appropriately planted to provide an acceptable year-round visual buffer.

c. The Commission may require a wider screening area if topographic or other physical conditions would cause a 25-foot buffer strip to provide less than complete visual screening.
d. The Commission may approve the use of a decorative fence or wall to provide complete visual screening throughout the year.

3. The landscaping, fencing or wall treatment shall be of such type, height, spacing and arrangement which, in the judgment of the Commission, will effectively screen the activity on the subject lot from the neighboring residential area and provide protection from noise, headlight glare and visual intrusion to dwellings and residential yards.

E. Parking Area Landscaping Requirement

1. In addition to the other provisions of this Section, parking areas which contain 20 or more parking spaces shall have landscaped islands providing shade trees and shrubs.

2. The area of the landscaped islands shall equal or exceed ten percent (10%) of the paved area of the parking lot and such landscaped islands shall be sited, in the judgment of the Commission to:
   a. separate parking spaces from the circulation aisles,
   b. provide visual relief from the expanse of pavement, and
   c. provide a moderating effect on noise, air pollution and temperature.

3. Each landscaped area shall:
   a. contain a minimum of 100 square feet,
   b. have a minimum dimension of at least eight feet, and
   c. be landscaped with ground cover, grass or shrubs, in addition to any shade tree requirements.

4. At least one shade tree of not less than a 1.5 inch caliper, measured at four feet above the ground, shall be provided for every 10 parking spaces.

5. All landscaping, trees, and planting material adjacent to parking areas, loading areas or driveways shall be designed to accommodate storage areas for piling snow and shall be properly protected by barriers, curbs or other means from damage by vehicles.

F. Installation

1. Except as provided herein, the approved planting plan must be completed before a Certificate of Zoning Compliance is issued.

2. If construction of the principal use is completed during a non-planting season, the permittee may, in lieu of completing the planting, post a bond or other security in a form satisfactory to the commission and in an amount sufficient to cover the cost of obtaining and planting the required vegetation, guaranteeing that such planting will be completed no later than the first day of the month of June immediately following the date of issuance of the Zoning Permit.

G. Maintenance

1. Landscaping, trees and plants required by these Regulations shall be planted in a growing condition according to accepted horticultural practices and they shall be maintained in a

healthy, growing condition and any landscaping, trees and plants which are in a condition that does not fulfill the intent of these Regulations shall be replaced by the property owner during the next planting season for the particular plant material.

2. Any screening fence, wall or curbing required by these Regulations shall be maintained by the property owner in good condition throughout the period of the use of the lot.

5.2. Parking & Loading

A. General Requirements

1. Adequate parking shall exist or be made available to serve all buildings erected, moved, altered or enlarged and such spaces may, with approval of the Commission, be provided:
   a. on the same lot as the building served,
   b. on a lot within 200 feet from such building, or
   c. in the Village Business District, by the use of existing on-street parking spaces and/or the establishment of new on-street parking spaces, especially on Main Street or Railroad Street.

2. Where a change in use increases the required number of parking spaces under this Section, more parking areas shall be provided.

3. Parking spaces shall be paved with 2.5" of pavement over a gravel sub-base unless the Commission allows an alternative surface treatment in special situations.

B. Minimum Quantity of Parking Spaces

1. Sufficient parking spaces shall be provided to accommodate motor and other vehicles of all occupants, employees, and persons normally visiting any building or premises at any one time.

2. Multiple Uses - In the case of more than one use of a building or lot, required parking facilities shall be construed to be the sum of the requirements for all uses computed separately according to the above schedule, except as follows:
   a. Parking areas for a predominantly evening use may be considered as part of the areas for a daytime use where a written agreement to such mutual use is recorded with the Town Clerk.
   b. Approval of the Commission must be obtained before such mutual use and the Commission may establish such safeguards as will carry out the purpose of this Section.

3. Whenever the parking calculations result in a fraction, the required number of spaces for the use shall be the next highest whole number.

Residential-Type Uses	Parking Requirement
Single-family dwelling	2 spaces
Two-family dwellings	2 spaces per dwelling unit

Boarding and rooming house	2 spaces for the dwelling unit plus 1 space for each guest room
Home-based businesses	2 spaces for the dwelling unit plus 1 space per employee plus 1 space for visitors
Accessory apartment	2 spaces for the dwelling unit plus 2 spaces for the accessory apartment

Business-Type Uses	**Parking Requirement**
Sales and rental of goods merchandise, equipment	1 space per 250 sq. ft. of gross floor area
Restaurant, cocktail lounge, tavern	1 space per 2 seats
Business offices	1 space per 250 sq. ft. of gross floor area
Banks	1 space per 250 sq. ft. of gross floor area plus five stacking spaces per drive-up window
Medical and dentist offices	1 space per 200 sq. ft. of gross floor area
Theater, indoor athletic or recreation facility	1 space for every 3 persons the facility is designed to accommodate
Industrial and manufacturing	1 space per 300 sq. ft. of gross floor area or 1 space per 2 employees on the largest work shift

Institutional-Type Uses	**Parking Requirement**
Church	1 space for every 4 seats in the portion of the church to be used for services, plus 1 space for every 250 sq. ft. of gross floor area designed for other uses
Art gallery, library, museum, social club, or fraternal clubs	1 space per 300 sq. ft. of gross floor area

Other Uses	**Parking Requirement**
Other uses	1 space per 250 sq. ft. of gross floor area, except that the Commission may vary this requirement based on a professionally prepared traffic and parking analysis

C. Parking Space Dimensions

1. On a private lot, a parking space shall not be less than 9 feet wide by 18 feet long except that spaces designed for parallel parking shall have minimum dimensions of 9 feet by 22 feet.

2. Each parking space shall abut an access aisle of sufficient width, as specified below, for accessing the space.

Parking Angle	**Aisle Width - One-Way Circulation**	**Aisle Width - Two-Way Circulation**

0° (parallel)	11 feet	24 feet
30°	12 feet	24 feet
45°	13 feet	24 feet
60°	18 feet	24 feet
90° (perpendicular)	24 feet	24 feet

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

D. Handicapped Parking

1. Where the installation of parking spaces is required by these Regulations, parking spaces for the physically handicapped shall be provided as follows:

Total Number of Parking Spaces in Lot	Minimum Number of HC Spaces	Minimum Number of Van-Accessible Spaces (included in total HC spaces)
Up to 25	1	1
26 to 50	2	1
51 to 75	3	1
76 to 100	4	1
101 to 150	5	1
151 to 200	6	1
201 to 300	7	1
301 to 400	8	1
401 to 500	9	2
501 to 1,000	2 percent of total number of spaces	12.5 percent of total number of HC spaces
1,001 plus	20 spaces plus 1 space for every 100 spaces over 1,000 spaces	

2. Such parking spaces shall be located:
   a. as close as possible to the nearest accessible ramp, walkway, and building entrance on an accessible route;
   b. so that physically handicapped persons shall not be compelled to wheel or walk behind parked cars to reach the nearest accessible ramp, walkway, and building entrance.

3. A handicapped parking space shall comply with State Statute PA 04-237 as amended.

4. Two (2) adjacent handicapped parking spaces may share a common access aisle.

5. All handicapped accessible parking spaces shall be clearly designated with signs situated approximately 5 feet above grade and, wherever possible, with pavement markings. Signs shall display the international symbol of access and shall bear the words "Handicapped Parking Permit Required" and "Violators Will Be Fined." Accessible spaces for vans shall also bear the words "Van-Accessible."

E. Off-Street Loading

1. Loading space shall be provided as follows on any premises used for retail or wholesale trade, manufacturing, hotels, hospitals, laundry, dry cleaning establishments or other buildings where large amounts of goods are received or shipped:
   a. Loading space shall be not less than 10 feet wide, 25 feet long and 14 feet high;

b. Every building or block of buildings containing more than 5,000 sq. ft. floor area shall have one loading space;
c. Every building or block of buildings containing more than 20,000 sq. ft. floor area shall have one loading space for each 20,000 sq. ft. or fraction thereof;

2. No such loading space shall be located closer than 50 feet to any other lot in any residence zone, unless wholly within a completely enclosed building or unless enclosed on all sides by a wall or opaque fence not less than six feet in height;

3. Such loading space, maneuvering space, and all vehicles using the loading space shall be contained within the lot.

5.3. Outside Storage

1. In a residential zone, outside storage of a boat or recreational vehicle for more than 30 days is permitted provided the location of the boat or recreational vehicle shall:
   a. meet all setback requirements for the zone and be fully screened from the street if the location is visible from the street, and
   b. meet all setback requirements for the zone or be fully screened from abutting property if the location is visible from abutting property.

2. In a residential zone, outside storage that is customarily incidental to a residential use (such as a woodpile, compost pile, etc.) is permitted.

3. In a residential zone, other outside storage (including unregistered vehicles, construction equipment, etc.) that is visible from the street or from abutting property shall meet all setback requirements for the zone and shall be fully screened from the street and from abutting property.

4. In a business zone, any outside storage that is established or expanded after January 1, 2006 shall be specifically shown on the Site Plan approved by the Commission.

5.4. Sign Standards

A. Signs in Residential Zones

1. The following signs are permitted in a Residential Zone:

   a. “No trespassing” or other signs indicating the private nature of premises, up to two square feet in area, in a quantity not to exceed the minimum number necessary to alert intruders;

   b. Non-illuminated temporary signs, up to six square feet in area, pertaining to sale or lease of the premises where displayed or where construction is under way provided that such sign(s) shall be removed when the premises are sold, rented or constructed;

   c. Off-premise directional signs for business, educational, and nonprofit uses on posts provided for by the Town at major street intersections approved by the Board of Selectmen. A sign not larger than six inches in width and two feet in length is permitted per business

or use. Such signs shall be placed on the Town posts on a space-available basis subject to approval of the Board of Selectmen;

d. Political signs associated with an official election or referendum provided that such signs are removed within seven (7) days of the election or referendum.

2. The following signs require a Zoning Permit in a Residential Zone:

a. One sign, up to (10) Ten square feet in area, displaying the name of the land or buildings on which the sign is located, the name of the owner or lessee thereof, and his profession of activity;

b. Seasonal signs - The operator of a lawful business that is regularly and intentionally conducted only during one single period of one hundred eighty five (185) or fewer days during any one calendar year may place up to three (3) seasonal signs on or off the lot on which the business is conducted, provided that:
   i. no sign shall be greater than eight feet in height from ground level, and
   ii. no sign shall be displayed prior to ten (10) days before opening or displayed ten (10) days after closing.

B. Signs in Business, Industrial and Quarry Zones

The following signs and no others are permitted in Business and Industrial and Quarry Zones provided that no sign shall advertise or refer to any activity, use, structure or business that is not located or does not take place on the lot on which the sign is located (except as provided in Section 5.4.A.2.b. of these Regulations):

1. Any sign permitted in a Residence Zone

2. Business and advertising signs, provided that:
   a. the total area of all signs on a lot, both attached and detached, shall not exceed the lesser of:
      i. thirty two square feet, or
      ii. two square feet per each full foot of length of the "main side" of the principal building where the "main side" of the principal building shall be the side closest, and most closely parallel, to the street providing the principal vehicle access to the lot, except that if the principal access to the lot is by an accessway, the "main side" of the principal building shall be the side closest to, and most closely perpendicular to the direction of travel along, the accessway.
   b. any detached sign shall require a Zoning permit.

C. Requirements for Signs in All Zones

1. No sign shall be located where it would obscure the view of street traffic from other vehicles.

2. No signs shall be of the flashing, animated, pulsating, moving or rotating type.

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

4. The top of a freestanding sign shall not be higher than ten feet from ground level. No sign mounted on a building shall project higher than the roofs gutter line.

5. Naked or un-shaded incandescent or fluorescent electric light bulbs shall not be allowed by themselves or as part of any sign, except as part of holiday season decorations or community events or celebrations

6. The Zoning Enforcement Officer may order the removal of any signs that are not maintained or erected in accordance with the provisions of this Section. Any person, firm or corporation violating the provisions of this Section shall be punishable by a fine as provided in the Connecticut General Statutes.

5.5. Sidewalks

A. Purpose

This Section is intended to encourage the establishment and maintenance of sidewalks in appropriate areas in the community.

B. Standards

Any development located in the Village Business zoning district shall include new or reconstructed sidewalks at least four feet in width along the street frontage or frontages of the parcel or parcels, unless the Commission determines that sidewalks are either impractical or unnecessary at that location, considering prospective pedestrian traffic.

5.6. Outdoor Illumination

A. Requirements

The following requirements shall apply to all light fixtures in new and renovated construction that requires a Site Plan or Special Exception. Outdoor illumination includes all light fixtures mounted on buildings, signs, structures, poles, bollards, and/or ground surfaces.

1. All outdoor lighting shall be designed, located, installed and directed in such as manner as to prevent objectionable light and glare.
2. All exterior lights should be low level lighting, shielded to prevent glare, and light trespass, and contained to the target area *(see graphic below)*.
3. All lighting for newly proposed parking and pedestrian areas shall employ full cut-off type fixtures.
4. Lighting used to display signage, building features, and other aesthetic features shall be properly aimed downward, not up-lighted, except as otherwise provided *(eg lighting for flags, see below).*
5. All building lighting for security or aesthetic purposes shall be full cut-off type fixtures.
6. Unshielded floodlighting is prohibited. Fully shielded wall-pack and wall mount fixtures activated by motion detector and/or on a time are permitted.
7. No direct light source shall be visible beyond the property line of the lot it serves.

8. Gasoline Station Services- all area lighting shall be full cut-off and under-canopy lighting shall be recessed so that the lens is recessed or flush with the bottom surface of the overhead structure.
9. All non-essential lighting shall be turned off after 10:00 PM. Non-essential lighting applies to display, aesthetic, parking, and sign lighting. Motion or infrared sensor control are encouraged for all outdoor lighting.
10. Lighting designed to illuminate the U.S. flag shall be low-level and focused directly on the flag
11. The height of luminaries, except streetlights in public rights-of-way, shall not exceed a height of eighteen (18) feet from the average ground level to the highest point on the fixture.
12. Exemptions- traditional seasonal lighting and temporary lighting used by police, fire, and/or emergency services and essential lighting are exempt from these regulations.

B. Lighting Plan Applicability

For all projects subject to Site Plan review and/or Special Exception, the applicant shall provide a lighting plan that indicates that the requirements *(1-12, above)* are met *(as applicable)* and that the following five (5) principles for responsible lighting are also met:

1. All outdoor illumination has a clear purpose.
2. Light is only directed to where it is needed.
3. Light is not brighter than necessary.
4. All of the lighting is useful.
5. Warmer light colors are utilized where possible.

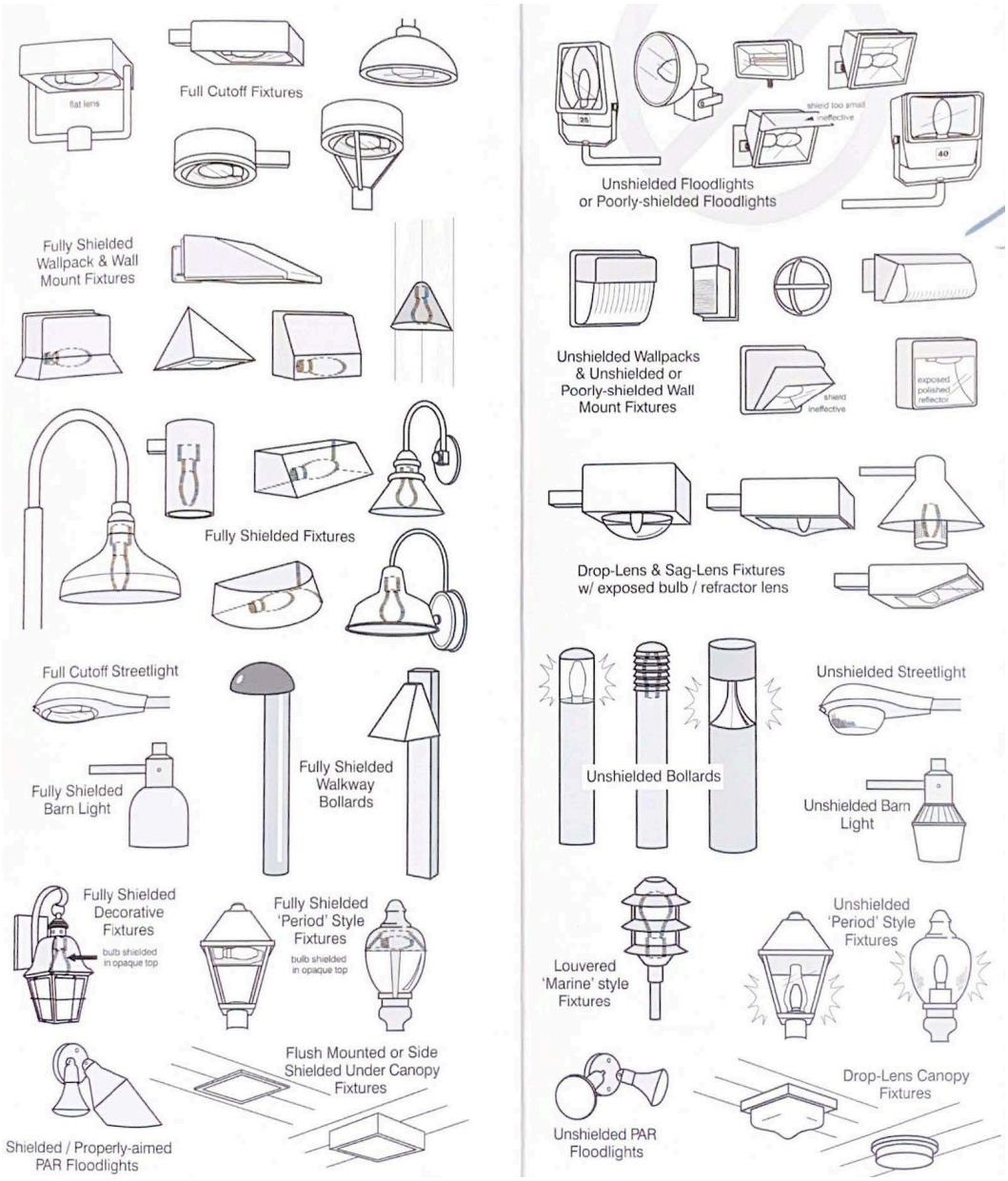
The Commission shall retain the right to request that a third-party lighting engineer evaluate a lighting plan. The Commission may also condition a Special Exception approval by requiring specific provisions necessary to provide for public health and safety, to address topographical and/or other physical site characteristics, and/or to protect historic, scenic, cultural, and/or environmental resources.

C. Future Recommendations

It is recommended that as existing outdoor lighting wears out that new fixtures and bulbs adhere to these standards and criteria.

D. Graphic Examples

RECOMMENDED LIGHTING **DISCOURAGED**



Source: Dark Skies International

5.7. Refuse Storage

A. Purpose

This Section is intended to control refuse storage areas on business sites in order to protect the public health, safety and welfare.

B. Requirements For Business Sites

1. Unless waived by the Commission, facilities for the storage of refuse, garbage, and recycling materials shall be located:
   a. closer to the building served than to any adjoining property,
   b. to make the facilities as inconspicuous as possible, and
   c. where they shall be easily accessible for service vehicles.

2. Unless waived by the Commission, refuse storage areas shall:
   a. have a concrete pad,
   b. be enclosed and screened from view within a permanent enclosure, and
   c. have an appropriate gate that shall normally be closed.

3. No other outside sheds or storage bins for refuse, garbage, and recycling containers will be allowed unless specifically approved by the Commission.

4. Temporary dumpsters during construction associated with a valid building permit shall be exempt from the above standards provided the location and use is approved by the Building Official and the Fire Marshal.

5.8. Access Management

A. Purpose

This Section is intended to manage the number, size, and location of driveways for business uses in order to control traffic and promote public safety.

B. Requirements

1. The Commission may review the access points and the traffic circulation on adjacent roadways to ensure that public safety is promoted.

2. Where street geometry, traffic volumes or traffic patterns warrant, the Commission may:
   a. limit the number of driveways that serve a specific site,
   b. designate the location of any driveway,
   c. require the use or provision of a shared driveway (for two or more abutting properties) with associated easements in lieu of having a separate curb cut onto a road or street.

5.9. Excavation Operations

A. Purpose

The intent of this Section is to ensure that land used for any activity permitted hereunder shall, during and after excavation, be operated and maintained in such a way as to:

1. prevent unusual dust conditions, erosion and sedimentation,
2. avoid, in any other way, conditions adversely affecting the environment or the health, safety, and welfare of the residents and taxpayers of the Town of Canaan (Falls Village), and

3. provide that, when a site or a section of a site is complete, it shall be returned to an environmentally and functionally sound condition.

B. Activities Exempted

The following excavation activities shall be exempt from the provisions of this Section:

1. Excavation in the course of customary agricultural use of land for a farm, garden or nursery.
2. Excavation permitted by the Commission in a Quarry Zone (see Section 3.4 for Quarry Zone requirements).

C. Activities Permitted

The following excavation activities are permitted in all districts when conducted in accordance with the standards of Section 5.9.E:

1. Any excavation incidental to the construction of a home, commercial or industrial building or town related construction projects, providing all proper building permits have been obtained.
2. Excavation in compliance with the specific requirements of an approved subdivision plan.
3. Excavation in the normal use of a cemetery or a town park.
4. Removal of various soils, sands, stone, and other assorted aggregates from an individual parcel so long as cumulatively less than two hundred fifty hundred (250) cubic yards of such material is removed.

D. Activities Requiring Special Permit

The following excavation activities may be permitted in any district provided that a Special Permit has been granted by the Commission in accordance with Section 5.9.F:

1. The excavation and removal of sand, gravel, peat, loam, clay, silt, rock, stone or other earth material which is not an exempt activity under Section 5.9.B or which is not a permitted activity under Section 5.9.C.
2. Any excavation involving blasting unless such blasting is incidental to the implementation of an approved subdivision plan or a town-related construction project or is incidental to the construction of a building for which all permits have been obtained.

E. General Operating Standards

Any excavation operation in Canaan (Falls Village), except those exempt under Section 5.9.B, shall comply with the following standards:

1. Hours of Operation -

a. Hours of operation shall be limited to Monday through Friday from 7:00 AM to 6:00 PM.
b. There shall be no excavation operations on New Year's Day. Memorial Day, Fourth of July, Labor Day, Thanksgiving Day and Christmas Day.
c. Maintenance and repair of equipment is allowed outside the above time periods subject to good faith efforts to minimize unnecessary noise.

2. Access Roads -

a. All access roads shall be treated with suitable material to reduce dust and mud.

b. The permit holder shall clean up any spillage on public ways immediately and on neighboring private lands daily.
c. To the extent practicable, access roads shall be located or constructed so as to maximize screening of the operation from public view.

3. Reclamation -
a. Reclamation shall be on-going to the extent practicable.
b. Reclamation shall include:
   i. the placement of topsoil sufficient to support ground cover or other vegetation,
   ii. grading to promote positive drainage, and
   iii. seeding of suitable ground cover to minimize erosion or dust generation.

F. Special Permit Provisions

1. **Application Requirements -** In addition to other materials as required by these Regulations, a Special Permit application for earth excavation shall also include the following:
   a. A grading plan for the area to be excavated and the area within 100 feet of the excavation, drawn at an appropriate scale, with a contour interval of not more than 10 feet (may be an enlargement of the most recent USGS topographical map of the area) showing:
      i. existing and proposed contours and the limits of excavation,
      ii. existing and proposed drainage (including natural waterways and wetlands), and
      iii. the property lines of the parcel and other properties in the vicinity.
   b. An erosion control plan.
   c. An operations report describing:
      i. the type and amount of material to be removed,
      ii. the proposed truck access to the excavation,
      iii. an estimate of the number and types of trucks and other machinery to be used on the site locations and types and dimensions of any buildings or structures to be erected,
      iv. hours of operation, and
      v. any proposed sections or stages of operations.
   d. A Reclamation/Restoration Plan in accordance with Subsection 5.9.F.2.

2. Restoration Plan Approval Required -
   a. A Reclamation/Restoration Plan shall be provided with any application for a Special Permit and such Plan shall:
      i. show details of final grading, top soil depth and planting of the site,
      ii. include timetables for completion, and
      iii. describe the planned or potential future end use(s) of the property.
   b. Approval by the Commission of a Reclamation/Restoration Plan is required before a Special Permit will be issued.
   c. Departures from the following guidelines shall be explained in the Reclamation/Restoration Plan:
      i. **Slope Stability** - Slopes will be left in a 1:2 (rise to run) or shallower configuration. Deviations from this guideline due to local conditions shall be explained in detail.
      ii. **Debris** - The handling of all debris generated by the excavation operation shall be addressed in the Reclamation/Restoration Plan.
      iii. **Topsoil / Subsoil Reclamation** - The Reclamation/Restoration Plan shall identify the storage location of all excavated soils. Retained topsoil / subsoil shall be spread over the disturbed area to a minimum depth of 4 inches.
      iv. **Drainage Considerations** - Drainage systems should meet the 25 year storm event sizing using standard Army Corps of Engineers procedures.

v. **Access/Egress** - Reclaimed/restored land shall have appropriate access/egress. Additionally, the operator will provide to the Commission appropriate ownership/lease information, including access/egress stipulations.
vi. **Equipment And Temporary Structures** - All equipment, temporary buildings and temporary structures not part of the Reclamation/Restoration Plan shall be removed from the property within 90 days of completion of the approved operation.
vii. **Re-Vegetation** - A re-vegetation plan shall be presented as part of the overall Reclamation/Restoration Plan. This plan shall describe vegetation type, size, spacing, fertilizer and timeline. Trees and/or shrubs of suitable species to provide screening and to reduce erosion during the establishment period may also be required.

d. As part of the Reclamation/Restoration Plan, the Commission may:
   i. request references and the location of previous excavation projects, and
   ii. request information on any issues unique to the site or the proposed operation which are not covered in the above guidelines.
e. Should unexpected conditions arise that will not allow compliance with the approved reclamation/restoration plan, the owner or operator shall be required to submit a modified reclamation/restoration plan to the Commission for approval.

2. Restoration Bond Required -

a. On or before initiation of an excavation operation allowed by Special Permit, the owner or operator shall post a reclamation bond, in an amount and form acceptable to the Commission, to provide for reclamation of the site upon completion of the operation.
b. The reclamation bond shall be in an amount and form acceptable to the Commission and shall be based on the area of disturbed lands not yet reclaimed and lands proposed to be disturbed during the succeeding twelve month period.
c. Unless specifically approved by the Commission, no area may be disturbed which is not covered by a reclamation bond.
d. Failure to satisfactorily complete the Reclamation/Restoration Plan may result in forfeiture of the restoration bond.

3. Blasting -

a. Where blasting requires a Special Permit under Section 5.9.D, the Commission may require seismographic measurement and reports of all results of all blasting at any time it deems necessary allowing the Commission to weigh the complaining party's requests against the cost of monitoring for the operation.
b. Any blasting event shall:
   i. be preceded by a pre-blast notification to abutting landowners at least one-half hour in advance of blasting,
   ii. be preceded by a determination of the safe blast radius,
   iii. use blasting techniques that minimize the potential environmental impacts of blasting (blasting to the open face, multiple small charge blasting, use of decked charges, and/or use of millisecond delays between detonation).
   iv. deploy seismic equipment at the blasting perimeter on appropriate ground,

4. Where it is necessary to protect the surrounding nearby residential properties:
   a. Existing vegetation and natural topography shall be preserved where feasible.
   b. The Commission may require a landscape buffer be installed to minimize visual and noise nuisances.
   c. The Commission may also require an earth berm be installed at least eight feet in height or taller to minimize visual and noise nuisances and such berms must be seeded with an appropriate ground cover to minimize dust and erosion.

5. Excavation operations shall also comply with the requirements of "An Ordinance Concerning Sand and Gravel Operations" as adopted at a Town Meeting on June 10, 1970 and as may be subsequently amended.

6. The Commission shall approve a Special Permit application only when all conditions it requires are shown on the plans to be approved or are agreed to in writing, and when it is satisfied that the following requirements will be complied with as part of the operation.

7. Unless another period is established by the Commission as part of the approval, a Special Permit granted for the removal of earth materials shall expire one year from the date of issuance.

8. A Special Permit may be renewed or extended except that no permit shall be renewed or extended, and no operations may proceed beyond the one-year projection, until:
   a. the operator demonstrates that the excavation already completed conforms with the approved plan (including restoration), and
   b. a one-year projection and a new site plan or, with Commission approval, a revised site plan showing any changes that have occurred in the prior year have been approved by the Commission.

9. As a condition of any Special Permit approval, excavation operations shall be subject to periodic review by the Zoning Enforcement Officer and other qualified agents of the Commission to determine compliance. Owners and operators shall make the premises available for inspection and refusal of access may be considered a violation of the Special Permit approval.

G. See also Town Ordinance "An Ordinance concerning Sand and Gravel Operations".

If not regulated by Section 3.4, all mining and removal of sand and gravel from the Town of Canaan, also the mining and removal of small stone, loam, topsoil, dirt, clay and other small-sized materials commonly associated with what is known as a "sand and gravel operation" shall comply with the requirements of the Town of Canaan Ordinance "An Ordinance concerning Sand and Gravel Operations" as amended.

5.10. Storm Drainage

A. Purpose

This Section is intended to ensure that proper provision is made to control storm water runoff originating from a site being developed.

B. Standards

1. All development shall make proper provisions to control storm water runoff based on the best management practices.

2. All control measures and facilities shall be maintained in effective condition.

C. Procedures

3. A storm water runoff control plan, based on the best management practices, shall be required:
   a. with any application for a building permit other than a building permit for a single-family dwelling or a two-family dwelling, or
   b. in connection with any excavation or grading when the disturbed area of such is cumulatively more than one acre, or
   c. wherever any other provision of the Regulations specifically requires the submission of such a plan.

4. Site development shall not begin unless appropriate storm water runoff control methods and practices are installed and functional.

5. Inspections may be made by the Commission or its authorized agent to ensure compliance with appropriate storm water runoff control methods and practices.

5.11. Erosion and Sediment Control

A. Purpose

This Section is intended to ensure that proper provision is made to control accelerated erosion and sedimentation.

B. Standards

1. All development, whether or not an erosion and sediment control plan is required, shall make proper provisions to control accelerated erosion and sedimentation based on the best management practices.

2. Soil erosion and sediment control methods and practices shall be provided and maintained in accordance with the "Connecticut Guidelines for Soil Erosion and Sediment Control", as amended to:
   a. minimize erosion and sedimentation during construction,
   b. stabilize and protect areas from erosion when completed, and
   c. avoid cause offsite erosion and/or sedimentation.

3. Alternative methods and practices may be used with prior approval of the Commission.

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

C. Procedures

1. An erosion and sediment control plan shall be submitted:
   a. in connection with any development in the Steep Slope Overlay Zone, or
   b. in connection with any excavation when the disturbed area of such excavation is cumulatively more than one-half acre, or
   c. in connection with any application for a building permit other than a building permit for a single-family dwelling or a two-family dwelling, or

d. wherever any other provision of the Regulations specifically requires the submission of such a plan.

2. Site development shall not begin unless:
   a. the erosion and sediment control plan, where required, is certified,
   b. appropriate soil erosion and sediment control methods and practices are installed and functional.

3. Inspections may be made by the Commission or its authorized agent to ensure compliance with appropriate soil erosion and sediment control methods and practices.

5.12. Environmental Standards

With the exception of temporary construction activities, all structures and uses of land shall comply with the following standards unless otherwise specifically exempted from compliance by state or federal law:

1. Air Pollutants: No dust, dirt, fly ash, chemical vapors, smoke or other pollutants shall be emitted into the air in quantities or concentrations that would violate state or federal air quality standards or would cause a common-law nuisance on other properties.

2. Odors: No use shall cause any odors to be emitted beyond the boundaries of the lot on which the use is located if such odors would violate state or federal odor standards or would cause a common-law nuisance on other properties.

3. Noise: No use shall cause any noise to be emitted beyond the boundaries of the lot on which the use is located if such noise would violate state or federal noise standards or would cause a common-law nuisance on other properties.

4. Vibration: No use may generate any ground-transmitted vibration that is perceptible to the human sense of touch measured at:
   a. The outside boundary of the immediate space occupied by the use generating the vibration, if the use is one of several on a lot, or
   b. The lot line if the use is the only one on the lot.

5. Hazardous Materials and Wastes: The storage, handling, use, and disposal of hazardous materials or wastes are strictly prohibited except to the extent reasonably necessary to carry on a use otherwise expressly permitted under these Regulations.

5.13. Fence Standards

1. General fences, walls, and similar structures may be erected so that any such fence, wall or similar structure;
   a. shall not exceed a height of six (6) feet unless specifically approved by the Commission through granting of a Special Permit,
   b. shall not obstruct a street sight line, and
   c. shall have the finished side of the fence (if any) facing the neighboring property.

2. Deer fencing may require commission approval based on Zoning Enforcement Officer's site

visit and/or interpretation, so that any such deer fencing:

a. shall not exceed 8 feet in height,
b. shall be constructed of smooth galvanized wire or black plastic netting with minimum opening of 2 inches, and
c. shall not obstruct a street sight line.

5.14. Outdoor Wood Burning Furnace Standards

All applicable Connecticut statutes regarding such furnaces shall be met as amended. The applicant shall submit a signed statement affirming compliance with the state's requirements.

6. SPECIAL STANDARDS

6.1. Nonconforming Uses and Structures

A. Nonconforming Use

1. Use May Be Continued

Any nonconforming use of buildings or land lawfully existing at the time of adoption of these Regulations, or any amendments hereto, may be continued as a nonconforming use.

2. Change of a Nonconforming Use

a. No nonconforming use shall be changed except to a conforming use or, with approval of a Special Permit by the Commission, to another non-conforming use of a less objectionable character.
b. A change to a nonconforming use of a less objectionable character shall be evaluated in accordance with the standards set forth below:
    i. The proposed nonconforming use shall, in the opinion of the Commission, be more suitable to the site and neighborhood.
    ii. The proposed use shall generate traffic no more onerous (volume, type, hours) than the existing nonconforming use.
    iii. The proposed use shall not require more parking or loading space than the existing use.
    iv. The proposed use shall create no more noise, emissions or vibrations than the existing use.
    v. Proposed modifications to the exterior of any building shall, in the opinion of the Commission, blend better with the surrounding neighborhood.
    vi. Where the existing use is confined to activities conducted inside of a building, the proposed use shall not include outside activities.
c. No nonconforming use shall, once changed to a more conforming use, be changed to a less conforming use.
d. No part of nonconforming use, if brought into conformance with these Regulations, shall be changed back to nonconformance.

3. Use Enlargement or Extension

No nonconforming use and no building containing a non-conforming use shall be extended or expanded unless such extension or expansion receives approval of a Special Permit by the Commission.

4. Structures Containing Nonconforming Uses

Alterations to a structure containing a nonconforming use may be made without bringing the use into conformity with these Regulations provided:

a. Any alterations which change the appearance of the building will, in the opinion of the Commission, reduce any negative impacts of the nonconforming use, or
b. The structure has been damaged by fire, explosion, accident, act of nature, force majeure, or act of a public enemy and the building is being rebuilt.

B. Nonconforming Structure

1. Structure May Be Continued

Any nonconforming structure lawfully existing at the time of adoption of these Regulations, or any amendments hereto, may be continued as a nonconforming structure.

2. Improvements and Repairs

Without limitation as to the amount expended, the following changes, provided they do not con stitute an enlargement or extension of the structure, and provided further that no substantial improvements may be made to structures in the Flood Plain Overlay Zone, are permitted for nonconforming structures:

a. Repairs and reconstruction to allow for wear and tear, deterioration and obsolescence; and
b. Repairs and reconstruction, but not in excess of the previous floor area and space volume, where the structure is damaged by fire, collapse, explosion, or act of God subsequent to the date of these Regulations, provided the repairs and reconstruction commence within 12 months of such damage.

3. Enlargements and Extensions

A nonconforming structure devoted to a permitted use may be enlarged, provided that such alteration does not increase the number of dwelling units therein; and where an existing building is in violation of front, side or rear yard setbacks or buffer and the applicant has requested an expansion of the building, the commission may, by special permit, allow a reduction of the setback and/or buffer for such building expansion to:

a. twenty percent of the required setback; or
b. the setback of the existing building.

4. Conformance

No part of a nonconforming structure, if brought into conformance with these Regulations, shall be changed back to nonconformance.

C. Nonconforming Parcel

Any nonconforming parcel lawfully existing at the time of adoption of these Regulations, or any amendments hereto, may be continued as a nonconforming parcel provided that if a parcel which is nonconforming as to area is, or has ever been, in common ownership with an adjoining lot since the time it became nonconforming as to the area requirements of the Zoning Regulations, then such lot shall be merged with such adjoining lot to make a conforming or more conforming lot as to area.

6.2. Corner Visibility

On a corner lot, no planting, structure, fence, wall, or other obstruction to vision which is more than three (3) feet in height shall be placed or maintained within the triangular area formed by the intersecting street lines and a connecting line whose terminal points are 25 feet from the point of street line intersection.

6.3. Dimensional Exceptions

A. Lot Area Exceptions

The limitations of these Regulations shall not prohibit the erection of a one-family dwelling on any parcel which is in different ownership from that of all adjoining land and is smaller in area than that required for a one-family house by these Regulations.

B. Height Exceptions

The building height limitations of these Regulations shall not apply in the following situations provided that such features shall only be erected only to such heights as are necessary to accomplish the purpose they are intended to serve:

1. A spire or belfry on a religious institution, a school, a public library or a public museum provided that:
   a. the total height shall not exceed sixty (60) feet unless a Special Permit has been approved by the Commission, and
   b. the total area covered by such features shall not exceed fifteen percent (15%) of the roof area unless a Special Permit has been approved by the Commission.

2. Cupolas or chimneys provided that:
   a. the total height shall not exceed ten (10) feet higher than the highest point of the building or roof unless a Special Permit has been approved by the Commission, and
   b. the total area covered by such features shall not exceed five percent (5%) of the roof area unless a Special Permit has been approved by the Commission.

3. Flagpoles less than fifty (50) feet in height unless a Special Permit has been approved by the Commission.

4. Roof-top equipment for non-residential buildings (such as ventilators, skylights, bulkheads, noncommercial transmitting or receiving antennas, or similar features) provided that:
   a. adequate appropriate screening will be provided, and
   b. such equipment shall not have a horizontal area greater than ten percent (10%) of the roof area of the building on which it is located unless a Special Permit has been approved by the Commission.

5. The main dairy, livestock, poultry, nursery or other barn on a farm shall not be limited in height.

C. Yard Exceptions

1. Typical residential building projections such as eaves, chimneys, pilasters, sills, cornices, leaders, belt courses, and bay windows may extend into any required yard not more than:
   a. 10 percent of the required yard, and
   b. 24 inches maximum.

2. A basement hatchway may project into the required rear yard not more than six (6) feet.

3. A one-story porch without windows or screens or walls of any kind may project into the required front yard not more than twenty (20) percent of the minimum front yard requirement.

4. Entry stairs, stoops, fire escapes, and access ramps for the handicapped may extend into any required yard not more than five (5) feet except that front entrance steps may project into the required front yard not more than eight (8) feet.

5. On a corner lot, the minimum front yard requirement shall be met along the street that the main building faces and 65 percent of the front yard requirement shall be provided along the other street.

6. A shed which is less than ten (10) feet in height at the roof ridge and less than eighty (80) square feet in ground floor area may be located within a required side or rear yard, but no closer than ten (10) feet to any lot line.

6.4. Keeping of Equine Animals

1. Equine animals (including horses, donkeys, burros and their young) may be kept in any zone, provided the minimum area of any lot on which such animals are kept shall be 1.5 acres for one animal, plus 1.0 additional acre for each additional animal.

2. Any building in which any such animal is kept shall be located no less than 50 feet from each lot line and street line.

6.5. Telecommunication Facilities

A. Purpose

These regulations are intended to establish guidelines and standards for the siting of antenna facilities in Town in order to protect the public safety and general welfare and, through design, siting, and screening, to minimize any adverse visual and operational effects.

B. Permitted

1. **Residential Household Antenna** - An antenna used solely for residential household television and radio reception provided any such antenna meets required setbacks and does not exceed forty (40) feet in height above the ground.

2. **Residential Satellite Dish Antenna** - A satellite dish antenna in a residential zone provided:
   a. the dish antenna measures 1 meter (3.28 feet) or less in diameter.
   b. a building-mounted installation complies with yard setback standards for a principal structure.
   c. a ground-mounted installation is located in the rear yard and complies with yard setback standards for an accessory structure.

3. **Commercial Satellite Dish Antenna** - A ground-mounted or roof-mounted satellite dish antenna in a Rural Business or Light Industrial zone provided:

a. the dish antenna measures 2 meters (6.56 feet) or less in diameter.
b. the dish antenna is screened from public view.

4. **Amateur Radio Antenna** - An amateur radio antenna owned and operated by an amateur radio operator licensed by the FCC provided:
   a. a ground-mounted installation is located in the rear yard.
   b. a building-mounted installation is affixed to the rear of the residential structure.
   c. any tower and antenna combination is less than 40 feet in total height and is erected no nearer to any property line than a distance equal to the vertical height of the tower and antenna.
   d. a suitable safety fence may be required to be erected to preclude unauthorized access.

5. **Existing Tower Repair** - Repair of existing towers and antennas, provided there are no changes in design, height or appearance.

6. **Tower Approved By Siting Council** - Any new tower or antenna regulated by and approved by the Connecticut Siting Council.

C. Permitted by Site Plan Approval

1. **Other Residential Antenna** - An antenna that does not comply with Section 6.6.B. and is:
   a. used solely for residential household television and radio reception,
   b. a satellite dish antenna in a residential zone,
   c. is an amateur radio antenna owned and operated by an amateur radio operator licensed by the FCC, or
   d. is for another use considered by the Commission to be customarily incidental and subordinate to the residential use.

2. **Commercial Satellite Dish Antenna** - A ground-mounted or roof-mounted satellite dish antenna in a Rural Business or Light Industrial zone that does not comply with Section 6.6.B.

D. Permitted by Special Permit

1. **Other Antennas on Existing Structures**. Any other antenna which is not attached to a tower, provided:
   a. The antenna complies with all applicable FCC and FAA regulations;
   b. The antenna complies with all applicable building codes;
   c. The antenna does not extend more than 10 feet above the highest point of the structure; and
   d. The antenna is completely screened or designed and installed to be architecturally compatible with the structure in question.

2. **New Public Safety Tower or Antenna** - A new antenna tower intended and used primarily for the purpose of police, fire, ambulance, and/or other emergency services or similar emergency communications.

3. **New Tower or Antenna on Town-Owned Property** - A new antenna located on property owned, leased or otherwise controlled by the Town of Canaan (Falls Village).

4. **New Tower or Antenna** - Any new tower or antenna not regulated by the Connecticut Siting Council.

E. Requirements for Special Permit Applications

1. Application Requirements

a. Each application for a Special Permit shall include documentation that a licensed carrier or an authorized emergency services organization is either an applicant or a co-applicant on the application.
b. Each application shall include documentation that the proposed facility will not cause any interference with any emergency or public safety radio system.
c. Each application shall include documentation showing how the proposed facility will accommodate emergency service communications for police, fire and ambulance services or a statement from each organization that such accommodation is not desired.
d. Each application shall include documents indicating that:
    i. all towers, antennas, and/or equipment to be installed meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas.
    ii. if such standards and regulations are changed, then the owners of the towers and antennas governed by this regulation shall bring such towers and antennas into compliance.
e. Each application shall include documentation regarding noise emission from equipment and identify appropriate steps to provide soundproofing so that any noise above ambient levels is inaudible at the property line.
f. The applicant shall provide a written maintenance plan for the site, including, but not limited to, all facilities including landscaping at the site.

2. Visual Considerations

a. Towers and antenna and appurtenances shall be painted a neutral color or other such finish as determined by the Commission so as to minimize visual obtrusiveness.
b. The design of the equipment, buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
c. If an antenna is installed on a structure other than a tower, the antenna and supporting equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure to make the antenna and related equipment as visually unobtrusive as possible.
d. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority and specifically authorized by the Commission.
e. No signs shall be allowed on any antenna, facility, or tower unless required by an overriding legal authority, except that a 2 square foot sign is required to be posted showing the emergency contact and telephone number.

3. Equipment Considerations

a. Any equipment cabinets or other appurtenances used in association with the tower or antenna shall be clearly shown as part of the application including how such equipment is designed to blend with the surrounding landscape or be obscured from adjacent properties and streets
b. Security fencing, no more than six feet in height, may be required by the Commission around the antenna, tower, and equipment depending on the nature of the installation.
c. Landscaping, including buffering, may be required by the Commission around the antenna, tower, and equipment depending on the nature of the installation.

6.6. Windmills, Towers and Energy Producing Wind Devices

A. Purpose

The purpose of this regulation is to promote the safe, effective and efficient use of small wind energy systems that are installed to reduce the on-site consumption of utility supplied electricity, subject to reasonable conditions that will protect the public health, safety and welfare.

B. Applicability

This section applies to all proposals to construct on-site wind facilities smaller than 1MW Rated Nameplate Capacity.

C. Temporary Wind Monitoring Structures

a. Permitted within the Residential/Agricultural, Mountain Residential, Rural Business, Light Industrial, and Quarry Zones provided that the use complies with all requirements set forth within these regulations,
b. Requires a Zoning Permit.

A. Energy Producing Wind Devices

a. Permitted within the Residential/Agricultural, Mountain Residential, Rural Business, Light Industrial, and Quarry Zones provided that the use complies with all requirements set forth within these regulations,
b. Requires a Special Permit.

E. Required Conditions, No Permit shall be granted unless the Commission finds in writing that:

a. The specific site is an appropriate location for such use,
b. No material adverse effect on the neighborhood has been shown such as, but not lim ited to, property values,
c. No serious hazard to pedestrians or vehicles has been shown,
d. No nuisance will be created such as, but not limited to, radio and television interfer ence,
by operation of the device, and
e. Adequate and appropriate facilities shall be provided for the proper operation of the de vice.

F. Compliance with Laws, Ordinances and Regulations

The construction and operation of all such proposed wind devices shall be consistent with all applicable local, state and federal requirements, including, but not limited to, all applicable safety, construction, environmental, electrical communications and aviation requirements.

G. General Siting Standards

1. Energy Producing Wind Devices or Wind Monitoring Towers shall not exceed two (2) feet tower face width and two hundred (200) feet in height.

2. Setbacks, wind devices shall be setback, as measured from the center of the tower from the nearest existing habitable structure, property line or public way a distance equal to one, one half (1.5) times the overall blade tip height for a wind device that has exposed blades, and one, one tenth (1.1) times the overall height for a wind device that has shrouded blades, provided, however, that a portion of this setback requirement may be satisfied by an easement or other non-revocable, legally binding agreement from one or more abutting property owners.

3. Setback Waiver, the commission may reduce the minimum setback distance as appropriate based on site-specific considerations, if the project satisfies all other criteria for the granting of a Zoning or Special Permit under the provisions of this section.

H. Design Standards

1. Color, Finish and Screening
   a. Wind devices and appurtenances shall be painted a neutral non reflective exterior color that blends with the surrounding environment as determined by the Commission so as to minimize visual obtrusiveness.
   b. The design of the equipment, buildings and related structures shall, to the extent possible, use materials; colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.

2. Lighting
   Wind devices shall be lighted only if required by the Federal Aviation Administration. Lighting of other parts of the wind facility, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be designed to minimize glare on abutting properties and except as required by the FAA, be directed downward with full cut-off fixtures to reduce light pollution.

3. Signage
   Signs on the wind facility shall comply with the towns' sign regulations, and shall be limited to:
   a. Those necessary to identify the owner, provide a 24-hour emergency contact phone number, and warn of any danger.
   b. Those required by state or federal law.
   c. Educational signs providing information about the facility and the benefits of renewable energy.

4. Advertising
   Wind devices shall not be used for displaying any advertising, except for reasonable identification of the manufacture or operator of the wind energy facility.

5. Utility Connections
   Reasonable efforts shall be made to locate utility connections from the wind facility underground, depending on appropriate soil conditions, shape and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground, if required by the utility provider.

6. Appurtenant Structures
All structures appurtenant to such wind facilities shall be subject to applicable regulation concerning the bulk and height of structures, as well as regulations determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements. All such appurtenant structures, including, but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other and shall be contained within the wind device whenever technically and economically feasible. Additional structures shall only be used for housing of equipment for this particular site. Whenever reasonable, structures should be screened from view by vegetation and or fencing, and or located in an underground vault, and joined or clustered to minimize adverse visual impacts.

7. Support Towers
Monopole and space frame/lattice towers are the only permissible support structures for Wind Devices.

I. Abandonment or Decommissioning

1. Removal Requirements for Temporary Monitoring or Permanent Wind Facility
Any wind facility which has reached the end of its useful life, has been abandoned, or the term of the permit has expired, shall be removed. When the wind facility is scheduled to be decommissioned, the owner shall notify the Zoning Enforcement Officer and Board of Selectmen by "Certificate of Mailing", including the proposed date of discontinued operations and plans for removal. The owner shall physically remove the wind facility no more than one hundred fifty (150) days after the date of discontinued operations. At the time of removal, the wind facility site shall be restored to the state it was in before the facility was constructed, from grade level and above, but excluding any need to replace trees or other vegetation that may have previously occupied the site, and similarly excluding the need to reconstruct structures once present, or the site may be converted to any other legally authorized use. More specifically, decommissioning shall consist of:
   a. Physical removal of all wind devices, structures, equipment, security barriers and transmission lines from the site.
   b. Disposal of all solid and hazardous waste in accordance with local and state waste disposal regulations.
   c. Stabilization or re-vegetation of the site as necessary to minimize erosion.

   The Commission may allow the owner to leave landscaping or certain visible foundations in order to minimize erosion and disruption to vegetation.

2. Abandonment
Absent notice of a proposed date of decommissioning, the facility shall be considered abandoned when the facility fails to operate for more than one year without the written consent of the Commission. The Commission shall determine in its decision what proportion of the facility is inoperable for the facility to be considered abandoned. If the owner fails to remove the wind facility in accordance with the requirements of this section within one hundred fifty (150) days of abandonment, or the proposed date of decommissioning, the town shall have the authority to enter the property and physically remove the facility.

3. Financial Surety

The applicant shall provide a form of surety, either through escrow account, bond or

otherwise, to cover the cost of removal in the event the town must remove the facility. The amount and form of this surety shall be determined by the Commission, but in no event may it exceed more than one hundred twenty five (125) percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the Commission, after consultation with engineering consultant(s). Such surety will not be required for municipally or state-owned facilities. The applicant shall submit a fully inclusive estimate of the costs, less salvage value, associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for Cost of Living Adjustment.

J. Term of Permits

1. Special Permit

A special permit issued for a wind facility shall be valid for twenty-five (25) years, unless extended or renewed. The time period may be extended, or the permit renewed by the Commission upon satisfactory operation of the facility. Any request for extension or renewal must be submitted within one hundred eighty (180) days prior to or one hundred eighty (180) days after expiration of the special permit. The submission of an extension or renewal request shall allow for continued operation of the facility until the Commission acts. Upon the expiration of the special permit (including extensions and renewals), the wind facility shall be removed as required by this section.

The owner shall maintain a phone number and identity a responsible person for the public to contact, so that inquiries and complaints may be made throughout the life of the project.

K. Visualizations

The Commission shall select between three and six sight lines, including from the nearest building with a view of the wind facility, for pre- and post-construction view representations. Sites for the view representations shall be selected from populated areas or public ways within a two (2) mile radius of the wind facility. View representations shall have the following characteristics:

a. Within twenty one (21) days of filing for a Special Permit, the applicant shall arrange for a balloon test (with a balloon diameter of at least eight (8) feet), or a crane test, at the proposed site to illustrate the height and position of a proposed tower. The date (and alternate dates to allow for inclement weather), time and location of such test shall be advertised in a newspaper of general circulation in the Town at least fifteen (15) days, but not more than twenty one (21) days, prior to the primary date of the test. The balloon or crane test shall be conducted for at least two (2) days, one of which shall be a Saturday or a Sunday.
b. The applicant will submit photographs showing the tower imposed on the photograph with the power height established in reference to a balloon flown to the proposed tower height a the site.
c. View representations shall be in color and shall include actual preconstruction photographs and accurate post-construction simulations of the height and breadth of the wind facility (e.g. superimpositions of the wind facility onto photographs of existing views).

d. All view representations will include existing, or proposed, buildings or tree coverage.
e. Each view representation shall include description of the technical procedure followed in producing the visualization (distances, angles, camera lens, etc.).

1. Landscape Plan

Upon a determination of necessity by the Commission, the applicant shall submit a plan indicating all proposed changes to the landscape of the site, including temporary or permanent roads or driveways, grading, vegetation clearing and planting, exterior lighting (other than FAA required lights), screening vegetation or structures, Lighting shall be designed to minimize glare on abutting properties, except as required by the FAA.

2. Operation and Maintenance Plan

The applicant shall submit a plant for maintenance of access roads and storm water controls, as well as general procedures for operational maintenance of the wind facility.

3. Compliance Documents

If required under previous sections of this regulation, the applicant will provide with the application:
a. A description of the financial surety that satisfies section 6.7.K.3.,
b. Proof of liability insurance that satisfies section 6.7.F.,
c. Certification of height approval from the FAA, or documentation showing that this is not necessary and
d. A statement that satisfies section 6.7.J.4. listing existing and maximum projected noise levels from the wind device.

7. ADMINISTRATION

7.1. General

A. Statutory Compliance

Proceedings on applications shall be conducted in accordance with the provisions of Chapter 124 of the Connecticut General Statutes, as amended.

B. Fees

Applications shall be accompanied by the appropriate fee(s) as required by "An Ordinance Concerning Establishing Land Use Application Fees" as adopted at a Town Meeting on July 16, 2003 and as may be subsequently amended, except that the Commission or the Town shall be exempt from any application fee.

C. Required Submission to Inland Wetlands Commission

Whenever any application for approval of a site plan or Special Permit involves an activity regulated pursuant to the Inland Wetlands and Watercourses Regulations, the applicant shall, in accordance with state law, submit an application to the Inland Wetlands Commission on or before the date the site plan or Special Permit application is submitted to the Commission.

D. Sewage Disposal Feasibility

Prior to the approval of a Zoning Permit involving sewage disposal, the applicant shall obtain from the Town Sanitarian a written statement of approval of the feasibility of the plans for sewage disposal.

E. Plans involving a Private Water Company

No application for a Zoning Permit for a use requiring water to be supplied by a private water company incorporated on or after October 1, 1984, shall be approved unless the applicant demonstrates that the company has received a certificate of public convenience and necessity pursuant to CGS Section 16-262m, as it may be amended.

F. Supplemental Consultants and Fees

The Commission may, in accordance with CGS 8-1c and "An Ordinance Concerning Additional Permit Application Fees Pertaining to Activities Regulated by the Town of Canaan" as adopted at a Town Meeting on March 2, 2005 and as may be subsequently amended:

1. retain an architect, landscape architect, land use planner, or other relevant professional to review, comment on, and guide its deliberations on an application, and
2. require that the applicant:
   a. deposit funds with the Commission for such review, or
   b. reimburse the Commission for the cost of such review.

7.2. Administration By The Commission

A. General

1. Applications to the Commission shall be submitted to the Town Clerk on forms prescribed by the Commission and with supporting plans, materials, and other information required by these Regulations no later than five (5) days before a regularly scheduled meeting.

2. An application shall not be considered complete until all of the required items have been submitted and received by the Commission at a regularly scheduled meeting.

3. An incomplete application or an application submitted without the requisite fee may be denied if such application is not completed or fee paid before the next regularly scheduled Commission meeting.

4. Where a proposed development or activity requires multiple applications, the Commission may conduct the public hearings simultaneously or in the order they deem appropriate.

5. In approving any application except for a Zone Change, the Commission may attach conditions and safeguards to its approval.

6. Applicants for a zoning certificate of compliance have the right to publish notice of such certificate.

B. Notification of Property Owners

1. For applications involving a public hearing, at least ten (10) days prior to the public hearing, the applicant shall send a notice of the public hearing to persons who own land adjoining, including property across a public access way, to the land that is subject of the hearing bounded northerly, southerly, easterly and westerly.
2. At a minimum, such notice shall consist of:
   a. a description of the proposed activity,
   b. notification of the date, time, and place of the scheduled hearing, and
   c. a copy of the application form submitted to the Commission or the Board.
3. Notices to such property owners shall be sent via “Certificate of Mailing” form from the United States Postal Service.
4. The latest records of the Town Assessor shall be utilized to determine the owner of each property and if such information is not readily available the fact shall be made known to the Commission or Board.
5. No later than the date of the scheduled hearing regarding the application, the applicant shall submit the following to the Commission or Board or the application shall be considered incomplete:
   a. a copy of the complete package of information sent to property owners,
   b. a list of property owners to whom the notices were sent, and
   c. a copy of the “Certificate of Mailing” forms sent to property owners.

6. When an application is filed to conduct or cause to be conducted any construction of a new building or other structure or expansion of the footprint of an existing building or other structure on the property, any portion of which is subject to a conservation restriction or preservation

restriction, the applicant shall including with the application proof of written notice of such application, by "Certificate of Mailing" from the United States Postal Service, to the party holding such restriction or a letter from the holder of such restriction or the holder's authorized agent verifying that the application is in compliance with the terms of the restriction.

C. Site Plan Application

1. Site Development Plan Required

a. A site plan shall be filed with every application for a use, building or structure that requires a Special Permit under these Regulations, and/or all uses other than one and two family houses unless:
   i. the applicant files a written request for a waiver, and
   ii. the Commission, upon reviewing such request, determines that such filing is not necessary and would not be helpful in allowing the Commission to determine whether the proposed use, building or structure complies, or would comply, with these Regulations.
b. The Commission may require the filing of a site development plan whenever it determines that such filing is necessary or would be helpful in allowing the Commission to determine whether a proposed use, building or structure complies, or would comply, with these Regulations.

2. Plan Requirements

a. Unless otherwise specified within these Regulations, a Site Development Plan shall be:
   i. based on an A-2 survey,
   ii. prepared, stamped and signed by a professional engineer, landscape architect, land surveyor or architect - whichever is appropriate - licensed to practice in the State of Connecticut,
   iii. submitted with six (6) full-size sets at 24" by 36" in sheet size plus ten (10) smaller sets at 11" by 17" in sheet size, and
   iv. include the information required in Section 9.1.
b. The Commission may require the submission of additional information as is deemed necessary to make a reasonable review of the application.

3. Potential Public Hearing

The Commission may require a public hearing on site development plan if it determines that the public welfare will be better served by so doing.

4. Review Considerations

a. No site development plan will be approved which does not comply with the requirements of these Regulations.
b. In approving a Site Plan application, the Commission may impose conditions deemed necessary to protect the public health, safety, welfare, convenience, and property values.
c. The Commission may require that a bond be posted before any Building Permits are issued for the activities shown on the approved plan, in an amount and form acceptable to the Commission, to ensure that the plan is implemented.
d. When an application for site plan approval involves an inland wetlands regulated activity, the Commission's decision shall not be issued until a decision has been issued by the inland wetlands agency and reviewed by the Commission. The Commission shall state in

its decision the reasons for any terms and conditions that are not consistent with such decision of the inland wetlands agency.

5. Following Approval

Two fixed-line mylar copies of the approved Site Plan(s) shall:

a. be submitted to the Commission for the Chairman's signature indicating the approval of the Commission.
b. bear a copy of the decision letter of the Commission and of all other town regulatory agencies authorizing the activity.
c. be filed in the office of the Building Official before any Building Permits are issued for the activities shown on the approved plan.

6. Expiration

An approved plan shall become null and void unless construction of building is in progress and not less than fifty percent (50%) of building foundations are completed within one (1) year of the date of approval of such plan, or an extension of time is granted by the Commission, in writing.

7. Release of Bonds

Bonds will not be released until:

a. the release has been requested, in writing, by the developer,
b. the Town Engineer has submitted a letter stating that all required improvements have been satisfactorily completed and that all conditions and requirements of the Commission's approval have been satisfied.
c. the applicant's engineer or surveyor has certified to the Commission, through submission of a set of detailed "Record" plans on mylar that all public improvements are in accordance with submitted site plans.

8. Modifications

a. Proposed modifications to approved site plans shall be submitted to the Zoning Enforcement Official for review.
b. Minor changes may be approved by the Zoning Enforcement Official or submitted to the Commission for review.
c. Major changes (additional building area, alteration of building location) shall be submitted to the Commission for additional review.

D. Special Permit Application

1. Special Permit applications shall be submitted on forms supplied by the Commission for any activity designated in the Regulations as requiring a Special Permit.

2. Each application for a Special Permit shall, unless waived by the Commission, be accompanied by a Site Plan Application.

3. The Commission shall hold a public hearing on any application for a Special Permit.

4. Following the public hearing, the Commission may disapprove, modify and approve, or approve the application as submitted.

5. Special Permit Criteria

Before the Commission approves a Special Permit, it shall determine:

Compatible With Purposes and Provisions

a. That the proposed use will not have any detrimental effects upon the public health, safety, or welfare, and that the proposed use will not conflict with the purposes of the Regulations.

b. That the proposed use is permissible by these Regulations and that the proposal meets "de facto" or by variance all applicable bulk, dimensional and other requirements of these Regulations.

c. That the proposed use or activity does not conflict with and will not hinder achievement of applicable goals, objectives, policies, or recommendations of the Plan of Conservation and Development:

Provides For Appropriate Conservation

d. That the proposed use has provided for the protection, preservation, conservation, and enhancement of natural, scenic, historic, and unique features.

Demonstrates Appropriate Development

e. That the location, size, nature, and intensity of the proposed use in relation to the size of the lot will be in harmony with the orderly development of the area and compatible with other existing uses.

f. That the kind, size, location, design, and height of structures and the nature and extent of landscaping are appropriate and will not hinder or discourage the appropriate use of adjoining property.

g. That the design elements of the proposed development are attractive and suitable in relation to the site and neighborhood.

h. That adequate provision has been made for the sustained maintenance of the proposed development (structures, streets, landscaping, and other improvements).

Provides For Appropriate Services and Infrastructure

i. That streets providing access to the proposed use are adequate in width, grade, alignment, visibility, and capacity for the additional traffic generated and that the proposed use has made adequate and appropriate provision for vehicular and pedestrian circulation both on the site and in the vicinity.

j. That the parking and loading facilities are adequate and the entrance and exit driveways are laid out to achieve maximum safety.

k. That the proposed use shall have easy accessibility for fire apparatus and police protection and is laid out and equipped to further the provision of emergency services.

l. That required utility services are available and provided, that they conform with accepted engineering criteria; and will not unduly burden the capacity of such facilities.

6. Whenever the Commission acts upon a Special Permit, it shall state upon its records the reason for its decision.

7. In granting a Special Permit, the Commission may stipulate such conditions as are reasonable and necessary to protect or promote the public health, safety or welfare; property values; the environment; sound planning and zoning principles; improved land use, site planning and land development; or overall neighborhood compatibility.

8. In granting a Special Permit, the Commission may require that a bond, in an amount and form acceptable to the Commission, be posted before any activity authorized by the Special Permit is commenced.

9. Where the Commission has reason to believe that circumstances or conditions upon which a Special Permit is warranted may change over time, the Commission may limit the time during which the Special Permit shall remain valid and may cause the review and substantiation of the justifying circumstances or conditions at periodic intervals.

10. A Special Permit granted by the Commission shall become effective upon the filing of a copy, certified by the Commission, in the land records of the Town, in accordance with the provisions of CGS Section 8-3d.

11. Any approved Special Permit shall become null and void if the Special Permit is not recorded on the land records within 12 months of the date of approval by the Commission.

12. A Special Permit may be amended in like manner as provided above for the granting of a Special Permit.

E. Amendments To Zoning Regulations

1. Applications to amend these Regulations shall be submitted on forms supplied by the Commission for any proposal to amend, change, or repeal any provision of these Regulations.

2. Applications may only be submitted by property owners, residents or persons having an interest in land in Town, or by the Commission on its own initiative or by petition.

3. Any petitions for text amendment shall be submitted on forms prescribed by the Commission and shall be accompanied by the following:
   a. ten (10) copies of the precise wording of the existing and proposed text, and
   b. the appropriate application fee, except that the Commission shall be exempt from any application fee.

4. The Commission shall hold a public hearing on any application for a text amendment.

5. Before acting upon any amendment to these Regulations, the Commission shall determine that:
   a. the public health, safety, welfare, or property values will not be adversely affected.
   b. the proposed change will not hinder the attainment of the purposes of these Regulations.
   c. the proposed change is in accordance with the Plan of Conservation and Development.

6. No petition for amendment which has been rejected by the Commission shall be heard again within one year from the date of rejection except that the Commission may grant a re-hearing before one year if it finds, on facts presented in writing, that a material change in the situation justifies this action in the interest of the public as well as the petitioners. A change of ownership of property or any interest therein shall not be deemed a material change in the situation for the purpose of this provision.

7. The Commission is responsible for notifying an adjoining municipality of any application where the subject property is located within 500 (five hundred) feet of the town boundary or which may have significant sewer, water, or traffic impacts on property in the adjoining municipality.

F. Zone Change Application

1. Zone Change applications shall be submitted on forms supplied by the Commission for any proposal to alter the zoning designation of any parcel or parcels of land or parts thereof.

2. Applications shall be signed by the affected property owner(s) or shall be initiated by the Commission on its own initiative or by petition.

3. Applications for Zone Change shall be accompanied by six (6) full-size maps at 24" by 36" in sheet size plus ten (10) smaller maps at 11" by 17" in sheet size for review by the Commission and its designees.

4. The Commission shall hold a public hearing on any application for a Zone Change.

5. Following the public hearing, the Commission may approve or disapprove the application as submitted.

6. Before the Commission acts upon a Zone Change, it shall determine that:
   a. the proposed change is in accordance with the Plan of Conservation & Development,
   b. the proposed change is in conformance with the purposes of the Regulations,
   c. the location of, and activities permitted within, the new zone will not adversely affect the public health, safety, welfare, or property value, and
   d. the property is suitable for the intended use.

7. The Commission shall not have to rehear a zone change application that has been rejected within one year from the date of rejection unless it finds, on facts presented in writing, that a material change in the situation justifies this action. A change of ownership of property or any interest therein shall not be deemed a material change in the situation for the purpose of this provision.

8. Upon approval of a zone change by the Commission, the applicant shall submit two (2) blackline mylar transparencies of the boundary survey and zone change, which shall bear a copy of the decision letter of the Commission and the effective date of the zone change.

9. Following signature by the Commission Chairman, the signed fixed-line mylar transparencies shall be filed by the applicant in the office of the Town Clerk prior to the effective date of the change.

G. Erosion and Sediment Control Plan

1. When Required

An erosion and sediment control plan, when required, shall consist of:

a. a written report,
b. a site plan,
c. the estimated cost of control measures, and
d. any other information deemed necessary and appropriate by the Commission or the Zoning Enforcement Officer.

2. Requirements for Written Report

The written report shall include, but not be limited to, the following:

a. A description of the proposed project;
b. A schedule of grading and construction activities, including:
    i. starting and completion dates,
    ii. sequence of grading and construction activities,
    iii. sequence of application of appropriate control measures, and
    iv. final stabilization;
c. For the proposed soil erosion and sediment control measures and storm water management facilities:
    i. design criteria including identification of the method used in determining the peak flow rates and volumes of runoff;
    ii. construction details;
    iii. installation and/or application procedures, and
    iv. the proposed operations and maintenance program.

3. Requirements for Erosion Control Site Plan

The site plan shall include, but not be limited to, the following information:

a. Plan maps at a scale of one inch equal to no more than 40 feet on sheets either 18 inches by 24 inches or 24 inches by 36 inches in size showing the following:
    i. The location of the proposed development and adjacent properties;
    ii. The existing and proposed topography, including soil types, wetlands, water courses and water bodies;
    iii. The proposed area alterations, including cleared, excavated, filled or graded areas, and proposed structures, utilities, roads and, if applicable, new property lines;
    iv. The existing structures on the he project site, if any;
    v. The location and details for all proposed soil erosion and sediment control measures and storm water management facilities.
b. Statement of Compliance - The applicant responsible for preparing the plan shall state on the plan that it is in conformance with;
    i. the provisions of these Regulations;
    ii. Connecticut Department of Environmental Protections' "Guidelines for Soil Erosion and Sediment Control"; and
    iii. Connecticut Department of Environmental Protections' "Storm Water Quality Manual."

4. Review Criteria

a. The Commission may forward a copy of the development proposal to other agencies and/or advisors for review and comment.
b. The Commission shall direct its designated agent to inspect for compliance with the plan.
c. The Commission or its authorized agent shall determine whether the plan complies with the requirements and the objectives of the Regulations.

5. Application of Controls, Bond or Other Security

a. The estimated cost of measures required to control soil erosion and sedimentation, as specified in the plan, shall where required by the Commission be covered by a completion and maintenance performance guarantee acceptable to the Commission. A cost breakdown forming the basis of the amount of the guarantee or other security to be posted shall be submitted to the Commission with the application.
b. Site development shall not begin unless the plan is certified and, where required, measures and facilities scheduled for installation prior to site development are installed and functional and/or a performance guarantee for the same has been posted in a form and in am amount acceptable to and approved by the Commission.
c. Erosion and sediment control measures and facilities shall be installed as scheduled according to the plan.
d. All control measures and facilities shall be maintained in effective condition.

6. Inspection

a. Inspections may be made by the Commission or its authorized agent to ensure compliance with the certified plan.
b. The Commission may require the applicant to provide progress reports that the required control measures and facilities have been completed and are being maintained.

7. Release of Performance Guarantee

a. The Commission may require submission of a report, including maps as necessary, certifying that the soil erosion and sediment control measures have been completed as approved by the Commission.
b. Upon receipt of the report and/or inspection of the site by the Commission or its agent, the Commission may release the performance guarantee.
c. The maintenance portion of the performance guarantee shall be held until the end of the maintenance period (normally 18 months).

H. Change In Use Or Structure Application

1. Unless waived by the Commission, a Change In Use application shall be submitted when a land or building use is proposed to be changed to a use that has different requirements in these regulations for setbacks, parking, coverage, or other requirements.

2. A Change In Use Application shall meet the same standards and be treated as a Site Plan application unless the regulations clearly indicate that it should also be treated as a Zone Change application, Special Permit application, or similar application.

I. Concept Plan Application

1. On an application that involves a Special Permit or is of such size or nature that providing a complete Site Plan application may produce an undue hardship, the applicant may submit a Concept Plan for informal presentation to the Commission.

2. The Concept Plan shall provide:
   a. sufficient information for the Commission to visualize how the finished development will look and how it will be built, and
   b. information on the location of significant natural features (wetlands, watercourses, steep slopes, flood plain) and other relevant information.

3. The Commission shall informally review the Concept Plan for general conformance with these Regulations and may request additional information where deemed necessary.

4. A Concept Plan shall be:
   a. considered only informational and advisory in nature and no development rights shall attach to the review or consideration of any Concept Site Plan, and
   b. placed on file in the Commission's office for continuing reference purposes for subsequent Site Plan applications.

7.3. Administration By Staff

A. Zoning Permit

1. A Zoning Permit is required for the commencement, establishment, construction, modification or alteration of any use, building or structure that was not in existence or did not occur prior to the effective date of the applicable provisions of these Regulations. The excavation of earth materials shall be deemed to be use of land and shall be subject to these Regulations.

2. Zoning permits may be issued only by the Zoning Enforcement Officer or such other person as the Commission or the Zoning Enforcement Officer, with the Commission's approval, shall lawfully designate.

3. No Zoning Permit shall be issued for any use, building or structure that is not expressly permitted by, or is not in accordance with, the provisions of, these Regulations.

4. In all cases where these Regulations require approval of applications and/or plans by the Commission, no Zoning Permit shall be issued by the Zoning Enforcement Official except upon authorization of, and in conformity with, plans approved by the Commission.

5. No Zoning Permit shall be issued unless the Health Director has approved any matters related to his jurisdiction.

6. Prior to issuance of a Zoning Permit, the Zoning Enforcement Official may require submission of a plot plan and such other information as may be necessary for the enforcement of these Regulations.

7. Application for a Zoning Permit or any extension thereof shall be accompanied by a fee payable to the Town of Canaan (Falls Village) in the amount as required by “An Ordinance

Concerning Establishing Land Use Application Fees" as adopted at a Town Meeting on July 16, 2003 and as may be subsequently amended.

8. Each Zoning Permit shall expire on the 365th day after the date of approval of the permit unless the permittee has commenced or established the permitted use or, if the permit is for the construction, alteration or modification of a building or other structure, the applicant has commenced the permitted construction, alteration or modification and is diligently pursuing the same toward completion.

9. If, prior to the expiration date, the permittee or the permittee's successor submits a written application for an extension of time to the Commission, the Commission may extend the term of the permit for such time as the Commission may determine is reasonably required by the permittee to accomplish the purposes of the permit. However, no such extension shall be longer than an additional 365 days.

B. Special Permit

A Special Permit must comply with sections 7.3.A.1 thru 7.3.A.9 plus the submission of a site plan.

C. Certificate of Zoning Compliance

1. As required by the Connecticut General Statutes, the Building Official shall not issue a certificate of building occupancy until the Commission or the Zoning Enforcement Officer has issued a certificate stating that the building is in compliance with these Regulations.

2. 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, stating that the premises or building complies with these Regulations, has been issued by the Zoning Enforcement Officer. The preceding sentence shall not apply to the moving of an accessory building of 80 square feet or less within the boundaries of a lot.

3. A Certificate of Zoning Compliance may be applied for at the same time that the Zoning Permit is applied for.

4. The Zoning Enforcement Officer shall act on a request for a Certificate of Zoning Compliance within ten days after notification by the permittee that the land or building is ready for occupancy.

5. A record of all Certificates Of Zoning Compliance shall be kept on file and copies shall be furnished upon request at a reasonable charge to any person having a proprietary or tenancy interest in the affected land or building.

7.4. Enforcement

A. Authority

1. These Regulations shall be enforced by the Zoning Enforcement Official as the Commission's duly authorized agent for enforcement of these Regulations.

2. The Zoning Enforcement Official is hereby authorized to inspect and examine any building, structure, place, or premises and to order, in writing, the remedying of any condition found to exist there in violation of any provision of these Regulations.

B. Duties

1. In addition to duties described by the Commission, the Zoning Enforcement Official may, with approval of the Commission, institute legal action to enforce these Regulations and enforcement orders.

2. Prior to the monthly Commission meeting the Zoning Enforcement Officer shall furnish the Commission with copies of all correspondence and permits issued and such other information as appears appropriate to keep the Commission informed.

3. The Zoning Enforcement Officer:
   a. Shall not issue any permit, certificate or extension thereof unless the same complies with these Regulations;
   b. May cause any building, land or use to be inspected, and may order in writing any person to correct or abate any condition violating these Regulations.
   c. Shall keep on file with the Town Clerk a full and accurate record of all applications, permits, certificates, and other records required by these Regulations or pertaining to his services.

C. Violations

1. If the Zoning Enforcement Official shall find that any of the provisions of these Regulations are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation, and ordering the action necessary to correct it.

2. The Zoning Enforcement Official shall:
   a. order discontinuance of illegal use of land, buildings, structures, additions, alterations, or structural changes thereto,
   b. order discontinuance of any illegal work being done, or
   c. take any action authorized by these Regulations to ensure compliance with, or to prevent violation of, its provisions.

3. The Zoning Enforcement Official may institute an action or proceeding to prevent the erection, construction, alteration or conversion of any building or structure or the use of any building, structure or land in violation of any provision of this chapter.

4. The Zoning Enforcement Official may institute an action or proceeding to restrain, correct or abate such violation or to prevent the occupancy of such building or prevent any illegal act conduct, business or use in or about such premises.

5. Penalties for illegal acts shall be as provided in the Connecticut General Statutes.

6. The owner, agent, lessee, or tenant of a building or premises or any part thereof where a violation of any provision of this chapter shall have been committed or shall exist or shall be guilty of a misdemeanor punishable by a fine as provided by Town ordinance or other regulation.

7.5. Zoning Board Of Appeals

A. Establishment

A Zoning Board of Appeals, hereinafter called the Board, shall be formed and shall serve as provided by the Connecticut General Statutes.

B. Duties

The Board shall have the following powers and duties, which shall only be:

1. To adopt such rules and procedures as may be necessary to carry out its responsibilities under these Regulations.

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

3. To vary the application of these Regulations, subject to the provisions of this Section of these Regulations;
   a. in harmony with the general purpose and intent of these Regulations,
   b. with due consideration for conserving the public health, safety, convenience and property values,
   c. solely with respect to a parcel of land where, owing to conditions especially affecting such parcel, but not affecting generally the district in which it is situated, a literal enforcement of such regulations would result in exceptional difficulty or unusual hardship,
   d. so that substantial justice will be done and the public safety and welfare secured.

4. Such other powers and duties as provided in the Connecticut General Statutes.

C. Procedures

1. Applications shall be submitted to the Zoning Enforcement Official and the Zoning Board of Appeals on forms prescribed by the Board and with supporting plans, materials, and other information required by these Regulations or requested by the Board no later than five (5) business days before a regularly scheduled meeting of the Board.

2. Applications to the Board shall be accompanied by the appropriate fee.

3. An appeal from any order or decision of the Zoning Enforcement Official must be taken within such time as is prescribed by a rule adopted by the Board or, if no such rule is adopted, within thirty (30) calendar days of the date of receipt of such order or decision.

4. The Board shall hold a public hearing on all appeals and applications and such proceedings shall be in accordance with the provisions of the Connecticut General Statutes.

5. With regard to an appeal from any order or decision of the Zoning Enforcement Office, the Board, to the extent in conformity with the terms of this Regulation, may:
   a. reverse, affirm, or partly affirm the order or decision,
   b. modify the order or decision, or

c. make such order or decision as ought to be made, and to that end shall have powers of the administrative official from whom the appeal is taken.

6. The concurring vote of four members of the Zoning Board of Appeals shall be necessary to:
   a. reverse any order, requirement, decision or determination of the Zoning Enforcement Official,
   b. to decide in favor of the application of any matter upon which the board is required to pass under these Regulations, or
   c. to vary the application of these Regulations.

7. In granting a variance, the Board may prescribe appropriate conditions and safeguards in conformity with these Regulations.

8. Where the Board finds or has reason to believe that circumstances or conditions upon which a variance is warranted may change over time to the detriment of public health, safety or general welfare, it may limit the time during which the variance shall remain valid and cause the review and substantiation of the justifying circumstances or conditions at periodic intervals or when occupancy or tenancy of the premise changes.

9. Any action required of the appellant as a result of decisions or orders of the Board must be taken within the time affixed by said Board.

10. A variance granted by the Board shall not become valid unless the applicant files the variance on the Canaan Land Records as required by the Connecticut General Statutes following publication of the notice of the approval.

11. Any action required of the appellant as a result of variances granted by the Board must be taken within one year from the effective date or the variance shall become null and void.

12. No petition for a variance which has been denied by the Board shall be heard again within one year from the date of denial except that the Board may grant a re-hearing before one year if it finds, on facts presented in writing, that a material change in the situation justifies this action in the interest of the public as well as the petitioners. A change of ownership of property or any interest therein shall not be deemed a material change in the situation for the purpose of this provision.

D. Standards For Variances

No variance of the strict application of any provision of these Regulations shall be granted by the Board unless it finds all of the following:

1. That there are special circumstances or conditions applying to the land or building for which the variance is sought which:
   a. are peculiar to such land or building and do not apply generally to land or buildings in the neighborhood or in the zoning district at large,
   b. have not resulted from any act, of the applicant or anyone in privity with the applicant, subsequent to the adoption of these Regulations whether in violation of these provisions or not,
   c. are not temporary in nature, and
   d. preclude the use of the property for that which it is reasonably adapted.

2. That the aforesaid circumstances or conditions are such that the literal enforcement or strict application of the provisions of the Regulations would:
   a. result in exceptional difficulty,
   b. result in unusual hardship,
   c. deprive the applicant of rights commonly enjoyed by other properties in the same district, or
   d. deprive the applicant of the reasonable use of the land.

3. That the difficulty or hardship complained of:
   a. is caused by the restrictions contained in the Regulations,
   b. was not created by the applicant or any predecessor in title, and
   c. is not primarily financial in nature.

4. That the use applied for is not impliedly or expressly prohibited by the Zoning Regulation.

5. That these circumstances justify the granting of the variance.

6. That the granting of the variance:
   a. is necessary for the reasonable use of the land or buildings,
   b. is the minimum variance that will accomplish this purpose,
   c. will not confer upon the applicant any special privilege or use that is denied by these Regulations to other lands, structures, or buildings in the same district,
   d. will be in harmony with the purposes and intent of these Regulations,
   e. will accomplish substantial justice,
   f. will not be injurious to the neighborhood, and
   g. will not be otherwise detrimental to the public health, safety, and welfare.

E. Additional Requirements For Use Variances

1. A variance shall not be granted which would permit a use that would not otherwise be allowed, unless the applicant demonstrates that no reasonable use of the subject property is possible under any permitted use.

2. No use variance shall be granted by the Zoning Board of Appeals which would permit:
   a. A use prohibited either implicitly or explicitly by these Regulations;
   b. The expansion of a non-conforming use;
   c. Any multi-family use or development by way of variance in any zoning district,
   d. The number of dwelling units on a lot to exceed the maximum allowed in the zone in which the lot is located, or
   e. A use otherwise allowed by Special Permit in the zone in which the use is located.

3. In instances where a use variance is proposed, written notice shall also be given, by registered or certified mail, of said hearing, by the applicant to all owners of property abutting any boundary of the property which is the subject of the application;

4. Prior to any action on a use variance the Zoning Board of Appeals shall submit the application for such use variance to the Commission and any report submitted by the Commission shall be read at the Public Hearing and be a part of the record of application.

8. DEFINITIONS

8.1. General Terms

1. In the interpretation, application, and enforcement of these Regulations, the words and phrases set forth in these Regulations shall be construed as defined in this Section, unless otherwise clearly qualified by their context.

2. Certain words contained herein shall be interpreted as follows:
   a. The word "shall" is mandatory and not discretionary.
   b. The word "may" is permissive.
   c. When not inconsistent with the context:
      i. Words in the present tense include the future and vice-versa.
      ii. Words in the singular include the plural and vice-versa.
      iii. Words in the masculine include the feminine and neuter and vice-versa.
      iv. The word "lot" includes the word "plot."
      v. The phrase "building or structure" includes the phrase "building or other structure."
      vi. The words "occupied" or "used" include the words "designed, arranged or intended to be occupied or used."
      vii. The words "zone", "zoning district", and "district" have the same meaning.
      viii. The word "person" also includes a partnership, association, trust, corporation or other legal entity.

3. Words not defined in this Section shall be defined by the Commission after consulting:
   a. The BOCA National Building Code and the Connecticut Supplement.
   b. The Connecticut General Statutes.
   c. The Illustrated Book of Development Definitions.
   d. Black's Law Dictionary.
   e. A comprehensive general dictionary.

8.2. Defined Terms

ACCESSORY -- Subordinate and customarily incidental to a principal activity or use located on the same lot or on an adjoining lot under the same ownership. *(see "Principal")*

ACCESSORY APARTMENT -- *See "Apartment, Accessory".*

ACCESSORY BUILDING OR STRUCTURE -- A building or structure clearly accessory to the principal building or structure.

ACCESSORY USE -- A use of land, building or structure clearly accessory to the principal use.

ACCESSWAY -- The portion of an interior lot (see "Lot, Interior") that provides access to and from a street but does not meet the requirements of these Regulations for minimum lot frontage.

AGRICULTURE –"farming", The cultivation of soil dairying, forestry, raising or harvesting any agricultural or horticultural commodity, including cannabis, the raising, shearing, feeding,

caring for, training, and management of livestock, including horses, bees, poultry, fur-bearing animals, and wildlife; the operation, management, conservation, improvement, or maintenance of a farm and its buildings, tools, and equipment.

Accessory uses shall include salvaging timber or clearing land of brush or debris left by a storm, as an incident to such farming operations; the production or harvesting of maple syrup or maple sugar, the harvesting of mushrooms, the hatching of poultry, or the construction, operation, or maintenance of ditches, canals, reservoirs, or waterways used exclusively for farming purposes; handling, planting, drying, packaging, processing, freezing, grading, storing, or delivering to storage or to market, or to a carrier for transportation to market, or for direct sale of any agricultural or horticultural commodity as incident to ordinary farming operations, or in the case of fruits and vegetables, as an incident to the preparation of such fruits and vegetables for market or for direct sale.

The term "farm" includes farm buildings, and accessory buildings thereto, nurseries, orchards, greenhouses, hoop houses, and other temporary structures or other structures used primarily for the raising and, as an incident to ordinary farming operations, the sale of agricultural and horticultural commodities.

ANTENNA -- A device used for transmitting or receiving electromagnetic waves.

APARTMENT, ACCESSORY – "Accessory Dwelling Unit or ADU" – a second dwelling unit on a property which is:

(1) clearly accessory in size to the principal dwelling

(2) A complete independent living unit with provisions within for cooking, eating, sanitation, sleeping, and living activities

(3) Maintains access to enter and exit (if attached which is separate and distinct from the primary dwelling unit)

ATTACHED SIGN – see "Sign, Attached"

AUTOMOBILE SALES AND SERVICE FACILITY -- A building or parcel of land with related facilities and accessories used to provide for:

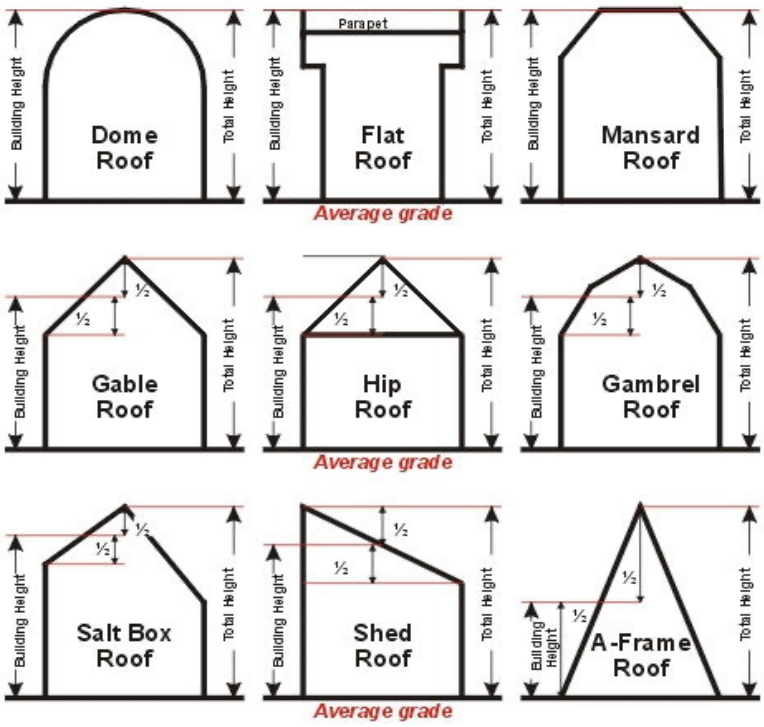
- the sale or rental of motor vehicles,
- the sale of fuel and lubrication, and/or
- automotive services and repair of motor vehicles, including sale of automobile parts and accessories but excluding the performance of substantial automobile body repair or body painting.

BED AND BREAKFAST – An owner-occupied residential dwelling where overnight accommodations and a morning meal are provided in exchange for compensation in up to six (6) guestrooms.

BUILDING -- Any structure, whether temporary or permanent, having a roof and intended for the shelter, housing, or enclosure of persons, animals or materials.

BUILDING COVERAGE -- The land area covered by all buildings and structures on a lot, expressed as a percentage of the lot area.

BUILDING HEIGHT -- The vertical distance from the average finished ground level within six (6) feet of the exterior walls of the building or structure to the highest point of dome, flat or mansard roofs or to the mean level between the ridge and the eaves for gable, hip, gambrel, salt box, shed or A-frame roofs. *See adjacent graphic.*



BUILDING OFFICIAL -- The Code Official appointed by the Town of Canaan (Falls Village).

CGS -- Connecticut General Statutes.

CLUB -- A not-for-profit organization catering exclusively to members and their guests, provided that the primary purpose of the organization is recreational, social, patriotic, political, benevolent, or athletic, and not financial gain, and further provided that any commercial activities conducted by the organization are incidental to its purposes.

COMMERCIAL TRAILER – a trailer used for commercially related purposes (transportation, supply, or equipment storage) in association with an allowable commercial use. This type of trailer may take the form of a shipping container.

COMMISSION -- The Planning & Zoning Commission of the Town of Canaan (Falls Village).

CONSTRUCTION TRAILER – a trailer used for construction-related purposes such as equipment and supply storage and/or office as a temporary accessory structure associated with an approved construction project.

CONTRACTOR SHOP & STORAGE -- a use commonly conducted by contracting and building tradesmen (such as plumbers, landscapers, excavators, electricians, builders, painters, masons, millworkers, carpenters, and other similar occupations) that involves the storage of tools, materials, vehicles, and other items associated with such trade/occupation at a residential property. Most of the the contractors' work is conducted off-site. This use allows for reasonable ancillary activity which involves equipment maintenance, storage of equipment and/or materials, and/or the production, construction, assembly of materials on-site but shall not have a significant adverse impact on adjacent properties and/or on public health or safety.

COTTAGE FOOD OPERATION – the production of food products in a private residential home kitchen in accordance with Public Act 18-141. If retail sales take place on the premises associated with a Cottage Food Operation, A Special Exception shall be required.

DAY CARE – the care of a person on a regular but part-time basis in a place other than the person's own home.

DAY CARE CENTER -- A day care facility for more than twelve people.

DAY CARE HOME, FAMILY -- Day care provided in a private family home for not more than six (6) people on a part-time, but regularly recurring, basis and where the principal provider of the services resides on the premises.

DAY CARE HOME, GROUP -- Day care provided in a private family home for more than six (6) but not more than twelve (12) people on a part-time, but regularly recurring, basis and where the principal provider of the services resides on the premises.

DEER FENCING -- This fencing is for the sole purpose of deterring White-Tailed deer from agricultural or ornamental growing areas.

DETACHED SIGN – see "Sign, Detached"

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.

DWELLING UNIT -- A building or portion thereof (excluding a hotel, motel, inn, boarding or rooming house, convalescent or nursing home, trailer, tourist home, or tent) which is designed or used as living quarters for one family and which contains equipment and related facilities for living, sleeping, cooking, and eating and with permanent facilities for sanitation that comply with the Health Code.

DWELLING, SINGLE-FAMILY -- A residential building containing not more than one dwelling unit, or containing one principal dwelling unit and an accessory apartment in conformance with the requirements of these Regulations.

DWELLING, TWO-FAMILY -- A residential building containing two dwelling units. .

EARTH MATERIAL - Sand, gravel, small stone, clay, loam, dirt, mineral and other similar earth products.

EDUCATIONAL INSTITUTION - A school licensed by the State of Connecticut.

ENCROACHMENT -- Any obstruction or illegal or unauthorized intrusion in a delineated area in such a way as to change its fundamental purpose (such as property line encroachment or setback encroachment).

ENCROACHMENT, FLOODPLAIN -- Any development activity which intrudes upon the floodplain in a manner which diminishes its width, area or flood storage capacity or causes any change in flood elevation within such floodplain.

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

FAMILY -- One or more persons related by blood, adoption, marriage, or legal guardianship and up to three (3) additional unrelated persons who are living, sleeping, cooking, and eating as a single housekeeping unit on the same premises. Roomers, boarders, and other paying guests shall not be deemed to be a part of any family as defined herein.

FAMILY DAY CARE HOME -- *See under "Day Care".*

FARM -- A tract of land used, whether as a principal use or an accessory use, for producing agricultural, horticultural, floricultural, vegetable, tree, or fruit products, and also including the raising of horses and other farm animals but excluding the slaughtering of animals not raised on the premises.

FARMING -- The activities conducted on a farm.

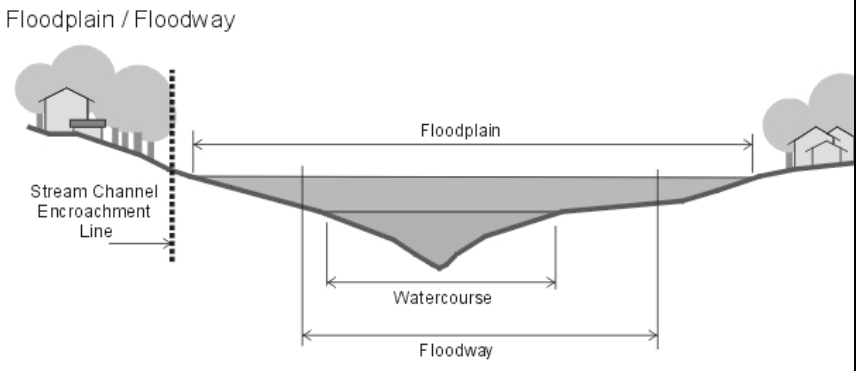
FENCING, DEER – See "Deer Fencing".

FLOODING - A temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters or the unusual and rapid accumulation or runoff of surface waters from any source.

FLOODPLAIN - That area subject to periodic flooding by a flood having a one percent (1%) chance of being equaled or exceeded in any given year (the 100-year floodplain) as designated on the map prepared by the Federal Emergency Management Agency, as amended.

FLOODWAY - The channel of a river or other watercourse and the adjacent land area that must be reserved in order to discharge flood waters, as designated on the map prepared by the Federal Emergency Management Agency, as amended.

Floodplain / Floodway



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

GRADING -- Any excavation, filling, or stockpiling of earth materials or any combination thereof, including excavated or filled land.

GROSS FLOOR AREA -- The floor area of a building, measured by the exterior dimensions of each floor.

GROUP DAY CARE HOME -- *See under "Day Care".*

HAZARDOUS MATERIAL OR WASTE -- Any substance or combination of substances which, because of quantity, concentration or physical, chemical or infectious characteristics, poses a significant present or potential hazard to water supplies or to human health if disposed of into or on any land or water in the Town of Canaan (Falls Village), including, but not limited to, the following:

- Any chemical, substance or material identified as a "hazardous waste" in CGS Sections 22a-1 15 or 22a-448, as amended, or any regulations promulgated under CGS Sections 22a-449, as amended.
- Any chemical, substance or material identified as a "hazardous chemical" in CGS 29-336, as amended, or any regulations promulgated under CGS Sections 29-337, as amended.
- Any chemical, substance or material identified as a "hazardous waste" in 42 U.S.C. Section 6903 or in any regulations (including but not limited to 40 CFR 261) promulgated under the Federal Resource Conservation and Recovery Act of 1976 (42 U.S.C. Section 6901 et. Seq.), as amended.

HEIGHT -- The vertical distance from a lower reference point (such as average finished ground level) to a higher reference point (such as top of roof). *See "Building Height".*

HOME BUSINESS USE – a general term that refers to accessory business activity that takes place on residential property where a residence has been established as the principal use of the property.

HOME OFFICE – A permitted activity that includes resident(s) of the property conducting work that is incidental to the residential use of the property. No outside clients, customers, and/or exterior storage shall be associated with home office use without zoning approvals.

INN -- A building primarily used for providing temporary accommodations for transients in seven or more guestrooms and which may provide rooms for public assembly and food service.

INTERIOR LOT -- *See "Lot, Interior".*

INTERMEDIATE HOME BUSINESS -- *See under "Home-Based Business".*

JUNK YARD -- Except for a Town of Canaan (Falls Village) refuse disposal area, any land or any structure, or part thereof, used primarily for:

- the collecting, storage, and/or sale of waste paper, rags, scrap metal, or discarded materials including but not limited to green waste, construction and/or demolition debris or materials,
- the collecting, dismantling, storage, and salvaging of machinery or vehicles not in running condition, or discarded solid materials, including garbage, green waste, scrap metal, junk, and refuse materials, including inert matter and landscape refuse, or
- a "motor vehicle junk yard," as defined in CGS Section 14-67g (I 999) as amended.

KENNEL -- Any premises on which four or more dogs or cats four months old or older are kept for sale or for boarding.

LIGHTING –

CLUTTER- bright, confusing, and excessive groupings of light sources

ESSENTIAL LIGHTING- lighting used for indicating ingress and egress, wayfinding, security, and life safety

GLARE- excessive brightness that causes visual discomfort

LIGHT TRESPASS- light falling where it is not intended or needed (aka spillage)

LIGHT POLLUTION- inappropriate or excessive use of artificial light

SKYGLOW- brightening of the night sky over inhabited areas

WARM LIGHT- shades that range from red, orange to yellow

LOT -- A parcel of land occupied or capable of being occupied by one principal building and any structures or uses accessory thereto, including such yards as are required by these Regulations.

LOT, CORNER -- A lot abutting on, and at the intersection of, two or more streets.

LOT, INTERIOR -- A residential lot zone which does not meet the frontage requirement of these Regulations and derives access from an accessway.

LOT, THROUGH -- A lot located between two streets and fronting on both streets.

LOT LINE -- A boundary which separates a lot from another parcel of land or from the street.

LOT LINE, FRONT -- The lot line(s) separating the lot from the street except that if the street right-of- way boundaries have not been established, the front lot line shall be deemed to be twenty-five (25) feet off the centerline of the existing traveled way, or such other distance from the centerline as established by the Town. *Also see "Street Line".*

LOT LINE, REAR -- The lot line which does not intersect with a front lot line and which is most distant from and most closely parallel to the front lot line. A lot bounded by only three sides does not have a rear lot line. A corner lot shall not generally have a rear lot line.

LOT LINE, SIDE -- Any lot line that is neither a front or rear lot line.

LOT WIDTH, MINIMUM -- The minimum distance between side lot lines at all points from the required front yard setback line to the rear lot line. *Also see "Frontage".*

MAJOR HOME BUSINESS – Business activity conducted at a private residential property that exceeds the specific limitations of a minor home business, where one or more of the following occurs in association with the home-based business:

a. the premise is open to the public (non-resident visitors, clients, and/or customers) during approved hours of operation
b. more than three (3) non-resident employees work on site
c. more than 1,000 square feet of exterior storage and/or materials visible from the public right-of-way is associated with the home business activity

MINING -- The excavation, deposition and/or removal of soil, loam sand, gravel, clay, ore, rock, stone or other earth material for off-site use but specifically excluding processing plants, transportation facilities, or other facilities pertaining to a mining operation that are not located on the same premises on which the excavation, deposition and/or removal activities occur or are proposed to occur.

MINING, HARD ROCK --- Hard rock mining requires the routine use of explosives to dislodge material.

MINING OPERATIONS, EXISTING - Mining operations in existence prior to the effective date of these regulations.

MINING, SOFT ROCK -- Soft rock mining does not require the routine use of explosives to dislodge material.

MINOR HOME BUSINESS – Service-oriented business activity conducted at a private residential property is classified as a minor home business if one or more of the following occurs in association with the home business activity:

d. Outside visitors, clients, and/or customers visit the property by appointment only.
e. Up to a maximum of two (2) non-resident off-site employees work at the minor home business and park their vehicles on-site regularly
f. Less than 1,000 square feet of exterior storage associated with the home business activity is visible from the public right-of-way.

MIXED USE – A type of development that blends multiple uses, such as residential, institutional, light industrial and/or commercial, onto one lot.

MOBILE HOME – in accordance with CGS Chapter 412 §21-64, the term "mobile home" shall be deemed to mean a "mobile manufactured home". In accordance with CGS Chapter 124 § 8-2, mobile homes shall be permitted in the same manner as single-family residences.

MOBILE MANUFACTURED HOME – in accordance with CGS Chapter 412 §21-64, a detached residential unit having three-dimensional components which are intrinsically mobile with or without a wheeled chassis or a detached residential unit built on or after June 15, 1976, in accordance with federal manufactured home construction and safety standards, and in either case, containing sleeping accommodations, a flush toilet, tub or shower bath, kitchen facilities and plumbing and

electrical connections for attachment to outside systems, and designed for long-term occupancy and to be paced on rigid supports at the site where it is to be occupied as a residence, complete and ready for occupancy, except for minor and incidental unpacking, and assembly operations and connection to utilities systems.

NONCONFORMING -- A lot, building, structure, or use that does not conform to the current requirements of these Regulations.

NONCONFORMING, PRE-EXISTING -- A lot, building, structure, or use that does not conform to the current requirements of these Regulations but that:

- was lawfully in existence as of June 1, 1973 when Zoning Regulations were adopted in Canaan (Falls Village), or
- was lawfully in existence as of the effective date of a subsequent Zoning Regulation change that made it non-conforming, or
- conformed fully to all Zoning Regulations and other legal requirements existing at the time it was created.

NURSING HOME - A facility licensed by the State of Connecticut to provide a full range of direct medical, nursing, and other health services on a 24-hour basis to residents.

OUTSIDE STORAGE - An outside area used for the storage of goods, equipment, and/or vehicles, specifically excluding off-street vehicle parking areas for customers and employees of the principal non-residential use on the same property.

PLOT PLAN -- An illustration of a tax lot drawn to scale showing the information required by these Regulations.

PORCH -- A portion of a structure which has a roof and a floor and is not enclosed by walls.

PRINCIPAL -- The primary or major activity occurring or conducted.

PRINCIPAL BUILDING or STRUCTURE -- The primary building or structure on a lot or parcel.

PRINCIPAL USE -- The primary purpose for which land or a building or structure is arranged, intended, occupied, or maintained.

PUBLIC ACCESS WAY – See "**STREET**"

RECREATIONAL TRAILER – "travel trailer, camper trailer, pick-up coach, motorized camper", a moveable structure mounted on wheels and designed with sufficient equipment to render it suitable as a temporary dwelling during the process of travel, recreation, and vacation uses.

RECREATIONAL VEHICLE -- Any vehicle that is primarily used for recreational pleasure including but not limited to motor homes, travel trailers, campers, camping trailers, boats, snowmobiles, and associated trailers.

RELIGIOUS INSTITUTION -- A building, including a church, synagogue, temple or mosque, used primarily for religious worship, services or gatherings.

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

SIGN -- Any device used to inform or attract the attention of persons who are not on the same premises as that on which the sign is located except that the term "sign" shall not include:

- the flag, pennant, badge, or insignia of any currently existing government or governmental agency;
- official traffic signs or other signs erected by a public official or employee in the performance of a public duty;
- notices required by law;
- signs directing or guiding traffic and parking on private property but bearing no advertising matter;
- decorative flags bearing no advertising text, trademarks, logos or similar business representations;
- decorative or architectural features that are integral to a building and do not include advertising text, trademarks, logos or similar representations; and
- flags or banners of a religious institution, a club, or a temporary campaign, drive or event.

SIGN, ATTACHED -- a sign that is connected to a building.
SIGN, DETACHED -- a sign that is self-supported.

SINGLE-FAMILY DWELLING -- *See "Dwelling, Single Family".*

SITE DEVELOPMENT PLAN -- A plan prepared by a Connecticut-registered land surveyor, professional engineer, or architect, as appropriate for the improvements proposed which meets the requirements of these Regulations.

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

SPECIAL PERMIT -- Permission for the commencement, establishment, construction, modification or alteration of any use, building or structure that was not in existence or did not occur prior to the effective date of the applicable provisions of these Regulations, plus the submission of a site plan.

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

STABLE, COMMERCIAL -- A stable where horses are kept for profit including, but not limited to, boarding horses, providing riding instruction and renting horses.

STORAGE, OUTSIDE -- *See "Outside Storage".*

STORAGE TRAILER – a trailer used for private purposes to store goods, equipment, and/or vehicles. This type of trailer may take the form of a shipping container.

STORY -- The portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

STREET or PUBLIC ACCESS WAY -- Any right of way owned by the Town of Canaan (Falls Village) or the State of Connecticut which is used and maintained for public travel and which is either a public street or a proposed public street as shown on a subdivision plan duly approved by the Commission in accordance with the Canaan (Falls Village) Subdivision Regulations.

STREET LINE -- The property line between a lot or parcel and the street right-of-way.

STRUCTURE -- Anything constructed, erected, or assembled that requires a location on or within the ground, or attachment to something having a location on the ground and has any dimension exceeding six (6) feet.

TEMPORARY RESTAURANT TRAILER – "food truck" a wheeled trailer used for a permitted outdoor restaurant use.

TOWER FACE WIDTH -- is the width on any side of a tower at its widest point.

TRAILER – a general term for a rubber-tired vehicle that is propelled by a motor vehicle and which may include a commercial trailer, construction trailer, recreational trailer, storage trailer, or a utility trailer.

TWO-FAMILY DWELLING -- *See "Dwelling, Two Family".*

USE -- The purpose for which land or a structure is occupied, maintained, arranged, designed or intended.

UTILITY TRAILER – a small box, boat, horse, or flat trailer designed to be towed by a vehicle and considered by right in all zoning districts.

WATER BODY -- Any pond, lake or body of standing water, either natural or artificial, excluding swimming pools.

WATERCOURSE -- Any river, stream, brook, waterway, water body, lake, pond, swamp, bog or other body of water, natural or man-made, permanent or intermittent, which lies wholly or partially within the Town.

WETLAND -- Any land area, including submerged land, which consists of any soil types generally designated as "poorly drained," "very poorly drained," "alluvial" and "floodplain" by the National Cooperative Soils Survey, of the Soil Conservation Service of the United States Department of Agriculture.

YARD -- Except as otherwise provided by these Regulations, the minimum required distance from a lot line to any building, structure, or use.

YARD, REQUIRED FRONT -- The minimum required distance from any street line or front lot line to any building, structure, or use or, on an interior lot, the minimum required distance from the boundaries of any accessway serving the lot to any building, structure, or use.

YARD, REQUIRED REAR -- The minimum required distance from any rear lot line to any building, structure, or use.

YARD, REQUIRED SIDE -- The minimum required distance from any side lot line to any building, structure, or use.

ZONING PERMIT -- Permission for the commencement, establishment, construction, modification or alteration of any use, building or structure that was not in existence or did not occur prior to the effective date of the applicable provisions of these Regulations.

9. APPENDICES

9.1. Plan Requirements

A. General Requirements

1. Unless otherwise provided in these Regulations, applications shall be accompanied by six (6) full-size sets of plans at 24” by 36” in sheet size plus ten (10) smaller sets at 11” by 17” in sheet size showing the information required by these Regulations.

2. Each plan submitted shall:
   a. be prepared by, and bear the seal(s) of, a licensed design professional (surveyor, engineer, landscape architect) as appropriate for the type of drawing submitted.
   b. be drawn to an appropriate scale.
   c. contain a title block with property address, names of applicant and owner, date of map.
   d. contain a north arrow, graphic and written scales.
   e. contain a location key map at an appropriate scale showing the property and major features (such as streets) within 500 feet.
   f. be updated to reflect the date, number, and content of any revision.

B. Site Plan Requirements

1. Property Survey

Unless specifically waived by the Zoning Enforcement Official or the Commission, a boundary survey conforming to the requirements for a Class A-2 survey shall be submitted.

2. Site Development Plan

Unless specifically waived by the Zoning Enforcement Official or the Commission, one or more site development plans shall be submitted which shall show the following information:

   a. A zoning schedule - demonstrating compliance with the requirements of the Regulations for the applicable zone.
   b. Natural resource information - such as existing and proposed contours at two-foot intervals and accurate delineation of wetland, watercourse, and floodplain areas.
   c. Development information - such as the location, height, square footage, and dimensions of all existing and proposed buildings and structures including walls, fences, and refuse disposal area(s).
   d. Traffic and parking information - such as the location of existing and proposed roads and driveways, the location of loading and parking areas showing the number of spaces, proposed provisions for pedestrian traffic, and construction details for roads, drives, parking areas, curbs and other improvements.
   e. Lighting information - such as the location, height, design and intensity extent of existing and proposed exterior lighting
   f. Infrastructure information - such as the extent of existing and proposed water, sewerage, natural gas, storm drainage, electrical, telephone, refuse, and other utility services.

3. Architectural Plans

Unless specifically waived by the Zoning Enforcement Official or the Commission, architectural plans shall be submitted showing the following information:

a. The seal of a licensed architect.
b. Schematic architectural floor plans.
c. Exterior building elevations for all building faces showing exterior building materials and colors.
d. Proposed signage.

4. Landscaping Plan

Unless specifically waived by the Zoning Enforcement Official or the Commission, a landscaping plan shall be submitted showing the following information:

a. The seal of a licensed landscaped architect.
b. Existing conditions - such as present wooded areas indicated by a foliage line, existing trees with a caliper of 12 inches or more, existing stone walls, and significant rock outcrops.
c. Proposed conditions - such as the type, location and extent of all proposed planting or vegetation to be retained or otherwise provided for on the site, including visual screening and other proposed landscape features.
d. Maintenance program - such as measures for guaranteeing survival of proposed plantings maintenance of landscaped areas.

5. Signage Plans

Unless specifically waived by the Zoning Enforcement Official or the Commission, signage plans shall be submitted showing the location, dimensions, areas, type, color, materials, and illumination of all proposed exterior signs.

6. Technical Information

Unless specifically waived by the Zoning Enforcement Official or the Commission, the following technical information shall be submitted:

a. Construction details - such as for the construction of sidewalks, driveways, parking areas, storm drainage structures, and other site improvements, including cross-sections where appropriate.
b. Storm drainage data - showing drainage areas and estimated run-off of the area to be served by existing and proposed drainage facilities.
c. Design calculations for utility systems.
d. Such other information concerning the proposed development as will properly and adequately explain the development.

7. Additional Information

Such other information concerning the proposed development as will properly and adequately explain the development shall be submitted if requested by the Zoning Enforcement Official or the Commission.

C. Erosion & Sediment Control Plans

Unless specifically waived by the Zoning Enforcement Official or the Commission, an erosion and sediment control plan shall be submitted clearly showing information as required by these Regulations.

D. Zone Change Map Requirements

1. An overall plan at no less than 100 scale for the entire parcel showing:
   a. Boundaries of the property certified to an A-2 Survey standard.
   b. Boundaries of the existing and proposed zoning.
   c. the location of significant natural features (wetlands, watercourses, steep slopes, flood plain) and other relevant information.
   d. A key map to the scale of the then current zoning map showing the proposed change.

2. Applications shall be accompanied by:
   a. three (3) copies of a Compilation survey map prepared at 24" x 36" at the same scale as the Assessor's maps and,
   b. the names, addresses and zip codes (when available) of all parcel owners as per the latest Assessor's records, keyed by parcel number, and
   c. the appropriate application fee, except that the Commission shall be exempt from any application fee.

3. The maps shall show:
   a. existing zone district lines
   b. property for which the zone change is requested
   c. a line representing areas within 500 feet in all directions from the parcel(s) for which the change in classification is requested
   d. lots and streets lying wholly or partially within 500 feet in all directions
   e. lot or parcel numbering consistent with the system used by the Assessors office.
   f. north arrow and location key map at a scale of 1" = 1000'
   g. the Town line, when located within 500 feet of a proposed zone change

E. Earth Filling & Removal Plan Requirements

For applications involving the excavation, removal or filling of earth materials, the following additional information shall be submitted unless specifically waived by the Zoning Enforcement Official or the Commission:

1. The quantity of material to be removed,

2. The limits of the proposed excavation, removal, filling, grading or processing with limit markers spaced a maximum of 200 feet apart and tied to the property boundary and/or major reference points with accurate bearings and distances.

3. Detail of the proposed limit markers that shall equal or exceed 2" x 2" wood posts, brightly painted extending minimum of two feet above the surface of the ground.

4. The proposed location of a permanent bench mark plus an additional permanent elevation reference for every five acres, or part thereof.

5. Storm drainage data showing all existing and proposed drainage facilities to ensure proper drainage of the premises both during and after completion of the proposed operation.

6. Buffer areas and adequate provision for lateral support of adjacent properties.

7. Fences or embankments where necessary for the protection and safety of vehicular and pedestrian traffic.

8. Proposed vehicular access to and egress from the site and proposed work roadways within the site.

9. The limits of any proposed processing and the specific location of any proposed processing equipment.

10. Location of top soil test pits together with individual soil profiles.

F. Plot Plan Requirements

1. Title block with:
   a. Title of map or plan
   b. Purpose of plan or proposed use (i.e. Site plan, subdivision, etc.)
   c. Owner's name
   d. Street name, address or lot number
   e. Date
   f. Revision block

2. Map data including:
   a. North arrow
   b. Scale (1" = 40' with bar scale, or at the discretion of the commission)
   c. Key map
   d. Map references, if any

3. Surveyor's or Engineer's seal, signature, A-2 statement, etc.

4. Property Information including:
   a. Lot area
   b. Lot corner pins or monuments set, found and to be set, etc.
   c. All perimeter dimensions, bearings or angles
   d. Any existing or proposed easements on the property, including dimensions and bearings
   e. Variances with volume and page indicated
   f. Names of adjoining property owners

5. Resource Information including:
   a. Contours, include existing and proposed
   b. Wetlands limits, if any
   c. 100 year flood zone, or flood zone it occupies

6. Zoning compliance information including:
   a. Zone occupied
   b. Location of setback lines

c. Distances from house to property lines

7. Building data including:
   a. Outline of building showing zoning compliance
   b. Building area and usage of existing or proposed structures
   c. Basement floor elevation
   d. First floor elevation
   e. Garage floor elevation

9.2. Telecommunication Tower Guidelines

1. Cooperation With Siting Council

The Planning and Zoning Commission understands that the authority to regulate new towers for wireless telecommunication services rests with the Connecticut Siting Council and the Commission pledges to work with the Connecticut Siting Council to guide the siting of new towers for wireless telecommunications in the Town of Canaan.

2. Locational Guidelines

The Commission requests that applicants and the Siting Council consider the following locational preferences for new towers:

a. New towers should only be located to serve areas lacking adequate wireless telecommunication service as identified by the Connecticut Siting Council.
b. Applications should include a review of alternate locations.
c. Applications should include an analysis of whether there would be fewer visual and community impacts from:
   i. fewer towers of sufficient height to allow for co-location of multiple carriers and greater coverage from each tower, or
   ii. more towers of lower height to allow for greater capacity from each tower and less visual impact.
d. Establish locations least disruptive to the public health, safety, and welfare of Canaan (Falls Village) and consistent with the Plan of Conservation and Development.

3. Resource Protection Guidelines

The Commission requests that applicants and the Siting Council consider the following resource protection preferences for new towers:

a. The proposed location should preserve the integrity of environmentally sensitive areas including unique wildlife habitats, wetlands, historic, and archaeological resources.
b. A location within or adjacent to any officially designated historic areas including the Canaan (Falls Village) Historic District and any resource on the National Register of Historic Places should be avoided.
c. Protect the town's visual quality and minimize any adverse visual impacts through proper design, siting, and screening.
d. There should be no detrimental impact to any scenic area, vista, ridgeline, wildlife corridor, or significant geologic or natural features within Canaan (Falls Village) including but not limited to:
   i. Canaan Mountain and Cobble Hill,
   ii. the Appalachian Trail,
   iii. Robbin’s Swamp,
   iv. Housatonic River and the Great Falls.

e. Views from any designated scenic roads should be protected.
f. The use of public open space areas including parks and recreational facilities should not be compromised.

4. Design Guidelines

The Commission requests that applicants and the Siting Council consider the following design preferences for new towers:

a. The use of stealth technologies should be encouraged.
b. Tower locations should include an adequate fall zone that will protect public safety and potential damage to adjacent properties.
c. Signage should not be permitted except what may be clearly necessary for public safety.
d. Lighting should not be permitted except what may be clearly necessary for public safety.
e. Site planning standards should include minimizing impervious surfaces, avoiding soil erosion and runoff problems, maintaining natural buffers, providing for security, and safe access management.

5. Maintenance Guidelines

The Commission requests that applicants and the Siting Council consider the following maintenance preferences for new towers:

a. Provision should be made for removal of the tower and associated equipment if it becomes obsolete or is no longer being used for the siting of wireless telecommunication equipment.
b. Provision should be made for the reduction of tower height and visibility if alternative technologies make proposed facilities outdated.

9.3. Amendment Dates

Section Number	Summary	Effective Date
2.6.B.4.a.	Revised	04/27/2011
2.6.B.4.b.	Revised	04/27/2011
2.6.B.4.c.	Revised	04/27/2011
6.1.B.3.	Revised	04/27/2011
6.1.B.3.a.	Revised	04/27/2011
4.4	Added	12/18/2013
2.5	Revised	07/19/2018
3.3	Add Cannabis Production to Light Industrial Zone	02/01/2023
2.6A	Home Business Amendment	08/14/2024
5.6	Dark Skies & Outdoor Illumination	10/08/2024
	Trailers	09/11/2025
2.6F	Agriculture & Agritourism	10/1/2025
4.4	Incentive Housing Overlay	05/18/2026
3.3	Mixed Use added to Special Permit Uses in Light Industrial Zone	11/01/2026