**TOWN OF NORTH CANAAN**

**FEE ORDINANCE**

Pursuant to Section 8-1c of the Connecticut General Statutes, it is hereby ordained that:

The following schedule of fees shall be charged for the processing of applications by the North Canaan Planning and Zoning Commission.

Payment of all fees must accompany the application.

**TYPE OF APPLICATION**  FEE\*

1. Zoning Permit – for all external construction, new and alteration, or

Change of use $50.00

1. Special use/exceptions Permit:

in ~~a residential~~ R or R-A zone, except as noted below $150.00

in other zones, except as noted below $200.00

1. ~~Home occupations, accessory apartments, amendments to regulations,~~

~~zone changes. $50.00~~

1. Site plans $75.00 plus .10/Sq. ft.

 $1,000.00 max

 (When site plan is in conjunction with a special exception, the minimum

fee shall be $200.00. The fee for special exception may be waived when

in conjunction with a site plan)

1. Subdivision ~~on~~ with lots off existing road $150.00 per lot
2. Subdivision ~~on~~ with lots off proposed road $250.00 per lot
3. Multi-family dwellings $500.00 plus $75/unit
4. ~~Cluster development per subdivision~~
5. ~~Hospitals, sanitariums, rest homes, convalescent or nursing homes per site plan~~
6. Sand and Gravel extraction or processing $75.00 plus $50/acre
7. Zone Change & Zone text Amendments (to pursue a project) $250.00

NOTE: In addition to the above fee -

a. applicant must pay the ~~Does not include~~ mandatory $60 State of Connecticut Land Use Fee, and

b. the actual cost of publication of notices and certified mail required in connection with the application.

~~Pursuant to Section 8-1c of the Connecticut General Statutes, the Town of North Canaan does hereby enact and ordain the following schedule of fees for applications to the Planning and Zoning Commission as follows:~~

1. **~~FEES TO THE PLANNING AND ZONING COMMISSION~~**

~~Zoning Permit ………………………………………………………. $50.00~~

**ADDITIONAL FEES APPLICABLE TO ANY OF THE ABOVE**

1. When the actual cost of processing an application exceeds the scheduled application fee set forth above, due to the need for outside consultant services, the Board or Commission, as the case may be, shall charge the applicant a surcharge fee to fund the approximate actual costs of processing the application.
2. The expenses for such outside consultants may be estimated by the Board or Commission, as the case may be, upon receipt of the application, or at any of subsequent review or hearing on the application, based on the projected expenses of reviewing, evaluating and processing the application. This reasonable estimate shall be paid forthwith and the application shall be deemed incomplete until the surcharge fee(s) has (have) been submitted.
3. For the purpose of this ordinance, an “outside consultant” means a professional who is not an employee of the town (as defined by the IRS), and may include, but is not limited to, engineering, traffic, environmental and planning professionals.
4. Any portion of the surcharge fee not expended by the town on the project shall be rebated to the applicant upon completion of the review, evaluation and processing of the application.
5. The Board or Commission, as the case may be, shall bill the applicant for any costs incurred by the town in excess of the surcharge fee or fees paid by the applicant. This bill shall be paid by the applicant prior to the issuance of the permit.
6. ~~Add the actual cost of publication of notices and certified mail in connection with the application.~~

If any section, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

This ordinance shall be effective fifteen (15) days after its publication, pursuant to the provisions of Section 7-157 of the Connecticut General Status.

~~Published: June 19, 2008~~

~~Effective: July 5, 2008~~

**TABLE OF CONTENTS**

**FEE ORDINANCE ……………………………………………………………………………………………………… 1**

**TABLE OF CONTENTS …………………………………………………………………………………………………. 3**

**ARTICLE I INTENT AND PURPOSE ……………………………………………………...................... 5**

**ARTICLE II ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL MAP ………………….. 5**

1. **Establishment of Zoning Districts ………………………………………………………………… 5**
2. **Provision of Official Zoning Map …………………………………………………………………… 5**

 **ARTICLE III APPLICATION AND ADMINISRATION OF ZONING REGULATIONS……………. 6**

 **ARTICLE IV DEFINITIONS …………………………………………………………………………………………. 6**

 **ARTICLE V TABLE OF USES (TABLE 1) ……………………………………………………………………….. 11**

 **ARTICLE VI HEIGHT, AREA, FRONTAGE, AND SETBACK REQUIREMENTS …..……………….. 18**

1. **Scope of Requirements ……………………………………………………………………………….. 18**
2. **Minimum Lot Size Criteria ……………………………………………………………………………. 18**
3. **Exceptions to Height and Area Requirements ………………………………………………. 18**
4. **Table 2 Area and Dimensional Requirements ………………………………………………. 19**

 **ARTICLE VII GENERAL PROVISIONS ………………………………………………………………………….. 9**

1. **Lots in two Zoning Districts ………………………………………………………………………….. 9**
2. **Temporary Uses …………………………………………………………………………………………… 9**
3. **Accessory ~~Buildings~~ Uses ……………………………………………………………………………… 10**
4. **Development of Rear Lots ……………………………………………………………………………. 10**

 **ARTICLE VIII SPECIAL PERMIT USES …………………………………………………………………………… 14**

1. **General ……………………………………………………………………………………………………….. 14**
2. **Authority …………………………………………………………………………………………………….. 14**
3. **General Standards and Requirements for all Special Permit Uses ……………….. 15**

 **ARTICLE IX ~~PERFORMANCE~~ NUISANCE STANDARDS ……….……………………………………….. 13**

1. **Purpose ……………………………………………………………………………………………………….. 13**
2. **Regulation ~~of Nuisance Elements~~ …………………………………………………………………. 13**
3. **Location of Determination …………………………………………………………………………… 14**
4. **Standards to be Enforced …………………………………………………………………………….. 14**

 **ARTICLE X NON-CONFORMING LOTS, USES AND STRUCTURES …………………………………. 19**

1. **Statement of Intent ……………………………………………………………………………………… 19**
2. **Non-conforming Lots of Record and ~~in~~ Subdivision Lots………………………………… 20**
3. **~~Non-conforming Uses of Land ………………………………………………………………………. 20~~**
4. **Non-conforming Structures ………………………………………………………………………….. 20**
5. **Non-conforming Use of Land and/or Structures ..…………………………………………. 21**
6. **Repairs and Maintenance …………………………………………………………………………….. 21**
7. **Uses Under Exception Provisions Not Non-conforming …………………………………. 21**

 **ARTICLE XI ~~SPECIAL~~ OTHER PROVISIONS ………….……………………………………………………….. 21**

1. **Signs and Billboards ……………………………………………………………………………………… 21**
2. **Off Street Parking Requirements…………………………………………………………………… 38**
3. **Off Street Loading ………………………………………………………………………………………… 38**
4. **Common Driveways ……………………………………………………………………………………… 39**
5. **Home Occupations and Cottage Industries …… …………………………………………….. 39**
6. **Accessory Apartment ……………………………………………………………………………………. 41**
7. **Multiple Dwellings ……………………………………………………………………………………….. 42**
8. **Backyard Farm Animals**
9. **Campgrounds**
10. **Residential Substance Abuse Treatment Facility …………………………………………… 42**

 **ARTICLE XII HOUSATONIC RIVER OVERLAY ZONE ……………………………………………………….. 42**

 **ARTICLE XIII WIRELESS COMMUNICATION FACILITIES ……………………………………………………. 57**

 **ARTICLE XIV REGULATIONS FOR EARTH MATERIALS EXCAVATION ……………….…………….. 72**

 **ARTICLE XV FLOOD PLAIN MANAGEMENT REGULATIONS ……………………………………………. 80**

 **ARTICLE XVI ADMINISTRATION …………………………………………………………………………………….. 69**

1. **Administration and Enforcement …………………………………………………………………….. 69**
2. **~~Zoning Permits ………………………………………………………………………………………………… 69~~**

 **ARTICLE XVII BOARD OF APPEALS ………………………………………………………………………………… 69**

 **ARTICLE XVIII AMENDMENTS ………………………………………………………………………………………….. 70**

 **ARTICLE XIX REGULATIONS DECLARED TO BE MINIMUM REGULATIONS ………………………. 70**

 **ARTICLE XX VALIDITY …………………………………………………………………………………………………. 70**

 **ARTICLE XXI EFFECTIVE DATES …………………………………………………………………………………… 71**

 **LIST OF AMENDMENTS …………………………………………………………………………………………………..97**

**ARTICLE I. INTENT AND PURPOSE**

1. To retain the general “quality of life” of North Canaan – its residential character, its agricultural/industrial/commercial economic base, historic heritage, and natural environment. At the same time to recognize the need for balanced growth but at a pace and quality that does not upset this balance, while seeking to resolve problems that are incompatible with that quality of life.
2. To promote and protect public health, safety and welfare.
3. To encourage and facilitate the orderly growth and expansion of the Town in accordance with the adopted Town Plan of Development.
4. To promote, protect and maintain a healthy agricultural economic base.
5. To facilitate the adequate provision for transportation, public water, schools, parks and other public requirements.
6. To protect the character and maintain the stability of residential, business and industrial areas within the Town.
7. To provide for land uses, buildings and structures that are compatible with the town and its various neighborhoods.

**ARTICLE II. ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL MAP**

1. Establishment of Zoning Districts

The Town of North Canaan is hereby divided into the following Zoning Districts

R-A Residential/Agricultural

R Residential

C-B ~~Central~~ Downtown Business

C Commercial

I Industrial

HRO Housatonic River Outer Corridor Overlay

HRI Housatonic River Inner Corridor Overlay

1. Provision of Official Zoning Map

The boundaries of the Town’s zoning districts are established and shown on the map entitled “Zoning Map of the Town of North Canaan, Connecticut”, filed in the Office of the Town Clerk.

This map, together with all explanatory matter therein, is hereby adopted by reference and declared to be a part of these regulations.

1. Zone Boundaries

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

1. Boundaries indicated as abutting right-of-way lines of streets, highways or alleys shall be construed as extending to the center line of such streets, highways or alleys;
2. Boundaries indicated as approximately following plotted lines shall be construed as following such lot lines;
3. Boundaries indicated as following railroad lines shall be construed as to be midway between the main tracks;
4. Boundaries indicated as approximately following the center line of streams, rivers or other bodies of water shall be construed as following such center lines;
5. Boundaries indicated as parallel to or extension of features indicated in subsections (a) through (d) above shall be so construed. Distances not specifically indicated on the Zoning Map shall be determined by measurement in accordance with the scale of the map.
6. In cases of uncertainty, the Planning and Zoning Commission shall determine the location of the boundary.

**ARTICLE III. APPLICATION AND ADMINISTRATION OF ZONING REGULATIONS**

A. General Standards

Except as hereinafter provided the requirements set by this regulation within each district shall be minimum requirements and shall apply uniformly to each class or kind of structure or land.

1. No building structure or land shall hereinafter be used or occupied and no building or structure or part thereof shall be erected, constructed, and reconstructed, moved, or structurally altered unless in conformity with all the regulations herein specified for the district in which it is located.
2. No building or other structure shall hereafter be erected or altered:
	* + 1. To a greater height;
			2. To accommodate or house a greater number of families;
			3. To have narrower or smaller rear yards, front yards, side yards, or other spaces,
			4. On lots smaller than the Minimum Lot Size ~~To occupy a greater percentage of lot area~~;

 than herein required, or in any other manner contrary to the provisions of this regulation.

1. Not more than one building to be used for dwelling purposes shall be allowed on any lot. ~~No building to be used for dwelling purposes shall be constructed or altered in the rear of a building situated on the same lot, nor shall any building be constructed in front of or moved to the front of a dwelling situated on the same lot.~~ This provision shall not, however, prevent the erection alteration or maintenance of an accessory apartment on the rear of a lot. See Article XI.F. ~~dwelling quarters in an accessory building on the rear of a lot when such building is occupied by persons in domestic service and/or farm workers who work on the premises, or when used as temporary quarters for guests.~~
2. Uses of land, buildings or structures not clearly permitted in the various zoning districts are prohibited.

B. Administration – Zoning Permits

All projects involving a new structure or any exterior structural alteration or addition to or a change in use of an existing structure shall require a Zoning permit. Exterior repairs and cosmetic changes do not require a zoning permit. The application for a permit shall contain all the information necessary for a decision that the proposed building, alteration or use complies with the provisions of these regulations and stakes or markers shall be fixed on the lot to indicate the relation of lot lines to the proposed buildings. Nothing herein contained shall require any change in the plans, construction or use of a building for which a building permit has been issued or for which plans were filed with the Planning and Zoning Commission before the effective date of these regulations.

**ARTICLE IV. DEFINITIONS**

NOTE: If more than one definition applies, the definition with the more restrictive permitting requirement applies.

Accessory Use or Building: A use or building on the same lot or adjoining lot in common ownership with the principal use or building, and of a nature customarily incidental and clearly subordinate to such use or building.

Agricultural: Land used for the commercial production of crops for human or animal consumption, raising livestock, grazing, aquaculture, commercial dairying, raising of poultry, horse farms, forestry, or nurseries. Sale of the land’s produce in a farm stand or other on-site facility, whether or not combined with the sale of produce from elsewhere, is considered part of the agriculture use, as are other agriculture-related commercial activities, such as “u pick” activities, farm mazes and tours. Minimum acreage for agricultural use is 5 acres.

AirBnB – see Transient Housing

Apartment Building: A residential structure(s) containing not less than four dwelling units, or a group of such buildings.

Backyard Farm Animals – The raising of chickens and other small animals for non-commercial consumption or use in the Residential Zone and in the Residential –Agriculture zone. See Article XI, I for regulations. Non-commercial raising of large animals are restricted to properties of 5 or more acres in the R-A zone.

Backyard Farming – Raising of crops for personal consumption is allowed regardless the size of lot.

Bar/Tavern: A business and structure, whether permanent or temporary, whose primary purpose is serving wine or alcoholic beverages. Any food service is subsidiary.

Bed and Breakfast – see Transient Housing

Boarding House: A business operation that consist of a ~~A~~ building or portion thereof (i.e. an apartment) designed exclusively for residential occupancy that provides sleeping accommodations for a total of sixteen or fewer persons on either a transient or permanent basis but without separate cooking facilities for individual occupants. The lessor can be either the owner or a lessee subletting. NOTE: If 5 or fewer unrelated people, including the owner/lessor, reside as a single housekeeping unit in a structure that is a single-family dwelling and all reside there permanently, it is not considered a boarding house. See “Single-Family Dwelling.”

Building: An independent structure having a roof. A detached building is one separated on all sides from adjacent buildings by open spaces from the ground up.

Building Height: The vertical distance from mean grade to the top of the highest roof beams of a flat roof or the mean level of the highest gable or slope of a hip roof.

Building Supplies and Other Distributors: All establishments, including lumber yards, that handle building supplies for sale to contractors and others, as well as other warehouse-based distributors. Hardware stores are not included in this use classification but are considered “retail establishments.”

Campground – An outdoor space providing transient living sites for use by recreational vehicles, camping trailers, and other camping units, including basic tents and cabins with no hard-wired electrical or drainage plumbing. The health and safety aspects of campgrounds are regulated by CT statute Sec.19a-2a-29. See also Article XI.

Contractors – Building Related: All contractors that are engaged in building or remodeling, including but not limited to roofing, siding, plumbing and heating, carpentry, and concrete.

Community Residence – Residence for persons with intellectual disability, child-care residential facility for children with mental or physical disabilities, or residence for persons receiving mental health or addiction services. If 6 or fewer people and licensed, if required, CT state statute provides that such residences cannot be regulated differently from single family residences. If 7 or more people, see the Table of Uses.

Cottage Industry: A traditional craft or artisan business activity including but not limited to pottery, weaving, leatherwork, clothes making, woodworking, etc. ~~Such activity is~~ conducted for financial gain in whole or in part within a dwelling or its accessory building~~; zones only for residential use~~ by a residing dwelling owner or family member. A Cottage Industry may utilize as much as 50% of the gross floor area of a building (s) and may employ as many as three (3) employees who are not residents of the property. See Article XI.E. for regulations. See Manufacturing - Artisanal if such an activity is not conducted within a dwelling or its accessory building.

Dwelling: A building or portion thereof designed exclusively for residential occupancy, including one family, two-family and multifamily-dwellings but not including transient housing, such as hotel and motels, or boarding houses.

Dwelling Unit: One or more rooms constituting a separate, independent housekeeping establishment with cooking, living, sanitary and sleeping facilities for the use of one family.

Educational Use: A structure used for the education of children or adults, whether publicly funded or private. Includes both standard education as well as instruction in such things as painting, dance, etc., as well as day care.

~~Family: One or more individuals related by blood, marriage, adoption or foster children, or not more than five (5) individuals who are not so related, living in a single dwelling unit.~~

Farm: An agricultural use of ~~A tract of land containing~~ five acres or more~~, used for the production of crops for human or animal consumption, livestock, grazing, aquaculture, commercial dairying, forestry, nurseries and or the raising of poultry and sale of eggs~~

Floor Area: The total square footage of the heated area of a structure, measured on the inside walls, ~~The sum of the horizontal area of the several floors of a building measured from the~~ ~~outside~~, excluding unfinished basement floor areas, garages, porches, ~~and~~ open spaces and unfinished ~~open~~ attics ~~or unfinished rooms and for which a certificate of occupancy has been issued.~~

Food truck: A vehicle, trailer, or mobile unit licensed for serving food or drink.

Footprint: In determining compliance with setback requirements, the footprint of a structure includes any extension of the structure’s use, whether attached to the structure or not, whether permanent or not, whether above ground or in the ground.

Garage, Private: A detached ~~or~~ accessory building or portion of a ~~main~~ building used for parking of vehicles and storage belonging to the owner or visitors.

Garage, Public: A building ~~or use,~~ ~~other than a private garage~~ used for the commercial maintenance and repair and/or storage of motorized vehicles. Parking garages or lots, whether commercial or public, are classified separately in the Table of Uses.

Home Occupation: An occupation or business activity which results in a product or service for financial gain, which is conducted by a residing home owner or family member in whole or in part within a dwelling or its accessory building ~~zones; only for residential use~~. A Home Occupation is incidental to, and clearly subordinate to the residential use of the property. A Home Occupation has only minimal external impact on the surrounding neighborhood beyond what a residence would normally have.

Home Occupation PLUS: An activity that would qualify as a Home Occupation except that it does have more than a minimal external impact on the neighborhood, either because of increased foot/car/truck traffic, parking, etc. See Article XI.E for regulations.

Hotel/Inn/Motel/Motor Inn – see Transient Housing

Lot of Record: An area of land designated as a lot on an approved plot of subdivision or described on a deed duly recorded or registered, pursuant to statute.

Lot, Corner: A lot fronting on the intersection of two or more streets.

Lot, Frontage: That portion of a lot bordering the street. On rear lots, the frontage is of the driveway/right of way at the street ~~the abutting rear lot line of the front lot is the frontage of the rear lot.~~

Lot, Through: A lot located between two streets and fronting on both streets.

~~Lot, Zoning: A single tract of land located within a single block which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used developed or built upon as a unit, under single ownership or control, and therefore, may not coincide with a lot of record. Except as the context shall indicate a lot of record, all lots referred to in this regulation are zoning lots.~~

Lot, Line: The property line bounding the lot.

Manufacturing - Reg: The transformation or processing of any number of real or synthetic products into a new or altered product using an industrial and/or assembly-line operation. All Manufacturing-Reg uses require a special permit in order for the Town to ensure that the Town and its residents do not suffer any toxic or other potential negative impacts from the operation. See Article IX, Nuisance Standards.

Manufacturing - Artisanal: A traditional craft or artisan manufacturing activity (meaning, one by one by hand) including but not limited to pottery, weaving, leatherwork, clothes making, woodworking, etc. where such activity is not conducted within a dwelling or its accessory building, and thus not a cottage industry.

Mobile Home: A completely enclosed structure built on a chassis, designed as a dwelling unit to be transported after fabrication on its own wheels or detachable wheels or on a flatbed or trailer. Typically such units contain in excess of 400 sq. ft. of living space. For the purpose of this ~~by-law~~ regulation, the term “mobile home” includes also trailers ~~incorporating the characteristics of mobile homes as herein defined.~~ that are designed as a dwelling unit, typically temporary.

Multi-family: A building with dwelling units for 3 or more families.

Multi-use: A structure or group of structures that are used for more than one use. Typically one of the uses is residential, while the other(s) are retail or office uses.

Non-Conforming use or structure: Any land, building or structure or their use which does not comply with all of the requirements of this regulation governing the district in which it is located and existed before the adoption of these regulations.

Non-Residential uses greater than 10,000 sq. ft. gross floor area – This is a catch-all category that applies to such uses that are large and require substantial parking. Included in this use would be both big box retail stores, shopping/strip malls (one owner, stores rented), as well as large educational structures.

Nursery: A use whose main function is the growing of trees or plants. Commercial activities shall be primarily limited to the sale of products grown on the premises and ~~in no case shall such use be interpreted as a retail outlet~~ the subordinate selling of garden supplies or a landscape services business ~~or the storage of equipment related thereto.~~

Office – Professional or Business: The office or a recognized profession or a business office.

Permanent: Residing in a dwelling unit or other facility for one year or more. In rental situations, normally evidenced by a 1-year lease or sublease.

Private Club: A social or sport venue with private membership. This does not include so-called “gentleman’s clubs” that feature naked or near-naked women or men for the viewing enjoyment of patrons.

~~Professional Office: The office of a recognized profession including but not limited to doctors, lawyers, dentists, architects, engineers, artists, musicians, designers, teachers and others, who through training or experience are qualified to perform services of a professional as distinguished from a business nature.~~

Recreational Facility: A facility for leisure time sport activities that may or may not ~~usually~~ require equipment.

Restaurant: Any business and structure, permanent or temporary, that serves food, whether for eating on the premises or take-out. Whether full menu or a limited one (i.e. ice cream). No drive-through window. If wine or alcoholic beverages are served, they are subsidiary to the main purpose of serving food. If the primary purpose is the serving of wine or alcoholic beverages, see Bar/Tavern.

Restaurant – Fast Food: A restaurant, typically a chain, that involves minimal onsite, assembly-line, food preparation based on standardized ingredients and/or partially prepared foods. Such restaurants have a drive-through window and minimal indoor seating. NOTE: If a restaurant serves fast food but does not have a drive-through window, it is considered a regular restaurant for zoning purposes.

Setback: The distance between the use’s footprint and adjoining property lines or public right of way (street line).

Single-Family Dwelling: A structure or a part thereof, i.e. an apartment, housing a single family, occupied by one or more individuals related by blood, marriage, adoption or foster children, or not more than five (5) individuals who are not so related, one of whom is the owner/lessor, permanently residing as a single housekeeping unit ~~living~~ in the dwelling. See also Community Residences.

Sign, Business: A sign which directs attention to a business, commodity service or entertainment conducted sold or offered upon the premises where such sign is located or to which it is affixed.

Solar Panel Array: A grouping of ground-mounted solar panels to provide electricity either to connect to the energy grid or for the specific use of a project. Arrays generating 1 megawatt or less can be regulated by local zoning ordinances. Arrays of more than 1 megawatt must apply to the Connecticut Citing Council for authorization, whose approval is preemptive, but local zoning can still control location. A single ground-mounted panel is not an array.

Story: That portion of a building above the basement included between any floor and the ceiling or roof above it.

Story, half: A story which is either several steps up or down (as opposed to a full flight) from the main entrance level of the building. ~~Any place under a gable, hip or gambrel roof, the floor of which is not more than two feet below the plate.~~

Street: A public or private way open to travel by the general public, or a way shown on a plan of subdivision duly approved by the Planning and Zoning Commission.

Street Line: The line between the lot and the street right-of-way.

Structural Alteration: Any change in or addition to the structural or supporting members of a building such as bearing walls, columns, beams or girders.

Structure: Anything that is constructed or erected which requires placement on ~~location on~~ the ground or attached to something that is located on ~~having a location on~~ the ground.

Town House: A single-family dwelling unit that is part of a cluster of 3 or more attached single-family units.

Transient Housing: Housing provided for a number of nights, weeks, months, or seasonal.

 AirBnB/VRBO/etc: A room, apartment, or home privately owned and rented out by the owner on a transient basis. The unit rented or the dwelling that it is an accessory to is occupied by the owner for at least part of the year.

Bed and Breakfast: : A residential structure designed as a ~~temporary~~ transient abiding place providing for a maximum of sixteen (16) persons, including the owner/manager, ~~four (4~~) ~~sleeping rooms~~ for which lodging is provided for compensation with a morning meal. The owner/manager must reside either in the B&B building or a building adjacent to it.

Hotel/Inn/Motel/Motor Inn: A building or group of buildings designed as a transient ~~temporary~~ abiding place with lodging provided for compensation with or without meals.

Warehouse: A commercial building and/or buildings designed for storage and/or distribution of goods and materials.

Yard: An open space on a zoning lot ~~which is unobstructed and~~ upon which no structure may be located, except as ~~otherwise~~ permitted by these regulations.

Yard, Front: That portion of the yard adjacent to the street or, if no portion is adjacent, that portion parallel to the street to which the lot has access.

Yard, Rear: The yard opposite or greater than 45 degrees from the front yard.

Yard, Side: Any yard not designated as front or rear.

**ARTICLE V. GENERAL PROVISIONS**

1. Lots in Two Zoning Districts

Where a lot of record at the time of passage of these regulations or any amendments thereto falls into two or more zoning districts, any questions of uncertainty as to district boundaries shall be determined by the Planning and Zoning Commission.

1. Temporary Uses

Permits may be issued by the Zoning Enforcement Officer for the following purposes, but only under conditions which will safeguard the character of the neighborhood.

1. Buildings - A non-conforming temporary building shown to be necessary, pending construction of a conforming building or use, for not more than one year, but renewal permits for successive periods of six months may be granted.
2. Trailers
	1. A single trailer may be parked and occupied for a period of not to exceed one year by the owner of the premises on which it is located, provided that such owner is in the act of constructing a house for his own occupancy and further provided that he submit with his license application a certificate from the health Officer stating that suitable provisions for household water and sanitary sewage disposal have been made.
	2. Trailers may be parked and used at the job site in connection with any type of construction work provided that it is not used for human habitation. Said trailers shall be removed from any job site within 30 days after the issuance of the Certificate of Occupancy. Said trailers shall not be on any single job site for a period of more than one year unless a renewal is granted by the Zoning Enforcement Officer.
3. Accessory Uses ~~Buildings~~

Accessory buildings or uses are permitted in any zone provided that:

1. The specific use must be permitted or approved as a special use as stated in the Table of Uses, Article VI., Table 1. ~~Accessory uses not expressly permitted are prohibited.~~
2. A building attached to the principal building by a covered passageway, or by having a wall or part of a wall in common, shall be considered as part of the principal structure, not an accessory.
3. Development of Rear Lots

The provisions of this section are intended to permit the use of land (a lot) for residential purposes which is ~~have been unintentionally~~ landlocked, ~~or deprived of~~ has less than the minimum frontage on a street, or is a newly created rear lot where the rear portion of a lot of record is divided to create one new residential lot ~~with at least 20’ of street frontage where~~ provided all the following conditions apply.

1. Access to the rear lot must be provided with at least 25’ of street frontage and must be within a right-of-way owned in fee at least 20 feet wide and be sufficient to accommodate fire apparatus and other emergency vehicles.
2. The lot line from which the right of access leads must be considered the front line of the rear lot.

~~In the case of subdivision, where the topography of unusual shape of the property lends itself to the use of the rear lot to accomplish the best use of land.~~  In case of a subdivision, the Commission shall not approve rear lots unless it finds that such lots provide the best development of the land because of the topography and shape of the land.

~~Notice is hereby given that at the Planning and Zoning meeting of November 17, 2004 it was voted unanimously to approve the following changes to zoning regulations.~~

1. Map and Plan Standards

All maps shall conform to the accuracy standards as outlined in “Code of Recommended Practice for Standards of Accuracy of Surveys and Maps October 1976” State Board of Registration for P.E.’s and L.S.’s.

Maps submitted for filing with the Town Clerk and Commission shall conform to Section 7-31 of the General Statutes.

All maps and plans submitted must be prepared and signed by appropriate professionals registered in Connecticut.

For more specific requirements, see description of the map or plan in the relevant section of these regulations.

**Under Article XI – new sections**

**H. BACKYARD FARM ANIMALS**

 **A. Purpose: To allow residents to raise chickens and other animals for their own, personal, consumption or use.**

 **B. Applicability: Backyard farm animal use is permitted in the R and R-A zones on lots of 1 acre or more, provided that they register on an annual basis with the Town through the ZEO.**

 **C. Performance Criteria**

 **1. Raising of small animals is determined by the size of the area (housing + open area) devoted to the animals:**

 **Chickens/Ducks: Three (3), and no less than three, for the first 100 sq. ft. Additional chickens require another 20 sq. ft. each; ducks 30 sq. ft. Maximum number 15 chickens; 10 ducks. Roosters are excluded.**

 **Goats: Two (2), and not less than two, require 500 sq. ft. Additional goats require another 250 sq. ft. each. Maximum number, 6 goats, not including newly born goats which may be kept till they are weaned.**

 **2. Non-commercial raising of large animals such as cows, horses, and pigs are restricted to R-A zone properties of 5 or more acres.**

 **3. All animals shall be provided suitable housing (coop, shed). They shall be kept in a reasonably sanitary condition for both the health of the animals as well as minimizing odors that would affect neighboring property owners (see Article IX, Nuisance Standards). The area containing the animals shall be appropriately fenced, both to keep the animals contained and to keep predators out.**

 **4. The animals’ penned area and housing must conform to the appropriate set-back requirements.**

**I. CAMPGROUNDS**

 **Any zoning permit application for a new campground must include proof that they have received all necessary state approvals as well as local approvals (TAHD, Sewer, and Inland Wetlands). If the ZEO feels that the proposed campground, either because of its size or the nature of the campground or its location, could have an adverse impact on the neighborhood or neighbors, the ZEO shall bring the application to the Commission for its decision on whether to hold a public hearing before granting the permit.**