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Scotland
Connecticut

Zoning Regulations

Planning & Zoning Commission

Zoning Enforcement Officer
860-423-9634

Contact the Zoning Enforcement Officer on Wednesday evenings from 5:00 pm to 7:00 pm for applications, discussions and approvals.
zoning@scotlandct.org

Meetings are held on the 3rd Wednesday of each month.

The Planning and Zoning Commission rules on all applications for new construction, reconstruction, alteration, change of use, change of location, or subdivision within the town of Scotland. The Commission is responsible to promote the orderly and coordinated development of the Town and the general welfare and prosperity of its residents.

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Zoning Regulations

Article One

Purpose and Authority

Article 1, Section 1 **Authority**

These regulations pursuant to Chapter 124, and other pertinent sections of the Connecticut General Statutes as amended, are adopted under the General Statutes of the State of Connecticut, as amended.

Article 1, Section 2 **Purpose**

The purpose of these regulations are: to protect and promote the public health, safety, welfare, convenience and property values; to preserve and protect the unique character of the town of Scotland; to provide for the best use of land; to conserve and stabilize the value of property; to secure safety from fire, flood, environmental damage and other dangers; to prevent the overcrowding of land; to facilitate adequate provisions for the transportation, water, sewerage, schools, recreation and other public requirements; to conserve and protect existing and potential surface water and ground water drinking supplies and other valuable natural resources; to prevent unnecessary soil erosion and sedimentation; and to provide adequate housing opportunities for all citizens of Scotland consistent with soil types, terrain, infrastructure, capacity, the rural character of the town, and the town Plan of Conservation and Development.

Article 1, Section 3 **Comprehensive Plan**

The zoning regulations established hereunder, including the official Zoning Map, are in accordance with, and are hereby declared to embody, the comprehensive zoning plan of the Town of Scotland.

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Article Two
General Provisions

Article 2, Section 1 **Planning and Zoning Commission**

A. In accordance with Chapter 124, Section 8-1 of the General Statutes of the State of Connecticut, as amended, there is established a Planning and Zoning Commission, hereinafter known as the Commission.

B. In accordance with Chapter 124, Section 8-2 through 8-4 of the General Statutes of the State of Connecticut, as amended, the Commission shall have the power:

1. To establish and amend Zoning Regulations and districts;

2. To provide for the enforcement of the provisions of the Zoning Regulations;

3. To hear and decide upon all applications for site plan approval, special permits, and any other applications pursuant to these Regulations.

Article 2, Section 2 **Regulations, General**

Once established, the regulations, restrictions and boundaries set forth in the Zoning Regulations may, from time to time, be amended, supplemented or repealed by the Commission in accordance with the General Statutes either on the initiative of the Commission or by petition from property-owners, interested parties, or residents of the Town of Scotland having standing to file such application.

All land uses in Scotland shall comply with all other applicable local, state and federal requirements, including but not limited to: compliance with the Scotland Subdivision Regulations administered by the Planning and Zoning Commission, and the receipt of permits where necessary from the Scotland Inland Wetland Agency, Scotland Building Official, Local Health Department and Scotland Fire Marshal.

Article 2, Section 3 **Application of Regulations**

A. No building, structure, premises or land shall be used or occupied, and no building or other structure or part thereof shall be erected, moved, placed, reconstructed, extended, enlarged, altered or demolished, and no land development activities shall be undertaken (including subdivision of land), except in conformity with the regulations herein prescribed for the zone in which such land, building, structure, use, or activity is located.

B. No conveyance of land shall be made that reduces the remaining land of the grantor below the applicable minimum area, bulk, and yard requirements.

C. No zoning permit or certificate of zoning compliance shall be issued for the erection or occupancy of a building or structure on land conveyed in violation of these regulation.

D. These regulations are intended to state the uses or the establishment of uses of land and/or buildings and structures which are permitted within the Town. ***Uses not stated are not permitted***.

Article 2, Section 4 **Construction of Language**

As used in these Regulations:

1. When not inconsistent with the context, words used in the present tense include the future, and the singular includes the plural.

2. The word "shall" is intended to be mandatory, and the word "may" is permissive.

3. In case of any difference of meaning or implication between the text of these regulations and any caption, illustration, summary, table, or illustrative table, the text shall control.

4. The terms "used" and "occupied" include the meanings "designed to be used (or occupied)" and "intended to be used (or occupied)."

Article 2, Section 5 **Interpretation**

In interpreting and applying these regulations, the regulations shall be considered as the minimum requirements for the promotion of the public health, safety and general welfare. When these regulations impose a greater restriction on the use of buildings or require larger yards, courts or other open spaces, or require a greater percentage of lots to remain not built, or impose other standards higher than those imposed by any law, regulation or private agreement, these regulations shall control. When restrictions are imposed by any law, regulation or private agreement which are greater than those required by these regulations, such greater restrictions shall not be affected by these regulations. When one section of these regulations imposes standards greater than those of another section, the standards of the more restrictive section shall control.

Article 2, Section 6 **Severability**

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

Article 2, Section 7. **Illegal Use**

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

Article 2, Section 8 **Enforcement**

A. These regulations shall be enforced and interpreted by the duly appointed Zoning Enforcement Officer designated by the Scotland Planning and Zoning Commission in such a manner as set

forth in Section 8-12 and other applicable sections of the Connecticut General Statutes, as amended, and in such a manner as set forth in these regulations.

B. If any building or structure has been erected, constructed, altered, or maintained, or any building, structure or land has been used, in violation of these regulations, the duly appointed Zoning Enforcement Officer, in addition to other remedies, may do any or all of the following:

1. institute an action or proceeding to prevent such unlawful erection, construction, alteration, maintenance or use, or to restrain, correct or abate such violation, or to prevent the occupancy of such building, structure or land, or to prevent any illegal act, conduct or use in or about such premises;

2. cause any building, structure, place or premises to be inspected and examined and order in writing the remedying of any condition found to exist therein or thereon in violation of these regulations or, when the violation involves either grading of land, removal of earth, or soil erosion and sediment control, issue in writing a cease and desist order to be effective immediately; and

3. the Zoning Enforcement Officer may revoke any zoning permit or certificate of zoning compliance if, after written notice to the applicant, landowner, or other person conducting such use, and an opportunity for a hearing, the Zoning Enforcement Officer makes a finding that any condition or other term of the permit or of these regulations has been violated or has not been complied with.

C. The Planning and Zoning Commission may revoke any site plan approval, special permit, or other approval if, after written notice to the applicant, landowner, or other person conducting such use, and an opportunity for a hearing, the Commission makes a finding that any condition or other term of the approval or of these regulations has been violated or has not been complied with.

D. Prior to initiation of any land development activity or use, it is recommended that these regulations be reviewed and the Zoning Enforcement Officer or the Commission be consulted regarding requirements and administrative procedures of these regulations.

Article 2, Section 9 **Amendments**

A. The Commission strongly advises persons seeking to amend either these regulations or the zoning map to meet informally with the Commission prior to such an action. Such meetings are not binding -- but do provide the applicant and the Commission the opportunity to discuss the purpose and need for any modifications or additions -- improving the process and understanding.

B. The following procedures shall be followed for any proposed amendment to the Zoning Regulations or to the Zoning District Boundaries

1. In accordance with the provisions of Section 8-3 of the Connecticut General Statutes, these Regulations and/or the Zoning Map may be amended either on the initiative of the Commission or by petition from one or more property-owner(s) or resident(s) of the Town of Scotland having standing to file such application.

2. Applications for amendments must include all required application materials (see Section C below) and shall only be received at a regular meeting of the Commission. Petitions should be filed in the Scotland Land Use Office at least seven (7) days prior to a regular meeting for completeness and placement on the agenda.

3. Once a petition has been received as complete, the Commission shall hold a formal Public Hearing, complete its review and, within statutory time limitations, act upon the changes requested in such petition. The Commission shall establish an effective date for approved changes to the Zoning Regulations or Zoning Map.

4. Upon receipt of a petition to amend the Zoning Regulations and/or Zoning Map, the Commission may refer the application materials to town staff members and/or consultants/ experts that the Commission deems necessary or appropriate, and in accordance with statutory provisions, referrals to the Northeastern Connecticut Council of Governments or adjacent municipalities may be required.

5. For public hearings, legal notices shall be published in accordance with statutory requirements and a copy of the proposed amendment to the Zoning Regulations or revision of the Zoning Map shall be filed in the office of the Scotland Town Clerk ten (10) days prior to the publication of notices for the scheduled Public Hearing.

6. If the applicant submits revised or supplemental application information during the period between the publication of Public hearing notices and the scheduled Public Hearing, the Commission may require the applicant to pay for all advertising costs associated with a rescheduled or continued Public Hearing, if required, and extension of statutory time restrictions requested.

7. No new information shall be received from the applicant or the public after the close of the Public Hearing.

8. The Commission shall not be required to hear any petition or petitions relating to the same changes, or substantially the same changes, more than once in a period of twelve (12) months.

C. Application Requirements: Petitions to amend the Zoning Regulations and/or Zoning Map shall, except as noted otherwise, include the following information:

1. A complete application form including the signatures of all petitioners and all subject property owners; along with the fee.

2. Statement of Justification for the proposed regulation amendment, or Zoning District Boundary change. Said statement should substantiate:

   a. the compatibility of the proposal with respect to the Scotland Plan of Conservation and Development;

   b. the reasons for the particular changes(s); and

c. the effects such a change would have on the health, safety, welfare, and property values of Scotland residents.

3. Petitions for changes to the Zoning Regulations shall include the exact wording of all proposed amendments and Article and Section references. All applications to amend the Zoning Regulations should incorporate into the proposal all related sections of the Regulations that must be modified to ensure consistency among the various regulatory provisions.

4. Petitions for changes to boundaries of the Zoning Map shall include five (5) copies of a map, prepared and appropriately signed and sealed by a surveyor licensed in the State of Connecticut.

   a. For a rezoning involving ten acres or less, said map shall be at a scale of one-inch equals one hundred feet or less and all properties within one hundred (100) feet of this area are clearly represented. .

   b. For areas greater than ten acres in size, the map shall be at a scale of one-inch equals 200 feet or less. and all properties within two hundred (200) feet of this area are clearly represented. .

   c. For areas over twenty acres in size, the Planning and Zoning Commission may authorize an alternative scale provided the proposed area of rezoning and all properties within five hundred (500) feet of this area are clearly represented.

   d. The zone change map shall be distinct from any site plan and shall include the following:

      I. The area of the zone change and all area within five hundred (500) feet of the proposed rezoning;

      II. Existing and proposed zoning district boundary lines;

      III. Existing streets, rights-of-ways, easements, watercourses, wetlands and flood hazard areas;

      IV. Existing property lines and the names and addresses of the current property-owners, including those across any street and within five hundred (500) feet of all property boundaries, as per the Scotland Assessor's records.

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

6. Petitions for changes to the Zoning Map shall include a legally defined boundary description of the areas to be rezoned.

7. Traffic studies, environmental assessments and other special reports may also be presented for any petition to create, amend or expand a zone classification.

D. Any proposed change within five hundred (500) feet of the Town line shall be referred to the Northeastern Connecticut Council of Governments and each abutting town in accordance with Chapter 124, Section 8-3b of the General Statutes.

E. To ensure ample opportunity for neighborhood opinion to be expressed, the applicant shall be responsible for notifying in writing all property-owners within five hundred (500) feet of the perimeter boundaries of the subject zone change area. Such notice, which shall be sent and contain a certificate of mailing, at least 10 days prior to the date of the scheduled Public Hearing, shall include the Statement of Justification received by the Commission, a map showing the proposed zone change area, the date and time of the scheduled Public Hearing and the fact that the subject plans are on file in the Scotland Land Use Office. A copy of the applicant's notice to neighboring property-owners, a listing of the property- owners notified at least five (5) days prior to the Public Hearing.

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

1. The proposal is complete and contains all required application information;

2. The proposal is consistent with the goals, policies and recommendations contained within the Scotland Plan of Conservation and Development.
3. The proposal is consistent with the expression of regulatory intent and purpose contained in the provisions of Article I of these regulations and Section 8-2 of the Connecticut General Statutes, as amended;

4. Any proposal to amend the Zoning Regulations is appropriately worded and legally sound and comprehensive and consistent with respect to other regulatory provisions;

5. Any proposal to revise the Zoning Map has comprehensively considered: the size and physical characteristics of the subject area; the character and supply of land currently zoned in the subject classification; and the effect of the proposal on existing land uses in the surrounding area.

G. Amendments to the Zoning Regulations or revisions to the Zoning Map shall be adopted by a majority vote of all the members of the Commission, except as follows:

1. Where the Commission receives a protest petition objecting to the Zoning Map amendment in accordance with Connecticut General Statutes Section 8-3(b): Such a protest must be appropriately signed by the owners of twenty percent or more of the area of the lots included in such proposed change or of the lots within five hundred feet in all directions of the property included in the proposed change.

2. Where such a protest petition is appropriately filed, the proposed change shall not be adopted

except by a vote of two-thirds of all the members of the Commission.

Anyone considering the filing of a formal protest against a proposed revision to the Zoning Map, as per the provisions of the State Statutes and this Section, is advised to contact the Scotland Planning Office for assistance with respect to proper format and requirements regarding legal signatures, and, as appropriate, to seek legal advice from independent counsel.

Article 2, Section 10 **Non-Conforming Uses, Structures, and Lots**

A. Non-Conforming Uses:

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

1. No legal nonconforming use may be changed except to a conforming use or, with the approval of a Special Permit by the Commission, to another nonconforming use that is (a) not more intensive than the existing use, and (b) is more compatible with the neighborhood and zone.

2. No non-conforming use shall, if once changed into a conforming use, be changed back again into a non-conforming use.

3. No legal non-conforming use, and no portion of a building containing a nonconforming use shall be extended or expanded unless a special permit is issued for such change.

4. No legal non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel of land unless a special permit is issued for such change.

5. Nothing in this section shall require any change in the plans, construction or designated use of a building for which the construction shall have been commenced prior to the adoption of these regulations.

6. No building which does not conform to the requirements of these regulations regarding the building height limit, area and width of lot, percentage of lot coverage, and required yards and parking facilities shall be enlarged unless such enlarged portion conforms to the regulations applying to the district in which it is located.

7. If a building occupied by a non-conforming use is damaged by fire or act of God, such building may be repaired and such use resumed provided the reconstruction does not exceed the original area or (where applicable) degree of dimensional non-conformity. Otherwise, said building shall be occupied by a conforming use and (where applicable) said building shall be reconstructed in accordance with the current dimensional requirements of these regulations.

8. Any non-conforming use shall not be considered terminated solely as a result of non-use for a specified period of time without regard to the intent of the property-owner to maintain that use.

B. Non-Conforming Lot:

1. A lawfully existing parcel of land separately recorded by deed in the office of the town clerk prior to the effective date of these Regulations or any amendment hereto or any zoning change which fails to meet the area, shape, or frontage or any other applicable requirements of these regulations pertaining to lots, may be used as a lot and a building or other structure may be constructed, reconstructed, enlarged, extended, moved, or structurally altered thereon, provided that the building, structure, or any extension thereof, complies with all applicable requirements of these regulations as of the date of application for a zoning permit for any such improvement; and further provided that the owner of any of such lot did not own adjoining land on the effective date of these regulations, or has not acquired any adjoining land since the effective date of these regulations or to conform to these regulations to a greater degree. Any such adjoining land shall be deemed to have merged with the existing lot to the extent that such land makes such lot conforming or more conforming to these regulations.

B. Non-Conforming Structures

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

2. A legal non-conforming structure may only be enlarged horizontally, vertically, or both provided such enlargement complies with applicable parts of these Regulations for the specific use and zone; and further provided that no vertical enlargement is within the Setbacks required by these Regulations.

3. A legal non-conforming structure which is damaged or destroyed by fire, explosion, act of God, or the public enemy, may be rebuilt with the same footprint and floor area and the use continued, but not to any greater extent than in the previously existing structure.

4. A legal non-conforming structure may be maintained, repaired, restored, rebuilt, replaced, or altered provided such work:

   a. does not increase the non-conforming aspect of the structure, or

   b. complies with other applicable parts of these Regulations for the specific use and zone.

Article 2, Section 11 **Effective Date**

This Zoning Regulation of the Town of Scotland and any future amendments shall take effect upon their passage and publication notice in accordance with the Connecticut General Statutes and shall take precedence over any other prior regulation or parts of prior regulations which are inconsistent.

Article Three
Definitions

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

A

Access Right-Of-Way - means a strip of land in which a legal permanent interest has been acquired permitting access to an adjoining interior lot from a public street or private way.

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

Accessory Apartment- a separate dwelling unit that A) is located on the same lot as a principal dwelling unit of greater square footage, B) has cooking facilities, and C) complies with or is otherwise exempt from any applicable building code, fire code and health and safety regulations.

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

Agriculture/Farm - means a parcel of land used for the cultivation of the soil, dairying, raising or harvesting any agricultural or horticultural commodity, including the raising, shearing and feeding of livestock; the operation, management, conservation, improvement or maintenance of a farm and its buildings; and the production or harvesting of any agricultural commodity. Farms include farm buildings and accessory buildings thereto, such as nurseries, greenhouses or other structures, used exclusively for the raising of agricultural or horticultural commodities.

- **Commercial Agriculture/Farm** - means a location with a minimum of five (5) acres in area, operated as an agricultural business for the purpose of making a profit as determined by the Tax Assessor and otherwise satisfying the eligibility for differential property taxation pursuant to Connecticut General Statutes Sections 12-107a through 12-107c. Such operations may include, as an accessory use the following under the level of review set forth in Section 4A.6 of these Regulations ("Complimentary Agricultural Uses"):

- **On-Farm Direct Marketing**- means an agriculture-related function or event offered by a commercial farm that is accessory to, and serves to increase, the direct-market sales of the agricultural output of the commercial farm. Such functions or events are designed to attract customers to a commercial farm by enhancing the experience of purchasing agricultural products; and occur seasonally or periodically.

- **Community Supported Agriculture (CSA)** - means an On-Farm Direct Marketing method in which the retail sale of the agricultural output of a commercial farm is provided through a paid subscription.

- **Farm Retreat-** a farm that by special use permit may conduct activities that include but are not limited to agritourism, on-farm direct marketing activities, and community events.

- **Energy-Related Activities** - means energy generation activities that are accessory to, and serve to increase the financial viability of a commercial farm. Examples of energy related activities include, but are not limited to: solar, geo-thermal, hydro or bio-mass forms of energy. Any such energy related activity shall be placed in a manner that does not diminish the current or potential use of Prime, Important or Local Significant Farmland Soils as defined by the Windham County Agricultural Extension Service or success agency.

- **Farm Store –** means a building or area for the display and sale of farm products in accordance with Section 4A.6 of these Regulations. - Compare to "Farm Stand"

- **Farm Brewery** – means a facility located on a farm in which beer is manufactured, stored, and sold for consumption on or off the premises; and where the beer is made primarily from hops grown on the farm where the Farm Brewery is located

- **Farm Cidery** – means a facility located on a farm in which alcoholic cider is manufactured, stored, and sold for consumption on or off the premises; and where the cider is made primarily from fruit grown on the farm where the Farm Cidery is located; and may include an accessory Farm Spirits Café or Farm Spirits Retail Store

- **Farm Distillery** – A facility located on a farm in which alcoholic liquor is manufactured, stored, and sold for consumption on or off the premises; and where the liquor is made primarily from hops grown on the farm where the Farm Distillery is located; and may include an accessory Farm Spirits Café or Farm Spirits Retail Store.

- **Farm Winery** - means a facility located on a farm in which wine is manufactured, stored, and sold for consumption on or off the premises; and where the beer is made primarily from hops grown on the farm where the Farm Winery is located; and may include an accessory Farm Spirits Café or Farm Spirits Retail Store.

    - **Farm Spirits Cafe** - means an accessory use to the Farm Brewery, Cidery, Distillery or Winery which allows the sale and service of food prepared on or off site, and consumed at a Farm Spirits Cafe for the general public, as well as the accommodation of special group events. The maximum seating permitted is one-hundred (100) persons at any one time.

    - **Farm Spirits Retail Store** - means a building or a portion of a building accessory to and located on the farm Brewery, Cidery, Distillery or Winery established as a place for the sale of spirits and their by-products and merchandise may also include souvenirs and clothing bearing the logo of the farm, as well as spirits-related items and other products that reflect or enhance the character or theme of the farm Brewery, Cidery, Distillery or Winery.

Alter, Alteration - means as applied to a building or structure, means a change or rearrangement in the structural parts thereof, the movement of all or any part thereof, or the substantial reconstruction thereof, so as to produce a substantial change in appearance, character, or construction; also means an enlargement, whether by increasing in height, coverage, volume or floor area. As applied to a use, means a change or enlargement in the character, area occupied by, intensity, or scope of the use, including, but not limited to, the extension of hours of operation, the addition of other activities, equipment, functions, or processes, or the extension into additional land or building area.

B

Basement - means that portion of a building having its floor level partly or wholly below the adjacent finished grade, and which has, more than half its interior height measured from floor to rough ceiling above the finished grade of the ground adjoining the building.

Bed and Breakfast Establishments- means a dwelling, part of which is occupied by the owner of the building as a permanent residence, in which no more than four (4) rooms and breakfast meals only are provided on a daily basis to transients for compensation.

Billboard - mean a sign which directs attention to a business, community service or entertainment not exclusively related to the premises where such sign is located, or any sign larger than sixty (60) square feet.

Breweries – means a facility where beer or alcoholic cider is manufactured, stored, bottled and sold in sealed containers at wholesale. A brewery may include off-site retail sales for consumption off the premises or offered for consumption on the premises.

Brewpub – means a restaurant with an accessory on-site micro-brewery.

Board - means the Scotland Zoning of Appeals.

Boundary Line - means a lot line or property line. The line legally separating two (2) adjoining lots or parcels of land.

Buildable Area – means the area of a lot remaining after any portion of the property classified as inland wetland, watercourse, 100-year floodplain, or having a slope in excess of 25% are removed.

Building – means any structure having a roof and intended for shelter, housing or enclosure of persons, animals, or materials. The connection of two (2) or more buildings by means of a porch, breezeway, passageway, carport, or other such roofed structure shall be deemed to make them one building.

Building Area - means the ground area enclosed by the walls of a building together with the area of all covered porches and other roofed portions.

Building Coverage - means the percentage which the aggregate area of all buildings and other impervious surfaces on the lot bears to the area of the lot. See “Impervious Surface.”

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

Building Height – means the greatest vertical distance between the finished grade elevation at any point of consideration and the highest point of the building, including rooftop service structures housing mechanical equipment.

Building Line - means a line parallel to the abutting street at a distance equal to or greater than the setback requirements for the front yard.

Building Official - means the Building Official, also known as the Building Inspector, of the Town of Scotland.

Building Permit – means the permit required by law, issued by the Building Officer, for the construction, repair, alteration, or addition to a structure.

Bulk - means the size and shape of buildings, structures and use areas and the physical relationships of their exterior walls or spatial limits with lot lines and other buildings, structures and uses; or with the other walls of the same building, or other portions of the same structure or use. Bulk also includes the relationship of buildings, structures and uses with all yards and open spaces required by these Regulations; and also includes provisions of these Regulations dealing with floor area ratio, building height, lot area per dwelling unit, lot frontage, lot width, required yards, courts, usable open space, spacing between buildings on a single lot, length of building in a row, and all other similar provisions of these Regulations dealing with the relationship between land and the improvements or uses located, or to be located, thereon.

C

Camper Unit - tent or a vehicle designed, used, or intended for use temporarily for camping, recreation, travel and vacationing, and is or can be mounted on wheels and may be self-propelled, but shall not include a mobile home and shall not exceed four hundred (400) square feet.

Commercial Campground - means a parcel of land used for the parking of camper units or the establishment of overnight living quarters, such as tents or other temporary shelters, and primarily occupied on a temporary basis by family groups engaged in travel, recreation or vacation.

Cellar - means that portion of a building having its floor level partly or wholly below the adjacent finished grade, and which has, at any point, less than half its interior height measured from floor to rough ceiling above the finished grade of the ground adjoining the building

Commission – means the Planning and Zoning Commission of the Town of Scotland.

Community Events under Town-based Supervision - an activity or gathering which is conducted, organized, and sponsored by the town or in conjunction with a non-profit organization and permitted bythe Selectmen. Such events shall have the purpose of promoting or benefiting the town and its residents and/or sponsoring organization.

Congregate Living Facility – means an institution, building, or buildings, residence or other place, whether operated for profit or not, including places operated by units of government, having some or all of the characteristics of housing or homes for the aged or nursing homes and which undertakes through its ownership or management to provide for a period exceeding 24 hours maintenance or personal service for seven (7) or more adults, not related to the owner or administrator by blood or marriage, who, by reason of advanced age or physical infirmity are unable or potentially unable to care for themselves and who require such services.

Convalescent/Nursing Home – means a public or private institution engaged in providing professional skilled nursing services as required by the State of Connecticut Public Health Code Section 19A-490, as amended.

Craft Distillery – means a facility where alcoholic liquor is manufactured, stored, bottled and sold in sealed containers at wholesale. A craft distillery may include on-site retail for consumption off premises or offered for consumption on the premises.

Cultural Institutions - means public or non-profit facilities including libraries, museums, and galleries. May include incidental and subordinate commercial uses such as a gift shop, bookstore, and limited food and beverage services.

D

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

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

Development - means any man-made change to real estate, including but not limited to, the construction of buildings or structures, mining, dredging, filling, grading, paving, excavation or drilling operations; but excluding the tilling of soil as part of a bona fide farming or gardening operation.

Disabled Person - means a person who has a physical or mental impairment that substantially limits one or more major life activity. This includes people who have a record of such an impairment, even if they do not currently have a disability. It also includes individuals who do not have a disability but are regarded as having a disability.

Dwelling – means any building designed and/or used for human habitation on closed solid foundation, using permanent weather-proof exterior materials, constructed with ceilings and walls finished on the interior with lath and plaster or some comparable material; with facilities which are used or intended to be used for living, sleeping, cooking and eating; connected to a safe water supply with adequate sanitary sewerage disposal facilities; and equipped with at least one (1) furnace or other customary form of heating apparatus which, in conjunction with proper insulation, is capable of maintaining a healthful interior room temperature of sixty-nine (69°) degrees Fahrenheit, with healthful ventilation, when the outside temperature is zero (0°) degrees Fahrenheit or lower.

Dwelling, two-family - means a single detached dwelling on one (1) lot used for residential purposes designed and/or used for occupancy by two (2) families living independently of each other.

Dwelling, Multifamily – means a single detached dwelling on one (1) lot used for residential purposes designed and/or used for occupancy by three (3) or more families living independently of each other, having separate or joint entrances, services and facilities.

E

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

Elderly Person - means a natural person who is over the age of 65 years, or one who is permanently disabled as determined by the Social Security Administration.

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

Eutrophication- means a natural lake aging process accelerated by development and other human activities occurring along the shoreline and in the lake watershed.

F

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

Family Day Care Home - means a dwelling in which care is provided for compensation to not more than six (6) children, including the provider's own children not in school full-time, where the children are cared for not less than three (3) nor more than twelve (12) hours during a twenty-four (24) hour period, and where care is given on a regularly recurring basis. "Family Day Care Home" does not include services which are (1) administered by a public or private school system which is in compliance with Connecticut General Statutes Section 10-188, (2) recreation operations such as, but not limited to, boys' and girls' clubs, church-related activities, scouting, camping or community-youth programs, (3) informal arrangements among neighbors or relatives in their own homes, (4) drop-in supplementary child care operations where parents are on the premises for educational or recreational purposes and the child receives such care infrequently. "Family Day Care Home" includes "Family Day Care Home" as defined in Section 19a-77 of the Connecticut General Statutes but does not include "Group Day Care Home" or "Child Day Care Center" as defined in said Section. See, the definition of "Home Occupation".

Farm – See "Agriculture."

Farm Stand – means a building or area for the accessory display and sale of farm products in accordance with Section 4A.6 of these Regulations but is not a Complimentary Agricultural Use. Compare to 'Farm Store.'"

Flood Plain Related Definitions:

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

BASE FLOOD ELEVATION - means the elevation of the base flood as recorded on the Flood Hazard Boundary Map and accompanying stream profile data.

DEVELOPMENT - means any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within an area of special flood hazard.

FLOOD PLAIN - means the areas adjoining a river, stream, watercourse, drainage course, lake or other body of water, which have been or may be covered with floodwater.

FLOODWAY - means the high risk channel area of a watercourse and adjacent land area that must be reserved to discharge the base flood without increasing water surface elevations more than one foot.

LOWEST FLOOR - means the lowest floor or the lowest enclosed area (including basement) of a building. An unfinished or flood resistant enclosure, useable solely for parking of vehicles, building access or storage, in an area other than a basement of a building is not considered a lowest floor for the purpose of this regulation.

MEAN SEA LEVEL - means for the purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NG Scotland Village District) of 1929 or other data, to which base flood elevations are shown the Flood Insurance Rate Map, are referenced.

ORDINARY HIGH WATER MARK - means the line along a lake shore providing evidence of the presence of the lake water level based on vegetative characteristics such as the presence, absence or destruction of terrestrial or aquatic vegetation, and physical characteristics such as a clear natural line impressed on a bank, scouring, shelving, or the presence of sediments or debris.

SUBSTANTIAL IMPROVEMENT - means any repair, reconstruction or improvement of a structure, the cost of which equals 50 percent of the market value of the structure either before the improvement or repair is started or before the damage occurred if a damaged structure is being restored.

Floor Area, Gross - means the sum of the gross area (horizontal) of every floor of a building, as measured by the exterior faces of the walls or from the centerline of party or common walls separating two buildings, dwellings, or distinct and separate non-residential uses having no common exterior access.
"Floor Area, Gross" shall include:

a. basement space;
b. attic space whether or not a floor has been laid, over which there is structural headroom of 7 12 feet or more;
c. floor space used for mechanical equipment with structural headroom of 7 12 feet or more;
d. roofed porches, breezeways, interior balconies and mezzanines;
e. any roofed-over space not located in a basement such as a garage or carport for off- street parking accessory to a dwelling.

"Floor Area, Gross" shall not include:

a. cellar space; except that any such space used for a non-residential use shall be included for the purpose of calculating the required off-street parking spaces for such use;
b. elevator shafts and stairwells, accessory water tanks and cooling towers; and
c. patios, terraces, unroofed open porches decks, and outside uncovered steps.

Floor Area, Livable - means that portion of the Gross Floor Area on a Dwelling which is adequately provided with heat, light and ventilation so as to be suitable for residential use and occupancy. "Floor Area, Livable" shall exclude: Garage space; basement space, cellar space; terraces/patios, unroofed open porches, steps, and similar unenclosed or unfinished spaces; and stairways and halls serving more than one (1) dwelling unit. In multi-family dwellings, common stairways and common halls are not considered livable floor area. Any area above the first floor not accessible by a fixed, permanent Code-compliant stairway shall not be considered livable floor area.

G

Group Day Care Home - means a use of land or buildings which offers or provides a program of supplementary care for compensation to not less than seven (7) nor more than twelve (12) related or

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

Grandfathered - See "nonconforming."

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

H

Home Occupation - means a business or commercial activity as an accessory use conducted for compensation by the occupant(s) of a residential building or lot which complies with the provisions of these Regulations. Home occupations shall not include restaurants, tea rooms, or other eating or drinking places; dog kennels, animal hospitals; barber shop or beauty parlor having more than one (1) sink with one chair for cutting hair. Home Occupations are permitted uses in the Residential District if in conformance with the development standards of Article 4A, Section 7. Compare to "Rural Business."

I

Illegal Use of Land, Building or Structure - means any use, whether of a building or other structure, or of a tract of land; or the erection of any building or structure, in/on which a violation of any provision of these Regulations has been committed or shall exist, or which use is not specifically listed as permitted in these Regulations. Such violation shall be determined as of the date of establishment of such use, as nearly as the same may be determined.

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

J

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

K

Kennel - means any structure or premises on which five (5) or more dogs over four (4) months of age are kept or maintained.

L

LAND DISTURBANCE - means the clearing, stripping or removing vegetation exposing the underlying soil.

Lot - means one (1) or more contiguous parcels of land under unified ownership, and separately described in a Deed of record, which is occupied or capable of being occupied by one (1) principal building and the accessory buildings or uses customarily incidental to it, including such open spaces as are required by these Regulations, and which, in addition, meets the minimum area, width, and other applicable requirements of these Regulations for the zone in which such parcel is located, or is a legal non-conforming parcel, as defined in these Regulations. In the case of multiple or two-family dwellings, a group of buildings under the same ownership shall be considered as occupying the same lot. The term "lot" includes the terms "plot" and "parcel", but those terms do not include the term "lot".

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

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

Lot Coverage - means the ratio between the Building Area and the gross area of the Lot.

Lot, Interior - means a lot not containing the minimum road frontage generally required under these regulations but conforming to all specific area and dimensional requirements for this type of lot.

Lot Frontage, Lot Frontage Line - means the length of the shortest straight line between Side Lot Lines and located entirely within the Lot and passing through any point(s) of the Front Lot Line. In the case of a Rear Lot, the Lot Frontage shall be measured at that point closest to the Street from which the Lot derives its principal access, at which point the minimum Lot Width for the subject zone is met. See "Interior Lots."

Lot Line - means any boundary line of a Lot.

Lot Line, Front - means that Lot Line being along the Street Line which that Lot abuts. In the case of Rear Lot, that Lot Line being closest to the Street from which the Lot derives its principal access.

Lot Line, Rear - means the shortest line which is roughly opposite of, and farthest from, the Front Lot Line, which line is at least the length of the minimum Lot Width required by these Regulations for the subject zone; or, if such line does not exist, the shortest straight line between Side Lot Lines which is roughly opposite of, and farthest from, the Front Lot Line, which line is contained within the Lot and which is at least the length of the minimum Lot Width required by these Regulations for the subject zone.

Lot Line, Side - means any Lot Line not a Front Lot Line or a Rear Lot Line extending directly or indirectly from the Front Lot Line.

Low Impact Development means an approach to environmentally friendly land use planning. It includes a suite of landscaping and site design techniques that attempt to maintain the natural, pre-developed ability of a site to manage rainfall. LID techniques capture water on site, filter it through vegetation, and let it soak into the ground where it can recharge the local water table rather than being lost as surface runoff.

M

Mixed-use development - means a development consisting of one or more lots developed as a cohesive project and designed with a blend of various compatible uses such as commercial, residential and institutional. The uses may be located in the same building or in separate buildings. A mixed-use development shall not consist exclusively of live work units.

Mobile Home – means a trailer coach or mobile home, which is or can be used for sleeping, living or working quarters, and which is, has been, or can be mounted on wheels, and which may contain cooking, bathing and toilet facilities, and is capable of being connected to a water supply and sewage disposal system but excluding temporary quarters (six months or less) and seasonal campground usage.

Multi-Family Housing - means a building or portion thereof which contains three or more dwelling units for permanent occupancy, regardless of the method of ownership.

N

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

Non-Conforming Lot - means a Lot of Record, which does not meet the bulk requirements for the District in which it is located.

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

O

Open Space - means land set aside for parks, playgrounds, active or passive recreation, or conservation purposes, on any subdivision plan and not including unbuilt land on any lot. Open Space shall be dedicated in a location approved by the Planning & Zoning Commission and regulated in accordance with applicable provisions of these regulations.

Outdoor Recreation - means facilities with extensive outdoor facilities including outdoor tennis clubs, and golf courses.

P

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

Passive Solar - means dwelling specifically designed to use natural and architectural components to collect and store solar energy without using any external mechanical power.

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

Pervious Surface - means an area which permits the direct infiltration of at least thirty (30%) percent of all stormwater into the ground and does not create a point source of runoff greater than seventy (70%) percent.

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

Preliminary Plan means a plan presented in advance of a formal application. Presentation of the preliminary plan shall not constitute "formal" application within the meaning of Title 8, Chapter 126, of the Connecticut General Statutes, as amended and the Commission's review of said preliminary plan and its comments, if any, shall not be deemed to be the official "action" or "decision."

Premises - means a Lot or Parcel and all Buildings, Uses and Structures located thereon.

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

Principal Use - means the primary purpose or function for which premises is used, designed, or intended to be used.

Q

R

Rehabilitation Center Halfway House Shelter - means a state licensed home designed to rehabilitate persons who have left a hospital or prison, or persons who have an addiction to alcohol or a controlled substance, wherein supervision, rehabilitation, and counseling are provided to mainstream residents back into society, enabling them to live independently.

Retaining Wall - means a wall at least four (4) feet in height constructed primarily to retain earth, requiring zoning review and approval.

Right of Way - means

(a) That portion of land which is made available for the construction of roadway, ditches, drainage structures, and utility lines, and is to be conveyed to the Town in the case of a proposed town road or conveyed to an Association charged with maintenance of such right of way in the case of a private road. The form and content of the instrument of conveyance shall be subject to the approval of the Town Attorney at the option of the Commission.

(b) The parcel of land between street property lines, which are defined as the limits of land dedicated, secured, or reserved for public transportation uses.
(c) A narrow strip of land used to gain access to a parcel of land that does not otherwise have access to a street right of way.
(d) A legally cognizable right belonging to a party to pass and repass on and over land of another for ingress and egress. Such right can arise by easement of deed, by judicial interpretation, or by common law or statute.

Rural Business - means uses accessory to a principal single-family dwelling conducted for compensation wholly or partially outside the home or within an accessory building and which complies with the provisions of these Regulations. A single Rural Business may engage in multiple businesses which are customarily related to each other. Rural Business is permitted by Special Permit uses in the Residential District if in conformance with the development standards of Article 4A, Section 7. Compare to "Home Occupation."

S

Setback - means an open space on the same lot with a Building having those minimum distances prescribed by these Regulations.

Setback, Front - An open space between any Building and the Lot Frontage Line, extending the full width of the Lot between the lot side lines, measured by the minimum horizontal distance between any such Building and the Lot Frontage Line; or, in the case of a Corner Lot, a similar open space extending along all streets.

Setback Rear – An open space between any Building and rear lot line, extending the full width of the Lot between the lot side lines, measured by the minimum horizontal distance between any such Building and the rear lot line; or, in the case of a Corner Lot, a similar open space extending across the side of the Lot opposite the Street on which the principal building has its street address, or is otherwise the designated front of the Lot

Setback, Side. An open space between the side lot line and any Building, extending on both sides of the Lot from the Lot Frontage Line to the rear lot line; or, in the case of a Corner Lot, a similar open space extending across the side of the Lot opposite the Street on which such building does not have its street address, or is otherwise not the designated front of the lot. Any Setback not a Rear Setback or a Front Setback shall be deemed to be a Side Setback.

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

- **Sign Area or Face**. The plane defined by one continuous perimeter of that rectangle, triangle, or circle having the smallest area which encompasses all the lettering, wording, design, or symbols together with any background different from the balance of the surface on which it is located, if such background is designed as an integral part of and related to the sign. Such perimeter, however, shall not include any structural elements lying outside the limits of such sign and not forming an integral

part of the display. For the purposes of these Regulations, two-sided signs where the sides are back-to-back and located no more than eighteen (18") inches apart and parallel, shall be considered to have only one (1) sign face.

- **Sign, Awning** - means a sign attached, printed or adhered flat against the surface of an awning and not extending beyond the borders thereof. No portion of an awning sign shall be located below a height of eight (8') feet above the surface level beneath the awning to which such sign is affixed.

- **Sign, Contractors** - means a sign posted by a contractor at a property during the course of such contractor's work at a lot and removed immediately at the conclusion thereof, provided that no contractor's sign shall be placed on any lot for a duration of time exceeding 90 days.

- **Sign, Detached** - means a freestanding sign which is permanently affixed to its supporting structure, the top of which shall not exceed eight feet in height above the surface level beneath such sign, and the bottom of which shall not be less than 30 inches above the surface level beneath such sign.

- **Sign, Development** - means a freestanding sign which depicts the name of a residential development or subdivision, which sign shall be maintained by a condominium association, homeowners' association or similar organization .

- **Sign, Directory** - means a detached sign setting forth the street address of a lot and two or more directory identification signs, together with, at the owner's discretion, the advertised name of a lot, which shall not exceed 12 feet in height above the surface level beneath such sign and the bottom of which shall not be less than 36 inches above the surface level beneath such sign. Each directory sign shall be of an integrated and uniform design, with identical colors and construction materials throughout.

- **Sign, Directory Information** - means a sign affixed to a directory sign, identifying the owner or a tenant at the lot on which such directory sign is placed, using lettering no greater than five inches in height. Each directory identification sign shall be of an integrated and uniform design with such directory sign, and each directory identification sign on any directory sign shall utilize identical colors and construction materials and shall be the same size as all other directory identification signs on such directory sign.

- **Sign, Commercial Farm Off-Site Direction** - means non-illuminated directional signs placed in a local public right-of-way, approved by the First Selectman for placement, containing only the farms name and directional arrow and being no greater than twenty (20) inches in height and thirty-six (36) inches in length.

- **Sign, Flashing** - means any Sign in which or upon which artificial light is not maintained stationary and constant in intensity and color at all times and specifically including signs that scroll , alternate, or otherwise move or change a message using lighting, screens, projections, or moving parts of any kind; excluding time or temperature signs.

- **Sign, Home Occupation or Rural Business** - means a detached sign which, together with its supporting structure, the top of which shall not exceed 3.5 feet in height above the surface level beneath such sign and the bottom of which shall not be less than 24 inches above the surface level beneath such sign, specifically identifies the home occupation legally maintained on the lot on which such sign is placed.

- **Sign, Nameplate** - means a sign indicating an occupant of a lot or a business maintained thereon, which sign shall be permanently affixed to a building on such lot.

- **Sign, Political** - means a sign, flag or banner depicting a message or symbol of a body politic, a federal, state or local election, or other language relevant to federal, state or local political issues.

- **Sign, Protection** - means a sign warning the general public against dangers located on a lot or prohibiting the general public from trespassing, hunting or other violations of an owner's property rights, provided no such protection sign shall be located within 20 feet of any other protection sign located on the same lot.

- **Sign, Public Safety** - means a sign placed by a government agency used for the sole and exclusive purpose of maintaining reason and order to ensure the safety of public visitors or other third parties not owning or occupying a lot, such as directional signs, stop signs, etc.

- **Sign, Sky** - means any sign suspended in the air by means of a balloon or other lighter than air device.

- **Sign, Temporary Event** - means a nonpermanent detached sign identifying a special temporary event that will be conducted at the lot on which such sign is placed, including, without limitation, so-called "A-frame," "sandwich board" and similar signs. No temporary event sign shall be placed on a lot more than five days prior to the special temporary event which is the subject of such temporary event sign, and each temporary event sign shall be removed not more than two days following the conclusion of such special temporary event, provided that no owner or tenant shall be permitted to maintain any temporary event sign for a period in excess of contiguous 10 days; and provided, further, that no owner or tenant shall be permitted to maintain temporary event signs for more than 15 days during any twelve-month period.

- **Sign, Temporary Real Estate** - means a sign advertising the actual availability of a lot or any portion thereof for sale or for lease, provided that no temporary real estate sign shall be placed on a lot more than five days following consummation of the sale or lease of the lot being advertised.

- **Sign, Temporary Tag/Yard Sale** - means a sign advertising a tag sale at a lot and placed on the lot at which such tag sale shall be conducted, which sign shall not be placed more than three days in advance of such tag sale. Each temporary tag sale sign shall be removed immediately following the conclusion of such tag sale.

- **Sign, Wall** - means a sign affixed to a wall of a building and identifying the owner or tenant enjoying exclusive use and possession of such building or the portion thereof in the location such sign is affixed. No wall sign shall extend above the lowest point of the roof, nor shall any wall sign extend higher than the eaves line or top of the parapet wall of the building to which such wall sign is affixed. No wall sign shall extend beyond the ends of the wall to which such wall sign is affixed or project more than three inches from the surface of the wall to which such wall sign is affixed. No portion of any wall sign, including any illumination fixtures or supporting frames, shall be located more than 25 feet above the surface level of the nearest public right-of-way, measured from the location of such wall sign.

- **Sign, Window** - means a sign affixed to an external window or located within four feet of a window of the building or portion thereof occupied by the owner or tenant affixing such sign and visible to the general public, excluding the actual physical display of products sold by such owner or tenant at such location.

Soil Erosion & Sediment Control Plan - means a scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.

Street – means an improved right-of-way or fee simple parcel of land dedicated and accepted by the Town or the State of Connecticut for the purpose of public travel by lawful procedure and suitable for vehicular travel; or a proposed street shown on a subdivision plan approved by the Commission in accordance with the applicable provisions of the Scotland Subdivision Regulations.

Street Line - means the dividing line between the street and the lot. Where such line has not been established, it is deemed for purposes of these regulations to be a line parallel to and 25 feet distant from the center line of the traveled surface.

Stormwater Management Plan - means a document containing material for describing how existing runoff characteristics will be maintained by a land-disturbing activity and methods for complying with the requirements of these regulations and those of the State of Connecticut that is prepared in accordance with good engineering practices and that identifies potential sources of pollution that may reasonably be expected to affect the quality of stormwater discharges from the construction site or its associated land-disturbing activities. In addition, the document shall describe and ensure the implementation of best management practices.

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

Structure, Height - means the greatest vertical distance between the finished grade elevation at any point of consideration and the highest point of the structure.

Subdivision - means he division of a tract or parcel of land into three (3) or more parts or lots made subsequent to the adoption of subdivision regulations for the purpose, whether immediate or future, of sale or building development, expressly excluding development of municipal, conservation, or agricultural purposes.

(a) **Subdivision, Conventional** - means a subdivision design that is consistent with the other provisions of the Scotland Zoning and Subdivision Regulations in the absence of the Open Space Subdivision provision.
(b) **Subdivision, Open Space** - means a Open Space Subdivision development, in which the required dimensions under the Scotland Zoning and Subdivision Regulations may be reduced for the purposes of encouraging the preservation of additional open space.

T

Tent Site - means a plot of ground within a campground designed to accommodate a portable, collapsible, enclosed shelter made of canvas or nylon, or comparable material, stretched and sustained by poles, which has been specifically designed and manufactured for temporary use for camping that is set up and used in a campground.

Town - means the Town of Scotland, a municipal corporation having its territorial limits within the Town of Scotland, County of Windham, and State of Connecticut.

U

Use – means any purpose for which a building, structure, or premises may be designed, arranged, intended, maintained, or occupied; or, any activity, occupation, business, or operation actually carried on in a building or other structure or on a lot or parcel.

V

Variance – means permission to depart from the literal requirements of the Zoning Regulations but not involving the actual use or activity of the variance is subject to any conditions required by the Commission.

W

X

Y

Z

Zoning Permit - means a written approval from the Zoning Enforcement Officer or the Commission indicating a proposed building, structure, or use is in compliance with these regulations.

ZEO – means the Zoning Enforcement Officer

Article Four
Zoning Districts

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

For purposes of these regulations, the Town of Scotland is hereby divided into the following zoning districts:

a. **Residential Agricultural District**

b. **Scotland Village District**

Article 4, Section 2 **Zoning Map**

A. The boundaries of Districts are established as shown on the "Official Zoning Map."

1. The Official Zoning Map shall be at a scale of 1" = 1000' and identified by the signature of the Chairman of the Planning and Zoning Commission and shall bear the date of the most recent zoning amendment.

2. When, in accordance with the provisions of these regulations, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map together with an entry on the Official Zoning Map as follows: "As amended to (date). (Such date to be that of the most recent amendment.) The Official Zoning Map shall be filed in the office of the Town Clerk and an updated copy shall be displayed in the Town Land Use Office.

B. The boundaries between districts are, unless otherwise indicated, either the centerline of streets, watercourses, and right of way of power lines, railroads and other public utilities, or such lines extended, or lines parallel thereto. Where the boundaries of a single district are indicated as including directly opposite sides of a street, lane, lake or watercourse, or right of way or a power line, railroad or other public utility, for any portion of its length, the district so indicated shall be construed to apply to the entire bed of such street, lane, lake or watercourse, or right of way of such power line, railroad, or other public utility lying within such portion of its length, where uncertainty exists as to the location of any said boundaries as shown on the Zoning Map, the following rules shall apply:

1. Where district boundary is indicated as approximately following the centerline of a street, lane, lake or watercourse, or right-of-way of a power line, railroad, or other public utility, such centerline shall be construed to be such boundary.

2. Where a district boundary is indicated as approximately following a lot or other property line, such lot or property line shall be construed to be such boundary.

3. Where a district boundary divides a lot or runs through undivided property, the location of such boundary shall be determined by using the scale appearing on said map, unless distances are specified on the map.

4. Where distances are specified on the Map between a street and a district boundary, they shall indicate that the district boundary runs parallel to the street line at a distance therefore equivalent to the number of feet so indicated, unless otherwise specified. Where scaled distances do not agree with such figure, the figures shall control.

5. Where a District boundary divides a lot in one ownership into a residential and a nonresidential District or into two nonresidential Districts, the area and frontage requirements for that lot shall comply with those that are more restrictive as set forth for such Districts. All other building requirements shall correspond with those of the particular District in which a use, structure or building is established or constructed.

6. Where physical or cultural features existing on the ground area at variance with these shown on the Official Map, or in other circumstances not covered by the above subsections, the Commission shall interpret the district boundaries.

Article 4, Section 3 **State Owned Property**

Whenever State owned property is included in one or more zoning districts, it shall be subject to the provisions of those Regulations only insofar as permitted by the laws of the State of Connecticut.

4A. Residential Agricultural District

Article 4A, Section 1 **Intent**

A. The intent of the Residential Agricultural District is to provide for residential use consistent with the furtherance of agricultural and rural businesses while maintaining the Town's rural character and protecting the Town's natural resources.

B. The further purpose of the Residential-Agricultural District is to promote the economic viability and operational sustainability of agricultural business in the town of Scotland as outlined in the Scotland Plan of Conservation and Development. Specifically, these regulations are intended to:

1. address food and fiber needs;

2. enhance environmental quality and the natural resource base upon which the agricultural economy depends;

3. make the most efficient use of nonrenewable resources and on-farm resources and integrate, where appropriate, natural biological cycles and controls;

4. sustain the economic viability of farm operations, and;

5. maintain an agricultural friendly community.

Article 4A, Section 2 **Permitted Uses**

The following uses are permitted in the Residential Agricultural District by Zoning Permit from the Zoning Enforcement Officer:

1. Single-Family detached dwellings
2. Two-family dwellings, in accordance with Section 4A.8.
3. Accessory Dwelling Unit, in accordance with Section 4A.8
4. Conversion of Existing Residences, in accordance with Section 4A.9
5. Mobile Homes for the Elderly or Disabled persons, in accordance with Section 4A.10
6. Agriculture/Farm, exclusive of Complementary Agricultural Uses except Farm Stand
7. Commercial Agriculture/Farm, exclusive of Complimentary Agricultural Uses
8. Accessory uses customarily incidental to the above permitted uses.
9. Family Day Care Homes as defined by CGS Sec. 19a-77(a)(3) and Group Child Care Homes as defined by CGS Sec. 19a-77(a)(2) located in a residence and licensed by the Office of Early Childhood pursuant to CGS Chapter 368a, may be permitted in all Single-Family, Two-Family, or Multi-Family dwellings.
10. Home Occupation, per Section 4A.7.
11. Community Events under Town-Based Supervision

The following uses are permitted in the Residential Agricultural District by Site Plan Review by the Commission:

Buildings or structures greater than five thousand (5000) square feet of gross floor area and up to ten thousand (10,000) square feet of gross floor area.

Farm Store, per Section 4A.6.

Article 4A, Section 3 **Special Permit Uses**

A Special Permit may be issued for the following uses in the Residential Agricultural District:

1. Complementary Agricultural Uses per Section 4A.6.
2. Bed and Breakfast Establishments
3. Campgrounds
4. Breweries, Micro-Breweries and Craft Distillery
5. Sand and Gravel Extraction
6. Day or Group Day Care Centers
7. Rest Homes, Convalescent Homes Skilled Nursing Facility
8. Multi-Family dwellings, in accordance with Section 4A.8.
9. Rural Businesses, per Section 4A.7
10. Accessory uses customarily incidental to a special permit use
11. New buildings or structures greater than 10,001 square feet of gross floor area and up to 50,000 square feet of gross floor area.

Article 4A, Section 4 **General Development Standards**

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

1. Lot Area - The minimum lot area shall be two (2) acres for single family residential uses; a minimum lot area of four (4) acres for two-family dwellings and a minimum lot area of five (5) acres for Multi-family Dwellings.

3. Lot Frontage - The minimum lot frontage for all uses shall be two hundred (200') feet.

4. Lot Coverage - The maximum lot coverage shall be ten (10) percent.

5. Impervious Surface Coverage – The maximum impervious surface coverage shall be ten (10%) percent.

6. Height of any Building or Structure - The maximum height of any building or related structure shall be thirty-five (35) feet.

7. Maximum Floor Area - No more than ten thousand (10,000) square feet gross floor area shall be allowed on any lot under a zoning permit. A special permit may be issued pursuant to Section 5C for additional gross floor area and no single building shall have more than fifty thousand (50,000) square feet in gross floor area.

8. Minimum Lot Setbacks. In order to assure access to all portions of a building for fire-fighting and other emergency services; to assure adequate space around buildings for erosion and sedimentation control measures during and after construction; to assure adequate space for the dissipation of water from roof drains for the avoidance of erosion; and in order to protect the public health by providing adequate light and air around buildings, these minimum lot setbacks are adopted: The minimum side, front and rear setbacks for each lot shall be as follows:

Designated Use of Lot	Standard and Interior			
	Front	Side	Rear	Note
Residential Use	50'	25'	50'	Excluding the Area of the Accessway for Interior Lots
Rural Businesses Use	50'	75'	50'	
Agricultural Use	50'	See AG Section		
Sand and Gravel	See Section 6C			

9. All Interior Lots shall have a fee-owned access-way from an accepted Town or State roadway at least twenty-five (25') feet in width, but not more than fifty (50') feet in width. Minimum lot size for an Interior Lot shall contain 150% of the land required for the underlying zone

10. Lighting - Any lighting used to illuminate off-street parking areas shall be so arranged as to direct the light down, towards the driveway or parking area, and away from the adjoining lots and any public street right-of-way.

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

    A. General, Number and Size of Spaces Required:

Land Use	Number of Spaces	Park Space Size
Residential	1 space per studio or 1-bedroom, 2 spaces per other dwelling unit (driveway spaces count)	8.5 x16 and all parking areas must have adequate access and maneuvering areas
Accessory Dwelling Unit	1 space	
Home Occupation or Rural Business	3 spaces per 1,000 ft gross floor area	

    B. Parking spaces shall be provided for the physically handicapped according to the table below. Parking spaces for the physically handicapped shall be designed in accordance with the Rules and Regulations of the Americans with Disabilities Act and Laws of the State of Connecticut, as such standards may be amended. Handicapped spaces shall be clearly identified by a sign stating that such spaces are reserved for physically handicapped persons. The handicapped spaces shall be located in the portion of the parking lot nearest the entrance to the use or the structure which the parking lot serves. Adequate access for the handicapped from the parking area to the structure shall be provided.

Number of Required Spaces	Number of Handicapped Spaces
0-20 spaces	1 handicapped space
21-30 spaces	2 handicapped spaces
31-50 spaces	3 handicapped spaces
51-100 spaces	4 handicapped spaces

C. For all uses that are required to provide, or do provide, ten (10) or more parking spaces, the installation of bicycle racks shall be required. The bike racks shall be designed to provide for the locking of the bicycles to the racks. The design, location and number of bike racks shall be approved by the Commission as part of an approval of the permit request.

D. Points of entrance and exit for driveways onto the street shall be located so as to minimize hazards to pedestrian and vehicular traffic in the street. No off-street loading space and no truck loading bay, ramp or dock shall be designed or arranged in a manner that trucks must use any part of a public street right-of-way for maneuvering, or for loading and unloading. No portion of the driveway at the edge of the street pavement shall be closer than 75 feet from an intersection.

   For entrance and exit driveways for parking areas containing fewer than 5 spaces, the minimum width of entrance and exit drives shall be 10 feet wide for one-way use and 18 feet wide for two-way use. For facilities containing five or more spaces, such drives shall be a minimum of 12 feet wide for one-way use and 18 feet wide for two-way use. The minimum curb radius shall be 15 feet. The maximum width of such driveways at the property line shall be 24 feet. The Commission may modify these width and radius limitations to facilitate traffic flow and safety.

E. Shared Parking

   1. The Commission encourages parking for different structures or uses, or for mixed uses, to be shared in any district. At the applicant's request, or upon the Commission's requirement, shared parking may be provided, subject to the following provisions:

      a. A reciprocal written agreement has been executed by all the parties concerned that assure the perpetual joint use of such common parking, a copy of which has been submitted to and is acceptable to the Commission. The Commission may forward such agreements to the town legal counsel for review.

      b. The Commission may require the applicant to provide a parking study with all information deemed necessary to its decision-making on a shared parking arrangement. This information includes but is not limited to:

         i. the type and hours of operation and parking demand, for each use a site plan displaying shared use spaces in the lot and walking distance to the uses sharing the lot

         ii. a description of the character of land use and parking patterns of adjacent land uses, and

         iii. an estimate of anticipated turnover in parking space use over the course of 12 to 24 hours at the site.

2. Uses sharing the parking facility do not need to be contained on the same lot, but shall be a maximum of 500 feet from the closest parking space in the parking lot which is to be used and allow for safe, convenient walking for most parkers, including safe pedestrian crossings, signage, and adequate lighting.

F. General (non-residential and multi-family only as applicable):

1. Whenever a parking or loading area is located in or adjacent to a residential use, it shall be effectively screened on all sides which adjoin or face any residential property by a solid wall, opaque fence or a double row, compact evergreen planting screen located on a landscaped buffer strip not less than ten (10) feet wide. Such fence, wall or planting screen shall not be less than five (5) feet, nor shall any fence or wall be more than six (6) feet in height and shall be maintained in good condition. The space between such fence, wall or planting screen and the lot line of the adjoining premises in any residential district shall be landscaped with grass, hardy shrubs or evergreen ground cover, and maintained in good condition. Areas between parking facilities and public rights-of-way shall be suitably landscaped. In the event that the terrain and other natural features are such that the erection of such fences, wall or planting screen will not serve the intended purpose, the Commission may waive this requirement.

2. In order to reduce storm water runoff all parking and loading facilities required under this Regulation together with driveways, aisles, and other circulation areas, shall use grass pavement block or other pervious pavement systems. The use of non-permeable surfaces shall be allowed only after demonstrating to the Commission's satisfaction that such use is warranted.

3. To reduce the mass of parking lots in front of buildings and bring buildings forward, parking should be provided to the side and rear of the building(s) to the extent that is practical.

4. Any non-residential parking area which is intended to be used during non-daylight hours shall be fully illuminated during the hours of operation of the principal use. Any lights used to illuminate a parking lot shall be dark sky compliant so arranged as to reflect the light away from the adjoining property and away from streets.

12. Signs: All new signs shall, with the of those regulations addressing agricultural signage, require the issuance of a permit by the Zoning Enforcement Officer before erection or replacement, or, in the case of a site plan review or special permit reviewed by the Commission, all proposed signs shall be included in the plans. All new signs must comply with all of the regulations contained herein. No permit shall be required for a mere change of copy on a sign or for the replacement of a sign of the same dimension.

A. No sign shall be located where it would obscure the view of street traffic.

B. Lighting fixtures illuminating signs shall be carefully located, aimed and shielded so that light is directed onto the sign facade and shall not be aimed toward adjacent streets, roads or properties and the light source (bulb) of light fixture shall not be directly visible from adjacent streets, roads or properties.

C. 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.

D. The following types of signs are exempt from obtaining a permit:

1. Address numerals issued by the Town.

2. Legal notices.

3. Off-premises Directional signs: sign(s) may be used to direct vehicles or pedestrians to churches, schools, public assembly facilities, or hospitals emergency care facilities - not larger than eight (8) square feet and no more than one (1) sign per use per street, and if located within the public right of way, only with the written consent of the First Selectman or State Department of Transportation, as the case may be.

4. Flags not exceeding forty (40) square feet, not more than three (3) flags per lot, and mounted on flag poles no higher than 20 feet.

5. “No Trespassing” or “Posted” signs - not larger than two (2') square feet

E. Temporary signs: Temporary signs, as follows, for no more than 180 days per calendar year:

1. Not larger than ten (10') square feet for general information, not to exceed one (1) per lot

2. Not larger than six (6') square feet for sidewalk sandwich signs, not to exceed one (1) per lot

3. Not larger than four (4') square feet - service entrance signs, not to exceed one (1) per lot street frontage to which the lot has access.

4. Window signs not greater than fifty (50') percent of the window area - window advertising posters

5. No temporary sign shall be higher than three (3) feet.

F. The following signs shall not be permitted:

1. Any Sign or sign support which for any reason constitutes a hazard by obstructing the vision of a driver; detracting from the visibility or effectiveness of any traffic sign or device; obstructing free ingress or egress from a fire escape, door, window or other required exit way; or make use of words such as stop, look, one way, interfere with, mislead or confuse traffic.

2. Signs placed, inscribed, or supported upon the roof or upon any structure which extends above the eaves of the roof of any building.

3. Rotating, traveling, pulsing, flashing or oscillating light sources, lasers, beacons, searchlights or strobe lighting shall not be permitted, nor shall sky signs be permitted.

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

Article 4A, Section 5 **Interior Lots**

A. In general, interior lots shall be avoided. However, in Conventional Subdivisions and where topography or shape of the parcel dictates, if it is the opinion of the Commission that the best use of the land would be an Interior Lot, such lot may be permitted by Special Permit. (Example: Commission determines that such a interior lot configuration, in its opinion, will help protect significant natural or manmade features, including: agricultural lands, hilltops or ridges, features along existing roadways and or scenic views or vistas.)

1. Any and all interior lots require a Special Permit from the Planning and Zoning Commission.

2. The maximum coverage of any interior lot shall be twenty (20) percent Minimum lot size shall contain 150% of the land required for the underlying zone.

3. The provisions of this Section are intended to permit the use of land for residential purposes which have been unintentionally landlocked or deprived of minimum frontage on a street, or in the case of a subdivision, where the topography or unusual shape of the property lends itself to an interior lot to accomplish the best use of the land. In the case of a subdivision, the Commission shall not approve interior lot(s) unless it finds that such lot(s) provide the best development of the land because of the topography and shape of the land. The Commission shall find that the development of interior lots will provide the most suitable use of the land considering such factors as:

   a. Drainage;

   b. Natural Resources;

   c. Accessibility;

   d. Topography and shape of the land;

   e. Emergency service access; and

   f. All requirements of the zoning and or subdivision regulations (other than applicable frontage requirements) are met.

3. No more than ten percent (10%) of all lots contained within a Conventional Subdivision shall be approved as interior lots.

4. No more than two interior lot accessways may be abutting.

B. INTERIOR LOTS ARE PROHIBITED IN OPEN SPACE SUBDIVISIONS

C. Dimension Standards for Interior Lots:

Item	Size	Notes	
Lot Area	(5) contiguous acres, computed as the area of the lot exclusive of the accessway	Also exclusive of: 1. wetland soils, as determined by a professional soil scientist, 2. bedrock or ledge within four (4) feet of the natural land surface, 3. slopes fifteen (15) percent or greater, 4. naturally occurring soils less than twenty-four (24) inches to ground water, 5. interior lot line angles of less than sixty (60) degrees; 6. narrow strips of land less than one hundred (100) feet in width, and 7. any areas containing vehicular travel easements, rights-of-ways, utilities, drainage easement The Commission may permit the interior lot area to be reduced to no less than the buildable area requirement for a single-family dwelling: 1). If the excess interior lot acreage is to be added to contiguous open space as an addition to the minimum required open space set aside; 2). If the addition to the open space land will provide increased protection of sensitive habitats, preservation of corridors or connectivity; 3). If sufficient buffer can be provided to abutting lots.	
Frontage and Setbacks	Front	Side	Rear
	100' from abutting front lot	50'	50'
Accessway	Continuous minimum fifty (50') foot wide deeded access-way fronting on a street, or a road which will be built to meet the town Road Standards	Only the construction of a single-family dwelling and accessory building(s) shall be permitted on an interior lot. The accessway area shall not be used for an additional interior lot or for the placement of any accessory building(s).	
	The accessway to the interior lot shall be owned in fee simple by the owner of the interior lot	The owner of the interior lot shall use the accessway to provide access to the area of the lot on which the dwelling is to be located; shall provide and maintain the driveway and storm drainage system in the accessway area. Said driveway is to be fully capable of providing unrestricted access at any time for emergency vehicles such as fire trucks, etc.	
		Driveways within abutting accessways shall have a minimum separating distance of twenty (20') feet unless modified by the Commission, taking into consideration the best development of the land, configuration, and topography.	

Article 4A, Section 6 **Farms**

A. On-Farm Direct Marketing

1. At least 70% of gross sales from Farm Stands (less than 100 square feet in display area, indoor or outdoor) and 50% of gross sales from Farm Stores (more than 100 square feet in display area, indoor or outdoor) shall be from agricultural goods produced on the owner's Farm.

2. The Farm Store may only be located on an active commercial farm.

3. All parking areas shall be in accordance with Article 4.

4. A Farm Store must meet all state and local codes and health requirements.

5. A Farm Store shall contain no more than one hundred (100) square feet of indoor and/or outdoor sales areas for each five (5) acres under active agricultural use. If active agricultural areas are reduced by sale or lack of use, the sales areas shall be reduced to maintain this ratio.

B. Seasonal Agricultural Signage

1. All signs shall adhere to the requirements of Article 4, except as specifically provided herein.

2. Seasonal Agricultural Sign (Temporary). One sign, either attached or detached, is allowed without permit for the purpose of advertising seasonal grown agricultural products for sale on the premises. Such sign must be located on the premises of the agricultural business. An attached sign may not be more than 5% of the area of the wall to which it is attached, but to exceed thirty-two (32)square feet in sign area. A detached sign must be constructed of rigid material and may be no more than thirty-two (32') square feet in size. A detached sign must not obstruct or create a hazard to walkways or motorists.

3. Off Site Directional Signs, intended to aid drivers traveling to agricultural businesses, are allowed without permit, subject to the following:

   a. Signs shall not exceed eight (8') square feet and may not be illuminated.

   b. No more than four (4) signs shall be allowed per agricultural business.

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

C. Temporary Agriculturally Related Uses

On-Farm Direct Marketing may be allowed after securing a Special Permit in accordance with Article 5.

D. Fertilizer and Manure Management - Fertilizer and manure shall not be stored closer than two hundred fifty (250') feet to any property line, nor closer than one hundred fifty (150') feet to any watercourse or body of water. Fertilizer and manure storage must meet the "Best Management

Guidelines" as outlined by the University of Connecticut College of Agriculture and Natural Resources.

E. Slaughtering of animals is prohibited as a principal use.

F. Farm Breweries, Cideries, Distilleries, and Wineries

1. The intent of these regulations is to support agriculture in Scotland by allowing expanded economic enterprises on farms while ensuring that activities are compatible with residential zones and minimizing potential impacts to nearby residences. The activities and uses permitted in this Section are intended to be accessory to a farm operation.

2. The following uses are permitted on the premises of any farm brewery, cidery, distillery or winery:

    a. Tastings, for free or for a fee.

    b. Tours.

    c. Retail and wholesale sales of the products grown or manufactured on the premises.

    d. Retail sales of beer-, cider-, wine- and alcohol- related merchandise, such as glasses, mugs, and items that promote the product or are directly related to the use of the product. Merchandise unrelated to the products produced on site may be offered for sale provided that the amount offered is clearly subordinate to related merchandise. In general, no more than 25% of merchandise displayed for sale shall be unrelated merchandise.

    e. Other uses customary and incidental to a farm.

3. Dimensional Requirements

    a. 1. Minimum lot size: ten (10) acres.

    b. All buildings, structures and parking related to the brewery, cidery, distillery, or winery operation shall be located a minimum of 100 feet from all property lines. If the front property line is located on a state route, the Commission may reduce the front yard setback to 50 feet provided it determines such a reduced setback does not impact adjacent residential uses.

    c. All refuse areas shall be located a minimum of 100 feet from all property lines.

    d. Areas used for outdoor seating and outdoor tastings shall be located at least 200 feet from all property lines.

4. Standards

    The following requirements for local ingredients shall be met:

a. For a farm brewery, a minimum of 20% of ingredients, excluding water, shall either be grown on the site or grown within 60 miles of the premises.

b. For a farm winery or farm cidery, the amount of the fruit grown on site shall meet that required by state statutes except that only fruit grown on the premises or on a farm elsewhere in Scotland shall count toward the minimum amount required.

c. The Commission shall determine which of the above requirement shall be met for a distillery based upon the type of ingredients distilled.

d. The establishment shall not sell, serve, or offer tastings of alcoholic beverages that were not manufactured on the premises.

e. Unless otherwise restricted by state law, hours open to the public are limited to:

i. Sunday, noon to 6 p.m.
ii. Monday through Wednesday, noon to 8 p.m.
iii. Thursday through Saturday, noon to 9 p.m.

f. Additional screening may be required for areas used for outdoor tastings or seating in order to reduce disturbances to adjacent residential uses.

g. Food trucks are prohibited. Establishments may permit visitors to bring food or may serve snacks. The preparation and serving of meals is prohibited.

h. To the extent practicable, truck deliveries and pick-ups between 10 p.m. and 6 a.m. should be avoided.

i. There shall be no amplified music or amplified sound

Article 4A, Section 7 **Development Standards for Home Occupations and Rural Businesses**

A. The purpose of these regulations is to provide economic opportunities in the Residential Agricultural District by permitting the operation of small businesses, because of their limited size, large setbacks, sidelines, will be capable of existing in otherwise residentially zoned areas without any adverse effects on the quality of life, environment, aesthetic values and property values in such areas.

B. Home occupations meeting the following standards of operation and in accordance with Article 5 of these Regulations shall be considered a permitted use in the Residential District:

1. There shall be no interruption, congestion or change to the character of the neighborhood in terms of appearance, noise, traffic, vehicular parking and employee customer congregation resulting from the operation of the home occupation.

2. The house shall be primarily used as a residence, and not more than forty (40%) percent of the gross floor area of the house shall be used for the home occupation. No activities associated with the home occupation shall be conducted outside or in an accessory structure.

3. There shall be no change in the outside appearance, other than one sign of no more than four (4') square feet either attached to the house and at the roadside, of the house or premises; nor there be any evidence of the conduct of the home occupation visible from the street or adjacent properties. No separate entrance shall be added to the residence for the home occupation.

4. There shall be no outside storage of goods, products, equipment or other materials associated with the home occupation. No solid waste shall be generated, placed, used, stored or sold on the property in conjunction with the home occupation.

5. No traffic shall be generated in greater volume than would normally be expected in the neighborhood. Any need for parking by the home occupation shall be met off the street and other than in a required front setback.

6. No equipment or process shall be used in the home occupation which creates noise, vibration, glare, smoke, fumes, odors, or is dangerous or otherwise detrimental to persons in the home or on adjacent property.

C. Rural Businesses meeting the following standards and after securing a Special Permit in accordance with Article 5 of these Regulations may be permitted use in the Residential Agricultural District:

1. A single Rural Business may engage in multiple businesses which are customarily related to each other. shall be permitted on any lot.

2. All record owners of the lot must reside in the principal single-family dwelling on the lot. For corporations, partnerships, limited liability companies or other similar entities, all owners of must reside in the principal dwelling on the lot. The resident owner(s) may rent space for the rural business to non-residents of the lot or operate the business themselves, provided that all record owners reside in the principal single-family dwelling on the lot.

3. Any outside area devoted to or used in the Rural Business shall be clearly depicted on the approved site plan.

4. Hours of Operation. Except as noted below, no rural industry shall be open to the public more than twelve (12) hours per day or more than six (6) days per week. These limits shall not apply to the following uses: bakeries and private schools. The Commission may limit the actual hours of operation of any rural Business.

5. Customer visits and deliveries to the property shall be limited to the period between 8:00 a.m. and 6:00 p.m., Monday through Saturday, unless otherwise specified by the Commission.

6. Off-street parking shall be provided, shall be in addition to those otherwise required for the residential use of the property and shall be no less than ten (10) feet from any property line. All parking spaces shall be effectively screened from view from adjacent properties by landscaping and/or fencing approved by the Commission.

Article 4A, Section 8, **Accessory Dwelling Units**

Accessory Dwelling Units: Any single family dwelling may have no more than one accessory dwelling unit added to it provided the following conditions are demonstrated to the Zoning Enforcement Officer:

1. The accessory dwelling unit shall not be more than 30% of the livable floor area of the principal dwelling unit provided that the accessory dwelling unit is between a minimum of 400 and a maximum of 1000 square feet of livable area;

2. No structural alterations shall be made to detract from the principal dwelling unit appearance as a single family dwelling, such as multiple entrances on any one exterior wall, fire escapes on the road side(s) of the dwelling, and additional driveways or garages to serve the accessory dwelling unit;

3. The accessory dwelling unit shall include a separate kitchen and bathroom;

4. The sanitary facilities shall be approved in writing by the Town Sanitarian/Eastern Highlands Health District as being adequate to serve the increased requirements;

5. Parking in accordance with Article 4A.11;

6. An accessory dwelling unit meeting the above conditions may be added to a customary accessory building, such as a barn or garage, provided that the principal use of the accessory building remains unchanged, and that no more than one accessory living unit may exist on a single building lot.

Article 4A, Section 9, **Conversion of Existing Residences**

Any residence in existence on January 1, 1980 may be converted to a multi-family dwelling containing not more than three dwelling units, provided the following requirements are met:

1. There shall be a minimum lot area of five acres plus one-half acre for each additional dwelling beyond the first.

2. Adequate provisions shall be made for on-site sewage disposal and water retrieval. A report from the Town Sanitarian shall accompany each application.

3. Parking in accordance with Article 4A.11;

4. Up to a ten (10%) increase in floor area is permitted to allow for compliance with building and fire code requirements with a requirements so long as any such addition be designed to harmonize with the architectural style of the existing building.

Article 4A, Section 10 **Mobile Homes for the Elderly or Disabled Persons**

A mobile home may be used for dwelling purposes by elderly or Disabled persons provided:

1. The mobile home shall be on conforming lot with a conforming dwelling. The dwelling and lot shall be owned by a member of the immediate family of the person or persons occupying the mobile home.

2. Except for Mobile Homes for the Elderly, the use of mobile homes, motor homes, trailers, camps, hunting lodges, or other mobile or temporary buildings or structures as a permanent dwelling shall be prohibited.

3. The mobile home shall conform to the side yard requirements of the zone in which it is located and its location shall be in accordance with an approved site plan.

4. At such time the mobile home is no longer used for housing, it shall be removed from the lot within 90 days.

5. The elderly persons are at least sixty-five (65) years of age.

4B. Scotland Village District

Article 4B, Section 1 **Intent**

The purpose of the Scotland Village District (VCD) is to encourage the protection, enhancement, and use of buildings and structures or appurtenant vistas having historic and/or aesthetic value which represent or reflect elements of Scotland's cultural, social, economic, and architectural history discussed in the most current version of the Plan of Conservation and Development.

The authority for increased level of design detail scrutiny comes from Section 8-2j of the Connecticut General Statutes. In accordance with CGS Section 8 - 2j, the Commission shall consider the design, placement, relationships and compatibility of structures, plantings, signs, roadways, street hardware and other objects in public view. The Commission shall encourage the conversion, conservation and preservation of existing buildings and sites in a manner that maintains the historic value, distinctive character and landscape of the district.

The following regulations and reference to design guidance documents are intended to describe or show what design features are important, desirable, or required for both renovated and new commercial, or mixed-use buildings or structures, within the Town. Uses and development shall be compatible with the goals of the Town of Scotland Plan of Conservation and Development and specifically address the goals of preserving and enhancing community character, protecting or enhancing existing property values, protect scenic resources or public views in the gateway areas and internal to Scotland's historic cultural Town Center, and promoting compatible new commercial or mixed-use development with existing unique neighborhood features.

1. Implement recommendations of the Plan of Conservation and Development.

2. Encourage development which is consistent with the density and design of existing development.

3. Provide a land use transition between the village center and the more rural areas of the Town.

4. Establish a complementary and integrated mixture of employment, shopping, entertainment and civic uses.

5. Protect and perpetuate distinct community center and focal points in the Town.

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

The following uses are permitted upon the issuance of a Zoning Permit by the Zoning Enforcement Officer:

1. Single Family dwellings
2. Two-family dwellings in accordance with Section 4B.8.
3. Accessory Dwelling Unit, in accordance with Section 4A.8.
4. Home Occupations in accordance with Section 4B.7
5. Community events under town-based supervision
6. Accessory structures and uses customarily incidental to the above uses.

7. Family Day Care Homes as defined by CGS Sec. 19a-77(a)(3) and Group Child Care Homes as defined by CGS Sec. 19a-77(a)(2) located in a residence and licensed by the Office of Early Childhood pursuant to CGS Chapter 368a, may be permitted in all Single-Family, Two-Family, or Multi-Family dwellings.

The following uses are permitted in the Village District by Site Plan Review by the Commission:

None.

Article 4B, Section 3 **Permitted by Special Permit**

The following non-residential uses, containing not more than five thousand (5,000) square feet of floor area, may be permitted by the Commission, subject to special permit in accordance with Article 5 of these regulations.

1. Multi-Family dwellings.
2. Food and beverage service establishments such as restaurants (without drive-thru service), coffee shops, dairy bars, including outdoor cafes.
3. Business and professional offices such as administrative, legal, architecture, engineering, financial, insurance, real estate, accounting, medical, dental, governmental and other similar offices.
4. Public buildings, post offices, libraries, fire stations, community centers, places of worship, and maintenance buildings without outdoor storage.
5. Bed and Breakfast Inn
6. Schools, licensed and accredited by the State of Connecticut
7. Breweries, Micro-Breweries and Craft Distilleries
7. Retail Trade
8. Motels
9. Convalescent/Rest Home
10. Accessory structures and uses customarily incidental to the above uses.

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

The following general development standards shall apply to all building, structures, and use in the Scotland Village District except as these regulations may specifically provide otherwise:

1. Lot Area and Minimum Buildable Lot Area - The minimum lot area for development in this District shall be one (1) acre.
2. Impervious Surface Coverage – The maximum impervious surface coverage shall be twenty-five (25%) percent.

3. Maximum Floor Area, Non-Residential - No more than fifteen thousand (15,000') square feet of combined floor area shall be allowed on any lot under a site plan application.

4. For all uses, there shall be a front yard, built to the line, of not less than twenty-five (25') feet or the average of the adjoining properties, whichever is [less or more?].

5. The minimum frontage for all lots in this District shall be one hundred (100') feet.

6. Side and rear setbacks:

a. For single- and two-family dwellings, the side setback shall be not less than ten (10') feet.

b. For multi-family dwellings and all non-residential uses, each side and rear setback shall be not less than twenty-five (25) feet.

c. For single-family and two-family dwellings, the rear setback shall be not less than ten (10) feet.

6. No building or structure shall exceed thirty-five (35) feet in height or two and one half (212) stories in height.

7. All developments consisting of two or more units shall utilize shared driveways, private roads or newly dedicated public roads to provide access to their developments in order to limit curb cuts and access to Town roadways and State highways.

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

A. General, Number and Size of Spaces Required:

Land Use	Number of Spaces	Park Space Size
Residential	2 spaces per dwelling unit (driveway spaces count)	8.5 x16 and all parking areas must have adequate access and maneuvering areas
Home Occupation or Rural Business	3 spaces per 1,000 ft gross floor area	

B. Parking spaces shall be provided for the physically handicapped according to the table below. Parking spaces for the physically handicapped shall be designed in accordance with the Rules and Regulations of the Americans with Disabilities Act and Laws of the State of Connecticut, as such standards may be amended. Handicapped spaces shall be clearly identified by a sign stating that such spaces are reserved for physically handicapped persons. The handicapped spaces shall be located in the portion of the parking lot nearest the entrance to the use or the structure which the parking lot serves. Adequate access for the handicapped from the parking area to the structure shall be provided.

Number of Required Spaces	Number of Handicapped Spaces
0-20 spaces	1 handicapped space
21-30 spaces	2 handicapped spaces
31-50 spaces	3 handicapped spaces
51-100 spaces	4 handicapped spaces

C. For all non-residential uses that provide, ten (10) or more parking spaces, the installation of bicycle racks shall be required. The bike racks shall be designed to provide for the

locking of the bicycles to the racks. The design, location and number of bike racks shall be approved by the Commission as part of an approval of the permit request.

D. Points of entrance and exit for driveways onto the street shall be located so as to minimize hazards to pedestrian and vehicular traffic in the street. No off-street loading space and no truck loading bay, ramp or dock shall be designed or arranged in a manner that trucks must use any part of a public street right-of-way for maneuvering, or for loading and unloading. No portion of the driveway at the edge of the street pavement shall be closer than seventy-five (75') feet from an intersection.

   Entrance and exit driveways for parking areas containing fewer than 5 spaces, the minimum width of entrance and exit drives shall be 10' feet wide for one-way use and 18' feet wide for two-way use. For facilities containing five or more spaces, such drives shall be a minimum of 12' feet wide for one-way use and 18' feet wide for two-way use. The minimum curb radius shall be 15' feet. The maximum width of such driveways at the property line shall be 24' feet.

E. Shared Parking

   1. The Commission encourages parking for different structures or uses, or for mixed uses, to be shared in any district. At the applicant's request, shared parking may be provided, subject to the following provisions:

      a. A reciprocal written agreement has been executed by all the parties concerned that assure the perpetual joint use of such common parking, a copy of which has been submitted to and is acceptable to the Commission. The Commission may forward such agreements to the town legal counsel for review.

      b. The Commission may require the applicant to provide a parking study with all information deemed necessary to its decision-making on a shared parking arrangement. This information includes but is not limited to:

         i. the type and hours of operation and parking demand, for each use a site plan displaying shared use spaces in the lot and walking distance to the uses sharing the lot

         ii. a description of the character of land use and parking patterns of adjacent land uses, and

         iii. an estimate of anticipated turnover in parking space use over the course of 12 to 24 hours at the site.

   2. Uses sharing the parking facility do not need to be contained on the same lot, but shall be a maximum of 500 feet from the closest parking space in the parking lot which is to be used and allow for safe, convenient walking for most parkers, including safe pedestrian crossings, signage, and adequate lighting. A waiver of the maximum allowable distance from the use to the parking may be approved by the

Commission with written justification and supporting information provided by the applicant.

F. General (non-residential and multi-family only as applicable):

1. Whenever a parking or loading area is located in or adjacent to a residential use, it shall be effectively screened on all sides which adjoin or face any residential property by a solid wall, opaque fence or a double row, compact evergreen planting screen located on a landscaped buffer strip not less than ten (10) feet wide. Such fence, wall or planting screen shall not be less than five (5) feet, nor shall any fence or wall be more than six (6) feet in height and shall be maintained in good condition. The space between such fence, wall or planting screen and the lot line of the adjoining premises in any residential district shall be landscaped with grass, hardy shrubs or evergreen ground cover, and maintained in good condition. Areas between parking facilities and public rights-of-way shall be suitably landscaped. In the event that the terrain and other natural features are such that the erection of such fences, wall or planting screen will not serve the intended purpose, the Commission may waive this requirement.

2. In order to reduce storm water runoff all parking and loading facilities required under this Regulation together with driveways, aisles, and other circulation areas, shall use grass pavement block or other pervious pavement systems. The use of non-permeable surfaces shall be allowed only after demonstrating to the Commission's satisfaction that such use is warranted.

3. To reduce the mass of parking lots in front of buildings and bring buildings forward, parking should be provided to the side and rear of the building(s) to the extent that is practical.

4. Any non-residential parking area which is intended to be used during non-daylight hours shall be fully illuminated during the hours of operation of the principal use. Any lights used to illuminate a parking lot shall be so arranged as to reflect the light away from the adjoining property and away from streets.

5. Signs: All new signs shall, with the of those regulations addressing agricultural signage, require the issuance of a permit by the Zoning Enforcement Officer before erection or replacement. All new signs must comply with all of the regulations contained herein. No permit shall be required for a mere change of copy on a sign or for the replacement of a sign of the same dimension.

a. No sign shall be located where it would obscure the view of street traffic.

b. Rotating, traveling, pulsing, flashing or oscillating light sources, lasers, beacons, searchlights, sky signs, or strobe lighting shall not be permitted.

c. Lighting fixtures illuminating signs shall be carefully located, aimed and shielded so that light is directed onto the sign facade and shall not be aimed toward adjacent streets, roads or properties and the light source (bulb) of light fixture shall not be directly visible from adjacent streets, roads or properties.

d. 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.

e. The following types of signs are exempt from obtaining a permit:

   i. Address numerals issued by the Town.

   ii. Legal notices.

   iii. Off-premises Directional signs: sign(s) may be used to direct vehicles or pedestrians to churches, schools, public assembly facilities, or hospitals emergency care facilities - not larger than eight (8) square feet.

   iv. Flags of the United States of America, the State, the Town, foreign nations having diplomatic relations with the United States, and Business flag used to display a business trademark or logo registered with the State of Connecticut.

   v. "No Trespassing" or "Posted" signs - not larger than two (2') square feet

f. Temporary signs:

   i. Not larger than ten (10') square feet for general information

   ii. Not larger than six (6') square feet for sidewalk sandwich signs

   iii. Not larger than four (4') square feet - service entrance signs

   iv. not greater than fifty (50') percent of the window area – window advertising posters

g. The following signs shall not be permitted:

   i. Any Sign or sign support which for any reason constitutes a hazard by obstructing the vision of a driver; detracting from the visibility or effectiveness of any traffic sign or device; obstructing free ingress or egress from a fire escape, door, window or other required exit way; or make use of words such as stop, look, one way, interfere with, mislead or confuse traffic.

   ii. Signs placed, inscribed, or supported upon the roof or upon any structure which extends above the eave of the roof of any building.

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

i. Any lighting used to illuminate off-street parking areas shall be so arranged as to direct the light down, towards the parking area, and away from the adjoining lots in residential districts and any public street right-of-way. The following types of lighting are exempt:

i. Hazard warning lights required by local, state and federal regulatory agencies.

ii. Temporary emergency lighting for use by fire, police or other emergency service agencies.

iii. Existing lighting that complied with the requirements in effect at the time it was installed may remain.

Article 4B, Section 5 **Design Review Guidelines**

1. Any new or renovation of existing structures or conversion to commercial or mixed-use within the Scotland Village District shall be permitted in a manner which will not be detrimental to existing neighborhood character by adhering to consistent design standards and guidelines. New construction or substantial renovation shall be consistent with the scale of the neighboring buildings or structures within at least 400 feet in any direction in terms of building height, width, proportion of height to width, proportion of wall area to door and window opening area (fenestration), size of overhangs, property line setback and other dominant site features.

2. The removal or disruption of historic, traditional, or significant structures or architectural elements shall be avoided or minimized.

3. Maintenance of views, historic buildings, monuments, and landscaping shall be encouraged.

4. The exterior of structures or sites shall be consistent with:

a. the "Connecticut Historical Commission - The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings", revised through 1990, as amended; or
b. the distinctive characteristics of the district identified in the Scotland Plan of Conservation and Development.

3. Design Review Guidelines and Definitions for Buildings, Structures, and Site Plans.

a. Architectural Character: The applicant shall demonstrate that proposed buildings or structures provide visual linkages to nearby buildings using preferred elements of the Design Guidelines, Scotland Village District. Applicant plans shall provide a cohesive architectural concept plan, complete building elevations and specification of materials and other details including facade modulation and articulation; windows and doorway (fenestration) patterns; trim and moldings; grilles and railings; rooflines, lighting and signage. Preferred elements of architectural character are shown in the Design Guidelines. Also, encouraged building materials shall be used with the architectural plan for new or renovated commercial or mixed-used buildings.

b. Height, Bulk and Scale Compatibility. The applicant shall demonstrate compatibility of the siting, massing, and design of the proposed building with nearby existing properties. Features such as setback of nearby building, detailing to break up the facade into components, and arrangement of architectural elements, materials, and colors shall be used to establish compatibility with the height, bulk, and scale of nearby existing buildings.

c. Site Planning to Retain Historic or Cultural Village Context. The Design Guidelines shall be used to develop the site plan for new or renovated commercial or mixed-use buildings. Special components of this site plan include enhanced streetscape design, location of parking in the rear or use of screening, location of utilities in the rear or properly screened, main entrance oriented to face the street, vehicular entrance resembling village driveway, pathways or sidewalks designed to connect pedestrians with parking or adjacent businesses, pedestrian- friendly layout and amenities such as street furniture, period lighting with full cut-off fixtures, and greenscape design for landscaping and street wall features.

4. Determination of Design Appropriateness

a. The Commission shall, at the sole cost of the applicant, utilize one or more Scotland Village District consultants to make a determination as to the compatibility and appropriateness of the proposed development and such Scotland Village District consultants shall be:

i. a registered architect or an architectural firm

ii. a licensed landscape architect

b. All applications shall be subject to review and recommendation by the Scotland Village District consultant designated by the Commission as the Scotland Village District consultant for such application.

c. The Scotland Village District consultant shall review an application and report to the Commission within thirty - five (35) days of receipt of the application.

d. Such report and recommendation shall be entered into the public hearing record and considered by the Commission in making its decision.

e. Failure of the Scotland Village District consultant to report within the specified time shall not alter or delay any other time limit imposed by these Regulations.

f. The Commission may seek the recommendations of any Town or outside specialist including, but not limited to, the Scotland Historical Society, the Connecticut Trust for Historic Preservation and The University of Connecticut College of Agriculture and Natural Resources.

g. Any reports or recommendations from such agencies or organizations shall be entered into the public hearing record.

Article 4B, Section 6 **Standards for Home Occupations**

Home occupations meeting the following standards of operation and in accordance with Article 4B of these Regulations shall be considered a permitted use in the Village District:

1. There shall be no interruption, congestion or change to the character of the neighborhood in terms of appearance, noise, traffic, vehicular parking and employee customer congregation resulting from the operation of the home occupation.

2. The house shall be primarily used as a residence, and not more than forty (40%) percent of the gross floor area of the house shall be used for the home occupation. No activities associated with the home occupation shall be conducted outside or in an accessory structure.

3. There shall be no change in the outside appearance of the house or premises; nor shall there be any evidence of the conduct of the home occupation visible from the street or adjacent properties. No separate entrance shall be added to the residence for the home occupation.

4. There shall be no outside storage of goods, products, equipment or other materials associated with the home occupation. No solid waste shall be generated, placed, used, stored or sold on the property in conjunction with the home occupation.

5. No traffic shall be generated in greater volume than would normally be expected in the neighborhood. Any need for parking by the home occupation shall be met off the street and other than in a required front yard.

6. No equipment or process shall be used in the home occupation which creates noise, vibration, glare, smoke, fumes, odors, or is dangerous or otherwise detrimental to persons in the home or on adjacent property.

7. Only one sign not exceeding four (4') square feet, attached to the home, may be displayed.

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Article Five

Application Process

Article 5, Section A, **Enforcement And Administration - Intent**

It is the intent of this Section to provide for effective administrative procedures to assist in the application and enforcement of these Regulations in order to promote the public health, safety, and general welfare of the community of Scotland.

Article 5A, Section 1, **Zoning Agent**

The Zoning Agent or Agents, shall enforce these Regulations. The Agents(s) shall be that employee(s) of the Town of Scotland designated by the Planning and Zoning Commission, and, in the event that there is a vacancy in such employee position(s), may include members and alternate members of the Commission itself who may be designated by vote of the Commission. Whenever the term "zoning agent" is used throughout this Section, it shall be presumed to include all those individuals so designated by the Commission.

Article 5A, Section 2, **Enforcement and Penalties**

The Zoning Agent(s) shall be empowered to cause any building, structure, place or premises to be inspected and examined and to order, in writing, the remedying of any conditions found to exist in violation of any provision of these Regulations, or any permit or approval which has been issued. The owner or agent of a building, structure, or property where such violation has been committed or exists, or the lessee or tenant of an entire building or an entire lot where such violation has been committed or exists, or the agent, architect, builder, contractor or any other person who commits, takes part, or assists in such violation, or who maintains any building or premises in which such violations exist shall be guilty of a misdemeanor punishable as provided in Chapter 124 of the Connecticut General Statutes. Furthermore, the Commission or the Zoning Agent may, at its sole discretion, direct the Town Counsel to commence criminal or civil action in State or Federal Court for the purpose of enforcing the provisions of these Regulations, and securing such remedies or penalties as are provided by law.

Article 5A, Section 3, **Zoning Permits**.

H. **Issuance and Requirement**. The Zoning Agent(s) is hereby authorized to issue a Zoning Permit for any site, building, or structure which has been reviewed by the Commission or the Zoning Board of Appeals, as the case may be, pursuant to any provision of these Regulations. Such Permit shall be evidence that such site, use, building, site plan, or structure conforms to the plans, documents, representations, and other requirements and conditions attached to any variance, Site Plan Review, or Special Permit.

   In addition, the Zoning Agent(s) is hereby authorized to issue a Zoning Permit for any site, building, or structure which has not been reviewed by the Commission or the Board in cases where no such review is required by these Regulations. Such Permit shall be evidence that such site, use, building or structure is permitted as of right by these Regulations, or is a valid

nonconforming use, building or structure, as defined in these Regulations. The Commission may provide for such Permits to be issued by any person or persons designated by it, including any member(s) of the Commission.

No use of land or structures shall be established, expanded, extended, or altered, nor the construction of any building commenced, other than the continuation of a preexisting use or substitution of an identical use, without the issuance of a Zoning Permit.

I. **Site Plans**. Prior to the issuance of any Certificate of Zoning Compliance, the property owner shall provide two (2) complete sets of plans prepared by a Licensed Land Surveyor, professional engineer, architect, landscape architect, or certified soils scientist, as the case may be, licensed to practice in the State of Connecticut, which plan shall be drawn to a scale of not smaller than l" = 40' and all information required by this Section shall be certified to the A Class A-2 standard of accuracy, as defined in the Regulations of State Agencies adopted pursuant to Conn. Gen. Stats. '20-300b, as amended. Said plan shall show all required setbacks and boundary lines and the location of all new construction and other important features, including, but not limited to, zone classification, new principal and accessory buildings and structures, driveways and parking areas, sanitary disposal systems, wells, wetlands, water courses, flood plains, contours at two (2') foot intervals, erosion and sedimentation control measures, and other information required to determine compliance with these Regulations, the Scotland Subdivision Regulations, or the Scotland Inland Wetlands and Watercourses Regulations, or any permit issued thereunder. The Zoning Enforcement Officer may permit a survey of a Class C standard of accuracy for buildings, structures, or uses occupying, in the aggregate, no more than five hundred (500') square feet, or where there is no reasonable difficulty in determining that adequate separations, and compliance with Scotland Zoning Regulations and Scotland Inland Wetland and Watercourses Regulations, can be achieved. Maps to be filed in the Office of the Town Clerk shall conform to the filing requirements as set forth in regulations of the State of Connecticut adopted pursuant to Connecticut General Statutes 118, et. seq., as amended.

J. **Building Plans**. In addition, the property owner shall provide two (2) sets of dimensioned floor plans and building elevations for all proposed buildings, and illustrative plans for any other structure. The Zoning Agent may modify or waive this requirement when the proposed work consists of simple construction or repairs and the nature and scope of such construction can be adequately described in narrative form.

K. **Application Fees**. Any application for a Zoning Permit shall be accompanied by an application fee which shall be in accordance with An Ordinance Establishing Fees for Planning and Zoning (such fees to be payable at the time of application for Building Permit only, and not at the time of application for Certificate of Occupancy or Certificate of Completion).

L. **Compliance With Regulations**. No Certificate of Zoning Compliance shall be issued if it is determined that a violation of these Regulations, the Scotland Subdivision Regulations, or the Scotland Inland Wetlands and Watercourses Regulations, or any permit issued thereunder, is proposed or exists.

M. **Expiration of Zoning Permit**. For any use for which the issuance of Zoning Permit is the only requirement under these Regulations, any such Permit shall be null and void unless the subject land use is not established, or the subject construction is not completed, within one (1) year from

the date of issuance of such Permit. Such Permit may be renewed for additional periods of one (1) year, provided it is obtained prior to the expiration of the original or the preceding period. Each such renewal shall require the payment of the application fee prescribed by An Ordinance Establishing Fees for Planning and Zoning.

Notwithstanding the provisions herein for renewal of any Zoning Permit, in accordance with Connecticut General Statutes Section 83(i), any such Permit issued under this Article 5, Section 3 after October 1, 1984 shall become null and void unless all physical improvements required have been completed five (5) years from the date of the issuance of such Permit; provided, however, that, in accordance with Section 83(j) of the Connecticut General Statutes, for any such Permittee issued after June 19, 1987 for a project consisting of four hundred (400) or more dwelling units shall become null and void unless all physical improvements required have been completed ten (10) years from the date of the issuance of such Permit.

N. **Compliance with Application; Revocation**. All work performed pursuant to a Zoning Permit issued by the Zoning Agent shall comply with any and all application forms, plans, or other documents submitted, or verbal representations made, in connection with the issuance of such Permit. No foundation walls for any building, building addition, or structure shall be constructed until the recipient of the Permit has filed with the Zoning Agent a survey, certified to the same standard of accuracy as the original, verifying that the subject foundation footings were installed in accordance with the original plan. The Zoning Agent may approve minor modifications of an approved foundation location, provided that all provisions of these Regulations, the Scotland Subdivision Regulations, or the Scotland Inland Wetlands and Watercourses Regulations, and any conditions or requirements of any permit issued thereunder, continue to be met.

In the event that the Zoning Agent shall discover that any work is being performed in violation of such Permit, or the said documents or representations provided in connection with its issuance; or in the event that the Zoning Agent discovers that, for any reason, the Permit should not have been issued in the first instance, the Zoning Agent may revoke any Permit issued by him/her, in which event the Building Official shall likewise revoke any Building Permit or Certificate of Occupancy issued by him/her, and all work on the subject site shall immediately cease and desist. Such revocation may be appealed to the Zoning Board of Appeals in accordance with the Connecticut General Statutes.

Article 5A Section 4, **Building Permit**

A. **Issuance.** In accordance with Connecticut General Statutes Section 83(f), no Building Permit of any kind (including, but not limited to, socalled Foundation Permits, or Permits for repairs or renovations), shall be issued by the Building Official for any building, use or structure without the prior issuance of a Zoning Permit indicating that the plans submitted to the Building Official conform to these Regulations and any Site Plan Review, Special Permit, or variance. During the course of construction, the Building Official and Zoning Agent shall insure continued compliance with these Regulations, and any such Site Plan Review, Special Permit, or variance, including, but not limited to, any erosion control plan approved by the Commission or its authorized agent. Any measures depicted on such erosion control plan shall be installed prior to the issuance of any Building Permit. The Building Official or Zoning Agent shall have the authority to require additional or different erosion control measures if those previously approved are found to be inadequate, or if they are not being maintained in accordance with the approved plan. Any

construction activity which is found to be in violation of the Zoning Permit or any documents or representations submitted in support thereof, or of these Regulations or any Site Plan Review, Special Permit, or variance issued hereunder may be ordered to cease and desist by the Zoning Agent or Building Official, and/or any Building Permit issued hereunder may be revoked by the Building Official. In order to carry out the provisions of this Section, the property owner shall allow any officials of the Town of Scotland free access to the site.

B. **Amendments**. Nothing in this Section shall be construed to require any change in the plans, construction, size, or designated use of a building for which an application for a Building Permit has been filed prior to the effective date of these Regulations or any amendment thereto, provided construction shall have been commenced in accordance with Article 5A, Section 3.6 above and completed in accordance with Article 5A, Section 8 below.

Article 5A, Section 5, **Certificate of Occupancy**

No building or structure shall be occupied or used, nor any use of land established, nor shall any addition, extension, or alteration of any building, structure, or use be occupied or used until a Certificate of Occupancy is issued by the Building Official. In accordance with Connecticut General Statutes Section 83(f), no Certificate of Occupancy shall be issued by the Building Official for any building, use or structure without the prior issuance of a Certificate of Zoning Compliance indicating that the use, building, or structure, as actually established or constructed, conforms to these Regulations and any Special , Special Permit, or variance, and any conditions attached thereto, issued by the Commission or the Zoning of Appeals, as the case may be, in accordance with these Regulations. Similarly, no Certificate of Occupancy shall be issued until an as-built plan, to the A2 standard of accuracy, of any septic system design reviewed by the Commission has been submitted to the Zoning Agent. Said plan shall certify that the designer of the septic system personally inspected the installation of the septic system on the site, and that the septic system as installed conformed to the original design, and said plan shall be prepared and certified by a Connecticut Registered Professional Engineer as to the design of the system, and by a Connecticut Licensed Land Surveyor as to the location of the system. A survey of C1 standard classification may be substituted where there is no reasonable difficulty in determining that adequate separations, and compliance with Scotland Zoning Regulations and Scotland Inland Wetland and Watercourses Regulations, can be achieved. The Building Official may issue a temporary Certificate of Occupancy where a portion of a building, site, or structure is completed and ready for occupancy, in accordance with the bonding procedure set forth in Article 5A, Section 9 below .

Article 5A, Section 6. **Appeals of Decisions**

Any party or person aggrieved by a decision of the Zoning Agent shall have a period of thirty (30) days from the date of any action or decision of the Zoning Agent to appeal the action or decision to the Zoning Board of Appeals. The Zoning Board of Appeals shall have no jurisdiction to entertain an appeal filed beyond said thirty day period.

Article 5A, Section 7, **Site Plan Reviews, Special Permits, and Variances: Deviations, Amendments, Misrepresentations**

A. In accordance with Section 83d of the Connecticut General Statutes, no variance or Special Permit shall be effective until a copy thereof, certified by the Commission or the Zoning Board of

Appeals, as the case may be, containing a description of the premises to which it relates and specifying the nature of such variance or Special Permit, including the Regulation which is varied in its application or to which a variance or Special Permit is granted, copies of all plans, specifications and conditions approved by the Commission, and stating the name of the owner of record, is recorded in the Land Records of the Town of Scotland.

B. No person who has obtained a Site Plan Review, Special Permit, or variance shall attempt to erect any building or structure, or establish any use of land, which is not in substantial conformance with any element of the plans, descriptions, applications and supporting materials, information, specifications submitted, or any representations of fact made, before the Commission or the Zoning Board of Appeals, as the case may be, without an amendment as provided in these Regulations. Likewise, no person who has obtained a Site Plan Review, Special Permit, or variance shall violate any condition imposed thereon. Violation of this provision shall be grounds for the Commission or Zoning Board of Appeals, as the case may be, to void said Site Plan Review, Special Permit, or variance, following a public hearing with notice to the subject property owner and permit holder, and to take such other legal action as may be required to secure compliance with said Site Plan Review, Special Permit, or variance and the conditions attached thereto.

C. The Commission may by resolution permit the Zoning Agent to authorize minor, non-substantial deviations from approved Site Plans and Special Permits. Likewise, the Zoning Board of Appeals may by resolution permit the Zoning Agent to authorize minor, non substantial deviations from approved variances.

D. Substantial changes to Site Plans, Special Permits, and variances shall be treated as new applications for approval and shall be submitted and acted upon in accordance with these Regulations.

E. In the event that the Commission or the Board, as the case may be, determines or discovers that information submitted to it in support of any application for Site Plan Review, Special Permit, or variance was incorrect or invalid, the Commission or Board may, following a public hearing with notice to the subject property owner and permit holder, void such approval, and shall state the reasons for such action on the record.

Article 5A, Section 8 **Completion of Construction**

For any Site Plan, Special Permit, or variance involving nonresidential property, the applicant shall promptly commence construction of any building or structure, or the establishment of any use,; said construction or establishment shall be completed by the applicant, and a Certificate of Zoning Compliance and Certificate of Occupancy, where required, shall be issued, within five (5) years of the effective date of such approval. Any such approval not completed within the time limits contained in this Section shall be void. For residential property, such approval shall be void within the time limits prescribed for nonresidential property, but any reapplication for such approval shall continue to be governed by the Regulations and zone classification in effect at the time of the original approval. The Commission or the Board, as the case may be, may grant extensions of the time for completion, but not to exceed five (5) additional years.

Article 5A, Section 9, **Performance Bonds**

A. As a condition of the approval of any Site Plan Review, Special Permit, or variance, or any approval for filling and/or removal of earth products pursuant to Section 6C of these Regulations, the Commission or the Zoning Board of Appeals, as the case may be, shall require that the record owners of the subject property post a performance bond, in the form of cash or an irrevocable letter of credit from a Connecticut banking institution, with the Town in an amount necessary to cover one hundred (100%) percent of the construction cost, as estimated at the time of projected completion, of all erosion control measures, site restoration, and any improvements to be owned or controlled by the Town and required by the Commission in connection with any such Site Plan Review, Special Permit, variance, or earth product excavation or filling operation. Any bond required under this Section shall be posted prior to the commencement of the subject construction or other activity or use. All such improvements shall be completed prior to the issuance of a Certificate of Zoning Compliance issued at the time of the Certificate of Occupancy, except as provided herein below.

B. In the event that certain improvements may not be installed at the time of occupancy of a site or building due to weather conditions or other factors beyond the control of the applicant, the Zoning Agent may issue a temporary Certificate of Zoning Compliance at the time of the application for a Certificate of Occupancy, provided that he/she shall require a performance bond, in the form of cash or an irrevocable letter of credit from a Connecticut banking institution, in an amount necessary to cover one hundred (100%) percent of the construction cost, as estimated at the time of projected completion, to insure the completion of such improvements not more than six (6) months following such occupancy. All public health and safety components of a project must be completed prior to occupancy or use of any parcel of land, building, or structure, and may not be bonded.

C. In the event that the improvements described herein above shall not be completed within the time limits contained herein, the Commission, Zoning Board of Appeals, or the Zoning Agent, as the case may be, shall be authorized to utilize the performance bond to complete such improvements, and to compensate the Town for any administrative expenses incurred in connection with the completion of such improvements.

D. All bonds posted in accordance with these Regulations shall be effective at least until the completion of the activity or development which they serve to guarantee. No such bond shall require the Town of Scotland or any agency thereof to incur any expense or enter into any contract prior to payment of the obligation which such bonds secure. All bonds shall be in such form as the Town Attorney shall require.

Article 5A, Section 10, **Curb Cuts**.

No person shall create any access or highway intersecting with any Town road, nor alter any such road in a manner so as to interfere with the storm drainage from or onto any Town road without the approval of the of Selectmen or its agent, which approval shall be evidenced by a permit from the Selectman or its agent. The or its agent may require additional improvements to ensure emergency access to any lot or parcel, to prevent hazards to the users of Town highways, and to prevent drainage, sight line, or other hazards on adjoining properties. All plot plans submitted in accordance with this Article 5A shall show the exact location of the driveway and all associated or related work to be performed,

including all measurements, topography within the public right-of-way, and materials to be used. The information submitted shall be sufficient to demonstrate compliance with this Section and with any applicable ordinances of the Town of Scotland.

Article 5B, **General Provisions**

Article 5 B, Section 1 **General**

A. **Sufficiency of Information Presented**. Any of the foregoing plans, reports, and evaluations may be presented on one or any number of separate sheets or documents, depending upon the complexity of the application. It shall be the duty of the applicant, however, to provide plans and other documents which incorporate all of the above information, and demonstrate compliance with all of the requirements and criteria of these Regulations, in a way that is clear and comprehensible to the Commission and its staff.

B. **Additional Information.** The Commission may require additional information as may be needed to evaluate the appropriateness of the proposed use in the proposed location, including, but not limited to: Information concerning surrounding land uses, building locations, driveways, streets, topography, watercourses and wetlands, utilities, and the like; a traffic impact study prepared by a Connecticut Registered Professional Engineer qualified to prepare such studies; an environmental impact statement prepared by professionals qualified to prepare such studies; detailed architectural information, such as color samples, screening of roof or ground mounted heating and air conditioning equipment and ventilation ducts, samples of construction materials, and the like; the location and construction material of any fences, walls, flag poles, street furniture, walkways, trash disposal areas, and the like; reports from its own consultants and staff, or from government agencies.

C. **Number of Copies**. The applicant shall submit no less than five (5) copies of all plans, reports, and other documents enumerated above.

D. **Waivers.** The Commission may, upon the written request of the applicant or upon its own motion, waive the submission of information set forth in this Article 5A. Section 5B.2, Site Plan which are not required in order to determine compliance with the criteria set forth in this Article 5B, Section 5B.3.D. The Commission may not waive the submission of information set forth in Article 5B, Sections 5B.2.C and 5B.2.D through 2.G.

E. **Signature Block.** All plans shall contain the words "Approved by the Scotland Planning and Zoning Commission" with a designated place for the signature of the Chairman, Vice Chairman, or Secretary of the Commission and the date of signing.

F. **Adequacy of Information to Establish Compliance.** All applications shall contain sufficient information to permit the Commission to make the findings required in by these Regulations.

Article 5 B, Section 2 **Application Procedure**.

A. **Who May Apply**. The following persons may apply for a Site Plan Review: An owner, or all of the joint owners, of the property upon which the use is to be located; the prospective purchasers of such property, pursuant to a written purchase agreement, option agreement, bond for deed, or similar document, provided, however, that the said document accompanies the application and authorizes the prospective purchaser to apply for zoning permits from the Town, or, in the alternative, the written consent of the owner of the fee simple interest accompanies the application; the lessee of a leasehold interest, provided that either the written consent of the owner of the fee simple interest accompanies the application or, in the alternative, that a written lease, which must accompany the application, provides that the lessee is authorized to apply for zoning permits from the Town.

B. **Informal Discussion**. Any proponent of a use permitted by Site Plan Review may request the opportunity to place such proposal on the agenda of a regular or special meeting of the Commission for the purpose of presenting preliminary plans or concepts and receiving preliminary comments, observations, questions, or areas of concern. Neither the proponent nor the Commission shall be in any way bound by statements made in such informal discussions, their purpose being only to minimize delay, expense and inconvenience to the public, the proponent, and the Commission upon the future receipt, if any, of a formal application for Site Plan Review. Following any informal discussion, the Commission may suggest that the proposal, or certain aspects thereof, be referred to other municipal, State, or Federal agencies for review and comment, or may suggest that additional information is or will be required prior to action on a formal application for Site Plan Review.

C. **Time Limits**. The Commission may schedule a public hearing on any application, said public hearing to be noticed in accordance with the requirements of the Connecticut General Statutes. The applicant or his/her authorized representative shall attend the public hearing, and the absence of the applicant or his/her authorized representative shall be proper grounds for the denial of the application. Said public hearing may be held open for no more than thirty-five (35) days following the opening thereof. Within sixty-five (65) days following the date of receipt, the Commission shall act upon said application. The applicant may request an extension of any of the time limits set forth in this paragraph for a period not to exceed a cumulative total of sixty-five (65) days. These time limits are in accordance with Connecticut General Statutes as of the time of adoption of these Regulations; any subsequent amendment to such Statutes shall control, and be used in place of the preceding, without amendment of these Regulations.

D. **Action**. The Commission shall apply the all criteria contained in these regulations to any application for Site Plan Review. The Commission may approve, modify and approve, or disapprove the application. If the Commission determines that the application is incomplete, the same may be denied without prejudice to any future complete application. If such reapplication is made within one (1) year of the denial without prejudice, the Commission may, in its sole discretion, waive all or a part of the application fee to reflect the cost of staff review expenses previously performed.

The Commission may approve any application subject to certain stipulations and/or conditions of approval as it may deem necessary and desirable for the purpose of preventing or diminishing

any noncompliance with the criteria set forth in this Section 5B. Such conditions may specifically include hours of operation, restrictions on days of the week, and similar restrictions as to time. Where appropriate (e.g., for nonstructural uses such as excavations, outdoor events, and the like), the Commission may grant a Site Plan approval which is temporary and will be effective only commencing on, or terminating on, specified dates.

The Commission shall publish notice of such action as required by Connecticut General Statutes. The Commission shall, in addition, send written notice of its decision under the signature of the Commission's 's Secretary or clerk, by certified mail, to the applicant within fifteen (15) days of its action.

E. **Endorsement and Filing**. Within sixty-five (65) days of the Commission approval, the applicant shall submit one (1) set of final plans on a reproducible material suitable for filing in the Town Clerk's Office and six (6) sets on paper, reflecting all conditions or modifications required by the Commission, and accompanied by signed, sworn statements of the applicant's land surveyor, engineer, architect, and any other professional who has participated in the preparation of the application materials, to the effect that the plans submitted are the same as those approved by the Commission except for the depiction of modifications and conditions required by the Commission in its approval vote. If, upon considering the statements and reviewing the plans submitted, the Commission shall find them to be in accordance with the final approval, and if all required accompanying documents (such as bonds, deeds, easement, etc.) have been provided, the plan shall be endorsed by the signature of the Chairman, Vice Chairman, or Secretary of the Commission, as the case may be. Thereafter, it shall be the responsibility of the applicant to file one (1) set of endorsed final plans in the Office of the Town Clerk. In accordance with Section 83d of the Connecticut General Statutes, no Site Plan shall be effective until the final, endorsed plans are filed with the Town Clerk, and any plans not so filed within ninety (90) days following the Commission's vote of approval shall become null and void. Any Site Plan filed in the Town Clerk's Office without the endorsement of the Commission's Chairman, Vice Chairman, or Secretary shall likewise be void.

Article 5C, **Site Plan Review**

Article 5C, Section 1, **Submission of Application**

A. **Complete Application**. A complete application shall consist of the application form and fee, together with the required information set forth in this Section 5B. The date of receipt of any such application shall be the next regularly scheduled meeting of the Commission, or thirty-five (35) days following, the submission of such application, whichever shall first occur.

B. **Notices Mandated by Statute.** In accordance with C.G.S. 83h, the Commission shall notify the clerk of any adjoining municipality of the pendency of any application concerning any Site Plan Review application in which (1) any portion of the property affected is within five hundred (500') feet of the boundary of the adjoining municipality; (2) a significant portion of the traffic to the completed project will use streets within the adjoining municipality to enter or exit in the site; (3) a significant portion of the sewer or water drainage from the project on the site will flow through or significantly impact the drainage or sewerage system within the adjoining municipality; (4) water runoff from the improved site will impact streets or other municipal or private property with the

adjoining municipality. Such notice shall be made by certified mail and shall be mailed within seven (7) days of the receipt of the subdivision application, and no public hearing shall be held on any Site Plan application unless or until such notice has been received. The adjoining municipality may, through a representative, appear and be heard at any hearing on such application.

In accordance with C.G.S. 83i, in any Site Plan application for any property which is within the watershed of a water company, as defined in C.G.S. 161, the applicant shall provide written notice of the application to the water company and to the Commissioner of the Department of Public Health, provided such water company has filed a map showing the boundaries of the watershed on the Land Records of the Town. Such notice shall be by certified mail, return receipt requested, and shall be mailed at the time of application. The applicant shall submit evidence of such notice to the Commission at the time of application. Such water company may, through a representative, appear and be heard at any hearing on such application.

Article 5C, Section 2, **Required Information for Site Plan Review**.

The following information shall, at a minimum, be provided by any applicant for Site Plan Review:

1. A completed application form prescribed by the Commission, and an application fee as prescribed by Town ordinance.

2. **Site Plan**. A site plan, composed of one (1) or more sheets none of which shall exceed 24" by 36", which shall conform to the following requirements, and contain the following information:

    a. **Boundary Survey**. A boundary survey prepared and sealed by a Connecticut Licensed Land Surveyor, which survey shall be drawn at a scale of not smaller than forty feet to one inch (1" = 40'), and which survey shall be certified to conform to the standards of map and survey accuracy, respectively, for Class A2 as defined in the "Recommended Standards for Surveys and Maps in the State of Connecticut" as adopted by the Connecticut Association of Land Surveyors, Inc. on September 13, 1984, or as the same may be amended from time to time. Said survey shall include the dimensions of the subject property, and it's acreage or square footage.

    b. **Location Map**. A location map, at a scale of one inch equals one thousand feet (1" = 1,000'), showing the location of the site in relation to existing roads, major watercourses, and adjoining properties, and other features which would assist the Commission and the public to orient themselves to the site and its boundaries.

    c. General Information

        i. The name and address of the applicant, property owner of record, the name of the development, and the names and addresses of the owners of record of

        ii. all properties adjacent to, or across any street from, the subject property.

iii. The name, address and professional seal of each design professional responsible for, or participating in, the design of the site.

iv. The assessor's map, block and lot numbers for the subject property and properties within five hundred (500') feet of the perimeter of the site.

v. The date of the site plan, a north arrow, and the scale of the plan.

vi. A description of any existing deed restrictions, covenants, easements, rights-of-way, or similar encumbrances which run with the land, including the identity of the dominant and servient estates, the volume and page of the Scotland Land Records where the same are recorded, and the date upon which they will expire, if any.

d. **Site Features, Existing**. On the site, and within five hundred (500') feet of the perimeter of the site using existing or available information, unless otherwise required by the Commission:

i. All existing uses of land including uses not requiring buildings or structures, such as outside storage; property lines, streets, utility lines, ledge outcrops, specimen trees, major tree or shrub areas, and other significant features of the site, both natural and manmade.

ii. Wetlands and watercourses in or near the site as defined by the Regulations of the Scotland Inland Wetlands and Watercourses Commission, and a statement indicating the quality thereof; the high water level of areas covered by water (such as lakes, rivers, streams, ponds, swamps, and the like).

iii. Areas having slopes in excess of twenty (20%) percent.

iv. Flood hazard areas as designated on the most current Federal Flood Insurance Rate Map for the Town of Scotland, and the rate map designation for such areas.

v. Existing structures and their uses, general type of construction, height, and the like.

vi. The location of all existing wells, public water supply watersheds, and other public or private water supplies, and fire protection facilities.

vii. The maximum slope of the site, expressed as a percent; existing monuments, iron pins, and other boundary indicators.

viii. The soil classifications, as per the U.S. Soil Conservation Service Windham County Coding of Soil Types prepared by a qualified soils scientist, and a statement indicating the erodibility of the soils and a general indication of the need for erosion and sedimentation control.

ix. Existing contours of the land at intervals of two (2') feet, or less where the topography of the site and the area around it cannot be otherwise accurately and fairly represented.

x. Existing roads, paths, major and unique natural, scenic, historic, and open space features of the parcel.

e. **Site Features, Proposed**. On the site, and for any area off the site where any alteration whatsoever is proposed:

i. Any change whatsoever to any of the existing features depicted on the site plan in accordance with the preceding paragraph, including, but not limited to: Proposed uses of land, including uses not requiring a structure or building; the amount of land and/or buildings dedicated to each use; proposed grades at two (2') foot contours or less; any signs, accessory structures, fences, walls, or other similar structures; location and details for the collecting and handling of refuse; the location of gas, electric, and other utilities to be provided, and whether utility lines shall be placed above or beneath the ground.

ii. The location, dimensions, square footage (both ground floor and total), height, and type of construction of all buildings or structures, including fences, walls, signs, lighting fixtures, flagpoles, and the like.

iii. The location of any proposed well, septic system, and the location of, and test results for, any and all percolation and deep test holes, as verified by the Town Sanitarian and/or Health Official.

iv. Any regrading, excavation, filling, and the volumes of material to be brought onto or removed from the site.

v. The percentage of building coverage, combined building and paved area coverage.

vi. Alterations in property boundaries, easements, utilities, and the like.

vii. The location of any roads, curbs, sidewalk, driveway, parking and loading area(s), paths, and similar improvements, and any tie-ins to existing Town or State facilities.

viii. Phase lines, proposed future division of the property, longterm lease boundaries, and the like.

ix. In any site plan requiring the erection of any structure, grading, drainage work, paving or other improvement, those aspects of the plan shall be prepared, signed, and sealed by a Connecticut Registered Professional Engineer.

x. The areas of wooded portions of the site, or specimen trees, to be removed or retained, and the location, design, and content of landscaping to be created, including the size, number, and type of all landscaping material to be planted, and the proposed treatment of all buffer strips, screens, and islands.

xi. The expected intensity and frequency of noise which may be emitted from the site or use, and the methods to be used to control the same.

xii. The height, bulk, use and location of all buildings; typical floor plans or other plans for the use of interior spaces of proposed buildings; the exterior appearance of proposed buildings, including exterior elevations, roof plan, designation of materials, colors, and textures of exterior finishes, doors, windows, roofing, trim, and the like; location of heating, air conditioning, ventilation, and similar equipment; and special exterior features, such as building mounted signs, drive-in windows, building or roof lighting, roof drainage gutters, and features on the interior of the building designed to be capable of being seen from the exterior.

f. **Parking and Drainage**.

i. The site plan shall include all information necessary to establish conformance with the requirements of Article 4 of these Regulations and shall also include the calculations utilized to determine the parking and loading areas as depicted on the site plan.

ii. The site plan shall depict the dimensions of all parking and loading spaces, the total number of such spaces, and any proposed future or expansion parking or loading spaces. In addition, the site plan shall include the location, invert elevations, pipe sizes, flow calculations, and all other similar information as may be required by the Commission's engineering consultant to properly evaluate the stormwater management plan for the site.

iii. For any site plan which depicts more than two thousand (2,000) square feet of impervious surface, be it building areas or paved areas, the site plan shall include provisions to retain stormwater runoff so as to produce no increase in peak runoff. The methods used to meet this requirement shall be as prescribed by the Commission's engineering consultant.

iv. The proposed design, location, and illumination level of all outdoor lighting, particularly in pedestrian and vehicular areas.

3. **Sanitary Waste Disposal Plan**. For any site which is to be served, and is capable of being served, by an operational public sanitary sewer line prior to occupancy, the site plan shall depict the sewer lateral and other engineering information suitable to determine that connection to an operational sanitary sewer line is feasible. In addition, the applicant shall provide evidence from the Scotland Water Pollution Control Authority that it is capable of providing sanitary sewer service to the subject site. If the applicant proposes to utilize a community sewerage system, as defined in Connecticut General Statutes Section 7245, a report from the Scotland Water Pollution Control Authority indicating that all requirements of Connecticut General Statutes Section 7246f have been satisfied shall be provided For any site which is not to be served by public sanitary sewers, the applicant shall submit a sanitary waste disposal plan which shall include, at a minimum, the following:

4. **Report of Soil Test and Percolation Data.** A Report of Soil Test Data signed by the Town Sanitarian or his representative which shall be in conformance with Section 1913B20J (classification of soil) of the Public Health Code, as the same may be amended from time to

time. All percolation tests and observation test pits for groundwater and ledge shall be dug and, tests performed, in accordance with the Technical Standards of the Connecticut Public Health Code, as the same may be amended from time to time, and shall be supervised and certified by the Town Sanitarian or his designee, who shall provide to the applicant, for inclusion with his Site Plan Application, a verified approval of the application for subsurface disposal in accordance with the Connecticut Public Health Code, as the same may be amended from time to time. At least one (1) observation test pit for groundwater and ledge shall be dug in the designated location for each and every primary and reserve leaching field. Observation test pits for ground-water/ledge shall be conducted during the months of February through May only, and the results of tests conducted during those months may be rejected by the Town Sanitarian if groundwater levels are unseasonably low; and percolation tests may be taken during any month of the year. The Sanitarian may require additional testing should, in his opinion, the existing tests not be adequate or performed during an extremely dry period. All testing shall comply with the State of Connecticut Health Code as updated and revised from time to time.

5. **Soils with Severe Limitations**. If any existing soils in the immediate area of the site designated for sanitary waste disposal are classified as having "severe" limitations for onsite sewerage treatment, as set forth in the current Soil Interpretation Record of the U.S. Department of Agriculture, Soil Conservation Service, Windham County (also known as "SCS Soils5 Form"), as the same may be amended from time to time, and in accordance with the current soils map of the said Soil Conservation Service, then a subsurface sewerage disposal plan shall be presented to the Commission. In addition to the requirements of the preceding paragraph, said plan shall specifically address the methods utilized to overcome the limitations identified in the soils of the site; shall be prepared by a licensed Connecticut Professional Engineer, and shall be accompanied by a written report of the Town Sanitarian or his representative certifying that the plan will resolve the limitations of the soils, and will pose no significant risk to the public health or safety. All sanitary waste disposal systems to be located in the immediate area of soils with "severe" limitations, as set forth above, shall have 100% replacement leaching fields at least equal in size to the original leaching fields, and the location of both the original and replacement leaching fields shall be designated on the site plan. Both the original and replacement fields shall be located in the immediate area of the percolation and deep test pits. All testing shall comply with the State of Connecticut Health Code as updated and revised from time to time.

6. **Soil Erosion and Sediment Control for Land Development**. Every application for Site Plan Review or Special Permit shall include an Erosion and Sedimentation Control Plan which conforms to the requirements of Article 6A of these Regulations.

7. **Protection of Surface and Ground Water Supply**. Pursuant to Connecticut General Statutes Section 82, as amended by Public Act 85279, every application for Site Plan Review or Special Permit shall include an evaluation of the impact of the proposed development upon existing and potential public surface and ground drinking water supplies. Such evaluation shall contain, at a minimum:

    a. A statement describing the nature of the use of any buildings or areas of the site and their method of disposal.

b. The nature of any discharges anticipated.

c. The nature of any materials to be stored, processed, or otherwise present on the site, and the period of time for which, and conditions under which, such materials shall be present on the site.

d. The nature of the ground or surface waters on and around the site, including any public or private domestic users of such waters, their classification, as designated by the Connecticut Department of Environmental Protection's Groundwater Classification System, and the depth to any groundwater, the nature of the soils surrounding such groundwater, and the like.

e. Measures to be taken by the applicant to control any potential adverse impact on surface and ground drinking water supplies.

f. Other information which might assist the Commission in determining that such waters will be protected from potential adverse impacts created or increased by the proposed development. Any such evaluation shall be prepared by a qualified geo-hydrologist or other professional who provides evidence satisfactory to the Commission that he/she is qualified to prepare such evaluations. The Commission may refer such evaluations to any governmental agency for review and comment.

g. The information described in subsections (d), (e) and (f) need only be provided when the information set forth in paragraphs (a), (b) and (c) indicates the presence of materials or processes which have the potential to adversely impact groundwater.

8. **Water Supply; Certificate for Community Wells.** The location and design of the proposed water supply systems shall be provided, including design calculations, materials specifications, hydrostatic testing procedures, and flow testing procedures.

   In accordance with Section 825a of the Connecticut General Statutes, as amended by Public Act 84330, any development providing water by means of a "water company", as that term is defined in Connecticut General Statutes Section 16262m(a), shall provide to the Commission a certified copy of a Certificate of Public Convenience and Necessity issued for the development by the Connecticut Department of Public Utility Control. No application for Site Plan Review or Special Permit involving such a water company shall be deemed complete without said Certificate, unless the applicant shall provide a resolution of the Scotland of Selectmen waiving said Certificate and agreeing to be responsible for the operation of the subject water company in the event that the company is at any time unable or unwilling to provide adequate service to its consumers. The Commission may accept a Phase I Certificate and condition approval on the issuance of a final Certificate prior to the issuance of a Zoning Permit or prior to occupancy of the proposed use.

9. **Inland Wetlands and Watercourses**. No application for Site Plan or Special Permit shall be deemed complete without the submission of a copy of a report and motion for approval of an Inland Wetlands Permit from the Scotland Inland Wetlands and Watercourses Commission, provided such a permit shall be required under regulations adopted by said Commission. Any plans submitted to the Commission shall conform, in all relevant respects, to those plans

submitted to the Scotland Inland Wetlands and Watercourses Commission as the same were approved, or modified and approved, by said Commission.

10. **Covenants and Restrictions**. The applicant shall provide the text of any proposed covenants, easements, deed restrictions, and community organizations necessary to assure the fulfillment of the intent and requirements of these Regulations and the Final Development Plan as approved.

Article 5C, **Special Permit**

Article 5C, Section 1 **Intent**.

In dividing the Town of Scotland into Zones, it is recognized that there are certain uses which may be necessary or desirable to the Town, but which may be detrimental to the Town or the neighborhood in certain locations, or if proper safeguards are not provided. Therefore, in Article 4 (Zoning Districts) of these Regulations, those uses are listed as permitted only upon the issuance of a Special Permit by the Commission. The Commission must evaluate the impact of each proposed use upon neighboring uses and the Town as a whole in determining the appropriateness of any use requiring a Special Permit for the proposed location.

Article 5C, Section 2 **Special Permit Requirement**.

In any instance involving a use or uses requiring a Special Permit as set forth in Article 4 of these Regulations, no land or water areas shall be used, nor uses altered or expanded in space, time, or intensity, nor buildings or structures erected, altered, enlarged, or used until the Commission shall grant a Special Permit in accordance with this Section 5C, or amend a previously granted Special Permit .

The Commission may waive the requirement for a Special Permit where it finds that: (a) One Special Permit use is being substituted for another similar use on the same lot which was previously granted a Special Permit by the Commission; (b) The new use will require no greater parking or loading than the original, as set forth in Article 4 of these Regulations; (c) The new use shall entail no exterior change to the building or site; and (d) The new use shall have no impact on the site, the neighborhood, or the Town which is different from the original, such impact to be measured by the standards set forth in Section 5C.4 of these Regulations.

Article 5C, Section 3 **Required Information for Special Permit**

Any applicant for Special Permit shall provide the information set forth above for Site Plan Review.

Section 5C, Section 4 **Application Procedure**.

A. **Who May Apply**. The following persons may apply for a Site Plan Review: An owner, or all of the joint owners, of the property upon which the use is to be located; the prospective purchasers of such property, pursuant to a written purchase agreement, option agreement, bond for deed, or similar document, provided, however, that the said document accompanies the application and authorizes the prospective purchaser to apply for zoning permits from the Town, or, in the alternative, the written consent of the owner of the fee simple interest accompanies the

application; the lessee of a leasehold interest, provided that either the written consent of the owner of the fee simple interest accompanies the application or, in the alternative, that a written lease, which must accompany the application, provides that the lessee is authorized to apply for zoning permits from the Town.

B. **Informal Discussion.** Any proponent of a use permitted by Site Plan Review may request the opportunity to place such proposal on the agenda of a regular or special meeting of the Commission for the purpose of presenting preliminary plans or concepts and receiving preliminary comments, observations, questions, or areas of concern. Neither the proponent nor the Commission shall be in any way bound by statements made in such informal discussions, their purpose being only to minimize delay, expense and inconvenience to the public, the proponent, and the Commission upon the future receipt, if any, of a formal application for Special Permit. Following any informal discussion, the Commission may suggest that the proposal, or certain aspects thereof, be referred to other municipal, State, or Federal agencies for review and comment, or may suggest that additional information is or will be required prior to action on a formal application for Special Permit .

C. **Complete Application**. A complete application shall consist of the application form and fee, together with the required information set forth in this Section 5C. The date of receipt of any such application shall be the next regularly scheduled meeting of the Commission, or thirty-five (35) days following, the submission of such application, whichever shall first occur.

D. **Notices Mandated by Statute**. In accordance with C.G.S. 83h, the Commission shall notify the clerk of any adjoining municipality of the pendency of any application concerning any Special Permit in which (1) any portion of the property affected is within five hundred (500') feet of the boundary of the adjoining municipality; (2) a significant portion of the traffic to the completed project will use streets within the adjoining municipality to enter or exit in the site; (3) a significant portion of the sewer or water drainage from the project on the site will flow through or significantly impact the drainage or sewerage system within the adjoining municipality; (4) water runoff from the improved site will impact streets or other municipal or private property with the adjoining municipality. Such notice shall be made by certified mail and shall be mailed within seven (7) days of the receipt of the subdivision application, and no public hearing shall be held on any Special Permit application unless or until such notice has been received. The adjoining municipality may, through a representative, appear and be heard at any hearing on such application.

   In accordance with C.G.S. 83i, in any Special Permit application for any property which is within the watershed of a water company, as defined in C.G.S. 161, the applicant shall provide written notice of the application to the water company and to the Commissioner of the Department of Public Health, provided such water company has filed a map showing the boundaries of the watershed on the Land Records of the Town. Such notice shall be by certified mail, return receipt requested, and shall be mailed at the time of application. The applicant shall submit evidence of such notice to the Commission at the time of application. Such water company may, through a representative, appear and be heard at any hearing on such application.

E. **Notice to Adjoining Owners**. The applicant shall also notify all adjoining landowners of record of the date, time and place of the public hearing of the Commission at which said Special Permit is to be considered no less than ten (10) days preceding the date of said hearing, and shall submit

proof to the Planning Office of such notification. No notice shall be required for the continuation of a public hearing once it has been opened.

F. **Posting of Sign.** No less than seven (7) days prior to the opening of any public hearing, the applicant shall post a sign on the property which is the subject of any application for Special Permit. The face of such sign shall be as provided by the Commission, and shall set forth the date, time and place of the public hearing, the agency, the Commission or the hearing the application, and a brief description of the use. It shall be the obligation of the applicant to post such sign on the property in a location which is plainly visible from the nearest public street, and to maintain the sign until the opening of the public hearing. No sign need be posted for the continuation of a public hearing once it has opened.

G. **Submission for Review.** In addition to the requirements set forth in the preceding paragraph, the Commission may, in its sole discretion, submit any plans or other information to consultants, employees, or other governmental agencies for comment and recommendations.

Article 5C, Section 5. **Time Limits**

The Commission shall, within sixty five (65) days of receipt of any application, schedule a public hearing thereon, said public hearing to be noticed in accordance with the requirements of the Connecticut General Statutes. The applicant or his/her authorized representative shall attend the public hearing, and the absence of the applicant or his/her authorized representative shall be proper grounds for the denial of the application. Said public hearing may be held open for no more than thirty (30) days following the opening thereof. Within sixty-five (65) days following the close of said public hearing, the Commission shall act upon said application. The applicant may request an extension of any of the time limits set forth in this paragraph for a period not to exceed a cumulative total of sixty-five (65) days. These time limits are in accordance with Connecticut General Statutes as of the time of adoption of these Regulations; any subsequent amendment to such Statutes shall control, and be used in place of the preceding, without amendment of these Regulations.

Article 5C, Section 6. **Action**

The Commission shall review the application for conformance with the criteria of this Section 5C. The Commission may approve, modify and approve, or disapprove the application. If the Commission or the determines that the application is incomplete, the same may be denied without prejudice to any future complete application. If such reapplication is made within one (1) year of the denial without prejudice, the Commission may, in its sole discretion, waive all or a part of the application fee to reflect the cost of staff review expenses previously performed.

The Commission may approve any application subject to certain stipulations and/or conditions of approval as it may deem necessary and desirable for the purpose of preventing or diminishing any noncompliance with the criteria set forth in this Section 5C. Such conditions may specifically include hours of operation, restrictions on days of the week, and similar restrictions as to time. Where appropriate (e.g., for nonstructural uses such as excavations, outdoor events, and the like), the Commission may grant a Special Permit which is temporary and will be effective only commencing on, or terminating on, specified dates.

The Commission shall publish notice of such action as required by Connecticut General Statutes. The Commission shall, in addition, send written notice of its decision under the signature of the Commission's 's Secretary or clerk, by certified mail, to the applicant within fifteen (15) days of its action.

Article 5C, Section 7. **Endorsement and Filing**

Within sixty-five (65) days of the Commission approval, the applicant shall submit one (1) set of final plans on a reproducible material suitable for filing in the Town Clerk's Office and six (6) sets on paper, reflecting all conditions or modifications required by the Commission, and accompanied by signed, sworn statements of the applicant's land surveyor, engineer, architect, and any other professional who has participated in the preparation of the application materials, to the effect that the plans submitted are the same as those approved by the Commission except for the depiction of modifications and conditions required by the Commission in its approval vote. If, upon considering the statements and reviewing the plans submitted, the Commission shall find them to be in accordance with the final approval, and if all required accompanying documents (such as bonds, per Section 20 of these Regulations) have been provided, the plan shall be endorsed by the signature of the Chairman, Vice Chairman, or Secretary of the Commission, as the case may be. Thereafter, it shall be the responsibility of the applicant to file one (1) set of endorsed final plans in the Office of the Town Clerk. In accordance with Section 83d of the Connecticut General Statutes, no Special Permit shall be effective until the final, endorsed plans are filed with the Town Clerk, and any plans not so filed within ninety (90) days following the Commission's vote of approval shall become null and void. Any Special Permit site plan filed in the Town Clerk's Office without the endorsement of the Commission's Chairman, Vice Chairman, or Secretary shall likewise be void.

Article 5C, Section 8 **Criteria for Decision**

In reviewing an application for Special Permit, the Commission shall consider the following criteria and shall make a finding that:

1. **Complete Application**. The application shall contain all information required by this Section 5C, and the number of copies required, and said information has been prepared by persons possessing the necessary expertise to prepare it. Information shall be presented with adequate clarity and professionalism to permit the Commission to understand it and determine compliance with these criteria. The presentation of a complete application, as described herein, is the obligation of the applicant, and failure to meet this criteria shall be grounds for denial without prejudice to future, complete applications.

2. **Compliance with Regulations**. The application shall conform in all respects with these Regulations, unless a certified copy of a variance from any such provision is submitted with the application, or the Zoning Enforcement Officer has issued a finding that the nonconformance is a legal, pre existing nonconformity in accordance with Section 9 of these Regulations. Further, the application shall conform to the Scotland Subdivision Regulations; the Scotland Inland Wetlands and Watercourses Regulations, as evidenced by the submission of an Inland Wetlands Permit issued by the Scotland Inland Wetlands and Watercourses Commission, where required; the Public Health Code, as evidenced by a report of the Town Sanitarian or his authorized designee; and all relevant provisions of the Connecticut General Statutes, whether or not cited in these Regulations.

3. **Frontage Improvements**. Where the subject site has frontage on an existing street, the pavement and shoulders shall be improved in accordance with the pattern existing on said street and any special requirements created by the proposed development, including, but not limited to, street widening, acceleration deceleration lanes, curbing, stormwater drainage, street trees, and sidewalks.

4. **Traffic Access**. All driveways, parking areas, paths, and sidewalks shall be interconnected and/or combined, where possible, with adjacent parking areas, driveways, paths and sidewalks for similar uses, to minimize curb cuts and to maximize pedestrian and vehicular movement between adjacent sites without excessive curb cuts, access movements, and congestion. Provision shall be made for such interconnection, and for the extension of any road or driveway, terminating at or upon the subject site so as to serve adjacent undeveloped land in the same or a comparable zone. Such provision shall include rights-of-way to the Town and/or to the adjacent property owner(s). No driveway onto a public street shall exceed thirty (30') feet in width, excluding the radius fillets at the point of intersection with the street, and no proposed driveway shall be closer than one hundred (100') feet to any other existing or proposed driveway, unless the site is of such width that compliance with this requirement would preclude access, in which case the separating distance between driveways shall be the maximum feasible for the site. In the interests of public safety, the number of driveways onto public streets shall be minimized, and, in nonresidential zones, access to adjacent sites shall be by common driveways wherever feasible. The Commission may require that any driveway be designed, and easements to adjacent properties be conveyed, in order to facilitate present or future sharing of such driveways. Driveway widths and site lines shall comply with State standards, where applicable.

5. **Emergency Access**. All site plans shall make adequate provision for facilities and access for fire, police and other emergency protection. Such provision shall include, but not be limited to, fire lanes, access drives to otherwise remote portions of a building or site, adequate lighting of remote or visually obscured building or site areas, fire hydrants where surface or subsurface water supplies exist, and the like.

6. **Sanitary Waste Disposal Plans.** All plans shall provide for the disposal of sanitary waste in conformance to the Public Health Code, and in addition, in a manner which protects surface and groundwater supplies, inland wetlands and watercourses, and insures the protection of the public health and safety. Any sanitary waste disposal plan located in or in the immediate area of soils having "severe" limitations, as set forth in the U.S. Department of Agriculture, Soil Conservation Service, Soil Interpretations Record (also known as "S.C.S. Soils5 Form"), as the same may be amended from time to time, shall have a 100% replacement area. No Special Permit shall be approved, or modified and approved, unless the soil percolation and groundwater and ledge observation test pits, which must be taken in situ (original undisturbed soil), and other site conditions in the area of the primary and reserve septic system(s), indicate:

    a. No slope shall exceed twenty-five (25%) percent in the area of the designated proposed primary and reserve septic systems.

    b. Soils shall have a percolation rate of no slower than thirty (30) minutes per inch.

c. Groundwater shall be no higher than eighteen (18") inches below the existing, undisturbed ground surface as determined by mottling or seasonal high ground water, whichever is higher. Observation test pits for groundwater ledge and percolation tests may be taken during any month of the year. The Sanitarian may require additional testing should, in his opinion, the existing tests not be adequate or performed during an extremely dry period. All testing shall comply with the State of Connecticut Health Code as updated and revised from time to time.

d. Bedrock shall be no higher than four (4') feet below the surface as observed during soil testing.

e. The preceding shall not apply to developments to be served by public sanitary sewers.

f. There shall be no inland wetland or watercourse as defined by the Scotland Inland Wetlands and Watercourses Regulations within the primary or reserve septic system area(s). The presence of such wetlands soil types shall be determined by a detailed, field survey only, conducted by a soil scientist certified as meeting the Basic Qualification of The Society of Soil Scientists of Southern New England.

g. There shall be no areas within Flood Zone A (100year) as indicated on the current Flood Insurance Rate Maps of the Federal Emergency Management Agency, within the primary or reserve septic system area(s).

For items a through e above, the Commission may accept soil and topographic conditions for the site as they are proposed to be, rather than as existing if the proposed alterations are found to be in harmony with the preservation of the rural character and natural resources of the Town, and if engineering evidence indicates that the limitations of the existing soil and topography will not be present in the proposed conditions. Prior to the issuance of a Building Permit, the applicant shall demonstrate that all of the preceding requirements are, in fact, met for the site as altered.

7. **Erosion, Sediment, and Runoff Control Standards**. No site plan shall be approved which will cause erosion, flooding, or sedimentation on the property being developed, surrounding properties, or wetlands or watercourses, as the same are defined by the regulations of the Scotland Inland Wetlands and Watercourses Commission. Stormwater runoff shall be channeled into stormwater drainage systems and/or detention areas in accordance with proper civil engineering practice. For any site plan which depicts more than two thousand (2,000') square feet of impervious surface, be it building areas or paved areas, there shall be no increase in the peak stormwater runoff as a result of the proposed development. Measures used to control erosion and sedimentation shall, at a minimum, meet the standards and specifications of the Windham County Soil and Water Conservation District.

8. **Wetland and Watercourse Protection**. No sanitary disposal system shall be located within seventy-five (75') feet of an area designated as a wetland, nor within one hundred (100') feet of an area designated as a watercourse, as defined by the Scotland Inland Wetlands and Watercourses Commission, the location of such inland wetlands or watercourses to be determined in accordance with post development conditions, as shown on plans approved by

the Scotland Inland Wetlands and Watercourses Commission, and/or the Connecticut Department of Environmental Protection, and/or the U.S. Army Corps. of Engineers, as may be applicable. No Certificate of Zoning Compliance shall be issued for any Special Permit use until any such required permits have been issued to permit the removal or relocation of inland wetlands and watercourses as may be required to comply with the separating distances of this paragraph, and unless and until all work required pursuant to such permits has been properly completed.

9. **Surface and Groundwater Protection**. In reviewing any site plan or use, the Commission shall consider the impact on existing and potential public surface and ground drinking water supplies. The application may be denied if the Commission conclude that unreasonable adverse impact will result from the granting of the Special Permit.

10. **Water Supply.** No site plan depicting a development to be served by a water company, as defined herein above, shall be approved unless and until a Certificate of Public Convenience and Necessity, or the waiver thereof by the Scotland of Selectmen, has been obtained in accordance with Section 5C.2.F of these Regulations.

11. **Public Health and Safety.** The site and building plans shall be designed so as to minimize any delay, inconvenience, and expense of providing for the public health, safety and welfare, including, but not limited to the following: Adequate access for emergency vehicles and equipment; adequate water supply for firefighting, in accordance with recommendations of the Fire Marshal or his/her designee; adequate utility capacity; flood-proofing measures which may be desirable, even if over and above the minimum requirements of these Regulations or applicable State or Federal standards; protection of the natural environment; avoidance of glare visible from public streets or adjacent properties.

12. **Appropriateness of Use.** The proposed use shall be appropriate for the designated location with regard to: The size and intensity of the proposed use, and its relation to existing land uses, and shall be such as to be in harmony with the appropriate and orderly development of the area in which it is to be situated and will not be detrimental to the orderly development of adjacent properties; the capacity of adjacent and feeder streets to accommodate peak and average traffic volumes, and special traffic characteristics of the proposed use, and the avoidance of nonresidential traffic through residential streets; the development will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof; the obstruction of light or air, or the emission of noise, light, smoke, odor, gas, dust, and/or other offensive emissions without adequate buffering or controls; the overall impact on neighborhood property values, and the special problems of fire or police protection inherent in the proposed use; the preservation of the character of the neighborhood in terms of scale, density and intensity of use, architectural character, and similar factors; the availability of adequate effluent disposal, water supplies, stormwater disposal systems, and other special burdens on utilities which the use may entail; the degree of population concentration and building density resulting from the use is not excessive and existing provisions for fire and police protection, transportation, water, sewerage, schools, parks and other public requirements are adequate; the use may be carried out so as to protect and enhance, and without the undue destruction of, valuable historic or natural resources or the pollution of lakes, streams, and other water bodies, while providing the best possible design of structures

and land uses compatible with the shape, size and topographic and natural character of the site.

13. **Architectural Character, Historic Preservation, Site Design**. The overall architectural character of the site and building designs shall not be detrimental to property values in the neighborhood or the Town, and shall preserve and enhance the Town's historic and rural character in terms of scale of buildings, the preservation of scenic vistas and public access, materials used, roof lines, door and window details, site and building lighting, street furniture, paving materials, landscaping, signs, colors, and all other features of the site and buildings which are visible from the exterior of any building on the site or from adjoining properties or streets, or which may impact the character or quality of life on adjoining properties, in the neighborhood, or throughout the Town.

In multi-building commercial or industrial developments, all buildings shall reflect a common architectural theme through the use of similar materials, roof lines, and other exterior treatments.

All commercial and industrial uses shall include landscaped areas of not less than ten (10%) percent of the developed lot area. Landscaped areas shall be strategically placed to enhance property values and to protect adjacent uses. With the exception of required loading facilities, all nonresidential buildings shall maintain a landscaped area no less than fifteen (15') feet in width between any and all parking areas and the building. With the exception of required driveways and walkways, all residential buildings shall maintain a landscaped area no less than thirty (30') feet in width between any and all parking areas and the building.

Failure to maintain any landscaped area or buffer strip required by these Regulations shall constitute a violation of these Regulations.

Existing specimen trees shall be preserved to the maximum extent possible. Where specimen trees are removed in apparent anticipation of a future zoning application, the Commission may require their replacement with the largest commercially available trees.

14. **Uses In, Adjacent to, or Impacting Residential Areas.** In addition to the above, in the case of any use to be located in, or directly adjacent to, or served by way of, a Residential Zone or area of residential uses, the Commission shall find that:

    a. The location and size of such use, and the nature and intensity of operations involved in or conducted in connection therewith, shall be such that both pedestrian and vehicular traffic to and from and in the vicinity of the use will not be hazardous or inconvenient to, or detrimental to the character of the said residential district or conflict with the traffic characteristics of the neighborhood. Commercial and industrial buildings shall be oriented away from residential areas and access to them shall not disrupt or disturb adjacent residential areas or residential zones. Access, parking, service areas, lighting, signs and landscaping shall be designed so as to protect the residential character of surrounding residential neighborhoods or residential zones.

    b. The Commission may require additional setbacks or buffers or uses which pose special potential for adverse impacts due to their hours of operation, lighting, noise, odor, and any

other similar characteristics. No building, parking, or loading areas (other than driveways) shall be located in any minimum yard required by these Regulations.

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

d. No outside storage of materials, products or refuse shall be permitted unless specifically authorized by the Commission, and such authorized outside storage shall be screened in such manner as the Commission may require. All loading areas shall be oriented away from residential areas and public ways and adequately screened from view by appropriate landscaping.

e. All buildings in multi-building developments shall be logically related to provide convenient access to a common open space. Incompatible building types and uses shall be separated by open space and suitable screening.

Article 5C, Section 9. **Specific Recommendations and Requirements for Sites and Buildings**

In addition to the Design Guidelines in Appendix A, the following recommendations and requirements are provided to assist the applicant in determining the specific items which the Commission will examine in evaluating any application for Special Permit, and the preferred or required features, as the case may be:

1. **Building Materials.** Preferred building materials shall be with brick, stone, or narrow width siding, or the like. Not preferred are corrugated or unpainted metal, unfinished concrete block, and asphalt shingle siding. Roofing materials should, where visible, be cedar shake, slate, copper, asphalt shingles, or reasonable equivalents. Tar paper, corrugated metal, or plastic roofing surfaces are strongly discouraged. Building mounted lighting shall utilize shielded light sources and shall be of a style and character which is in harmony with the character of the Town. Building mounted floodlights, and ornamental building lighting are discouraged. All roof mounted ventilation, heating, and air conditioning equipment, including solar collectors, should, where possible, be recessed or otherwise incorporated into the roof design so that they are not visible from any adjacent property at the height of the proposed building.

2. **Lighting**. Lighting shall be limited to that required for basic security and protection of the premises. In public commercial, industrial and recreational developments, during operating hours, only sufficient illumination shall be provided for the safe passage and illumination of vehicles and pedestrians, being, in general, illumination to an average level of one half foot candle per square foot. Lighting standards in most parking areas should not exceed sixteen (16') feet in height, but in no event higher than the height of the building adjacent to area to be illuminated. (See specific requirements in Section 18, OffStreet Parking and Truck Loading.) No lighting shall create glare, and the light source shall be recessed into the body of the luminaire, and shall be designed with reflectors and/or lenses to focus all light downward, with sharp cutoff on the horizontal plane, so that neither the light source nor unreasonable ambient light will be visible from beyond any property line of the site. Pedestrian ways shall be illuminated by light bollards

or other low level lighting standards with shielded light sources. All loading areas, rear entries, and other high crime areas shall be illuminated to the level of parking areas.

3. **Site Plan**. The Commission may require that any site plan shall provide for pedestrian walkways and circulation in commercial and industrial parking areas and around buildings. Walkways along public streets may also be required and should be constructed of slate, brick, or concrete and be a minimum width of five (5') feet. Interior walkways should be constructed of slate, brick, or suitable paving blocks. The Commission may permit gravel or other surfaces for interior walkways where minimal use of such walkways is anticipated.

4. **Landscaping and Screening**. All parking, service and storage areas shall be reasonably screened by landscaping and/or fences or walls; the general grading, improvement and landscaping of the site shall be designed so as to protect and enhance the historic and rural character of the Town and the subject neighborhood, and to provide all-season visual buffers between the proposed use and any incompatible use of adjacent property through the use of grade separation, landscaping, buffer areas, and/or open spaces. All parking areas should include landscaped islands to direct vehicular and pedestrian circulation and to reduce the visual impact of large paved areas. All deciduous trees shall have a minimum caliper measured at breast height of two and one-half inches (2 1/2" DBH), all evergreen trees shall have a minimum height of six (6') feet, and all shrubs shall be of a size at least one third their mature potential. All artificial trees, shrubs or grass are prohibited, except for seasonal, festive, or other temporary decoration. The Commission may require that any or all buildings shall have foundation plantings.

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Article Six
Special Requirements

A. Erosion and Sedimentation Control

Article 6A, Section 1 **Purpose**

A. To ensure that erosion and sedimentation resulting from new construction are kept to a minimum, any application for a zoning permit which involves disturbing the site of one-half acre or more shall be accompanied by a plan showing erosion and sediment control measures.

B. To be eligible for certification, a Soil Erosion and Sediment Control Plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from storm water runoff and on the proposed site based on the best available technology. Such principals, methods and practices necessary for certification are found in the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control as may be amended from time to time. Alternative principles, methods and practices may be used with prior approval of the Commission.

Article 6A, Section 2 **Erosion and Sediment Control Plan Requirements**

A. The applicant shall describe, in mapped and narrative form, the measures to be taken to control erosion and sediment both during and after construction. The plan and its specific measures shall be based upon the best available technology and shall be in accordance with the principles and the minimum standards of the Connecticut Guidelines for Erosion and Sediment Control (2002) as amended. The control plan shall consist of the following:

    1. A narrative that describes:

        a. The proposed project;

        b. The sequence and schedule for grading and construction activities including start and completion dates, installation and/or application of erosion and sediment control measures, and final stabilization of the project site;

        c. The design criteria, construction details, installation and/or application procedures, and operation and maintenance program for proposed soil erosion and sediment control measures.

    2. A map at the same scale as the site development plan that shows:

        a. The location of the proposed project and adjacent properties;

b. The existing and proposed topography including soil types, wetlands, watercourses, and water bodies;

c. The location of and design details for all proposed soil erosion and sediment control measures;

d. The proposed land alterations including areas to be cleared, excavated, filled, and graded.

3. Erosion and sediment control plans shall comply with the following criteria:

a. Any proposed development should be fitted as close as possible to the existing topography and soils so as to create the least erosion potential.

b. To the greatest extent possible, existing vegetation should be retained and protected.

c. The smallest practical area of land should be exposed at any one time and that exposure should be kept to the shortest practical period of time.

d. Temporary vegetation and/or mulching shall be used to protect areas exposed during development.

e. Provisions should be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development. Computations for runoff shall be in accordance with Technical Release No. 55, Urban Hydrology, Engineering Division, Soil Conservation Service U.S.D.A. January, 1975, as amended.

f. The permanent final vegetation and structures should be installed as soon as practical in the development process.

Article 6A, Section 3 **Procedure**

G. Upon receipt of the complete Erosion and Sediment Control Plan, the Zoning Enforcement Officer will review it for compliance with these regulations. Any plan submitted may also be reviewed by the Windham County Soil and Water Conservation District and/or by the Scotland Town Engineer. At the request of the Conservation District or the Town Engineer additional control measures shall be incorporated to the plan. All review shall be completed within thirty days of the plan's submission.

H. When the Zoning Enforcement Officer is satisfied that the erosion and sediment control plan complies with these regulations, the ZEO will certify plan.

I. After installation, the Zoning Enforcement Officer will inspect the site to verify that all necessary erosion and sediment controls have been properly installed. When the ZEO is satisfied that they have been properly installed he will so indicate on the owner's application for a Building Permit.

Article 6A, Section 4 **Compliance**

All erosion and sediment control measures indicated on the certified plan shall be installed and

maintained as scheduled. A cash or acceptable bond to guarantee completion of the control measures shall be required in an amount to be determined by the Zoning Enforcement Officer in consultation with the Town Engineer. If in the opinion of the Zoning Enforcement Officer the control measures have not been installed or maintained in conformance with the certified plan the property owner will be so notified by U.S. mail or otherwise. If the problem as described in that notice is not rectified within twenty-four hours of delivery, the Zoning Enforcement Officer may take steps to correct the problem using funds from the posted cash bond.

Article 6A, Section 5 **Inspection**

Signature of the applicant or owner on an application conveys consent for inspection by the Town.

B. Open Space Subdivision

Article 6B, Section 1 **Applicability**

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

Article 6B, Section 2 **Intent**

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

1. minimize alteration of or damage to the natural and cultural features and topography of the land;

2. avoid undue adverse impacts of new development on existing homes and neighborhoods;

3. preserve wooded areas and other undeveloped open land particularly along Town roads;

4. reduce public costs for the maintenance of roads and other public infrastructure;

5. reduce the amount of impervious surfaces caused by development; and,

6. preserve the existing rural appearance of the Town.

Article 6B, Section 3 **Procedure**

A landowner seeking to create a Open Space Subdivision of land may file with the Commission an application for a Special Permit for Open Space Subdivision, or the Commission may require such an application. The Application shall conform to the applicable requirements for a Subdivision Plan as set forth in the Commission's Regulations for the Subdivision of Land, and the Open Space Subdivision requirements contained herein and all other requirements of a Special Permit.

Article 6B, Section 4 **Dimensional Requirements**

A Special Permit for Open Space Subdivision may authorize the creation and use of lots meeting the following dimensional requirements in lieu of the conventional dimensional requirements:

1. Lot Area. Each lot shall be at least of a size capable of supporting the construction of a single-family dwelling or primary use structure and its accessory structures in accordance with all applicable state and local regulatory requirements and the purposes of Open Space Subdivision Development.

2. Frontage. The frontage of each lot for a building site created in a Open Space Subdivision Development shall be that necessary to provide for adequate access to the lot. Where shared driveways or other circumstances provided adequate access to an individual lot, frontage may not be required.

3. Setbacks. All structures shall be set back a minimum of twenty (20) feet from all lot lines, provided, however, that with respect to lot lines which abut land outside the Open Space Subdivision Development, setbacks from said lot lines shall conform to the setback requirements applicable to conventional development in the underlying zoning district.

4. Density. The maximum number of lots for building sites in a Open Space Subdivision Development shall not exceed the number of buildable lots which could be created through conventional development of the site plus any density bonuses allowed. The allowable maximum density shall be based upon the maximum number of buildable lots which may be created through conventional development of the land without waivers from the Commission's Regulations for the Subdivision of Land and in conformance with the conventional dimensional requirements for the underlying zoning district.

5. At a minimum, the total of the land area by which each lot has been reduced in area shall be dedicated as open space.

Article 6B, Section 5 **Density Bonus**

The Commission may approve density bonuses pursuant to one or both of the following provisions, provided, however, that in no case shall the density bonus permit greater than a 15% increase in the number of lots permitted in the subdivision.

1. A density bonus may be permitted when the proposed subdivision provides on-site affordable housing opportunities. For each affordable housing unit provided under this section, one additional building lot may be permitted, up to a maximum 15% increase in number of building lots. Affordable units shall be developed concurrently with the market rate units in the subdivision. Affordable housing lots shall be in accordance with the definition of "affordable housing" in Connecticut General Statutes Section 8-30g, using the eighty (80%) of median income figure, and such lots shall be deed restricted for no less than forty (40) years.,
.

Article 6B, Section 6 **Standards**

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

1. The laying out of Developed Areas, roads, storm drains, sewage disposal systems, and utilities shall be in conformance with the natural features of the parcel, minimizing changes to the topography and maximizing the amount of preserved wooded areas and other open space.

2. The amount of land to be disturbed for the construction of buildings, driveways, septic systems, utilities, storm drainage systems, and roads shall be minimized.

3. Important natural and historic features of the land, as determined by the Commission, shall be protected.

4. The impacts of road and utility installations for each dwelling unit served shall be less than those generated by a conventional development of the same land.

5. The design, number, and location of curb cuts shall be such that any conflict with existing traffic flow is minimized.

6. Provision, satisfactory to the Commission, shall be made with regard to the ownership and maintenance of any and all private roads, common driveways, common land, or other common facilities within the Open Space Subdivision Development.

7. The design shall minimize the size of Developed Areas.

8. The balance of the land not contained in the building lots shall be in condition, size and shape as to be readily usable for recreation or conservation, and shall be reserved by one of the following means, subject to the Commission's approval:

    a. conveyance of fee simple ownership to the Town of Scotland or the State of Connecticut;

    b. creation of a Conservation Easement in favor of the Town of Scotland;

    c. creation of a Conservation Easement in favor of the Town of Scotland reserving specific agricultural rights as approved by the Commission;

    d. at the option of the applicant, conveyance of fee simple ownership to a Tax-Exempt Organization approved by the Commission;

    e. at the option of the applicant, creation of a Conservation Easement in favor of a Tax-Exempt Organization approved by the Commission with the consent of the applicant;

    f. conveyance of fee simple ownership to a Connecticut non-stock corporation of which all owners of land within the subdivision or re-subdivision are members, along with a conservation easement in favor of the Town over the entire open space area; or

    g. any other method which accomplishes permanent dedication in accordance with the requirements set forth in this Section.

C. Earth & Gravel Removal

Article 6C, Section 1 **Purpose**

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

1. Protect the health, welfare, and safety of the citizens of the Town of Scotland.
2. Preserve and protect the Town's environmental resources, including but not limited to:
    a. Maintaining an adequate supply and quality of surface and underground water.
    b. Preventing the contamination of air, water and soils.
    c. Hydrological stability and control of flooding and erosion.
    d. Wildlife habitat protection.
3. Protect property values by insuring that, following such activities, land utilized for filling, and/or excavation will be usable for residential, commercial or industrial purposes consistent with the underlying zoning district in which such use is located.
4. Protect property values and quality of life for those properties neighboring earth filling, and/ or excavation operations.
5. Insure that the land will be usable post reclamation.

Article 6C, Section 2 **Exemptions**

The provisions of this Section and the requirements to obtain a permit shall not apply to the following cases:

1. Excavation and removal of less than 500 cubic yards over a period of 18 months from any single parcel of land.
2. Excavations or fillings that is incidental to the property as a result of construction or alteration of a structure for which a building permit or zoning permit has been issued, provided that less than 1,500 cubic yards is disturbed or removed.
3. Excavation, removal, filling, or grading in conformance with an approved subdivision and/or site development plan, except as provided hereafter. When the Planning and Zoning Commission determines that subdivision or site development plans include significant grade changes that require extensive excavation and grading operations in terms of time, duration and/or material removed, they may require and Excavation and Grading Permit prior to commencement of construction.

Article 6C, Section 3 **Standards for Earth Removal**

The removal of earth materials under this Section shall require a special permit from the Commission and comply with the following standards:

1. Excavation and grading shall provide for proper drainage of the property during the earth removal operation and after its completion.

2. Buffer Areas

    a. There shall be no excavation within 100 feet of any lot line. Such buffer area shall remain undisturbed for the duration of the earth removal operation and shall not be used for any purpose, including but not limited to:

        i. vehicular access to other portions of the site, except as otherwise approved by the Commission;

        ii. the parking or storage of equipment, machinery or vehicles;

        iii. the location of any buildings or structures such as sanitary facilities or temporary field offices; or,

        iv. the excavation, processing, stockpiling or storage of any earth materials.

3. If the Commission finds that the existing vegetation or topography within such buffer area will not effectively screen the earth removal operation from adjoining properties, the Commission may require the installation of additional screening materials such as evergreen plantings or fences.

4. If the Commission finds that the existing vegetation or topography within a lesser buffer area will effectively screen the earth removal operation from adjoining properties; or that the adjoining property owners have consented in writing to a lesser buffer area; or that a lesser buffer area is warranted in order to match proposed contours to the existing contours of adjoining land or that fencing, plantings or a combination thereof proposed by the applicant will effectively screen the earth removal operation from adjoining properties, the Commission may reduce the required buffer area. In reducing the required buffer area, the Commission shall consider the proximity of adjoining uses; the type and quantity of existing or proposed vegetation; the relative elevations of the operation and adjoining properties; and the proximity of the operation to the street. Such reduction shall be the minimum necessary to accomplish the purposes of these Regulations.

5. In order to allow the final grade of the earth removal operation at the street line to conform to the grade of the street along which the property has frontage, the Commission may allow excavation up to the street line.

6. The final grade of any excavated slope shall not exceed one foot of vertical rise per three feet of horizontal distance. Where ledge rock or similar geological conditions are encountered, the

Commission may approve a steeper grade but may require fencing or other protective measures to control hazardous conditions.

7. Unless otherwise approved by the Commission, the maximum depth of excavation shall be:

    a. No greater than ten feet below the grade of the street along which the property has frontage or, if the property has no street frontage, no greater than ten feet below the grade of that side of the property through which access to the site is provided; and, No closer than five feet to the maximum ground water level on the property.

8. In addition to other applicable requirements of this Section, removal of more than 400 cubic yards of earth materials from any property in connection with a bonafide construction project shall also comply with the following standards:

    a. The natural topography of the property shall be preserved to the maximum extent possible.

    b. The proposed excavation shall be certified by the Town's Engineer as being the minimum depth of excavation necessary to accomplish the proposed project.

    c. The processing of earth materials shall be allowed only by Special Permit.

    d. The use of buildings or structures for storing earth materials shall be allowed only by Special Permit as part of the original Special Permit application.

9. Upon completion of the earth removal operation all disturbed areas of the property, except rock exposed by excavation, shall be covered with a minimum of four inches of topsoil. Such topsoil shall be evenly spread over the disturbed area, fertilized and planted with a cover crop suitable to prevent erosion and to hold all slopes. At any time prior to the completion of the earth removal operation, the Zoning Enforcement Officer may require that those areas of the property where excavation has been completed be final graded, covered with a minimum of four inches of topsoil, and seeded to establish a cover crop.

10. Prior to renewing a Special Permit for earth removal, the Commission may require that those areas of the property where excavation has reached finished grade per approved plan, covered with a minimum of four inches of topsoil, and seeded to establish a cover crop.

11. In granting or renewing a Special Permit for earth removal, the Commission may attach such conditions and safeguards as may be required to protect the public health, safety and general welfare and to ensure continued compliance with these Regulations, including but not limited to:

    a. The days and hours of operation;

    b. The area of the property to which the earth removal operation shall be confined;

    c. The extent of stockpiling of materials on the property;

d. Protective measures to minimize the nuisance of noise, dust and flying rock; and,

e. The location of vehicular access into and out of the property.

12. A Special Permit for earth removal shall not become effective until the applicant posts a bond with the Commission. Such bond shall ensure completion of the earth removal operation in accordance with the requirements of the approved Special Permit. Such bond shall permit the Town to finish any uncompleted or required work covered by said bond if the Special Permit expires or is revoked for failure to comply with the requirements of the Special Permit. Such bond shall not be released by the Commission until it has received a report by the Town's Engineer that all conditions of the Special Permit covered by the bond have been complied with and that the required cover crop is growing in healthy condition.

13. Every 12 months after the approval of a Special Permit for earth removal, the applicant shall submit to the Commission information prepared, signed and sealed by a surveyor and an engineer registered and licensed to practice in the State regarding the progress of the operation, including the amount of material removed, existing contours and cross-sections in the area excavated during the preceding six-month period. Failure of the applicant to provide the Commission with such information within 30 days after the end of the 12-month period shall be deemed sufficient cause for the Commission to revoke the Special Permit, upon notice and opportunity to be heard.

14. If, at any time, the Commission finds that the earth removal operation is not being conducted in accordance with the Special Permit as approved, the Commission shall order the applicant to cease the operation and, following a duly noticed hearing, may revoke the Special Permit.

D. Flood Plain Overlay

Article 6D, Section 1 **Statement of Purpose**

A. The Flood Plain Overlay provides for the regulation of areas subject to potential, periodic, occasional or frequent flooding. These regulations establish necessary minimum standards and review procedures over the use of land in the Flood Plain Overly District in order to: reduce flooding hazard to human life and health, reduce damage to public and private property, minimize disruptions of commerce and governmental services, protect property values, maintain the capacity of natural drainage systems to safely store and transport flood waters, minimize damaging flood erosion, and minimize increases in downstream flood potential.

B. The Flood Plain Overlay consists of the special flood hazard areas most recently identified by the Federal Emergency Management Agency in its Flood Insurance Study or on the Flood Insurance Rate Map (FIRM), dated January 5, 1989, with accompanying floodway maps and other supporting data. The Flood Insurance Study, Flood Insurance Rate Map and the supporting data, as revised, are adopted by reference and declared to be a part of these Regulations.

Article 6D, Section 2 **General Standards**

In the Flood Plain Overlay no structure shall be constructed, reconstructed, enlarged, extended, moved or structurally altered; no land use shall be established; and no land shall be filled, graded or excavated until the Commission has approved a plan for the proposed structure, land use or alteration of land contour. Such approval shall not be granted or permit issued unless the plan complies with all of the following requirements:

1. No residential structures will be permitted in a floodway. No encroachment including fill, other new construction, substantial improvements and other development shall be permitted in a floodway unless technical evaluation demonstrates that the encroachment will not result in any increase in flood levels during the base flood discharge. All other Flood Plain Overlay District standards must also be satisfied.

2. New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure, and be constructed of materials resistant to flood damage using methods and practices that minimize flood damage. Electric, heating ventilation, plumbing, air conditioning equipment and other service facilities shall be designed and/or located to prevent water from entering or accumulating within the components during flood conditions.

3. New and replacement water systems shall be designed to minimize infiltration of floodwater.

4. New and replacement sanitary systems shall be designed to minimize infiltration of floodwaters and discharge from the systems into floodwaters. On-site sanitary disposal systems shall be located to avoid impairment or contamination during flood conditions.

5. Structures and improvements shall be designed to cause the least possible impediment to floodwater and debris.

6. No outdoor storage of materials shall be permitted which would tend to be floated by floodwater and cause obstructions downstream.

7. Any reduction in the water holding capacity of the flood plain for a 100-year event caused by structures, improvements, filling or re-grading of land shall be compensated for prior to issuance of a Certificate of Zoning Compliance or building permit.

8. The portions of a watercourse that have been altered shall be maintained so that the flood carrying capacity is not diminished.

9. Where base flood and/or data is not available, the applicant shall obtain, review and reasonably utilize any base flood elevation or floodway data available from Federal, State or other source.

10. Where base flood elevations have been determined but there is no designated floodway, no new construction, substantial improvement or other development (including fill) shall be permitted which will increase base flood elevations more than one (1) foot at any point along the watercourse based upon the development site at full build out.

11. Manufactured (mobile) homes smaller than twenty-two feet at their narrowest dimension are prohibited in the Flood Plain Overlay District. l. Fully enclosed areas below base-flood elevation are prohibited.

12. New construction and substantial improvement of any residential structure shall have the lowest floor, including basements, raised at least one foot above the base-flood elevation.

13. New construction and substantial improvement of any non-residential structure shall have the lowest floor, including basements, raised or flood-proofed to at least one foot above the base-flood elevation. Flood proofing shall conform to standards set by the Federal Insurance Administration and shall be certified by a registered professional engineer or architect.

Article 6D, Section 3 **Application**

Application for a Special Permit shall be submitted to the Planning and Zoning Commission and shall include the following:

1. Four (4) copies of a Site Plan and an A-2 Survey, certified by a professional licensed surveyor to practice in the state of Connecticut showing:

    a. The shape and dimensions of the lot, the size and location of all existing and proposed structures, utilities and land uses;
    b. The layout of parking and loading facilities and access thereto;
    c. The existing and proposed contours at an interval not exceeding two (2) feet based on a field and aerial survey;
    d. Base-flood elevation data and limits of the Flood Plain area.

2. Such other information required by the Commission to determine compliance with this regulation.

3. When Federal or State permits are required, approval of a Special Permit may be contingent on obtaining said permits. Such permits may include, but are not limited to Water Diversion, Dam

Safety and Corps of Engineers 402 and 404.

Article 6D, Section 4 **Procedure**

The Commission shall approve, disapprove, or approve with modifications the proposed plans. One copy of the approved plan, (date of approval noted thereon) shall be filed with Zoning Administrator, one copy shall go to the applicant and one copy shall be filed with the Building Official.

Within Flood Hazard Areas prior to issuance of a Certificate of Zoning Compliance involving the construction of a new residential structure, or a substantially improved residential structure the applicant shall submit an A-2 Survey certifying that the lowest floor (including basement or cellar) is elevated to or above the base-flood level.

Article 6D, Section 5 **Information to be Recorded**

The Town Building Official shall record and maintain a record of the actual elevation of the lowest floor, including the basement, and of all new and substantially improved structures in the Flood Plain Overlay. The Building Official shall also record actual elevation and flood-proofing certification for all new or substantially improved flood-proofed structures.

Article 6D, Section 6 **Alterations of Watercourse – Notification Required**

The Zoning Enforcement Officer shall notify adjacent municipalities and the Water Resource Unit of the Connecticut Department of Energy and Environmental Protection, or successor agency, prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Insurance Administration.

E. **Commercial Campgrounds**

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

To provide standards and guidelines for land used for commercial campgrounds.

Article 6E, Section 2. **Requirements**

Commercial campground shall meet the following requirements:

1. Commercial campgrounds shall be limited to seasonal from April 1st to November 1st within a calendar year. There shall be no occupancy of campsites year-round.

2. A minimum lot area of 50 acres shall be required.

3. A one-hundred (100) buffer foot shall be required.

4. There shall be no more than seven (7) campsites per acre of total site area exclusive of water bodies, inland/wetlands or roads for camp trailers and camper vehicles and not more than fourteen (14) tent sites per acre.

5. All roads servicing the campground sites shall be a minimum of twenty (20) feet in width to prevent undue hazards of traffic congestion in order to allow emergency vehicles and fire apparatus access to all sites. Adequate parking shall be provided in each site for a two (2) no parking shall be allowed on any road within the campground.

6. Facilities and refuse collection and storage facilities shall be provided which meet the requirements of the State Health Code and which are approved by the Town Sanitarian.

7. All electrical outlets shall be weatherproofed; no power lines shall be permitted to be on the ground or suspended less than fourteen (14) feet above ground.

8. Only one permanent dwelling unit shall be permitted on the premises, which shall conform in all respects to all other provisions of these regulations.

9. The owner and/or operator of any campground shall be responsible for the maintenance of an accurate register at such campground in which the following information shall be recorded; name and permanent address of each occupant of any camper unit, date of arrival and date of departure, make, model and registration number of each camper unit and identification of camp site occupied by it. Such register shall be available to the Zoning Enforcement Officer to assist in the enforcement of these regulations and to the police and Health Officer in connection with the discharge of their duties.

10. No transfer of interest in any individual campsite within the commercial campground to a party other than the owner of the entire commercial campground shall be permitted. This provision shall be construed to prohibit all transfers of ownership interest, whether by deed,

bond for deed, or leases, which confer upon the tenant or occupant, a proprietary interest in an individual campsite.

11. Article 6E, Section 3. **Approval**

The Commission may issue a Special Permit, if upon review of the documents submitted, the comments made by the Health Officer, Fire Marshal, Selectmen and others, the Commission finds that all conditions of these regulations are met. The permit shall be valid for one year and renewable by the Commission on a yearly basis thereafter, upon written request of the permit holder. The permit shall be renewed if the Commission shall find that all conditions of the approval continue to be met.

F. Temporary Use of Mobile Home as Residence

No person or family shall use a mobile home as a residence except as permitted in Article 4A, Section 10 or below:

Occupancy may be allowed by a zoning permit issued by the Zoning Enforcement Officer provided the primary residence has been deemed uninhabitable by the Building Official for reason of fire or other calamity, for a period of no more than six (6) months, renewable once.

G. Storage and Maintenance of Contractor's Equipment

The Commission may permit, by Special Permit, as accessory to a residence use, the storage of Contractor's equipment and its maintenance subject to the following:

1. No building or combination of buildings for inside storage or maintenance of contractor's equipment shall be over four thousand (4,000) square feet in floor space.

2. All contractors' equipment must be parked and maintained in the building or in screened outside yard storage areas as indicated on the approved site plan.

3. Proper measures shall be required by the Commission for the prevention of air, water, and groundwater contamination by hazardous materials, oils, fuels, solvents, or other such fluids, gases, and solids.

4. No building shall be erected on the premises except for a use permitted in the Zone per Article IV of these Regulations. All buildings or outside storage yards related to the land use must be delineated on the approved site plan.

5. Repairs conducted on the premises shall be limited to the contractor's own equipment. No work for hire shall be performed under the approved Special Permit.

6. There shall be no bulk fuel storage in volumes above 3000 gallons

Article Seven
Zoning of Appeals

Article 7, Section 1 **Administration**

The Zoning of Appeals shall have all the powers and duties delegated to it by the General Statutes of Connecticut, including appeals from the enforcement of these Regulations, the review and approval of requests for variances, and the location for dealing in or repairing motor vehicles, or the sale of gasoline and similar products, pursuant to Sections 14-55 and 14-322, respectively, of the Connecticut General Statutes.

A. Any appeal, application or other matter requiring a decision of the Zoning Board of Appeals shall be submitted on a form prescribed by the Zoning Board of Appeals, and shall be accompanied by the required fee and any maps, statements and other documents required by the Zoning Board of Appeals in order to properly evaluate and render a decision on such appeal, application or other matter.

B. All maps submitted shall meet or exceed the minimum requirements for a zoning permit plan.

C. No appeal, application or other matter shall be decided without first convening a public hearing on same made in accordance with the requirements of the Connecticut General Statutes.

Article 7, Section 2 **Variances**

A. No variance shall be granted by the Zoning Board of Appeals unless the can reasonably find that, owing to conditions especially affecting the parcel but not generally affecting the district in which it is situated, a literal enforcement of the Regulations would result in exceptional difficulty or unusual hardship so that substantial justice will be done and the public safety and welfare secured, and provided further that the following conditions are met:

    1. the hardship is the result of the particular circumstances of the site and was not created by the applicant or a predecessor in title;

    2. the hardship differs in kind from hardships imposed by these Regulations on other properties in the district;

    3. financial loss resulting from these Regulations does not constitute cause;

    4. the variance is the minimum variance necessary in order to allow reasonable use of the property;

    5. the variance is in harmony with the general purpose and intent of the zoning district and other provisions of these Regulations; and,

    6. the variance will not adversely affect public health, safety, and welfare.

B. A variance shall not be granted to change a special permit use to a permitted use, nor to waive requirements of these Regulations.

C. The Zoning Board of Appeals shall not grant a variance to allow a use not permitted presently under any zone in these Regulations.

D. Upon receipt of an application for a use variance, the Zoning Board of Appeals shall at the same time refer such application to the Planning and Zoning Commission for review and report. Said Commissions shall have thirty (30) days upon receipt of the application to respond to the Board. The Board shall not close its public hearing until such reports have been received or until the thirty (30) day period has elapsed, whichever comes first.

Article 7, Section 3 **Motor Vehicle Related Businesses**

A. The Zoning Board of Appeals is hereby designated as the agency for the Town of Scotland charged with the authority to grant a certificate of approval for the location of the following uses, as required in Sections 14-55 and 14-319 of Connecticut General Statutes, as amended:

1. the dealing in or repairing of motor vehicles, as required for obtaining a license from the Commissioner of Consumer Protection;

2. the establishment, operation or maintaining of a motor vehicle recycler's yard or motor vehicle recycler's business; and,

3. the sale of gasoline or any other product under the provisions of §14-319 of the Connecticut General Statutes, as required for obtaining a license from the Commissioner of Consumer Protection.

B. Notwithstanding the above, the granting of a certificate of approval by the Zoning Board of Appeals shall not in any way abrogate or annul other regulatory and administrative provisions of these Regulations pertaining to said uses.

C. The Board shall hold a public hearing on any application under this Article 7, Section 3, and shall apply the criteria set forth in the Connecticut General Statutes Section 14-55.

Appendix A - Design Guidelines

Overview

The purpose of the following guidelines is to provide prospective developers of properties within the Village District with a sense of what the community desires from such development. While these are only guidelines and do not carry the authority of regulation --- they are very important. Scotland strongly desires development within this area that will enhance the community's historic strengths and grow the town economically.

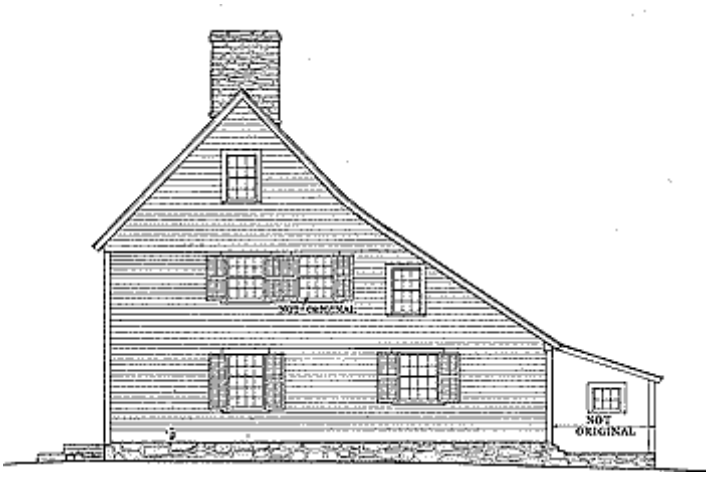
We urge persons to review this document and then discuss their ideas for development with the Commission. These preliminary discussions will better ensure that your application will be in line with our regulations and the character of the community.

Village District

The Scotland Village District represents a unique and historically significant place in the Town. The Village District includes the section of Huntington Road (State Route 14) between the Huntington Homestead Museum and approximately 500 feet east of the post office (State Routes 14 and 97). The site also includes two local roads; all of Center Street and Brook Road from the intersection with Route 14 to the Scotland Elementary School.

The objective of these design guidelines is to provide citizens, landowners, business owners and developers with clear expectations for development and redevelopment guiding principles. Overall, development with the Scotland Village District should:

- Strengthen the character of the District as the focal point of the community and as a destination for shopping, services, and government;
- Encourage development that is distinctive and appropriate
- Assure that future construction, alterations, or additions maintain a relationship to the historic development of the Town through appropriate design
- The architecture and site design of a project should subsequently contribute to the established design character of the District.



These Design Guidelines apply to all proposed development within the Village District that is subject to the Town's Zoning Regulations and do not exempt applicants from obtaining all required permits and complying with all applicable building codes, laws, and regulations in

force.

Overall Architectural Design

- The architectural style (compatible and complementary to the rural character of Scotland), height, roofline, materials and proportions of such buildings should be noted when new buildings are designed. Exterior modification of an existing structure should respect the rural character of the Town. Additions to existing buildings are encouraged to be compatible in size, scale, color, material, and character with the Town or reflect updated architectural styles compatible with the Town's rural character.

- Building design should incorporate features that add visual interest to the building while reducing the appearance of bulk or mass. Buildings should avoid long, monotonous, uninterrupted walls or roofs on their visible facades. They also should avoid long expanses of repetitive architectural elements. Whether symmetrical or asymmetrical, the buildings' facades should be balanced in their composition.

    - Preserve and reinforce historic scale, massing, and proportion where applicable.

    - Encourage building proportions that are compatible with the surrounding structures and the Town in general.

    - Facades should be articulated to reduce the massive scale and the uniform, impersonal appearances of large retail buildings and provide visual interest that will be consistent with the community's identity character, and scale. The intent is to encourage a more human scale that residents of Scotland will be able to identify with their community.

    - The proportions and relationships between doors, windows and other building elements should be related to a human scale and should be compatible with the scale, rhythm, and character of the surrounding area.

    - The width of new structures should relate to that of adjacent structures.

    - Larger buildings that are located adjacent to smaller structures should be broken down into smaller bays.

    - A single, large, dominant building mass should be avoided.

- Buildings may be either traditional in their architectural character or a contemporary expression of traditional styles and forms.

- New architecture should consider traditional New England architecture as seen in existing structures in the Village District, including but not limited to design elements such as proportional windows, wooden shingles, traditional rooflines, and the Colonial style. Applicants should refer to The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings and should incorporate as many standards as possible in projects involving historic buildings.

- All sides of all buildings should be treated with the same architectural style, use of materials, and details as the front of the building.

- Architectural design, building materials, colors, forms, roof styles, and detailing should all work together to express a harmonious and consistent design.

- Any buildings over 5,000 square feet should have variation in roof form, building height and wall planes.

- Linear "strip" development should incorporate variation in building height, building mass, roof forms and changes in wall planes in the architectural design to mitigate the linear effect of "strip" development. In some instances, a physical separation of one building into two or more buildings may be desirable.

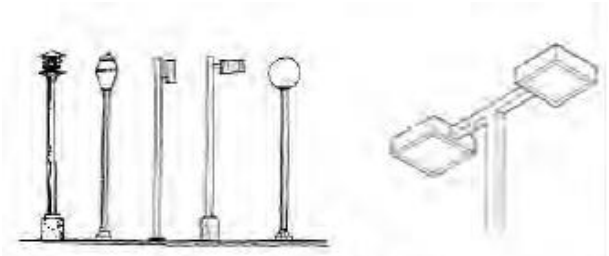
- To maintain the unique character of Scotland, franchise architecture (building design that is trademarked or identified with a particular chain or corporation and is generic in nature) should be minimized, unless compatible with the rural nature of Scotland – rather they should enhance and complement the rural character and New England style present in the Town.

- Development (Building and site design) should respect the physical characteristics (open spaces on parcels, common setbacks and streetscapes) of the site and to the contextual influences of the surrounding area. Both the physical site characteristics and the contextual influences (scale compared to the massing of existing structures) should be considered early and throughout design development.

- While the Town strongly prefers authentic natural materials such as wood, brick, and stone for the exterior of structures and landscape features; synthetic materials, when used, should be as close in appearance and detail to the natural material it simulates.

- The adaptation and reuse of existing buildings of both functional and stylish historic design is encouraged

    - When renovations are considered to introduce new uses into existing structures, the newly constructed portion of the building should appear as an originally conceived part of the design.



Examples of appropriate light post designs.

    - New additions should match the scale and reflect the proportions of the original structure where they adjoin or are adjacent.

    - Renovation of existing buildings should seek to improve energy efficiency within the building. Water conservation and energy efficiency should be a central goal in the selection of building components an building systems

Lighting



- For the provision of safe and attractive illumination, lighting should be designed at a pedestrian scale to illuminate the sidewalk area and buildings without creating excessive light impacts.
- Lighting should be in a style that is compatible and complementary to the surrounding architectural style and character
- Choose lighting that is appropriate to building design and site location and the character of the Town.

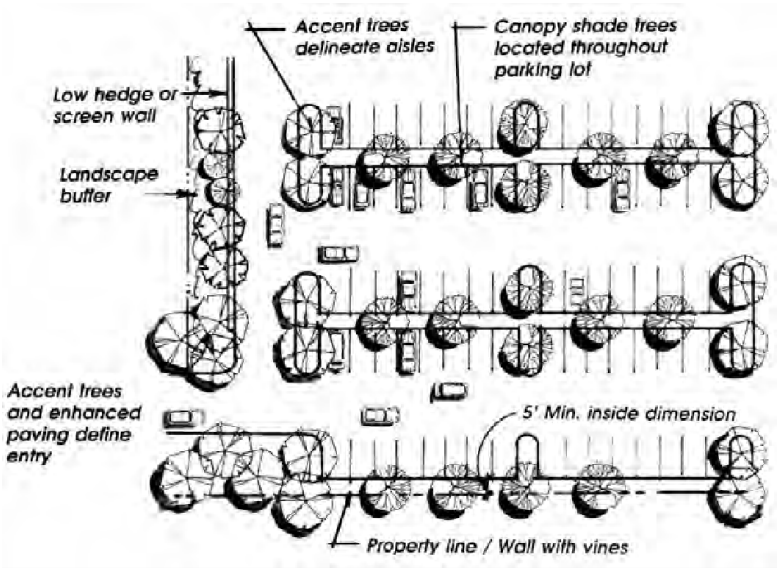


- Coordinate the site lighting plan with the landscape plan to ensure that any conflict between trees and light fixtures is avoided.
- Coordinate lighting with adjacent developments, when feasible, to create continuity.
- Lighting fixtures should be positioned, with respect to spatial design and fixture height, to give adequate uniformity of the illuminated area.
- Lighting should be located so as to minimize the impact of lighting upon adjacent buildings and properties, especially residential uses.
- Appropriately light pedestrian walkways and destination points for pedestrian safety -- illuminating changes in grade, path, intersections, and other areas along paths.
- The location of lighting should respond to the anticipated use and not exceed the amount of illumination required by users.
- Building lighting should have a low level of luminescence.
- Signage lighting should not interfere with neighboring land uses or constitute a hazard to pedestrian or vehicle traffic.
- Internally illuminated signs are not recommended.

Signage

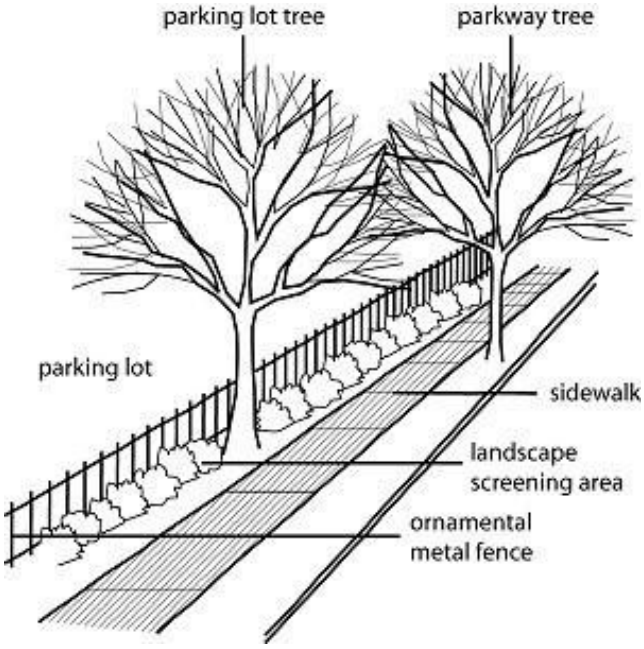
- Signage should reflect a balance between allowing adequate signage for business identification while protecting the visual aesthetic of the streetscape
- The primary purpose of the sign should be to identify the business or businesses at a specific site. -- Signs should not be used as advertisements.
- Signs should provide adequate identification of the business.

- Wall signs and signs on pedestrian canopies are recommended.
- Symbolic and historic three-dimensional signs which enhance the rural character of Scotland are encouraged.
- Appropriately sized projecting signs are encouraged.
- Exposed neon, LCD or similar signs are strongly discouraged.



- Banner signs should only be used as temporary commercial signs used to advertise a grand opening or change of business.
- Signs should be scaled appropriately to appeal to both pedestrians and vehicles.
- Signage that is consistent in scale with other signs along the corridor is recommended.
- Signs should be limited to covering no more than fifteen (15) percent of available window space.
- Signs should be architecturally compatible with the style, composition, materials, colors and details of the building and the Town.
- Signs constructed of natural materials such as metal or wood are preferred.
- The visual message on signage should be legible and attractive.
- Structural supports for projecting signs should be designed so that their visual appearance is minimized.
- For signs identifying hours of operation, menus, newspaper reviews, and other customer information, it is recommended that these be framed, board-mounted or plastic laminated for a finished appearance.
- Signs should be symmetrically located within a defined architectural space on the building facade.
- Signs should not obscure or conceal architectural elements.
- On corner lot buildings, position signs on the corner of the building that abuts the two street fronts.

Circulation and Parking



General Circulation

- Street intersections should occur at a 90-degree angle to calm traffic and protect the pedestrian.
- Separate travel ways and/or grade separation for each mode of transportation (pedestrian and vehicles) where feasible, especially where volumes and relative speeds merit this precaution.
- Careful delineation and design of intersections should be considered to avoid mode conflicts and accidents.
- A minimal number of curb cuts should be used. When possible, curb cuts and vehicular access should be located on side streets to provide safe pedestrian access from streets and along sidewalks.
- Shared parking is encouraged among adjacent buildings to take advantage of different peak periods and reduce underutilized parking during various times of the day.
- Access on corner lot driveways should be located as far as possible from the intersection.
- Large parking lots should be broken into smaller lots to reduce the size and visual impact of large expanses of asphalt.
- Lighting used to illuminate parking areas should be directed downward and should not spill into adjacent properties.

Parking Location

- Parking areas should provide safe, convenient, and efficient access for vehicles and pedestrians. They should be distributed around large buildings in order to shorten the distance to other buildings and public sidewalks and to reduce the overall scale of the paved surface. If buildings are located closer to streets, the scale of the complex is reduced, pedestrian traffic is encouraged, and architectural details take on added importance.
- Parking located adjacent to a public roadway should be well landscaped and include a sidewalk (if feasible) so to minimize the negative visual presented by the parking lot.
- Pervious surfaces and other low-impact approaches are strongly recommended

Pedestrian Circulation

- Increase and enhance pedestrian and bicycle access to storefronts, parking lots and provide comfortable safe linkages through well planned pathways, lighting and way-finding techniques.

- Pedestrian pathways should provide access to all of the functional destinations contained within the site.

- Minimize traffic lane widths while allowing for vehicular maneuvering.

- Primary circulation paths should avoid excessive steps or level changes in order to reduce potential tripping hazards and facilitate circulation for all potential users.

- Avoid asphalt when possible and utilize pervious surface materials

Landscaping and Screening

- Surface parking lots should be screened in ways that allow buildings and landscaping to be the primary focal elements viewed from the street.

- Parking lots, when appropriate and not detrimental to safety or commerce, should be visually buffered from streets and adjacent properties using earth berms or landscape screens. Buffering materials can include trees, shrubs, and fencing that matches the local character.



Landscaping planted in front of wall.

- All surface parking lots should receive a perimeter interior landscape treatment for visual enhancement, pedestrian safety, guide circulation, shade, planting islands or raised beds, reduce impervious surfaces, and erosion control.

- Maintain a spatial separation or landscape barrier between the parking area and the building.

- Protect end row parking from turning movements of other vehicles with curbed landscaped areas.

- Use concrete, stone or similar curbing to contain landscape materials and provide protection from vehicles.

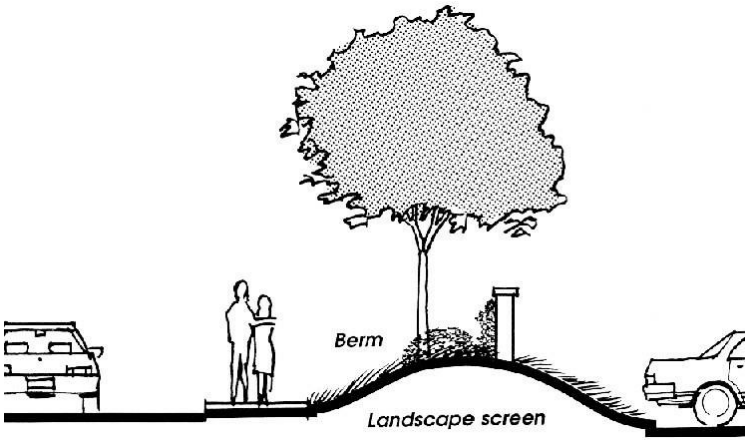
- Avoid chain link fencing

Site Landscape

- Landscaping can be used to enhance the attractiveness of storefronts and entrances, define spaces, and improve the pedestrian experience. Landscaping should be composed of

noninvasive, drought-resistant plantings that may include trees, flowers, shrubs, succulents, and ornamental grasses

- Site designs should be sensitive to adjoining land uses.
- Structures should be oriented and designed architecturally to follow the existing grade of the land as is currently seen in the Village District



- Proposed site contours shall follow the natural contours of the site.
- Every effort should be made to preserve existing trees, vegetation, topographic features, drainage, and undisturbed natural areas in the site design.
- Stone walls should be maintained and incorporated into site design.
- Frontages incorporating high-branching shade trees and stone walls along the street line are encouraged.
- Exposed storage areas, machinery, garbage dumpsters, service areas, truck loading areas, and utility buildings and structures must be screened from the view of abutting properties and streets using plantings, fences, and other approved methods
- Low landscaping, such as vines and shrubs, should be planted between walls fences and public streets to soften their appearance and to deter graffiti. The landscaping should be placed close to the wall fence so that individuals are not able to hide between the wall fence and the landscaping (i.e. there should not be a space between the wall fence and the landscaping that would allow a criminal to hide).
- Landscaping that incorporates low impact development strategies for stormwater is strongly encouraged. Specifically, the use of Bio-filters, or vegetated grass swales are encouraged at the edges of parking lots to collect, filter, and distribute stormwater runoff from parking lots. Bio-filters should either be designed to accommodate large storms or have overflow storm drains where runoff from large storms may bypass the bio-filter and enter the underground drainage system. Catch-basins can be used to direct runoff to the vegetated swales.
- Identify existing natural features (e.g. mature trees, topographic features, rock outcroppings, etc.), consider as design determinants, and preserve as much as possible.
- Avoid extensive topographic reshaping and/or clearing.
- Protect places (e.g. special open space, rare vegetation, scenic water features, wildlife habitat, etc.) which lend a unique character to the specific setting.

- Preserve or create scenic vistas.
- Situate utilities below ground wherever possible and relocate existing overhead services below ground.
- Landscaping should be installed along blank walls and fences to soften the appearance of the material and provide a layering of vegetation.
- Chain link fences should not be employed when visible from the street.
- Factor in local climate condition (including solar and wind influences) when designing for energy efficiency.

Street Trees

- New developments should respect existing street trees and promote new plantings that shape and define our streets and public ways.
- Plant street trees around public and private areas in sufficient numbers and spacing to create canopies at maturity for environmental and spatial impact.
- Street trees should be included along all street frontages of commercial development.
- The location of overhead utility lines and building overhangs should be considered in the placement of trees.
- Tree location should be planted in a straight line in order to maintain a consistent streetscape amenity.
- Choose species that have year-round interest.
- Use indigenous plants to establish continuity with surrounding areas, and a self sustaining environment.

Public Amenities

- Public amenities should have a consistent materials palette and color scheme.
- Street furniture, constructed of durable materials that are resistant to weather, vandalism, and rusting, should be placed within view of the action, but out of the way of the flow of pedestrian traffic.
- Use of recycled materials for street furniture is encouraged.
- The use of public art is encouraged.
- Public Spaces should be designed to accommodate a wide range of uses and age groups.

- Landscaping of public spaces should not obscure pedestrian eye-level views.
- Design public spaces for visibility from the street and the ability to see through from one part of the space to another.
- Public spaces should contain direct access from adjacent streets and allow for multiple points of entry.
- Sun-shade patterns should be considered as seating locations are developed.
- Steps, planter seat wafts, retaining walls, or mounds of turf are good secondary forms of sitting that enhances user comfort.
- Buildings should provide protection for pedestrians from adverse weather conditions and utilize overhangs, marquees, and awnings at entrances, along pedestrian pathways, and at transportations waiting area

Pedestrian Access

- Pedestrian accessibility opens auto-oriented developments to the neighborhood, thereby reducing traffic impacts and enabling the development to project a friendlier, more inviting image.
- Continuous internal pedestrian walkways, no less than 5 feet in width, should be provided from the public sidewalk or right-of-way to the principal customer entrance of all principal buildings on the site. At a minimum, walkways should connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, building and store entry points, and should feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground covers, or other such materials for no less than 50 percent of their length.
- Sidewalks, no less than five (5) feet in width, should be provided along the full length of the building along any facade featuring a customer entrance, and along any facade abutting public parking areas. Such sidewalks should be located at least six (6) feet from the facade of the building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the facade.
- All internal pedestrian walkways should be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as paves, bricks, or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways. Signs should be installed to designate pedestrian walkways.
- Buildings should offer attractive and inviting pedestrian scale features, spaces and amenities. Entrances and parking lots should be configured to be functional and inviting with walkways conveniently tied to logical destinations. Bus stops and drop-off pick-up points should be considered as integral parts of the configuration. Pedestrian ways should be anchored by special design features such as towers, arcades, porticos, pedestrian light fixtures, bollards, planter walls, and other architectural elements that define circulation ways and outdoor

spaces. The features and spaces should enhance the building and the center as integral parts of the community fabric.