

TOWN OF WINCHESTER
CITY OF WINSTED

ZONING REGULATIONS

BY

WINCHESTER PLANNING & ZONING COMMISSION

ADOPTED MAY 24, 1956

EFFECTIVE MONDAY, JUNE 11, 1956

REVISED - DECEMBER 23, 1968

REVISED - MAY 1971

REVISED - MARCH 1972

REVISED - JUNE 1975

PROPOSED REVISION JANUARY, 1978

REVISED - 1985

REVISED - 1988

REVISED - 1989

REVISED - 1990

The preparation of this document was financially aided through a Federal Grant from the Dept. of Housing & Urban Development, under the urban planning assistance program, authorized by Section 701 of the Housing Act of 1954, as amended, under the Administration of the Dept. of Community Affairs.

ZONING REGULATIONS

INDEX

	PAGE
A	
Accessory Buildings	7
Access-Use of Land	6
Amendments	50
Applications for bldg. permits	47
Application for Special use	
Commercial Rec.	21,25a
Assembly Hall-Parking	
Required	44
B	
Balcony, area of	10
Boarding Houses-Required parking	
facilities	44
Boarding Stables-Rural	
Districts	25
Building, Definition of	1
Building area, Definition of	1
Building on existing lots	6
Building height, Definition of	1
Building line, Definition of	1
Building permit-Fee	47
Building permit-Special use	
Commercial Rec.	24
Buildings and structures over and	
along bodies of water	8
C	
CA Districts-Uses permitted	34
Cable TV	25,25a
Camp Site Design Criteria	31,32,
.	24
Camp Site-Rental conditions	30,23
C3 Districts Uses Permitted	35,36
Certificate of Occupancy	48
Clinic-Rural District	25
Commercial Kennels-Rural	
District	26
Commercial & Industrial Land	
Use, Performance Standards	33a
Commercial Recreation Area	21-25
Commercial Recreation	
Special Use	23-31
Commission Approval-Special Use	
for Commercial Rec.	23
Community Toilet Facility	
Requirements	32
Content of Signs-Defined	56

	PAGE
C	
Congregate Housing	20A & 20B
Corner Visibility-	
Restrictions	8
Cottage, Seasonal,	
Definition	1
Court, Definition of	1
CX Districts	36-37
CX Districts-Uses permitted	37-38
CX-1 Zone	
CLUSTER ZONE (OPEN SPACE)	39a
D (PGS. 15, 16, 16a 16b)	39b
Decibel, Levels allowed	33a
Design Criteria-Special	
Use of Commercial Rec.	22,25a-
Detached Sign-Definition	55
Distribution of Apt. sizes	20
District, Boundaries	4
Districts, Commercial	4
Districts, Industrial	4
Districts, Residence	4
Districts, Rural	4
Dwellings for more than one	
family Minimum Lot area	6
Dwelling, Multiple, Definition	
of	1
Dwelling, one family,	
Definition	1
Dwelling, two family,	
Definition	1
Dwelling, Row, Definition	1
Day Care	12
E	
Enforcement of Ordinances	47
Existing Dwellings,	
Conversion of	8
Erosion & Sediment Control Plans	
F	33b-33e
F	
Family, Definition of	2
Family Unit, Definition of	2
Farm, Definition of	2
Fences	8
G	
Golf Club-Rural District	26
Gravel Removal	43

H	PAGE
Height Limitations of Buildings	7
Home Occupations	11,12
Hospitals-Required Parking Facilities	44
Hospitals-Rural Districts	26
Hotel Permitted-Rural Districts	26
Hotels-Required Parking Facilities	44

HL ZONE
HIGHLAND LAKE DISTRICT Pgs. 4, 200
I Pgs. 10a-10b-2
Pg. 33c*

IB Districts-Uses not Permitted	41,42
Illumination of Signs	56
Industrial Districts-Required Lot Area	42
Industrial Districts-Uses Permitted	40-41
Industrial Plants-Parking Required	44

J

K

L

Landscape Treatment	10
Lanscaped Area	9
Landscaped Buffer	9
Landscaping Regulations	9
Livestock Auction-Rural District	26
Living Space-Residence	5
Lot, Definition of	2
Lot Area-Multiple Dwellings Required Dimensions	18
Lot Area-Residence Required Dimensions	15
Lot, Corner, Definition of	2
Lot Line, Front, Definition of	2
Lot line, Side, Definition of	2
Lot, Minimum Width, Definition of	2
Lots lying in more than one District	7
Lots on narrow streets	7

M

M	PAGE
Minimum Living Floor	
Area	20
Motions of Signs	56
Multiple Dwellings	17,18

N

Nonconforming Bldg.- Definition of	2
Nonconforming Bldgs-Use of	46
Nonconforming use- Definition of	2

O

Off-Street Parking	19
Open Space, Definition of	2
Open Space, projection into	7
Open Space, Required	6
Open Space, Usable for	
Dwellings	10
Operating Criteria-Special Use of Commercial Rec.	22

P

Parking Facilities Required	44
Parking-Requirements for Public Assembly	44
Parking-Requirements for Undertaker Establishments	44
Plan of Development-Items Required, CY Districts	36
Professional Office Overlay Zone	39c

Q

R

Recreation-Usable Open Space	19
Reduction of Lot Area or Dimension	5
Regulations, Compliance with	5
Required Floor Area	5
Required Frontage & access	5
Required Lot Area-Limited Retail Enterprises	33
Residence Districts- Home Occupations	11
Residence Districts-Uses Permitted	11
Restaurant-Rural District	26
Riding Schools-Rural District	26

R	PAGE
Roadside-Oriented Limited	
Retail Enterprises	33
Roadside Stands	14
Roof Signs	56
Rural Districts-Commercial	
Recreation	27
Rural Districts-Uses	
Permitted	26
Rural Residence Districts-	
Special Uses	27

S

Sand Removal	43
Sanitorium-Rural	
Districts	26, 9
Seasonal Cottage-	
Footage requirements	5
Sign Area	56
Sign-Definition of	55
Sign-Commercial Zones	55
Sign-Non conforming	57
Sign Permits	58
Sign Regulations-Purpose	55
Signs-Residential & Rural	56
Sign, Special Exceptions	58
Sign Variance	58
Siting of Bldgs	19
Slaughtering of Livestock	8
Sound Levels Permitted-	
Business Zone	33a
Sound Levels Permitted-	
Residence & Rural	33a
Special Permit-	
Application for	8
Street-Definition of	3
Subdivisions, Residence	15,16,
Subdivisions, Special	
Regulations	7
Surfacing	45

T

Tearoom, Rural District	26
Tennis Club, Rural	
District	26
Terrace, Area of	10
Theaters-Parking Required	44
Top Soil Removal	42
Tourist Cabin, Definition of	3
Trailer, Definition of	3,52,
Trailer Camp, Definition of	3
Trailer Park-Application &	
License Fee	53

T

T	PAGE
Trailer Park-Application	
Procedure	52-53
Trailer Park, Definition of	52
Trailer Park, License infor-	
mation content required	53
Trailer Park, License validity	
& time limit	53
Trailer Park, Responsibilities	
of License	53
Trailer Park, Zoning	
Restrictions	52
Trailers, Human Occupancy	51
Trailer Site, Definition of	52
Trailer, Temporary use	
Permit	51

U

Undertaker Establishments,	
Parking Facilities	
Required	44
Use of Land for Access or	
Parking	6
Uses Permitted-Special use of	
Commercial Recreation	22

V

Validity of Zoning	
Regulations	50
Veterinary Hospital-Rural	
District	26

W

Wall Signs	56
Wholesale Establishments-	
Parking required	44

X

Y

Yard, Front-Definition of	3
Yard, Rear-Definition of	3
Yard, Side-Definition of	3

Z

Zoning Board of Appeals	49
Zoning Board-Powers &	
Duties	49
Zoning District-Boundries	4

WINCHESTER, CONNECTICUT
SECTION 1
DEFINITIONS

Adopted 11/13/90: Effective 11/20/90

For the purpose of these regulations, certain terms or words shall be defined as below. Words in the present tense include the future, the singular number includes the plural, and vice-versa. The word "person" includes a partnership, association or corporation.

- 1.1 ** BUILDING: An independent structure having a roof supported by columns or walls resting on its own foundation and includes shed, garage, stable, boathouse, greenhouse or other accessory buildings. When any portion of a building is separated from every other portion by a division wall without openings, such separated portion shall be deemed a separate building.
- 1.2 BUILDING AREA: The ground enclosed by the walls of a building, together with the area of all covered porches and other roofed portions.
- 1.3 BUILDING HEIGHT: The vertical distance from the average finished grade within 10 ft. of the walls of the building to the highest point of flat or mansard roofs, including the top of a parapet, or to the mean level between the eaves and ridge for gable, hip, or gambrel roofs.
- 1.4 BUILDING LINE: A line parallel to a street at a distance equal to the required front yard, or at a greater distance when otherwise established by the Town of Winchester, or where established by the owner and recorded in land records of the Town of Winchester.
- 1.5 COURT: An open space, other than a yard, on the same lot with a building, which space is bounded on three or more sides by the walls of such building.
- 1.6 DWELLING, ONE FAMILY: A detached building designated for or occupied by one family.
- 1.6a SEASONAL COTTAGE: A detached structure intended and designed for human occupancy by a single family for a seasonal or recreational use, and not for permanent residence, connected to a safe water supply with sewage disposal in accordance with applicable regulations, and having a minimum floor area of 500 sq. ft..A seasonal cottage shall not be occupied for more than a total of thirty days between October 15th and the following May 1.
- 1.7 DWELLING, TWO FAMILY: A detached building designated or occupied by two families living independently of each other.
- 1.8 DWELLING, MULTIPLE: A dwelling or group of dwellings on one lot containing separate living units for more than three families, having separate or joint entrances, services of facilities.
- 1.9 DWELLING, ROW: A building designated or occupied by one family, which is attached to two or more similar dwellings in a row or group, containing not less than three such buildings.
- 1.9a* DWELLING, CONGREGATE: A building containing two or more family units occupied by persons 62 years or older, together with common facilities sufficient to meet the needs of all residents, which shall include a common kitchen, dining and meeting and laundry facilities, and may include other common facilities.

- 1.10 FAMILY: Any number of individuals related by blood or marriage, living together as a single housekeeping unit. A group of not more than six persons not related by blood or marriage may be considered a family, if living as a single housekeeping unit.
- 1.11 FARM: A tract of land containing five (5) acres or more, used in part or wholly for agricultural purposes, which may include the raising and keeping of domestic and other animals.
- 1.12 FAMILY UNIT: A dwelling or part of a dwelling occupied or intended to be occupied by one family.
- 1.13 ** LOT: A plot or parcel of land occupied or capable of being occupied by one principal structure and the accessory structures or uses customarily incident to it, including such open spaces as are required by these regulations. In the case of multiple dwellings, row dwellings, institutional or commercial structures, or a group of structures under the same ownership may be considered as occupying the same lot.
- 1.13a LOT, CORNER: A lot having two adjacent sides facing a street or streets, with an interior angle of intersection of not more than 120 degrees, and a street line curve of less than 100 feet.
- 1.14 LOT LINE, FRONT: All dividing lines between a street and the lot shall be considered front lines.
- 1.15 LOT LINE, SIDE: The line or lines bounding a lot which extend from the street towards the rear in a direction approximately perpendicular to the street. In the case of corner lots, all lines extending from streets shall be considered side lines.
- 1.16 LOT, MINIMUM WIDTH OF: The distance between the side lot lines in a straight line at right angles to the mean direction of such side lot lines, which lines of measurement shall touch, but not be in front of the building line. In the case of a corner lot, the minimum width shall be measured at, but not on the street side of, the building line, and shall extend from the side lot line to the opposite street line.
- 1.17 NONCONFORMING USE: A use of land, building or premises, which is not a use permitted by the provisions of these regulations for the district in which such land, building, or premises are situated.
- 1.18 NONCONFORMING BUILDING: A building which does not conform to all the applicable provisions of these regulations.
- 1.19** OPEN SPACE: A space not occupied by a structure, except fences, utility facilities, flag poles, and driveway, open to the sky on the same lot as the principal structure.
- 1.20 STREET: For the purpose of these regulations, the word "street" shall include a public or private highway or right-of-way giving access to the lot.
- 1.20a** STRUCTURE Anything erected or constructed which requires location on the ground or attached to something having a location on the ground.
- 1.21 TOURIST CABIN: A residential structure with or without kitchen facilities containing not more than two bedrooms, and primarily intended for the accommodation of transients.

- 1.22 TRAILER: Any vehicle which is used for sleeping or living quarters or business, and which is, has been, or may be mounted on wheels.
- 1.23 TRAILER CAMP: "Trailer Camp" for purposes of definition shall describe any premises used in excess of one trailer parked on any one premises.
- 1.24 YARD, FRONT: An open space between the building line and the front lot line, extending the full width of the lot, or, in the case of a corner lot, extending the full width of the lot.
- 1.25 YARD, REAR: An open space between the building and the rear lot line, extending the full width of the lot.
- 1.26 YARD, SIDE: An open space between the building and a side lot line, extending from the front yard to the rear yard. Any yard not a rear yard or a front yard shall be deemed a side yard.

TOWN HOUSE

SECTION 2

DISTRICTS

2.1 For the purpose of this regulation the Town of Winchester is divided into the following classes of districts:

RESIDENCE DISTRICTS

R-1 District
R-2 "
R-3 "
R-4 "

COMMERCIAL DISTRICTS

CA-1 District
CA-2 "
CA-3 "
CB-1 "
CB-2 "
CB-3 "
CX "

RURAL DISTRICTS

RU-1 District
RU-2 "
RU-3 "

INDUSTRIAL DISTRICTS

IA-1 District
IA-2 "
IA-3 "
IB-1 "
IB-2 "
IB-3 "

*HIGHLAND LAKE DISTRICT

HL

2.2 *

The boundaries of the residence districts, rural districts, commercial districts and industrial districts are hereby established, as shown on the Building Zone Maps of the Town of Winchester, dated April, 1956, as amended, which maps are hereby declared part of this regulation. The boundaries of the Highland Lake District are and shall be and include all land situated in Residence Districts and Rural Districts, and specifically excluding Commercial Districts and Industrial Districts, lying in, under and upon Highland Lake and within an area bounded by a line of one thousand (1,000) feet distant from and parallel to the high water line of the waters of Highland Lake upon its shoreline.

2.3

Zoning district boundaries follow the lines of natural watercourses, lakes, public lands, and streets, except that land frequently under water, from the shore line or high water line to the center of the water body, shall be considered to be in the same zone district as land on the abutting shore, and where such lines are set back from the streets, they shall be considered as being parallel to such streets, and

a. for residence and rural districts 150 feet deep, and

b. for commercial and industrial districts 100 feet deep, except where specific dimensions are shown on the Building Zone Maps.

2.4

In this regulation a more restrictive district is one appearing first on the list in 2.1 above

SECTION 3

GENERAL REQUIREMENTS

3.1 COMPLIANCE WITH PROVISIONS OF REGULATIONS

No land, building, or premises, or part thereof shall hereafter be used, and no building, or part thereof, or other structure shall be constructed, reconstructed, extended, enlarged, moved or altered, except in conformity with these regulations. No lot shall be less in area or width, nor have smaller yards, nor shall any building or buildings occupy in the aggregate a greater percentage of the lot, nor shall any building be greater in height as prescribed in the table applicable to the district in which it is located, or as otherwise provided in these regulations.

3.2 * DENSITY AND BUILDING COVERAGE CALCULATIONS FOR CERTAIN UNBUILDABLE LANDS.

Only 50% of the total area of lands with inland wetlands soils, land subject to flooding, water bodies or watercourses, or land with slopes in excess of 25% may be used to calculate density or building coverage in any zone or special permit in which these calculations apply. In non-residential zones the Commission may modify this requirement when, in the opinion of the Commission, the location or configuration of such lands in relation to the buildable area on site warrant such modifications.

3.3 REQUIRED FRONTAGE AND ACCESS

No building shall be built on any lot unless such lot has frontage of at least 25 feet on a public street, or unless it has unobstructed and exclusive permanent easement of access, or private right-of-way at least 25 feet wide to a public street.

3.4 REQUIRED FLOOR AREA

No dwelling shall be erected, moved, or structurally altered unless the floor area devoted to living space exclusively for one family is not less than 950 sq. ft. minimum. A dwelling shall contain an additional 125 sq. ft. for each bedroom in excess of two. The first story of a dwelling with livable floor area on an upper floor shall be not less than 675 sq. ft. in area.

3.4.1 A seasonal cottage shall contain not less than 500 sq. ft. of floor area. Multiple dwelling floor areas are listed in Section 4.4.7 hereafter.

3.4.2 Living space may include customary rooms, closets, halls, kitchens, pantries and bathrooms, but shall be included only if it has a minimum head room of 7 feet. Where located above the first floor, living space shall be included only if accessible by a permanent stairway. Unfinished space above the first floor, designed for a use mentioned above, and otherwise complying with the provision of this paragraph, may be included as living space to the extent of one-third of the required area. Porches which are not fully enclosed and heated, basement rooms whose floor is entirely below the grade level, garages and other accessory structures shall not be included as living space.

*Adopted 9/24/1990
Effective 9/28/1990*

3.5 OPEN SPACES REQUIRED FOR EACH BUILDING

Except as specifically provided herein, no part of any yard or other open space required about any building may be included as part of a yard or other open space required for any other building.

3.6 BUILDING ON EXISTING LOTS:

Providing that sewage disposal in accordance with applicable regulations, and a safe water supply can be provided without endangering the health and safety of adjoining residents, nothing in these regulations shall prevent the construction of a permitted building, or the establishment of a permitted use on a lot containing less than the prescribed lot area or lot frontage which, at the time of adoption thereof or any pertinent amendments hereto,

- a. was owned separately from any adjoining lot and recorded in the land records of the Town of Winchester, or
- b. was shown on a plan of subdivision, approved by the Planning & Zoning Commission and recorded in land records of the Town of Winchester.

3.6.1 Except as provided in Section 3.6b, where two or more non-conforming adjoining lots of record are in the same ownership on or after the effective date of these regulations, then all such lots shall be combined as necessary toward meeting the lot area and width requirements of these regulations. If all such adjoining lots when combined still do not meet the area and width requirements of these regulations, such composite parcel shall be treated as a lot under section 3.6a of these regulations.

3.6.2 - No dwelling for more than one family shall be constructed on a lot, existing or created under the conditions of sections 3.6 and 3.6.1 above, which contain less than 100% of the required "Minimum Lot Area per Family Unit" in the applicable zone.

3.7 USE OF LAND FOR ACCESS OR PARKING

The use of land for access or for parking in connection with a use shall be considered to be accessory to and part of such use, except that this provision shall not prohibit access across a Commercial District to a use lying in a Light Industrial District.

3.8 DWELLINGS FOR MORE THAN ONE FAMILY

In the case of dwellings for more than one family, the number of family dwelling units on any lot shall not exceed one for each unit of land area appearing under the heading: "Minimum Lot Area per Family Unit" in the table applicable to the district in which such lot is located. For the purpose of determining the number of family dwelling units to be permitted in such dwellings, the average depth of the lot shall not exceed three times the average width thereof.

3.9

HEIGHT LIMITATIONS

The building height limit shall be applied separately for each wing or other distinct portion of the building, and may be increased for any building or distinct portion thereof by one foot for every two feet by which such building or such portion thereof lies inside the nearest limiting line of any required front, side or rear yard. Spires, cupolas, towers, chimneys, flagpoles, penthouses, ventilators, tanks, and similar features, occupying in the aggregate not more than 10 percent of the building area, and not used for human occupancy, may be erected to a reasonable and necessary height.

3.10

PROJECTION INTO OPEN SPACES

Nothing in this ordinance shall prohibit the projection not more than one foot into a required open space of pilasters, belt courses, sills, cornices, or similar architectural features, nor the planting or landscaping of such open spaces.

3.11

LOTS ON NARROW STREETS

In the case of lots fronting on streets less than 50 feet wide, the front yard required by the applicable provisions of these regulations shall be increased by one half the difference between 50 feet and the actual width of the street.

3.12

LOTS LYING IN MORE THAN ONE DISTRICT

In the case of a lot lying in more than one district, the provisions of the less restrictive district may be applied for a distance of not over 25 feet into the more restrictive district, provided that such lot has frontage on a street in the less restrictive district.

3.13

ACCESSORY BUILDINGS

Detached accessory buildings not more than 12 feet in height, and not used for human habitation or for the housing of animals, may be located in the required rear yard, provided that they are not less than four feet from any side or rear lot line; provided that they occupy in the aggregate not more than 20 percent of the area of the required rear yard, and provided further that accessory buildings used for offices or home occupations shall be subject to side and rear yard requirements listed in 4.1.4 hereafter.

3.14

SPECIAL REGULATIONS FOR SUBDIVISIONS

In the case of the subdivision of land in any district, where a lot area of 20,000 square feet or more is required, in accordance with a plan of subdivision and with the approval of the Planning and Zoning Commission, the minimum lot area and the minimum lot area per family unit may be reduced by not more than 20 percent of the required area applicable, provided that the total number of lots and the total number of family units to be contained in such subdivision does not exceed the number other-

wise permitted by these regulations for the district in which such subdivision is located.

3.15 CONVERSION OF EXISTING DWELLINGS

Any dwelling of which the construction shall have been substantially completed not less than ten years may be converted to contain a greater number of family dwelling units, provided that the lot area per family dwelling is not less than one third the minimum lot area per family unit prescribed in the table applicable to the district in which it is located.

3.16 No wall, fence, or structure, shall be erected, and no hedge, shrub, or other growth, which is more than 3 feet high, and which will obstruct corner visibility, shall be maintained on a corner lot in the triangular area formed by the two street lines and a third line which touches the building line and is a chord of the angle of the street intersection.

3.17* BUILDINGS AND STRUCTURES OVER AND ALONG BODIES OF WATER

3.17.1 No dock, wharf, walk, causeway, buildings, or any other structure, shall be erected, constructed, enlarged or altered upon or over any water body, and no fill or solid material shall be placed or extracted on the waterside of the high water line of any water body, except in conformance with a special permit issued in accordance with these regulations by the Commission.

3.17.2 Application for such special permit shall be made in writing by the owner or his agent, and shall contain all of the required information required thereon, together with two copies of a map drawn to scale, showing:

- a. The line of the waterfront 500 feet each side of the site of proposed construction, and location of any structures located within these limits and below the high water line of the water body;
- b. The lot lines of the subject property, and the lot lines of each adjoining lot, with buildings thereon;
- c. A plan of the proposed construction, alteration or enlargement in sufficient detail to make the proposal clear;
- d. Documentation, or specific reference to recorded instrument, showing the owners rights in the land to be built on;

3.17.3 Such special permit shall be subject to all the applicable requirements of the zoning regulations, and shall not be construed to permit any use not permitted by these regulations or town ordinances.

3.17.4 Such special permit shall not be granted, if;

- a. The proposed structure creates any safety hazard for the general public using the water body;
- b. the proposed structure or the proposed fill or extraction restricts the use of the land below high water for adjoining property owners, or depreciates the value of adjoining property.
- c. in the case of a retaining wall, if the proposed wall extends into the lake beyond the established shore line in the immediate area.

3.18 LANDSCAPING REGULATIONS

Where landscape treatment is required in these regulations, the following shall apply. The proper maintenance of a required landscaped area shall be construed as a requirement of these regulations, and lack of such proper maintenance shall be considered a violation of these regulations.

3.18.1 SCREEN

An opaque solid wall or solid fence of uniform color, constructed with materials of suitable appearance, extending not less than 5 feet nor more than 8 feet above the ground level of the area to be enclosed with the screen.

3.18.2 LANDSCAPED AREA

An open area, unoccupied, except by residential walks and driveways, except that nonresidential walks and driveways may cross a street yard. Landscaped areas shall be constructed and maintained in lawn, suitable evergreen ground cover, or stone, slate, or concrete paving not exceeding 40% of the required area. Bituminous materials may be used only on areas where such surface is required for a specific recreational use, or for a permitted vehicular use.

3.18.3 LANDSCAPED BUFFER

An open unoccupied area, as above, but requiring also a mixture of evergreen and deciduous trees, and other plant materials which will in a reasonable time produce a visual barrier between adjacent land uses of different types. Where landscaped buffers are required, a planting plan and plant list with types and sizes shall be required as part of the site development plan requiring approval.

Effective 8/5/88

3.18.4 LANDSCAPE TREATMENT

Where required in parking lots, the spaces between the maximum number of cars shall be:

- a. 8 feet wide where parallel to the length of the car;
- b. 5 feet where separating the ends of two opposing lines of cars;
- c. such spaces shall have a ground cover as required in 3.18.2 above, with 1 1/2" caliper deciduous trees not more than 50 feet apart in the space between the ends of cars.

3.18.5 USABLE OPEN SPACE FOR DWELLING UNITS

Required usable open space shall be intended, designed, and constructed for the outdoor use and enjoyment of the residents, and, except in the case of balconies, porches, and terraces, shall

- a. be open to the sky, and unobstructed, except for ordinary building projections not exceeding 12';
- b. be landscaped in accordance with Section 3.18.2

3.18.6 Required usable open space shall be "screened", Section 3.18.1, or "Landscape Buffered", Section 3.18.13, between such open space and a street, a driveway, or parking area, or service area on the same lot or an adjoining lot. The Zoning Board of Appeals, as a Special Exception, may modify or waive the requirements where an existing screen or landscape buffer will meet this requirement, or where two open spaces on separate lots adjoin and are to be used as one open space.

3.18.7 The area of a balcony or terrace, reserved for the exclusive use of a dwelling unit, may be counted at its net area in meeting the required usable open space per dwelling unit, provided such balcony or terrace:

- a. has no side less than 6 feet;
- b. contains not less than 70 sq. ft. of usable area;
- c. is open for the full length of its longest dimension to a yard or court, except for a protective railing.

3.19 **NOTICE REQUIREMENTS.** In addition to any other notice provisions of local or state regulations, and statutes, applicants requesting a change in zone, a special permit, a special use, or a special exception shall notify by certified mail each property owner within 300 ft. of any point on the boundary of the subject property, of the date, time, and place of the public hearing, wherein such request is to be considered by the Commission. Such notice shall be mailed a minimum of 7 days prior to the date of public hearing. At the time of public hearing the applicant shall present receipts from the postal service to demonstrate compliance with this section. Return receipts are not requested.

(OVER PLEASE)

Amended and Adopted 8/14/89
Effective 8/18/89

The commission upon its finding that compliance with the requirements of this section would impose an undue burden, may, by a vote of 2/3 or more of its members, waive the requirements of this section and such waiver shall be noted in the notice of publication of the public hearing required by state statutes.

Section 3.21* Adopted 9/24/1990: Effective 9/28/1990

*Applications for multiple dwellings less than 15 units, or for any multiple dwellings within the territorial limits of the City of Winsted, will be considered and meet the requirements of Section 4.4 of the Zoning Regulations. All other applications for multiple dwellings will be considered and meet the requirements of the Planned Unit Development Regulations (PUD). The Commission may grant exceptions for special circumstances.

*Section 4a - HIGHLAND LAKE DISTRICT (HL)

4a.1 USES PERMITTED

4a.1.1 Single Family Dwellings, one dwelling per lot.

4a.1.1.a Seasonal Cottages within Winchester, provided they shall be situated on land located between Highland Lake and East Lake Street or Wakefield Boulevard, one seasonal cottage per lot.

4a.1.1.b Except as provided in 3.6.1 above, lot areas and frontages for a Seasonal Cottage shall conform to the requirements in the applicable zone for a single family dwelling.

4a.1.1.c No seasonal cottage shall be converted to a permanent dwelling for year-round use until the Health Officer shall certify the adequacy of water supply and sewage disposal for such permanent use, and building construction conforms to the State Building Code. The floor area after conversion of a seasonal cottage erected after the adoption of this section shall conform to 3.4 above.

4a.1.2 Professional and Business Offices, conducted by the resident of the premises within a building, provided:

- a. There is no retail sale of merchandise or goods on the premises;
- b. There is no repair, fabrication, or alteration to merchandise or equipment;
- c. Not more than one person not residing on the premises is employed on the premises;
- d. The total floor area occupied by office use does not exceed 35% of the floor area of the dwelling, excluding the basement.

4a.1.3 HOME OCCUPATIONS - Which are uses customarily and properly carried on for compensation by the resident of the premises, which:

- a. is clearly secondary to the use of the dwelling for dwelling purposes;
- b. does not change the residential character of the dwelling in any visible manner;
- c. does not create objectionable noise, odor, vibrations, waste, or unsightly conditions noticeable off the premises;
- d. does not create interference with radio and television reception in the vicinity, and does not create a health or safety hazard;
- e. equipment used in such occupation shall be customarily incidental to the residential occupancy;
- f. such occupations shall be engaged in only by the immediate members of the family residing on the premises, all of such family members being related by blood or marriage;
- g. except for fruits and vegetables grown on the premises, no display shall be visible from the street;

- h. articles not made, raised, or grown on the premises, may not be sold on the premises;
 - i. the total floor area occupied by such home occupations does not exceed 25% of the dwelling floor area above the basement;
 - j. do not involve the rental of boats or instruction and training with respect to the operation of boats.
- 4a.1.4 Parks, playgrounds, golf courses (subject to 4a.1.7) and other recreation facilities operated by a governmental unit, nonprofit corporation or community association.
- 4a.1.5 The letting of rooms or furnishing board by the resident of the premises to not more than six persons, provided that no accessory building is used for this purpose.
- 4a.1.6 Educational, religious, or philanthropic use by a nonprofit corporation or governmental unit, or use as a day care center, whether or not operated for a profit, excluding correctional institutions or institutions for the insane, provided that:
- a. the scale and design of the structure is compatible with the neighborhood;
 - b. landscape planting or other visual separation is provided to minimize the effects of the use on neighboring properties;
 - c. building plans of the structure and a "Site Plan of Development" showing conformance with the above criteria, shall be submitted to the Commission for its approval;
 - d. all uses permitted under this subsection shall be considered Special Permit Uses. None of the uses permitted herein shall be initiated until an application for a Special Permit and Site Plan of Development have been submitted to and approved by the Commission.
- 4a.1.7 A police station, firehouse or other municipal building, a telephone exchange, transformer substation, sewer or water pumping station, or a golf course, provided:
- a. the scale and design of the structures is compatible with the neighborhood;
 - b. landscape planting or other visual separation is provided to minimize the effects of the use on neighboring properties;
 - c. building plans of the structure and a "Site Plan of Development" showing conformance with the above criteria, shall have been submitted to the commission;
 - d. All uses permitted under this subsection shall be considered Special Permit Uses. None of the uses permitted herein shall be initiated until an application for a Special Permit and Site Plan of Development have submitted to and approved by the commission.

4a.1.8

A bona fide club, lodge or community house, not operated for profit, provided that no activity is carried on which results in objectionable noise audible off the premises, provided that:

- a. the scale and design of the structure is compatible with the neighborhood;
- b. landscape planting or other visual separation is provided to minimize the effects of the use on neighboring properties;
- c. building plans of the structure and a "Site Plan of Development", showing conformance with the above criteria, shall be submitted to the commission for its approval;
- d. all uses permitted under this subsection shall be considered Special Permit Uses. None of the uses permitted herein shall be initiated until an application for a Special Permit and Site Plan of Development have been submitted to and approved by the Winchest Planning and Zoning Commission.

4a.1.9

A convalescent or nursing home, with not less than 1500 sq. ft. of a lot per patient accommodation, provided that:

- a. the scale and design of the structure is compatible with the neighborhood;
- b. landscape planting and other visual separation is provided and maintained to minimize the effects of the use on neighboring properties;
- c. a Site Development Plan, including buildings and landscape plans showing conformance with the above criteria, shall have been approved by the commission;
- d. further provided that the building shall be connected to the public water supply and sewer systems before occupancy;
- e. All uses permitted under this subsection shall be considered Special Permit Uses. None of the uses permitted herein shall be initiated until an application for a Special Permit and Site Plan of Development have been submitted to and approved by the Winchest Planning and Zoning Commission.

4a.1.10

Accessory uses customary with and incidental to a permitted use, including buildings used for permitted home occupations. No accessory buildings shall be used for residence purposes.

4a.1.11

Accessory buildings may include private garages, whether or not attached to the main building, with space for not more than three (3) noncommercial motor vehicles on one lot. Not more than one (1) such space may be used by a commercial motor vehicle of not more than three (3) tons capacity. Space for not more than one-third of the permitted number of vehicles may be left to persons other than residents of the premises for the storage of noncommercial motor vehicles, only.

4a.1.12

In considering the applications submitted for Special Permit Approval, the Commission shall require compliance with the following:

- (a) That the existing and future character of the neighborhood in which the Special Permit is to be located will be protected;
- (b) That adequate safeguards have been taken to protect adjacent property and the neighborhood in general;
- (c) That traffic circulation within the site and the amount, location and access to parking is adequate;
- (d) That the road network, to include intersections, impacted by the proposed development will be capable of satisfactorily handling the increased traffic generated by such use;
- (e) That the basic design of the proposed uses or buildings, and the land, and the overall physical appearance of the proposed use of the buildings will be in general harmony with the character of the neighborhood surrounding and will not serve to blight or detract from adjoining residences or other property;
- (f) That adequate safeguards have been taken to protect the natural environment; and
- (g) That all required public services will be reasonably available to serve the proposed development.

4a.2

REQUIRED LOT AREA, WIDTH, YARDS, COVERAGE, HEIGHT, SET BACKS

DISTRICT	MIN. LOT AREA (SQ. FT.)	MIN. LOT WIDTH (FEET)	FRONT YARD (FEET)	SIDE YARD EACH (FEET)	REAR YARD (FEET)	BLDG. & DRIVEWAY COV. (PERCENT)	HEIGHT (FEET)	DISTANCE FROM LAKE	DISTANCE FROM WETLAND OR STREAM
								(FEET)	(FEET)
HL	40,000	150	50	35	35	15*	30	75	25

4a.2.1

In the case of a corner lot, which lot meets the lot area requirements and was owned separately on 11 June, 1956, and where provision of the required front yard on both streets will prevent construction of a dwelling, the front yard required on one street may be reduced to 15 feet, & the opposite side yard may be reduced to 6 feet.

*4a.2.2

SPECIAL EXCEPTION RELATING TO DECKS, BALCONIES & TERRACES.
Notwithstanding any other provision or section of these regulations, the construction of decks, balconies, and terraces shall be permitted on any building lot existing as of the effective date of this section within the Highland Lake District subject to the required lot area, width, yards, coverage and height regulations for the zones that existed prior to the adoption of the Highland Lake District.

4a.3

SPECIAL REGULATIONS RELATING TO USES.

ra.3.1

No person shall operate any motor vehicle including motorcycles and ATV's whether designed for off road or on road use, in such a way as to destroy vegetative ground cover.

(10b-2)

*Adopted 12/10/90

*Effective 12/18/1990

4a.4 SPECIAL EROSION AND SEDIMENTATION CONTROL REGULATIONS

4a.4.1 DEFINITIONS: For Purposes of Section 4a.4

- a. "Certification" means a signed, written approval by the Inland Wetland Commission of the Town of Winchester ("Inland Wetland Commission") that a soil erosion and sediment control plan complies with the applicable requirements of these regulations.
- b. "Commission" means the Planning and Zoning Commission of the Town of Winchester.
- c. "Development" means any construction or grading activities to improved or unimproved real estate including but not limited to paving and logging operation.
- d. "Disturbed Area" means an area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.
- e. "Erosion" means the detachment and movement of soil or rock fragments by water, wind, ice or gravity.
- f. "Grading" means any excavating, grubbing, filling (including hydraulic fill) or stockpiling of earth materials or any combination thereof, including the land in its excavated or filled condition.
- g. "Inspection" means the periodic review of sediment and erosion control measures shown on the certified plan.
- h. "Sediment" means solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.
- i. "Soil" means any unconsolidated mineral or organic material of any origin.
- j. "Soil Erosion and 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.

4a.4.2 A soil erosion and sediment control plan shall be submitted to the Inland Wetlands Commission for any development within the HL Zone when the disturbed area of such development is cumulatively more than 400 square feet.

4a.4.3 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 on the proposed site based on the best available technology. Such principles, methods and practices necessary for certification are found in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985) as amended. Alternative principles, methods and practices may be used with prior approval of the Commission.

5a.4.4 Said plan shall contain, but not be limited to:

A. A narrative describing:

1. the development;
2. the schedule for grading and construction activities including:
 - a. start and completion dates;
 - b. sequence of grading and construction activities;
 - c. sequence for installation and/or application of soil erosion and sediment control measures;
 - d. sequence for final stabilization of the project site.
3. the design criteria for proposed soil erosion, sediment control measures and storm water management facilities.
4. the construction details for proposed solid erosion, sediment control measures and storm water management facilities.
5. the installation and/or application procedures for proposed soil erosion, sediment control measures and storm water management facilities.
6. the operations and maintenance program for proposed soil erosion, sediment control measures and storm water management facilities

B. A site plan map at a sufficient scale to show:

1. the location of the proposed development and adjacent properties;
2. the existing and proposed topography including soil types, wetlands, watercourses and water bodies;
3. the existing structures on the project site, if any;
4. the proposed area alterations including cleared, excavated, filled or graded areas and proposed structures, utilities, roads and, if applicable, new property lines;
5. the location of and design details for all proposed soil erosion, sediment control measures and storm water management facilities;
6. the sequence of grading and construction activities;
7. the sequence for installation and/or application of soil erosion and sediment control measures;
8. the sequence for final stabilization of the development site.

C. Any other information deemed necessary and appropriate by the applicant or requested by the Commission or its designated agent.

4a.4.5 MINIMUM ACCEPTABLE STANDARDS. Plan for soil erosion and sediment control shall be developed in accordance with these regulations using the principles as outlined in Chapters 3 and 4 of the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended. Soil erosion and sediment control plans shall result in a development that minimizes erosion and sedimentation during construction; is stabilized and protected from erosion when completed; and does not cause off-site erosion and/or sedimentation.

4a.4.6 The minimum standards for individual measures are those in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended. The County Soil and Water Conservation District may grant exceptions when requested by the applicant if technically sound reasons are presented.

4a.4.7 The appropriate method from Chapter 9 of the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended, shall be used in determining peak flow rates and volumes of runoff unless an alternative method is approved by the Commission.

4a.8 ISSUANCE OR DENIAL OF CERTIFICATION

4a.8.1 The Inland Wetlands Commission shall either certify that the soil erosion and sediment control plan, as filed, complies with the requirements and objectives of this regulation or deny certification when the development proposal does not comply with these regulations.

4a.8.2 Nothing in these regulations shall be construed as extending the time limits for the approval of any application under Chapters 122A, 124A or 126 of the General Statutes.

4a.8.3 Prior to certification, any plan may be reviewed by the Inland Wetlands Commission which may make recommendations concerning such plan, provided such review shall be completed within thirty days of the receipt of such plan.

4a.8.4 The Inland Wetlands Commission may forward a copy of the development proposal to the Litchfield County Soil and Water Conservation District or other review agency or consultant for review and comment.

4a.8.9.1 The estimated costs of measures required to control soil erosion and sedimentation, as specified in the certified plan, that are a condition of certification of any modified site plan may be required to be covered in a performance bond or other assurance acceptable to the Inland Wetlands Commission.

- 4a.9.2 Site development shall not begin unless the soil erosion and sediment control plan is certified and those control measures and facilities in the plan scheduled for installation prior to site development are installed and functional.
- 4a.9.3 Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan.
- 4a.10 Inspections shall be made by the Inland Wetlands Commission or its designated agent during development to ensure compliance with the certified plan and that control measures and facilities are properly performed or installed and maintained. The Inland Wetlands Commission may require the permittee to verify through progress reports that soil erosion and sediment control measures and facilities have been performed or installed according to the certified plan and are being operated and maintained.

SECTION 4

RESIDENCE DISTRICTS

4.1 USES PERMITTED

4.1.1 Single Family dwellings.

4.1.1.a Seasonal cottages within Winchester, provided they shall be situated on land located between Highland Lake and East Lake Street or Wakefield Blvd.

4.1.1.b Except as provided in 3.6.1 above, lot areas and frontages for a Seasonal cottage shall conform to the requirements in the applicable zone for a single family dwelling.

4.1.1.c No seasonal cottage shall be converted to a permanent dwelling for year around use until the Health Officer shall certify the adequacy of water supply and sewage disposal for such permanent use, and building construction conforms to the Town Building Code. The floor area after conversion of a seasonal cottage erected after the adoption of this section shall conform to 3.4 above.

4.1.2 Dwelling for not more than three families, provided the lot size conforms to the requirements of Section 4.2, and for more than three families, when permitted as a Special Use, Section 4.4.

4.1.3 Professional and Business Offices, conducted by the resident of the premises within a building, provided:

- a. There is no retail sale of merchandise or goods on the premises;
- b. There is no repair, fabrication, or alteration to merchandise or equipment;
- c. Not more than one person not residing on the premises is employed on the premises;
- d. The total floor area occupied by office use does not exceed 35% of the floor area of a dwelling, excluding the basement.

4.1.4 HOME OCCUPATIONS - Which are uses customarily and properly carried on for compensation by the resident of the premises, which:

- a. is clearly secondary to the use of the dwelling for dwelling purposes;
- b. does not change the residential character of the dwelling in any visible manner;
- c. does not create objectionable noise, odor, vibrations, waste, or unsightly conditions noticeable off the premises;
- d. does not create interference with radio and television reception in the vicinity, and does not create a health or safety hazard;

- 4.1.4 e. Equipment used in such occupation shall be customarily incidental to residential occupancy;
- f. such occupations shall be engaged in only by the immediate members of the family residing on the premises, all of such family members being related by blood or marriage;
- g. except for fruits and vegetables grown on the premises, no display shall be visible from the street;
- h. articles not made, raised, or grown on the premises, may not be sold on the premises;
- i. the total floor area occupied by such home occupation does not exceed 25% of the dwelling floor area above the basement
- 4.1.5 The letting of rooms or furnishing board by the resident of the premises to not more than six persons, provided that no accessory building is used for this purpose.
- 4.1.6 Educational, religious, or philanthropic use by a nonprofit corporation or governmental unit, or use as a day care center whether or not operated for a profit, excluding correctional institutions or institutions for the insane, provided that:
- a. the scale and design of the structure is compatible with the neighborhood;
- b. landscape planting or other visual separation is provided to minimize the effects of the use on neighboring properties, and
- c. building plans of the structure and a "Site Plan of Development" showing conformance with the above criteria, shall be submitted to the Commission for its approval.
- d. All uses permitted under this subsection shall be considered Special Permit Uses. None of the uses permitted herein shall be initiated until an application for a Special Permit has been submitted to and approved by the Winchester Planning & Zoning Commission.
- 4.1.7 Agriculture, farming, dairy farming and stock breeding, forestry, truck and nursery gardening, including greenhouses only as incidental thereto, provided that no livestock or poultry shall be kept on any lot of less than three acres, except that not more than twenty chickens or similar poultry may be kept on a smaller lot in a building or enclosure not less than 20 feet from any property or street line.
- 4.1.8 A police station, firehouse or other municipal building, a telephone exchange, transformer substation, sewer or water pumping station, bus or railway waiting room, with no outside service yard or outside storage of supplies; provided:

(over please)

- a. the scale and design of the structures is compatible with the neighborhood;
- b. landscape planting or other visual separation is provided to minimize the effects of the use on neighboring properties, and
- c. Building plans of the structure and a "Site Plan of Development", showing conformance with the above criteria, shall have been submitted to the commission.

and the Commission shall have the right to require the applicant to submit additional information as may be necessary to determine the compatibility of the proposed use with the neighborhood.

and the Commission shall have the right to require the applicant to submit additional information as may be necessary to determine the compatibility of the proposed use with the neighborhood.

and the Commission shall have the right to require the applicant to submit additional information as may be necessary to determine the compatibility of the proposed use with the neighborhood.

- d. All uses permitted under this subsection shall be considered Special Permit Uses. None of the uses permitted herein shall be initiated until an application for a Special Permit has been submitted to and approved by the Winchester Planning & Zoning Commission.

4.1.9 A bona-fied club, lodge or community house, not operated for profit, provided that no activity is carried on which results in objectionable noise audible off the premises, provided that:

- a. the scale and design of the structure is compatible with the neighborhood;
- b. landscape planting or other visual separation is provided to minimize the effects of the use on neighboring properties, and
- c. building plans of the structure and a "Site Plan of Development", showing conformance with the above criteria, shall be submitted to the Commission for its approval
- d. All uses permitted under this subsection shall be considered Special Permit Uses. None of the uses permitted herein shall be initiated until an application for a Special Permit has been submitted to and approved by the Winchester Planning & Zoning Commission.

4.1.10 Parks and playgrounds operated by a governmental unit, nonprofit corporation or community association.

4.1.11 A convalescent or nursing home, with not less than 1500 sq. ft. of a lot area per patient accommodation, provided that:

- a. the scale and design of the structure is compatible with the neighborhood;
- b. landscape planting and other visual separation is provided and maintained to minimize the effects of the use on neighboring properties;
- c. a Site Development Plan, including buildings and landscape plans showing conformance with the above criteria, shall have been approved by the Commission;
- d. further provided that the building shall be connected to the public water supply and sewer systems before occupancy.
- e. All uses permitted under this subsection shall be considered Special Permit Uses. None of the uses permitted herein shall be initiated until an application for a Special Permit has been submitted to and approved by the Winchester Planning & Zoning Commission.

4.1.14 Accessory uses customary with and incidental to a permitted use, including buildings used for permitted home occupations. No accessory

Buildings shall be used for residence purposes, except by persons employed on the premises; or non-paying guests of the occupant of the premises, and when so used shall be used for no other purpose except the storage of noncommercial motor vehicles.

- 4.1.12.1 Buildings used for storage, processing and manufacture of agricultural products are permitted as an accessory use on a farm.
- 4.1.12.2 Roadside stands for the sale of farm products and home-made articles are permitted when accessory to the premises on which they stand, of not more than 200 sq.ft. area, with not more than two (2) signs aggregating twelve (12) sq.ft. in area advertising products. Such stand and signs shall not be less than ten (10) feet from any street line, and not less than fifty (50) feet from any street intersection.
- 4.1.12.3 The slaughtering of livestock and poultry, as an accessory use to a commercial farming operation, is permitted on a farm, provided that in normal operation all stock slaughtered is raised on a farm, and provided further that in any one calendar year the total number of livestock or poultry slaughtered shall not exceed 125 percent of the total raised on the farm where slaughtering takes place.
- 4.1.12.4 Buildings used for the storage on a farm of any number of motor vehicles and equipment, when used as an accessory to such farm, are permitted as an accessory use. Also permitted is the repair of such vehicles, within a building on a farm, but this shall not permit operation of a repair garage for the general public.
- 4.1.12.5 Accessory buildings to a farming use, 4.1.12.3 and 4.1.12.4 above, buildings housing farm animals and poultry shall be not less than hundred (100) feet from a street or lot line, and not less than one hundred and fifty (150) feet from the nearest existing residential building on land under separate ownership.
- 4.1.12.6 Accessory buildings may include private garages, whether or not attached to the main building, with space for not more than three (3) non-commercial motor vehicles on one lot, and for one (1) additional such vehicle for each 10,000 sq.ft. by which the area of the lot exceeds one (1) acre. Not more than one such space may be used by a commercial motor vehicle of not more than three (3) tons capacity. Space for not more than one-third of the permitted number of vehicles may be let to persons other than residents of the premises for the storage of non-commercial motor vehicles only.

4.1.15 In considering the applications submitted for Special Permit approval, the Commission shall require compliance with the following:

- (a) That the existing and future character of the neighborhood in which the Special Permit is to be located will be protected;
- (b) That adequate safeguards have been taken to protect adjacent property and the neighborhood in general;
- (c) That traffic circulation within the site and the amount, location, and access to parking is adequate.
- (d) That the road network, to include intersections, impacted by the proposed development will be capable of satisfactorily handling the increased traffic generated by such use;
- (e) That the basic design of the proposed uses or buildings, the relationship between the buildings and the land, and the overall physical appearance of the proposed use of the buildings will be in general harmony with the character of the neighborhood surrounding and will not serve to blight or detract from abutting residences or other property;
- (f) That adequate safeguards have been taken to protect the natural environment; and
- (g) That all required public services will be reasonably available to serve the proposed development.

4.2 REQUIRED LOT AREA, WIDTH, YARDS, COVERAGE, HEIGHT

<u>DIS</u> <u>TRICT</u>	<u>MIN.</u> <u>LOT</u> <u>AREA</u> <u>SQ.FT.</u>	<u>MIN.</u> <u>LOT</u> <u>WIDTH</u> <u>FEET</u>	<u>MIN. LOT</u> <u>AREA PER</u> <u>FAM. UNIT</u> <u>SQ. FT.</u>	<u>FRONT</u> <u>YARD</u> <u>FEET</u>	<u>SIDE</u> <u>YARD</u> <u>EACH</u> <u>FEET</u>	<u>REAR</u> <u>YARD</u> <u>FEET</u>	<u>BLDG.</u> <u>COV.</u> <u>%</u>	<u>HEIGHT</u> <u>FEET</u>
R-1	40,000	150	30,000	50	35	35	10%	30
R-2	20,000	100	15,000	40	20	35	15	30
R-3	11,250	75	9,000	30	12	30	20	30
R-4	7,500	60	6,000	25	10	25	25	30

4.2.a In the case of a corner lot in R-3 and R-4 zones, which lot meets the lot area requirements and was owned separately on 11 June, 1956, and where provision of the required front yard on both streets will prevent construction of a dwelling, the front yard required on one street may be reduced to 15 feet, and the opposite side yard may be reduced to 6 feet.

4.3 OPEN SPACE SUB-DIVISIONS *

4.3.1 OBJECTIVES AND PURPOSE *

The purpose of this Section is to (a) permit flexibility in land development by allowing for a variation in lot sizes in all residential zones except R-4 without increasing the density permitted within the zone in which the property is located; (b) provide open space, conservation and recreation areas (both active and passive); (c) to the extent practicable, preserve the natural and scenic qualities of the site and its surrounding neighborhood, including wetlands, watercourses, ridge tops, existing stand of mature vegetation, rock outcrops, scenic and historic sites; (d) protect water quality, natural drainage systems and areas affordable housing in conformance with the policies set forth in the plan of development.

4.3.2 PERMITTED AREA REQUIREMENTS *

Lots approved under this section shall conform to the following area requirements:

<u>ZONE</u>	<u>Min.Lot Area</u>	<u>Frontage</u>	<u>Front Yard</u>	<u>Side Yard</u>
R-1	20,000sf	80ft	30ft	20ft
R-2	10,000sf	75ft	30ft	12ft
R-3	6,500sf	65ft	25ft	8ft
R-4	NOT PERMITTED			
RU-1	20,000sf	80ft	50ft	20ft
RU-2	15,000sf	75ft	30ft	15ft
RU-3	40,000sf	125ft	50ft	30ft

4.3.2a * The Commission may reduce the minimum lot area for up to twenty-five (25%) of the lots in the subdivision to not less than fifty (50%) percent of the minimum lot area specified for the zone district in which the subdivision is located when it finds that such reduction will further promote the purposes of this Section.

4.3.2b* For the purposes of this section only, lots need not have frontage on a street or drive owned and maintained by a homeowner's association established pursuant to Title 47, Chapter 828, of the Connecticut General Statutes, as amended.

4.3.3*

SIZE OF TRACT

A tract shall be at least twenty (20) acres in area, except that if, in the opinion of the Commission the shape, topography, existence of wetlands or watercourses, or other unique features should be preserved for the benefit of the community, or the subdivision, the provisions of this Section may be applied to any parcel of land. In no case, however, shall the total open space subdivision be less than 10 acres.

Such developments shall be considered special permits and upon application to the Commission by the owner (s) of, or holder (s) of a contract to purchase a property, the Commission may approve, disapprove, modify and approve, or approve with conditions, a special permit, site plan and subdivision plan for the development of an open space subdivision. The Commission may review and act upon the special permit application, the open space subdivision site plan and the subdivision application concurrently.

The Commission may receive and review an application for Special Permit and grant a preliminary approval, preliminary disapproval, or preliminary approval with modifications, provided that the preliminary site plan submitted for review be prepared at a level of accuracy to measure and determine that all requirements of a final submission can be met by the applicant.

4.3.4 *

GENERAL REQUIREMENTS

The maximum number of lots to be permitted on a given tract of land is determined by reducing the total acreage of the tract by fifteen (15) percent for street right of way, and by dividing the remaining developable area by the minimum lot requirements for the zoning district in which the tract is located. Land utilized by utilities or others for easements for major facilities such as electric transmission lines and water mains, where such land is not available to the owner for development, shall not be considered as part of the gross acreage in computing the maximum number of lots to be permitted under this Section. All developable land calculations shall conform to Section 3.2 of these regulations.

All site plans for Open Space subdivisions shall be prepared by and contain the seal of a registered landscape architect.

The Commission may increase the number of lots permitted by the above formula when in their judgement the principles of these regulations are met, the land is better used or housing and development goals of the plan of development merit the increase. In no case, however, may the increase be greater than twenty (20%) percent of the formula calculations.

4.3.5 *

PROTECTION OF ADJACENT RESIDENCES

To insure the protection of existing residences contiguous to a tract of land for which approval of an open space subdivision is sought, the Commission may require that new lots be separated from existing contiguous parcels by a distance equal to 150% of the rear yard requirement for the zone in which the tract is located, or by the introduction of buffer plantings as required by the Commission.

4.3.6*

PUBLIC SEWER AND WATER

The tract of land proposed for development under this Section shall be served by public water supply and sewage disposal systems. When the lot size in an open space subdivision is 30,000 square feet or greater, the Commission may permit an alternative method of water supply or sewage disposal, provided such systems are approved by the Commission, and as appropriate, the Connecticut Department of Environmental Protection, and Torrington Area Health District.

4.3.7*

OPEN SPACE LAND

4.3.7a*

The balance of land not contained in the building lots, or utilized by street, driveway or unusable utility rights of way, shall be of such a condition, location, size and shape as to be open space. In no case shall the dedicated open space be less than thirty (30%) percent of the total area subdivision. The use of the land set aside as open space shall be approved by the Commission and such use shall be noted on the record subdivision map.

4.3.7b*

The open space land shall be either deeded to the Town in an acceptable condition, established legally as part of a homeowner's association, or deeded to a land trust.

4.3.7c*

If the land is deeded to the Town, no final subdivision approval or any building permit shall be issued until the land is accepted by the Board of Selectmen. The property deeded to the Town under the provisions of this Section must be retained for public use for a period of at least 35 years. If any land is disposed of by the Town after that period of time, the Town shall provide an equivalent amount of open space elsewhere in Winchester.

4.3.7d*

If a homeowner's association is established, it must be legally established pursuant to the provision of Title 47, Chapter 828 of the Connecticut General Statutes, as amended. The applicant shall submit such suitable legal instruments which, to the satisfaction of the Commission, will insure that such land will continue to be used for the purposes approved by the Commission, and shall not be disposed of by sale or otherwise except to an organization established for the purposes of owning and maintaining such open space, in which case the land must first be offered to the Town of Winchester. In such legal instruments,, provisions shall be made for the adequate maintenance of the areas set aside as open space and further provide the necessary safeguards and conditions to carry out the purposes contained in the Section of the regulations. In the event that the homeowner's association fails to maintain the open space, provisions shall be made for the Town of Winchester, its agents, servants and employees, to enter upon such open space, without liability, in order to remove or cause to be removed any thing, object or condition which may be deemed to be a nuisance or in the nature of a nuisance. Within such open space, no buildings may be erected without the express approval of the Commission and no change in the approved designation of use of the land set aside for conservation, park and recreation shall be made without approval of the Commission, provided that such use remain as conservation, park or recreation use.

4.3.8*

STREETS

Because open space subdivisions are developed under design control as special permits, interior streets may be owned and maintained by a property owner's association. Any street to be dedicated as a public street shall meet the full design requirements of the Town of Winchester.

No interior street shall be less than twenty (20) feet in width and constructed to a standard approved by the Town of Winchester. The Commission may, where in its judgment traffic circumstances merit, require streets to be designed and constructed in conformance with Town of Winchester road specifications with a minimum road width of up to twenty-six (26) feet. Curbs and sidewalks may be required if the Commission deems them necessary or appropriate.

4.3.9*

REQUIRED FEE

To defray the expense of processing applications, including the cost of legal notices, a fee of Five Hundred (\$500.00) shall accompany each application and a further fee of Fifty Dollars (\$50.00) per lot shall be payable upon final application approval.

4.4 MULTIPLE DWELLINGS

After the effective date of these regulations, no building shall thereafter be erected or altered, and no lot or parcel of land shall be used for more than three dwelling units, except as a Special Exception, which may be granted by the Commission after a public hearing. Such Special Exception shall be granted only when the Commission shall find that the use:

- a. will not result in undue concentration of population in the neighborhood;
- b. will not create traffic hazards or traffic volumes beyond the capacity of the roads;
- c. will not have a depreciating effect on the neighborhood;
- d. will conform to these regulations, and
- e. will be subject to such further conditions as the Commission deems necessary to protect the public health, safety, convenience, and property values;
- f. The Special Exception shall be based on a site development plan which, when approved by the Commission, shall be filed in the land records of the Town of Winchester, Building permits shall be issued only in conformance with the approved plan, and no certificate of occupancy shall be issued until all of the work shown on such approved plan has been completed, or a performance bond assuring completion has been filed with the Commission;
- ** g. The Site Plan of development, required in f above, shall contain all of the information required in Section 6.3.2, paragraphs a-d and f, inclusive, with such other information as the Commission may require.

In the case of housing owned or operated by a governmental body, the Commission may modify the requirements of these regulations.

4.4.1 Multifamily dwellings may be located in Residence or Rural Zone Districts, and only where all dwelling units will be connected to public or community water and public sewers before occupancy.

4.4.2 PERMITTED USES

Multiple dwellings are defined as garden apartments not over two stories

** Amended & Adopted 5/8/89: Effective 5/16/89.

in height, town houses - two stories in height, and apartments - three or more stories in height, for rental or for sale as individual units. The legal and financial responsibility for proper operations and maintenance of commonly used property shall be assured, in a form satisfactory to the Town Counsel, and recorded in the land records, before individual dwelling units may be sold in separate ownership.

4.4.2.1 In multiple dwellings, uses shall be limited to:

- a. dwelling units occupied by one family in each unit;
- b. Customary accessory uses, for the exclusive use of tenants and their guests, including parking areas, recreational, community, laundry, and storage facilities;
- c. Accessory buildings and structures, including garages, carports, recreation or community buildings, tennis courts, swimming pools, provided such structures are not located in any required yard.

4.4.2.2 In the case of attached single dwelling units (Town Houses), the home office of a person residing on the premises is permitted, provided there is not more than one nonresident employee. In the case of an apartment, the home office of a person residing on the premises is permitted provided there is not more than one nonresident employee, and further provided that public access to such office is in no way connected to or with the entrances or hallways giving access to the other dwelling units in the building. Home offices in garden apartments are not permitted.

4.4.3 SCHEDULE OF LOT AREA, WIDTH, YARDS COVERAGE, HEIGHT

	<u>GARDEN</u>	<u>TOWN</u>	<u>APARTMENTS</u>
Minimum Gross Lot Area/Dwelling Unit	3,500 sq.ft.	3,500 sq.ft.	3,000 sq.ft.
" Size, Individual Lot		2,225 sq.ft.	
" Width of Dwelling Unit		16 ft.	
" Street Frontage of Parcel	150 ft.	150 ft.	200 ft.
" Usable Open Space/D.U.	600 sq.ft.	600 sq.ft.	400 sq.ft.
" Public Street Yard	(1)	(1)	(1)
" Side Yard (3)	(1)	(1)	(2)
" Rear Yard (3)	(1)	(1)	(2)
Maximum Building Coverage	25%	30%	40%
Maximum Usable Building Height, Stories	2	2	N.A.

N.A. Not Applicable

Note (1) as required in the applicable zone

" (2) 150% of yard required in the applicable zone, plus 5 feet for each story above three stories.

" (3) Side and rear yards abutting predominantly developed single family areas shall have a landscaped buffer strip 5 feet wide, as defined in Section 3.13.

4.4.4

SITING OF BUILDINGS

Buildings shall be so located on the lot as to provide for the amenities of urban living, to assure the maximum of light and ventilation, to control the impact of traffic and parking on the site, and to integrate the development with the neighborhood.

4.4.4.2

Building walls with windows shall face a street or open space, and in the case of opposing walls, with windows in both walls, shall be not nearer than 60 feet, and with windows in one wall not nearer than 40 feet, but in no case nearer than twice the height of the opposing wall.

4.4.4.b

Any court shall be not less than 30% open on one side, and the depth shall not exceed 1.5 times the width. The walls of opposing detached apartment buildings on the same lot shall be not less than 40 feet apart, nor less than 75% of the height of the highest opposing wall, whichever is greater. Where no part of the planes of walls of separate buildings on the same lot are opposite each other, the distance between the nearest corners of such buildings shall be not less than 15 feet, nor less than 35% of the height of the lowest wall, whichever is greater.

4.4.5

RECREATION AND USABLE OPEN SPACE

Usable open space shall be provided in the amount of 600 sq.ft. per dwelling unit, in accordance with the general provisions of 3.18.5.

4.4.6

OFF-STREET PARKING

Off-Street Parking spaces shall be provided, in accordance with 9, in garage, carport, or parking lot, on the same lot, totalling not less than 1.5 for each dwelling unit. Parking spaces and access driveways shall not be located:

- a. less than 20 feet from an apartment wall with windows;
- b. less than 15 feet from any other apartment wall;
- c. more than 200 feet from the building entrance of the intended user;
- d. in any required yard, except for crossing a yard to an entrance or exit, but may be located between the building line and the building, if "screened", 3.18.1.
- e. In general, not more than 20 car spaces shall be contained in one parking lot, and a parking lot for more than 20 cars shall have two driveways giving access to a public or private street.
- f. Parking lots for more than 10 cars shall have landscaped treatments, as described in 3.18.1.

4.4.7 MINIMUM LIVING FLOOR AREA

Minimum floor area for the exclusive use of one individual or family within the perimeter of the dwelling unit shall be provided, as follows:

Efficiency Unit, no separate bedroom	600 sq.ft.
1 bedroom Unit (3 room Max.)	750 sq.ft.
2 bedroom Unit (4 room max.)	950 sq.ft.

4.4.7.a The area of storage outside the perimeter of the apartment, balconies and porches, and common stairs, or other common areas, shall not be included in the required minimum floor area.

4.4.7.b. Where the topography of the site slopes naturally and permits ground floor apartments, some parts of which are below grade, residential living quarters on a ground floor may be permitted, provided the floor level of any room, except a kitchen or bath, for the full length of the exterior wall providing light and ventilation to such room, is not less than 12 inches above the finish ground level on a line 20 feet away from and parallel to such wall.

4.4.7.c All dwelling units having a living room more than one story above the main or front entrance shall have passenger elevator service.

4.4.8 DISTRIBUTION OF APARTMENT SIZES

Any apartment development containing more than 12 dwelling units shall have a distribution of unit sizes to provide, in the judgment of the Commission, an adequate number of efficiency or one bedroom units.

4.4A CONGREGATE RESIDENCE DEVELOPMENT

Congregate residence development, which shall include congregate dwellings and may include other types of dwellings, is intended to provide options for common dining and common use of other facilities and services essential to residential life.

4.4a.1 Congregate residence development may be located in Residence or Commercial Districts, and only where all dwelling units will be connected to public or community water and public sewers before occupancy.

4.4A.2 SPECIAL EXCEPTION USE

Congregate Residence Development shall be allowed as a Special Exception, which may be granted in accordance with the procedures and standards set forth in Sections 4.4 and 4.1.15 of these regulations, and with the standards designated and set forth below.

4.4A.3 STANDARDS

The standards applicable to congregate residence developments shall be the same as those for multiple dwellings except for those special standards established for congregate residence developments and set forth below.

4.4A.4 MINIMUM LOT SIZE/RESIDENTIAL DENSITY

	<u>MIN. LOT AREA</u> <u>SQ. FT.</u>	<u>MIN. LOT AREA PER</u> <u>FAM. UNIT SQ. FT.</u>
Residential District	400,000	7,500
Commercial Districts	40,000	3,600

4.4A5 ACCESS

Driveways having access to and from public streets shall have ingress and egress lanes separated by a divider, or islands serving the same function, of no less than 5 feet in width.

4.4A.6 Off-street parking spaces and access drives for a congregate residence shall be provided in accordance with Section 9, in garages, carports, or parking lots, on the same lot, totalling not less than 1 space per dwelling unit for use by residents and .5 spaces per dwelling unit for use by employees and visitors, and in accordance with the provisions below:

- a. Parking spaces and access driveways shall not be located less than 20 ft. from a dwelling unit wall with windows. Parking spaces for residents shall not be more than 200 ft. from any building entrance designated for residents and parking spaces for visitors or employees shall not be more than 300 ft. from any building entrance designated for visitors or employees.

- b. for all parking lots containing more than 20 spaces, landscaped islands shall be provided within the overall perimeter of the parking lot at the ratio of 50 sq. ft. per parking space and shall be landscaped in accordance with the provisions of Section 3.18.4 (c).
- c. all parking areas shall be screened from abutting lots by a screen as provided in Section 3.18.1 or a buffer as provided in Section 3.18.3

SECTION 4.5 COMMERCIAL RECREATION AREA

The Commission, after a public hearing, may permit as a special use a land area of not less than 200 acres devoted to one or more of the following recreational uses, provided that the Commission shall find, in its judgment, that such special use:

- a. is consistent with the Plan of Development of Winchester;
- b. will cause no hazards to health, safety, and property from fire, accident, sanitary and drainage conditions, excessive traffic, noise, vibration, odor, or other nuisance;
- c. will not add undue traffic to local streets or storm drainage beyond their reasonable capacity;
- d. conforms to the proper standards of traffic access and egress and fire protection, and
- e. the provisions of this section shall not apply to lawfully existing uses similar to the uses permitted hereunder, and may be modified by the Commission in the case of a Special Use involving not more than ten camp sites.

4.5.1 Application for a Special Use for Commercial Recreation shall be accompanied by a site plan, showing the boundaries of the property and all roads and building within 500 feet of the property, together with

- a. proposed roads, parking areas, and any required drainage and sanitary facilities;
- b. location of proposed buildings, and the limits of areas of proposed activities, together with a specific list of the proposed use or uses, including daytime and nighttime activities;
- c. applicable information required to assure conformance to the design criteria;
- d. application fee of \$50.00;
- e. Where the use of trailers is to be provided as an accessory to a Commercial Recreation use, the additional requirements of Section 15 of these regulations shall apply, except as may be modified by the Commission.

4.5.2

DESIGN AND OPERATING CRITERIA

Design and operating criteria governing the location and construction of improvements, buildings and facilities, shall include the following:

- a. A Special Use for Commercial Recreation may be granted only on a tract of land containing not less than 20 acres, located in Residence Agriculture District.
- b. No structure, except a single family dwelling, and no recreational activity, except a golf course, shall be less than 100 feet from the nearest public highway, nor less than 250 feet from the nearest dwelling located under other ownership on the same side of the highway.
- c. Off-street parking shall be provided for the cars of all patrons, employees, and persons using the facilities, together with the necessary access driveways to public roads. Surfacing shall be of a type appropriate for the proposed land uses, and shall be treated to inhibit dust. No parking area shall be located less than 100 feet from a public highway, and where located less than 100 feet from any other property line shall be protected by a landscaped buffer strip not less than 40 feet wide.
- d. The volume of sound from music and public address systems shall be so controlled as to prevent objectionable noise off the premises.
- e. Outdoor barbecues activities shall terminate at 10 P.M., and all other outdoor activities shall terminate at midnight.
- f. Banquets, meetings, stage presentations and dancing shall be held inside a structure, but this shall not prevent presentation outside a structure of athletic exhibitions or contests requiring outdoor facilities.

4.5.3

Uses permitted under a Special Use for Commercial Recreation shall include only the following permitted uses and any approved combination thereof:

- a. Outdoor athletic activities, including facilities for skating, skiing, sledding, swimming, squash and tennis.
- b. A golf course of not less than 9 holes as a principal recreational use, and a par 3 golf course or putting greens and driving range, as accessory to a major recreational facility, but expressly prohibiting miniature golf, putting greens and driving ranges as a principal use.
- c. Riding academy or hunt club as a principal use, and the keeping and boarding of horses for riding, instruction, and exhibition, as accessory to a major recreational facility.
- d. Outdoor picnic facilities, including barbecue pits and outdoor fireplaces, as an accessory use to a major recreational facility.

- e. Social and recreational facilities for dining and dancing, including banquets, meetings, receptions, assemblies and entertainment, provide such activities are accessory to and part of an indoor-outdoor recreational enterprise and are carried on inside a structure.
- f. Motel, lodge, or inn, furnishing lodgings and/or meals to transients, as accessory to a recreational use, but not as a principal use, provided that no living accommodations that include cooking facilities shall be occupied by persons other than those employed on the premises for more than 30 days between October 1st and the next following May 15th.
- g. The rental of camp sites as a part of a commercial recreation operation is permitted, subject to the following conditions:
 - 1. Camp sites may be occupied by a mobile home, trailer, camptrailer, or tent, but not by any type of permanent building.
 - 2. Camp sites may not be occupied between October 15th, and the next following May 15th.
 - 3. Camp sites shall conform to the design criteria in 4.5.6 hereinafter, and camp sites provided for trailer use shall further conform with the applicable requirements of Section 15 of these regulations.
- h. Activities similar to those listed above, that are commonly provided by such organizations as day camps, swimming and tennis clubs, other recreational enterprises, and that are listed in the application and on the site plan, may be approved by the Commission subject to such additional safeguards as the Commission may require.
- i. Except as above, residential use shall be limited to existing dwellings and new accommodations for persons employed on the premises only.
- j. Accessory uses and structures customarily incidental to a permitted use.
- k. One sign is permitted at the main entrance to the premises, containing not more than 20 square feet. External lighting only is permitted, with the light sources shaded to prevent glare on any adjoining property. Animated, flashing, and oscillating signs are not permitted.

4.5.4 APPROVAL BY COMMISSION

Approval by the Commission of a Special Use for Commercial Recreation shall be based solely on an approved site plan, filed with the Commission, which shall clearly show the locations of buildings, construction, improvements, outdoor lighting, and the limits of the open areas

of outdoor activities, together with a list of the uses, and accessory uses included as a part of the Special Use.

- a. The applicant may submit, and the Commission may approve, minor amendments to an approved site plan, provided that any amendments that extend the limits or the number or kinds of activities or buildings, or scope of lighting, shall not be approved until after a public hearing.
- b. Unless otherwise extended by the Commission, approval of a Special Use for Commercial Recreation shall become null and void two years after approval, unless a substantial part of the facilities is in operation.

4.5.5 BUILDING PERMIT

No building permit shall be issued for construction except in accordance with the approved site plan for a Special Use for Commercial Recreation. No certificate of occupancy shall be issued until the protective requirements and public improvements shown in such site plan have been completed.

4.5.6 CAMP SITE DESIGN CRITERIA

The following requirements shall apply to the layout, construction, and operation of facilities permitted under 4.5.3 above.

- a. Provision shall be made for furnishing adequate potable water, sanitary sewage disposal, and collection and disposal of garbage and waste materials in conformance with State and local ordinances. A 110 volt electric outlet shall be provided at each camp site.

Approval of the plans by the Winchester Director of Health is required before approval of a special use, and certification by him of construction of sanitary facilities in accordance with the approved plans is required before issuance of a certificate of occupancy. State Board of Health and the State Water Commission's approval is required where applicable.

- a.1 Potable water shall be furnished by a piped pressure system, with one outlet on each independent camp site, and one outlet for not more than 10 dependent camp sites (tents and camp trailers).
- a.2 Sanitary sewage disposal shall be by a piped system, with one trapped connection on each independent camp site, and one connection to community toilet and waste facilities, which shall serve not more than 10 dependent camp sites. No septic tank or drain field shall be connected to fewer than 20 camp sites, nor be located on land allocated to individual camp sites.
- a.3 Where required, a community toilet facility, to serve not more than 10 camp sites, shall consist of a shower stall, a lavatory, and a water closet, separated for each sex, suitably screened from camp sites, and such facility shall be located not more than 250 feet from the farthest camp site served.

- 4.5.6
- a.4 Garbage and waste collection stations shall be located so as to serve not more than 10 camp sites, and shall be substantially screened.
 - a.5 The location, materials of construction, and storage of fuel, for outdoor cooking facilities of any kind, shall be subject to the approval of the Fire Marshall, and no outdoor cooking shall be allowed at any except approved locations.
 - b. Roads and driveways adequate for the purpose intended, and adequate provisions for storm drainage, shall be subject to the approval of the Commission. All roads shall provide free movement for fire equipment.
 - c.1 Each camp site shall contain not less than 3000 sq.ft. of area for the exclusive use of the site occupants, provided that there shall be not more than 10 camp sites per gross acre devoted to such sites, exclusive of all public open spaces.
 - c.2 Each camp site shall have not less than 25 feet frontage on an access driveway or way connecting ultimately to a public street, and an average width not less than 50 feet, and a minimum depth of 60 feet.
 - c.3 Each camp site shall have an open unoccupied yard, 10 feet wide, along each camp site boundary line.
 - d. Camp sites shall be so arranged that:
 - d.1 There shall be not more than 5 contiguous camp sites on each side of the same street without separation by a street or a landscaped buffer strip not less than 10 feet wide.
 - d.2 The landscaped buffer strip shall continue 10 feet wide along side or rear camp site lot lines, so as to separate the camp sites into groups of not more than 20 surrounded by landscaped or public open spaces.
 - d.3 Each camp site within a group of 40 is not more than 200 feet from public open space containing not less than 10% of the area of the number of camp sites served.

4.6

CABLE T.V.

The Commission, after a public hearing, may permit as a Special Use the use of land for a cable T.V. tower structure serving the Winchester area, including ground facilities and structures, provided the Commission shall find, in its judgement, that such special use:

- a. is consistent with the Plan of Development of Winchester;
- b. will cause no hazards to safety from fire, lightning, or other causes, and no excessive traffic or other nuisances;

- c. is entirely surrounded by fencing to prevent unauthorized entry and
- d. conforms to the rules and requirements of all State and Federal agencies having jurisdiction.

4.6.1 Application for a Special Use shall be accompanied by a Site Plan, showing the boundaries of the property and all roads and building within 500 feet of the property, together with

- a. proposed roads, parking areas, and any required drainage and sanitary facilities;
- b. location of proposed structures, and the limits of areas of proposed activities, together with a specific list of the proposed use or uses;
- c. applicable information required to assure conformance to the design criteria;
- d. application fee of \$50.00.

4.6.2 DESIGN CRITERIA

The Site Plan shall conform to the following criteria:

- a. No structure shall be less than the height of the tower from any property line, or street line;
- b. No part of any receiving pole, tower, or appurtenances affixed thereto shall exceed 125 feet in height above the ground at the base of the structure, and no ground facilities or structures shall exceed one story or 20 feet in height, and shall be compatible in design and material with the residential character of the neighborhood.
- c. Unless the existing tree and ground cover provide a suitable landscaped setting for the proposed buildings, new plantings shall be provided for this purpose, and shall be shown on the Site Plan together with a plant list of material types and sizes. The ultimate landscape effect shall be designed to be compatible with the rural setting.

SECTION 5

RURAL DISTRICTS

5.1 USES PERMITTED

5.1.1 Any uses permitted in a residence district.

5.1.1a Seasonal cottages in any rural zone of the New Haven Railroad tracks, Rowley Street, and North Main Street, subject to the provisions of 4.1.1b and 4.1.1c above.

5.1.2 The display and sale of farm or garden produce raised on the premises.

5.1.3 A golf, tennis, or similar club, whether operated for profit or not, provided that the furnishing of rooms, meals, refreshments, beverages, entertainment or similar activities is only incidental to the principal activity, and provided that such club is located on a plot of not less than five acres, and that no building is located within 75 feet from any street line, and that no activity is carried on which results in objectionable noise audible off the premises.

5.1.4 Commercial Kennels, livery and boarding stables, riding schools and veterinary hospitals, provided that they are on lot of not less than five acres, and that no dogs are kept in any building or enclosure within 50 feet from any property line.

5.1.5 Livestock auctions after approval of the Zoning Board of Appeals, provided provisions for safe movement and parking of traffic is assured.

5.1.6 A hotel having sleeping accommodations for 15 or more guests, subject to the following regulations:

1. The lot area shall be not less than five acres and not less than 7,000 square feet for each sleeping accommodation.
2. Restaurants, bars, capacity rooms for public entertainment, shall have an aggregate at one time not in excess of twice the number of sleeping accommodations.
3. All buildings shall be not less than 150 feet from any lot line except where adjacent to a business or industrial district.

5.1.7 A private hospital, sanatorium or clinic, provided that the lot shall contain not less than 7,000 square feet for each patient accommodation, but excluding hospitals for the insane, or for drink or drug addicts. Provided, however, that where connected before occupancy to the public water and sewer systems the lot shall contain not less than 1,500 square feet for each patient accommodation.

5.1.8 A restaurant, or tearoom, provided that the lot area shall be not less than 5 acres, and not less than 4,000 square feet for each seating accommodation, and that all buildings used for such purposes shall be not less than 150 feet from any lot line.

5.1.9 Commercial greenhouses, provided they are located not less than 100 feet from any lot line.

5.1.10 Accessory uses customarily incidental to a permitted use on the same lot, including buildings used for permitted home occupations. Accessory buildings may be used for dwelling purposes, provided that the total number of family dwelling units on any lot is not greater than permitted by this section. Accessory uses may also include the storage of not more than two commercial vehicles belonging to the resident of the premises, provided such vehicles are kept not less than 150 feet from any street line and not less than 50 feet from any other property line.

5.1.20 SPECIAL USES IN RURAL RESIDENCE DISTRICTS

5.1.20 The Commission, after a public hearing, may approve the following Special Uses, subject to the proper safeguards to protect the public health and safety, to conserve the value of adjacent properties, and to provide for the highest and best uses of land within the purposes of these regulations.

5.1.20.1 COMMERCIAL RECREATION

A Commercial Recreation area, on a parcel of land containing not less than 20 acres of land devoted to one or more of the following uses, provided that the Commission shall find, in its judgment, that such special use:

- a. is consistent with the Plan of Development of Winchester;
- b. will cause no hazards to health, safety, and property from fire, accident, sanitary and drainage conditions, excessive traffic, noise, vibration, odor, or other nuisance;
- c. will not add undue traffic to local streets or storm drainage beyond their reasonable capacity;

- d. conforms to the proper standards of traffic access and egress and fire protection, and
- e. the provisions of this section shall not apply to lawfully existing uses similar to the uses permitted hereunder, and may be modified by the Commission in the case of a Special Use involving not more than ten camp sites.

5.1.20.2 Application for a Special Use for Commercial Recreation shall be accompanied by a Site Plan, showing the boundaries of the property and all roads and building within 500 feet of the property, together with:

- a. proposed roads, parking areas, and any required drainage and sanitary facilities;
- b. location of proposed buildings, and the limits of areas of proposed activities, together with a specific list of the proposed use or uses, including daytime and nighttime activities;
- c. applicable information required to assure conformance to the design criteria;
- d. application fee of \$50.00;
- e. Where the use of trailers is to be provided as an accessory to a Commercial Recreation use, the additional requirements of Section 15 of these regulations shall apply, except as modified by the Commission.

5.1.20.3 DESIGN AND OPERATING CRITERIA

Design and operating criteria governing the location and construction of improvements, buildings and facilities, shall include the following:

- a. A Special Use for Commercial Recreation may be granted only on a tract of land containing not less than 20 acres, located in Residence Agriculture District.
- b. No structure, except a single family dwelling, and no recreational activity, except a golf course, shall be less than 100 feet from the nearest public highway, nor less than 250 feet from the nearest dwelling located under other ownership on the same side of the highway, except that, where public and private safety are protected, activities, such as horseback riding and snowmobiling trails, may be permitted closer than 100 feet to highways, as shown on the approved plan.

- 5.1.20.3 c. Off-street parking shall be provided for the cars of all patrons, employees, and persons using the facilities, together with the necessary access driveways to public roads. Surfacing shall be of a type appropriate for the proposed land uses, and shall be treated to inhibit dust. No parking area shall be located less than 100 feet from a public highway, and where located less than 100 feet from any other property line shall be protected by a landscaped buffer strip not less than 40 feet wide.
- d. The volume of sound from music and public address systems shall be so controlled as to prevent objectionable noise off the premises.
- e. All planned group outdoor barbecue activities shall terminate at 10 P.M., and all other outdoor activities shall terminate at midnight, but this shall not prohibit the individual campers from family from outdoor cooking for a small group until a reasonable hour.
- f. Banquets, meetings, stage presentations and dancing shall be held inside a structure. But this shall not prevent presentation outside a structure of athletic exhibitions or contests requiring outdoor facilities.

5.1.20.4 Uses permitted under a Special Use for Commercial Recreation shall include only the following permitted uses and any approved combination thereof:

- a. Outdoor athletic activities, including facilities for skating, skiing, snowmobiling, sledding, swimming. Squash and tennis, but expressly prohibiting all other terrain vehicles, including motorcycles, minibikes and similar vehicles.
- b. A golf course of not less than 9 holes as a principal recreational use, and a par 3 golf course of putting greens and driving range, as accessory to a major recreational facility, but expressly prohibiting miniature golf, putting greens and driving ranges as a principal use.
- c. Riding academy or hunt club as a principal use, and the keeping and boarding of horses for riding, instruction, and exhibition, as accessory to a major recreational facility.
- d. Outdoor picnic facilities, including barbecue pits and outdoor fireplaces, as an accessory use to a major recreational facility.
- e. Social and recreational facilities for dining and dancing, including banquets, meetings, receptions, assemblies and entertainment, provided such activities are accessory to and part of an indoor-outdoor recreational enterprise and are carried on inside a structure.
- f. Motel, lodge or inn, furnishing lodging and/or meals to transients, as accessory to a recreational use, but not as a principal use, provided that no living accommodations that include cooking facilities

5.1.20.4

shall be occupied by persons other than those employed on the premises for more than 30 days between October 1st and the next following May 15th.

- g. The rental of camp sites as a part of a commercial recreation operation is permitted, subject to the following conditions:
 1. Camp sites may be occupied by a mobile home (an independent trailer containing built-in cooking and bath room facilities), trailer, camp trailer, or tent, but not by any type of permanent building.
 2. Camp sites may not be occupied between October 15th and the next following May 15th, except that between December 1st and the next following March 15th, a camper and family may occupy a camp site for not more than 14 days in any consecutive 30 day period.
 3. Campsites shall conform to the design criteria in 4.5.6 hereinafter, and camp sites provided for trailer use shall further conform with the applicable requirements of Section 15 of these regulations.
- h. Activities similar to those listed above, that are commonly provided by such organizations as day camps, swimming and tennis clubs, other recreational enterprises, and that are listed in the application and on the site plan, may be approved by the Commission subject to such additional safeguards as the Commission may require.
- i. Except as above, residential use shall be limited to existing dwellings and new accommodations for persons employed on the premises only.
- j. Accessory uses and structures customarily incidental to a permitted use.
- k. One sign is permitted at the main entrance to the premises, containing not more than 20 square feet. External lighting only is permitted with the light sources shaded to prevent glare on any adjoining property. Animated, flashing and oscillating signs are not permitted. Notwithstanding other provisions of these regulations, directional signs not extending one square foot each in area may be permitted when approved by the Commission.

5.1.20.5 APPROVAL BY THE COMMISSION

Approval by the Commission of a Special Use for Commercial Recreation shall be based solely on an approved site plan, filed with the Commission which shall clearly show the locations of buildings, construction, improvements, outdoor lighting, and the limits of the open areas of outdoor activities, together with a list of the uses, and accessory uses included as a part of the Special Use.

- 5.1.20.5 a. The applicant may submit, and the Commission may approve, minor amendments to an approved site plan, provided that any amendments that extend the limits or the number or kinds of activities or buildings, or scope of lighting, shall not be approved until after a public hearing.
- b. Any expansion of the number or kinds of activities or buildings, or scope of lighting, will require submission of an amended plan, a public hearing, and Commission approval.
- c. Unless otherwise extended by the Commission, approval of a Special Use for Commercial Recreation shall become null and void two years after approval, unless a substantial part of the facilities is in operation.

5.1.20.6 BUILDING PERMIT

No building permit shall be issued for construction except in accordance with the approved site plan for a Special Use for Commercial Recreation. No certificate of occupancy shall be issued until the protective requirements and public improvements shown on such site plan have been completed.

5.1.20.7 CAMP SITE DESIGN CRITERIA

The following requirements shall apply to the layout, construction, and operation of facilities permitted under 5.1.20.4 above.

- a. Provision shall be made for furnishing adequate potable water, sanitary sewage disposal, and collection and disposal of garbage and waste materials in conformance with State and local ordinances. A 110 volt electric outlet shall be provided at each camp site in not less than 40% of the total number of camp sites.

Approval of the plans by the Winchester Director of Health is required before approval of a special use, and certification by him of construction of sanitary facilities in accordance with the approved plans is required before issuance of a certificate of occupancy. State Board of Health and State Water Commission's approval is required where applicable.

- a.1 Potable water shall be furnished by a piped pressure system, with one outlet on each independent camp site, in not less than 40% of the total number of camp sites, and one outlet for not more than 10 dependent camp sites (tents and camp trailers).
- a.2 Sanitary sewage disposal shall be by a piped system, with one trapped connection on each independent camp site, and one connection to community toilet and waste facilities, which shall serve not more than 10 dependent camp sites. No septic tank or drain field shall be connected to fewer than 20 camp sites, nor be located on land allocated to individual camp sites.

5.1.20.7 a.3

Where required, a community toilet facility, to serve not more than 10 camp sites, shall consist of a shower stall, a lavatory, and a water closet, separated for each sex, suitably screened from camp sites, and such facility shall be located not more than 250 feet from the farthest camp site served. Where, in the judgment of the Commission, unusual conditions of topography, soils seepage, or other natural features, prevent strict adherence to the above standards, the Commission may approve combining toilet locations, or a greater distance between such facilities, so long as the safety and convenience of the campers are not jeopardized.

a.4

Garbage and waste collection stations shall be located so as to serve not more than 10 camp sites, and shall be substantially screened, or daily collections shall be made from insect-tight containers.

a.5

The location, materials of construction, and storage of fuel, for outdoor cooking facilities of any kind, shall be subject to the approval of the Fire Marshall, and no outdoor cooking shall be allowed at any except approved locations. Subject to the above, open fireplaces and Coleman type stoves are permitted, if approved kind,

b.

Roads and driveways adequate for the purpose intended, and adequate provisions for storm drainage, shall be subject to the approval of the Commission. All roads shall provide free movement for fire equipment.

c.1

Each camp site shall contain not less than 3000 sq. ft. of area for the exclusive use of the site occupants, provided that there shall be not more than 10 camp sites per gross acre devoted to such sites exclusive of all public open spaces. This shall not prohibit camp sites of less than 3000 sq. ft. each in the case of a bona-fide group, camping in fields for a period not to exceed 3 days.

c.2

Except in the case of group camping noted in c.1 above, each camp site shall have not less than 25 feet frontage on an access driveway or way connecting ultimately to a public street, and an average width not less than 50 feet, and a minimum depth of 60 feet.

c.3

Each camp site shall have an open yard, unoccupied except for trees, planting, or fencing, 10 feet wide, along each camp site boundary line, but this shall not prevent two families from using the adjoining yards on two adjoining camp sites for camping purposes.

d.

Camp sites shall be so arranged that the natural plants and trees, terrain and scenic assets shall be preserved, that each camp site has access to a public way, but is visually private and protected from other camp sites, and that emergency vehicles have proper and safe access to substantially all of the camp sites.

5.1.21

ROADSIDE-ORIENTED LIMITED RETAIL ENTERPRISES

1. A small retail enterprise, store, or shop, provided:
 - a. The business is conducted in a residential structure occupied by only one family of the owner, or the operator of the establishment.
 - b. Any structural alteration or additions, or new construction, shall be in the scale and character of the residential building and the neighborhood.
 - c. Adequate off street parking shall be provided, not less than 50 feet from the street right of way, nor less than 50 feet from the nearest residential structure on property under other ownership.
 - d. One sign only, not to exceed six square feet in area, is permitted in the front yard not less than 20 feet back of the street right-of-way line, with any lighting white only, steady and not moving or flashing, with the light source shaded from the street and from adjoining property lines.
 - e. There shall be no outdoor display of merchandise or articles, except that an antique (non-automotive) vehicle may be displayed in connection with an antique shop.

Uses permitted may include an antique shop, gift shop, tea room, or use that the Commission shall find to be similar as traffic generated, extent of the enterprise, noise or odor generated, and comparability of the use in the neighborhood. Any accessory uses shall be limited to those clearly defined in the application, and shall be made a part of the approval of the Special Use. Where applicable, in the judgment of the Commission, a "Site Plan of Development" may be required to clarify approval in a specific application.

5.2

REQUIRED LOT AREA, WIDTH, YARDS, COVERAGE, HEIGHT

District	Min. Lot Area Sq.Ft.	Min. Lot Width Ft.	Min. Lot Area per Fam Unit Sq.Ft.	Front Yard Ft.	Side Yards Each Ft.	Rear Yard Ft.	Bldg. Cov. %	Height Ft.
RU-1	40,000	150	30,000	50	35	35	10	30
RU-2	30,000	125	20,000	50	30	35	10	30
RU-3	85,000	200	50,000	50	50	35	10	30

ADD SECTION 6.0 PERFORMANCE STANDARDS

6.0 For the purpose of promoting the general welfare, and protecting the public health and safety, and providing adequate light and clean air and water, the following performance standards shall apply to all commercial and industrial uses of land:

6.0.1 No new use shall be permitted, and no existing use shall be changed, except in conformance with these regulations.

- a. The use shall be carried on in such a manner and with such precautions against fire and explosion hazards as to produce no serious exposure hazard to adjacent property, and the storage of all flammable or explosive materials shall be in a manner approved by the Fire Marshal.
- b. All commercial and industrial uses and processes shall comply with the emission standards established by the Clean Air Commission (State of Connecticut).
- c. All commercial and industrial uses shall comply with the regulations governing the discharge of water, substances, and materials into the ground or into streams of the Water Resources Commission and the Department of Health (State of Connecticut).
- d. The sound intensity level of any individual operation or plant (other than motor vehicles or other transportation facilities) shall not exceed the decibel level in the designated octave band shown on the following table:

<u>OCTAVE BAND</u> (Frequency, cycles Per Second)	<u>MAXIMUM PERMITTED</u> <u>SOUND LEVEL (DECIBELS)</u>	
	<u>At Residence and Rural</u> <u>Zone Boundaries</u>	<u>At Business</u> <u>Zone Boundaries</u>
0 to 75	72	75
75 to 150	67	70
150 to 300	59	63
300 to 600	52	57
600 to 1,200	46	52
1,200 to 2,400	40	45
2,400 to 4,800	34	40
above 4,800	32	38

- e. Commercial or industrial interior or exterior lighting shall not produce discomfort glare on public highways or neighboring property, or conflict with any traffic signals.
- f. Vibration noticeable off the lot shall not exceed the standards developed by the U.S. Bureau of Mines, Bulletin #442, or any revision thereof.

6.0.2. Erosion and Sediment Control Plan. Each application submitted under these regulations shall include measures to minimize soil erosion and sedimentation resulting from land development. Measures for controlling erosion and sediment shall equal or exceed those contained in "Connecticut Guidelines for Soil Erosion and Sediment Control," January, 1985, as amended.

Amendments to Erosion and Sediment Control Plans.

Adopted 3/13/89: Effective 3/23/89

6.0.2.1 DEFINITIONS

- 6.0.2.1.1 "Certification" means a signed, written approval by the Winchester Inland Wetland Enforcement Officer, designated agent of the Winchester Planning & Zoning Commission, or the Litchfield County Soil & Water Conservation District that a soil erosion and sediment control plan complies with the applicable requirements of these regulations.
- 6.0.2.1.2 "County Soil & Water Conservation District" means the Litchfield County Soil & Water Conservation District established under subsection (a) of section 22a-315 of the General Statutes.
- 6.0.2.1.3 "Development" means any construction or grading activities to improved or unimproved real estate.
- 6.0.2.1.4 "Disturbed area" means an area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.
- 6.0.2.1.5 "Erosion" means the detachment and movement of soil or rock fragments by water, wind, ice, or gravity.
- 6.0.2.1.6 "Grading" means any excavating, grubbing, filling (including hydraulic fill) or stockpiling of earth materials or any combination thereof, including the land in its excavated or filled condition.
- 6.0.2.1.7 "Inspection" means the periodic review of sediment & erosion control measures shown on the certified plan.
- 6.0.2.1.8 "Sediment" means solid material, either mineral or organic, that is in suspension, is transported, or has been removed from its site of origin by erosion.
- 6.0.2.1.9 "Soil" means any unconsolidated mineral or organic material of any origin.
- 6.0.2.1.10 "Soil Erosion and Sediment Control Plan" means a scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map & narrative.

6.0.2.2

ACTIVITIES REQUIRING A CERTIFIED EROSION & SEDIMENT CONTROL PLAN - A soil erosion and sediment control plan shall be submitted with any application for development when the disturbed area of such development is cumulatively more than one-half acre.

6.0.2.3

EXEMPTIONS - A single family dwelling that is not part of a subdivision of land shall be exempt from these soil erosion and sediment control regulations.

*This exemption shall not apply to any development within the Highland Lake (HL) District.

6.0.2.4

EROSION AND SEDIMENT CONTROL PLAN

6.0.2.4.1

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 the proposed site based on the best available technology. Such principles, methods and practices necessary for certification are found in the "Connecticut Guidelines for Soil Erosion & Sediment Control" (1985) as amended. Alternative principles, methods and practices may be used with prior approval of the Enforcement Officer.

6.0.2.4.2

Said plan shall contain, but not be limited to:

i. A narrative describing:

a. The development

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

c. The design criteria for proposed soil erosion and sediment control measures and storm water management facilities;

d. The construction details for proposed soil erosion and sediment control measures and storm water management facilities.

e. The installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities.

f. The operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities.

ii. A site plan map at 1" = 100' or larger scale to show:

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

- b. The existing and proposed topography including soil types, wetlands, watercourses, and water bodies.
- c. The existing structures on the project site, if any;
- d. The proposed area alterations including cleared, excavated, filled or graded areas and proposed structures, utilities, roads and, if applicable, new property lines;
- e. The location of and design detail for all proposed soil erosion and sediment control measures and storm water management facilities.
- f. The sequence of grading and construction activities;
- g. The sequence of installation and/or application of soil erosion and sediment control measures;
- h. The sequence of final stabilization of the development site.

Such plan iii.

Such plan shall be prepared by a Professional Engineer registered in the State of Connecticut unless a waiver is granted by the Enforcement Officer. Such engineer shall certify that the plans as prepared comply with the requirements and objectives of these regulations.

iv.

Any other information deemed necessary and appropriate by the Enforcement Officer.

6.0.2.5 MINIMUM ACCEPTABLE STANDARDS

6.0.2.5.1 Plan for soil erosion and sediment control shall be developed in accordance with these regulations using the principles as outlined in Chapters 3 and 4 of the "Connecticut Guidelines for Soil Erosion & Sediment Control" 1985, as amended. Soil erosion and sediment control plans shall result in a development that minimizes erosion and sedimentation during construction; is stabilized and protected from erosion when completed; and does not cause off site erosion and/or sedimentation.

6.0.2.5.2 The minimum standards for individual measures are those in the "Connecticut Guidelines for Soil Erosion and Sediment Control", 1985 as amended. The Enforcement Officer (or the County Soil & Water Conservation District) may grant exceptions when requested by the applicant if technically sound reasons are presented.

6.0.1.5.3 The appropriate method from Chapter 9 of the "Connecticut Guidelines for Soil Erosion & Sediment Control", 1985, as amended, shall be used in determining peak flow rates and volumes of runoff unless an alternative method is approved by the Enforcement Officer

6.0.2.6 ISSUANCE OR DENIAL OF CERTIFICATION

6.0.2.6.1 The Enforcement Officer (or the Litchfield County Soil & Water Conservation District) shall either certify that the soil erosion and sediment control plan, as filed, complies with the requirements and objectives of this regulation or deny certification when the development proposal does not comply with these regulations.

6.0.2.6.2 Nothing in these regulations shall be construed as extending the time limits for the approval of any application under Chapter 124, 124A, or 126 of the General Statutes.

6.0.2.6.3 Prior to certification, any plan submitted to the municipality may be reviewed by the County Soil & Water Conservation District which may make recommendations concerning such plan, provided such review shall be completed within thirty days of the receipt of such plan.

6.0.2.7 CONDITIONS RELATING TO SOIL EROSION AND SEDIMENT CONTROL

6.0.2.7.1 Site Development shall not begin unless the soil erosion and sediment control plan is certified and those control measures and facilities in the plan scheduled for installation prior to site development are installed and functional.

6.0.2.7.2 Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan.

6.0.2.7.3 All control measures and facilities shall be maintained in effective condition to ensure the compliance of the certified plan.

6.0.2.8 INSPECTION

6.0.2.8.1 The Enforcement Officer may require the permittee to verify through progress reports that soil erosion & sediment control measures and facilities have been performed or installed according to the certified plan and are being operated and maintained.

6.0.2.8.2 Where field conditions so indicate, the Enforcement Officer may require corrective or alternate means of soil erosion and sediment control measures not shown on the certified plan.

SECTION 6

COMMERCIAL DISTRICTS

6.1 USES PERMITTED IN CA DISTRICTS

- 6.1.1 Any use lawfully existing on the effective date of these regulations shall be considered a permitted use, but such existing uses not listed below in Section 6.1 shall not be expanded more than 25% of their present floor area.
- 6.1.2 A hotel without the limitations of Paragraph 5.1.6, provided that the building is supplied with water from a public water supply and is connected to the municipal sewer system.
- 6.1.3 A restaurant without the limitation of Paragraph 5.1.8.
- 6.1.4 A commercial greenhouse, without the limitations of paragraph 5.1.9.
- 6.1.5 Boarding and rooming houses.
- 6.1.6 Business or professional offices.
- 6.1.7 Financial institutions.
- 6.1.8 Undertakers establishments.
- 6.1.9 Cold storage locker plants having not over 400 individual lockers.
- 6.1.10 Washing machine rental establishments and laundries not using steam.
- 6.1.11 Theaters for indoor motion picture projection or dramatic or musical productions.
- 6.1.12 Research laboratories, provided that there is no manufacture or processing of material, except as incidental to research and experiment, and provided that no operation is carried on which results in objectionable noise, smell, smoke, or fumes noticeable off the premises.
- 6.1.13 Tourist cabin establishments, or motels, having not less than five units built on permanent foundations, with running water and inside flush toilets, provided that the lot area shall be not less than 2,000 square feet for each guest sleeping accommodation, but this paragraph shall not permit trailer camps.
- 6.1.14 A retail business or retail service occupation listed below, including the manufacturing or processing of materials only as incidental to a permitted retail occupation:

Bakery, catering establishment, or confectionery store;

Barber shop or beauty parlor;
 Book or stationery store;
 Clothing, tailoring, dressmaking;
 Cleaning agency, including clothes pressing by hand, and incidental hand cleaning with non-inflammable liquids;
 Laundering agency, washing machine rental establishment, and home laundry not using steam;
 Drugs, toilet articles, drygoods and notions;
 Florist shop, garden and farm supplies or equipment;
 Furniture, interior decorating, hardware, radios, electrical or household appliances;
 Gift, antique or art, or jewelry store;
 Groceries, fruits, vegetables or meats;
 Shoes and shoe repairing;
 Retail package stores for the sale of wine, beer, or spirituous liquors;

- 6.1.15 Motor vehicle service stations for the dispensing of fuel and lubricants and minor servicing only.
- 6.1.16 Public parking areas.
- 6.1.17 Accessory uses customarily incidental to a permitted use, including garages for the storage of vehicles used in connection with a permitted use only.
- 6.1.18 *Special Permit Uses: Any use permitted by special permit in residence districts may, by special permit, be permitted in the CA District. Such uses shall meet the requirements of Section 4.1.15. *AMENDED & ADOPTED 3/27/89; EFFECTIVE: 4/1/89.
- 6.1.19 *The Commission may grant, after holding a public hearing, a special permit for the operation of certain types of commercial for-profit outdoor recreational businesses such as miniature golf courses, baseball batting cages, golf driving ranges, and other similar types of outdoor recreational businesses. In granting a special permit for the above-described activities, the Commission must find the proposed activity:
 - a. Will not create traffic hazards or traffic volumes beyond the capacity of the existing road networks.
 - b. Will not have a depreciating effect on the neighborhood.
 - c. Will conform to all other applicable sections of these regulations.
 - d. Will be subject to such further conditions as deemed necessary by the Commission to protect the public health, safety, convenience, and property values.

Applications for the above-described activities must include a site plan of development which shall contain all of the information required in Section 6.3.2 of these regulations, paragraphs a through d inclusive. Approval by the Commission of the Site Plan of Development must be obtained before a special permit is granted. *AMENDED & ADOPTED 5/29/1990 EFFECTIVE 6/8/1990.

6.2 USES PERMITTED IN CB DISTRICTS

- 6.2.1 Any use permitted in CA districts.
- 6.2.2 Wholesale trade carried on entirely within a building or enclosure not less than 8 feet high.
- 6.2.3 A newspaper or printing plant.
- 6.2.4 Assembly halls, dance halls, billiard and pool parlors, bowling alley, and similar places of public recreation operated as a business.
- 6.2.5 Storage warehouses, except cold storage.
- 6.2.6 Public garages, motor truck terminals and automobile or machinery repair shops, including welding and tire recapping, provided that all mechanical and repair operations are carried on in a building or with an enclosure not less than 6 feet high.

- 6.2.7 Automobile trailer, and farm equipment sales rooms, outdoor sales area, provided that no goods are displayed in the front yard. Retail stores, gasoline stations, auto showrooms with repair garage as an accessory use, business and professional offices.
- 6.2.8 Public utility buildings, including storage yard or electrical substation but excluding electric generating or gas manufacturing plants.
- 6.2.9 Plants for the processing and distribution of milk and edible dairy products, and for the bottling or packaging of beverages, pharmaceutical or toilet preparations, perfumes, and similar products.
- 6.2.10 Retail lumber, fuel and building materials yards, storage and distribution of bottled gas, contractor's equipment storage, provided that all material is kept in a building or within an enclosure not less than six feet high, but excluding the bulk storage of cement and concrete mixing, and excluding tanks for petroleum products located above the ground.
- 6.2.11 Accessory uses customarily incidental to a permitted use.
- 6.2.12 Special Permit Uses as permitted in the CA District*

6.3 COMMERCIAL EXPANSION DISTRICTS CX

- 6.3.1 Any lot, or contiguous group of lots, may be designated a CX District in accordance with the requirements of this section (6.3). Premises in CX districts shown on the Zoning Maps, and in any CX districts shown on the Zoning Maps, and in any CX districts created under the provisions of this section (6.3.5a to 6.3.5k hereafter only after meeting all of the following requirements, and under the following conditions:
- The Town Planning and Zoning Commission shall determine that such commercial expansion is necessary and desirable for the future development of the Town, and is in accordance with the Commission's development of the Town Plan.
 - That such commercial expansion is subject to proper restriction to protect the public health, welfare and safety, and will not depreciate the character and value of adjoining properties.
 - The required area and width, yards, building heights and lot coverage shall be as required for CB-2 districts.
 - Parking and loading requirements of Section 9 hereafter shall apply.
- 6.3.2 The owner, owners, or agent thereof of any tract of land which meets the requirements of this section may submit to the Town Planning and Zoning Commission a proposed plan of development showing all information required herein. Such plan of development shall include and show:

- a. Proper provision for vehicular traffic, control of entrance from and exit to highways, adequate parking and unloading facilities;
- b. Proper provision for pedestrian traffic, including sidewalks where required;
- c. The relation of proposed buildings and facilities to the estimated future development of the district as a whole;
- d. Proper provision for water supply, and for the disposal of storm water and sanitary sewage, in accordance with the zoning and sub-division regulations of the Town of Winchester;
- e. Assurance to the Town, in a manner satisfactory to the Town's Counsel, what the developer will, not less than 18 months after approval of the plan of development, erect and complete a commercial building or buildings, containing not less than 5,000. sq. ft. of floor space above the cellar.
- ** f. Provide an outline of the substantive provisions of all documents to be created to regulate and enforce the maintenance of common areas, including driveways, walkways, parking lots, and landscaping. Included shall be provisions stating that maintenance of common areas will be the responsibility of the owners and provisions for enforcing that responsibility.

6.3.3 Except for driveways giving access to public streets, all buildings, driveways, and parking areas shall be not less than 25 ft. from the nearest property line abutting any residential zone.

6.3.4 In Commercial Expansion District CX, where any lot or part thereof adjoins a residence zone or rural zone, a landscaped strip fifteen (15) feet wide shall extend the length of such zone boundaries, seeded to grass and properly planted to trees and shrubs to insure a proper break between commercial and residential land zones. The Commission may waive the requirements for all or parts of such landscape strips where topography, permanent natural features, public land, or lack of residential development on adjacent properties accomplishes the of separation of commercial and residential uses. Plans showing the work to be done, with assurance of completion and future maintenance satisfactory to the Town Counsel, shall be filed with the Commission before a permit is issued to use such lot or portion thereof for any use. Failure to maintain such strips shall constitute a violation of these regulations by the owner of such lot or portion thereof.

** Amended and Adopted 5/8/89: Effective 5/16/89

6.3.5

PERMITTED USES

- a. Any uses permitted in the zone district or districts of which the CX district formerly was a part;
- b. Retail stores, gasoline stations, auto showrooms, with repair garage as an accessory use, business and professional offices;
- c. A park, beach, or recreational use operated for profit that is permitted by the Zoning Regulations;
- d. A motel for the use of transients, only.
- e. Hotels, inn, or restaurant other than dining car or diner;

- f. Publishing, including newspaper and job printing;
- g. Shop for custom work, including repair and fabrication;
- h. Any fabrication, manufacturing, industrial, or research operation non prohibited, and which will not constitute a public hazard or create obnoxious noise, vibrations, dust, fumes, odors, or smoke, provided not more than 50 persons are employed on one lot at any one time and, provided further, that buildings housing such uses shall be in harmony with commercial buildings in the same CX district and such uses will not be detrimental to or depreciate the development character or value of adjoining property.
- i. Accessory uses and buildings customarily incidental to a permitted use.
- k. Notwithstanding the above, nothing in these regulations shall prohibit in a CX district the continuance or improvement of an existing residential use. The Building Inspector may issue a permit for the repair, alteration, or reconstruction of a residential structure, provided there is no further encroachment into required yards, and provided further that there shall be no increase in the number of dwelling units on any lot.

6.3.6 When, in the opinion of the Commission, a plan of development for a CX district meets all of the requirements herein, the Commission will approve submission of the plan to a public hearing

- a. Within 60 days after such approval, the Commission shall hold public hearing, filing in the office of the Town Clerk the plan of development, and a copy of the amendment to zone boundaries, in accordance with Chapter 43 of the Connecticut General Statutes, 1949, Rev. as amended;
- b. After a public hearing, when the Commission shall adopt a zone change establishing a Commercial Expansion District, the plan of development shall be recorded in the records of the Town Clerk's Office, and shall also be included in the plan of development of the Town.

6.3.7* Special Permits: Special Permit Uses as permitted in the CA District.

6.4 REQUIRED LOT AREA, WIDTH, YARDS, COVERAGE, HEIGHT

DISTRICT	Min. Lot Area	Min. Lot Width	Min. Lot Area per Fam. Unit	Front Yard	Side Yards Each	Rear Yard	Bldg. Cov. %	Height
	Sq. Ft.	Ft.	Sq. Ft.	Ft.	Ft.	Ft.	%	Ft.
CA-1, CB-1	40,000	150	20,000	50	20	50	25	30
CA-2, CB-2	15,000	80	10,000	40	12	40	33-1/3	30
CA-3	6,000	50	3,600	25	10	30	50	30
CB-3	10,000	80	3,600	25	10	30	50	30
CX	40,000	200	9,000	50	15	30	25	30

- 6.5 In CA-3 and CB-3 Districts, the required front yard may be reduced by the Board of Zoning Appeals where a majority of existing buildings of substantial character on the same side of the street, and in the same block as and within 200 feet of a proposed building, are located at a lesser distance from the street.
- 6.6 In CA-2 and CB-2 Districts, upon agreement of the owners of two adjacent lots duly recorded in the land records of the Town of Winchester, one side yard only of each lot may be omitted, and buildings built on the common line, provided that the party or other walls separating them are of firewall construction conforming to the State Building Code for the use category. Except in case of a building on the lot line no side yards shall be less than 12 feet in width.
- 6.7 In CA-3 and CB-3 Districts, one side yard may be omitted, and if the rear yard of the lot has access by alley or other right-of-way not less than 12 feet wide to a public street, both side yards may be omitted, provided that all party or other walls of buildings where built on the lot line are of firewall construction conforming to the State Building Code for the use category.
- 6.7.1 No side yard shall be less than 12 feet in width, except as permitted in Section 6.7 above.
- 6.8 A lot in any Commercial District, where adjacent to the boundary of a Residence or Rural District, shall have a strip not less than 12 feet in width along such boundary, which strip shall be suitably landscaped and not used for parking or for any purpose prohibited in such Residence or Rural District.
- 6.9 On an existing lot in a CX District where the average lot depth is less than 140 ft. the required front and rear yards may be reduced by fifty percent (50%) provided that no front yard so reduced shall be nearer to the street line than the front yard of an existing building on the next adjoining lot on each side.

ADD: SECTION 5.1.22

CX-1 ZONE:

6.10.1 Purpose. The CX-1 Zone is established in order to provide for limited retail and service type uses within areas substantially developed and used for residential purposes. It is the purpose of the CX-1 Zone to provide a review process, standards, and use restrictions which will permit commercial uses while protecting existing residential development.

6.10.2 Review and Approval Process: Uses are permitted within the CX-1 zone only by special permit and only after site plan approval has been granted. Use of the site shall be limited to that use granted under a special permit, and any change in use shall require a new special permit and site plan approval. The Commission may make a determination that the change in use is not a significant change and under such circumstances site plan review shall be the only approval required. In reviewing applications for a special permit, the commission shall consider the Special Exception standards contained in section 4.1.15, as well as the following:

1. The proposed hours of operation will not cause disruption, through noise, lighting, or other activities of the surrounding residential area.
2. The proposed use will not require the outside storage of any materials nor the outside display of any merchandise.

A site plan meeting the requirements of section 6.3.2 a. thru d. shall be submitted with the applications for zone change and special permit. Such plan shall demonstrate compliance with this and other applicable sections of the Zoning Regulations.

6.10.3 Special Permit Uses:

Uses which may be considered for the granting of a special permit are expressly limited to those listed in section 6.1.14 with the following exclusion:

- a. Gift, antique or art, or jewelry stores.

6.10.4 Buffer Areas: In order to insure the protection of abutting residential areas, buffer areas meeting the requirements of section 6.3.4 shall be provided.

6.10.5 Except for driveways giving access to public streets, all buildings, driveways and parking areas shall not be less than 12 feet from any property line abutting a residential zone.

6.10.6 Lot Area Requirements shall be those applicable to CA-2 and CB-2 as contained in section 6.4.

ADD: SECTION 5.1.22

CX-1 ZONE:

6.10.1 Purpose. The CX-1 Zone is established in order to provide for limited retail and service type uses within areas substantially developed and used for residential purposes. It is the purpose of the CX-1 Zone to provide a review process, standards, and use restrictions which will permit commercial uses while protecting existing residential development.

6.10.2 Review and Approval Process: Uses are permitted within the CX-1 zone only by special permit and only after site plan approval has been granted. Use of the site shall be limited to that use granted under a special permit, and any change in use shall require a new special permit and site plan approval. The Commission may make a determination that the change in use is not a significant change and under such circumstances site plan review shall be the only approval required. In reviewing applications for a special permit, the commission shall consider the Special Exception standards contained in section 4.1.15, as well as the following:

1. The proposed hours of operation will not cause disruption, through noise, lighting, or other activities of the surrounding residential area.
2. The proposed use will not require the outside storage of any materials nor the outside display of any merchandise.

A site plan meeting the requirements of section 6.3.2 a. thru d. shall be submitted with the applications for zone change and special permit. Such plan shall demonstrate compliance with this and other applicable sections of the Zoning Regulations.

6.10.3 Special Permit Uses:

Uses which may be considered for the granting of a special permit are expressly limited to those listed in section 6.1.14 with the following exclusion:

- a. Gift, antique or art, or jewelry stores.

6.10.4 Buffer Areas: In order to insure the protection of abutting residential areas, buffer areas meeting the requirements of section 6.3.4 shall be provided.

6.10.5 Except for driveways giving access to public streets, all buildings, driveways and parking areas shall not be less than 12 feet from any property line abutting a residential zone.

6.10.6 Lot Area Requirements shall be those applicable to CA-2 and CB-2 as contained in section 6.4.

Effective February 22, 1989
Adopted February 14, 1989

CX-1 ZONE, CON'T.

6.10.7 Hearings. Public Hearings, in accordance with state statutes, shall be held to consider the establishment of the zone (s) and granting of the Special Permit. Site plan review shall not require a public hearing.

16.10.7 Signs shall be in accordance with section 16.5 except that no roof signs shall be permitted, and only one sign per business shall be permitted.

PROFESSIONAL OFFICE OVERLAY ZONE.

Intent: The professional office overlay zone is intended to provide for alternate non-residential uses for existing residentially zoned structures. It is an overlay zone, the extent of which is shown on the official zoning map of Winchester. Uses as of right and by special permit in the underlying zone shall continue to apply. Professional office use as herein defined shall be permitted only as a special permit use subject to all of the requirements of a special permit under the zoning ordinance, and only in those areas within the overlay zone.

Special Permit Uses; Special Permit Uses within the P. O. Zone shall be as follows:

Doctors, Dentists, and other recognized Medical Professionals.

Lawyers, architects, surveyors, planners and others who by specialized training or education provide services of a professional nature.

Real Estate agents and Insurance.

No retail uses are permitted within the P. O. Zone.

Parking Requirements: 1 per each 100 square feet of net office space. After review of the specific use proposed, the commission may waive up to 50% of this requirement when the nature of the proposed office use warrants less parking.

Landscaping: As a condition of granting a special permit for the professional office use, the commission may require buffers within any required yard to protect abutting residential properties.

Signs: Signs shall be restricted to one sign per building which sign is not to exceed 12 square feet in size and shall meet all of the applicable requirements of Section 16. Additionally, no roof signs shall be permitted in conjunction with a special permit for Professional Office Use.

SECTION 7

INDUSTRIAL DISTRICTS

7.1 USES PERMITTED IN IA DISTRICTS

- 7.1.1 Any use permitted in CB Districts, without limitation of enclosure of floor area, provided that no human habitation shall be permitted other than the dwelling of a proprietor or caretaker.
- 7.1.2 Laundries, cleaning and dyeing works, and carpet and rug cleaning.
- 7.1.3 Cold Storage plants.
- 7.1.4 The manufacture, compounding, processing, packaging or treatment of beverages, food, candy, cosmetics, dairy products, drugs, ice, perfume, pharmaceuticals, soap, toilet supplies. No operation involving the rendering of fats, oils, or viscera, is permitted, unless:
1. There is no danger to public health, or of steam pollution created on or off the premises.
 2. The waste products of such operation are properly processed to inhibit release of objectionable or noxious solids, liquids, and/or gases off the premises.
- 7.1.5 The manufacture, compounding, assembling or treatment of articles from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fibre, fur, glass, hair, horn, leather, paper, plastics, precious metals or stones, rubber, shell, textiles, tobacco, wood, yarns.
- 7.1.5a The manufacture and fabrication of products from all kinds of metals, including the casting and sintering of special high performance alloys, provided such work shall cause no objectionable odors or fumes outside the IA District in which located.
- 7.1.6 The manufacture and assembling of sheet metal products, signs, billboard.
- 7.1.7 The assembly of electrical appliances, instruments, products and devices including the manufacturing of small parts.
- 7.1.8 The manufacture of sporting goods, toys, musical instruments and novelties.
- 7.1.9 Saw and planing mills and woodworking shops.
- 7.1.10 Machine and blacksmith shops.
- 7.1.11 Manufacture and storage of chemicals or plastics, provided that no objectionable odor is noticeable outside the IA District in which located.

- 7.1.12 Foundries for non-ferrous metals causing no objectionable odors or fumes noticeable outside the IA District in which located.
- 7.1.13 The manufacture of concrete blocks.
- 7.1.14 Airplane and helicopter landing fields.
- 7.1.15 Accessory uses customarily incidental to a permitted use.
- *7.1.16 Special Permits: Special Permit Uses as permitted in the CA District.
- 7.2 USES PERMITTED IN IB DISTRICTS
 - 7.2.1 Any permitted use in IA Districts.
 - 7.2.2 Automobile wrecking, and junk and scrap metal handling, provided that all operations are carried on within an enclosure not less than eight feet high.
 - 7.2.3 Metal fabrication plants, boiler works, drop forges.
 - 7.2.4 Blast furnaces, foundries for ferrous metals.
 - 7.2.5 Manufacture of pulp and paper products.
 - 7.2.6 Manufacture and treatment of rubber products.
 - 7.2.7 Manufacture and storage of coal, natural and acetylene gas.
 - 7.2.8 Asphalt manufacture, treatment and storage.
 - 7.2.9 Manufacture of bricks, tile and terra cotta.
 - 7.2.10 Bulk storage of cement and concrete mixing plants.
 - 7.2.11 Bulk storage of petroleum products.
 - 7.2.12 Accessory uses customarily incidental to permitted uses.
 - *7.2.13 Special Permits: Special Permit Uses as permitted in the CA District.
 - 7.2.14 Uses permitted in IB Districts shall not include, among others, the following:
 - 7.2.14.1 Garbage and refuse incineration or dumping of matter not originating on the premises, except by the Town of Winchester.
 - 7.2.14.2 Distillation of bones, rendering of fat or reduction of animal matter.
 - 7.2.14.3 Manufacture of glue.

7.2.14.4 Oil refining.

7.2.14.5 Stock Yards, or feeding pens, or the slaughtering of animals.

7.3 REQUIRED LOT AREA, WIDTH, YARDS, COVERAGE, HEIGHT

<u>DISTRICT</u>	<u>Min.</u> <u>LOT</u> <u>AREA</u> <u>SQ.FT.</u>	<u>Min.</u> <u>LOT</u> <u>WIDTH</u> <u>FT.</u>	<u>FRONT</u> <u>YARD</u> <u>FT.(a)</u>	<u>SIDE</u> <u>YARDS</u> <u>ea.-FT(a)</u>	<u>REAR</u> <u>YARD</u> <u>FT.(a)</u>	<u>BLDG</u> <u>COV</u> <u>%</u>	<u>HEIGHT</u> <u>(b)</u>
IA-1, IB-1	80,000	200	50	50	50	25	70
IA-2, IB-2	40,000	150	50	25	50	25	70
IA-3, IB-3	20,000	100	25	12	30	33-1/3	70

NOTE: (a) The front, side, and rear yards shall be increased one foot for each one foot of building height by which said building height extends 35 feet, but such additional setback shall apply only to that portion or wing of the building that exceeds 35 feet in height.

NOTE: (b) The Zoning Board of Appeals after a report from the Fire Marshal may grant, as a special exception, a greater maximum height, provided there will be no hazard or danger to public safety.

7A
Buffer Zone
30'

SECTION 8

REMOVAL OF TOP SOIL, SAND AND GRAVEL

- 8.1 Unless otherwise provided in this section, there shall be no removal from the premises in any district of earth, sand, gravel, clay or stone, except as surplus material resulting from a bona fide construction, landscape or agricultural operation being executed on the premises, and provided that no permanent damage is done to the landscape.
- 8.2 In any district top soil and loam may be removed from the area to be covered by a building or other construction operation, and from any other area, provided that not less than four inches of top soil or loam remains, and provided that the entire area disturbed is seeded with a suitable cover crop or is put to cultivation.
- 8.3 The Town Planning and Zoning Commission may, after public hearing, permit the removal of sand, gravel, clay or stone under the following conditions:
- 8.3.1 The applicant shall submit a plan showing existing grades in the area from which the above material is to be removed, together with finished grades at the conclusion of the operation.
- 8.3.2 The plan shall provide for proper drainage of the area of the operation after completion, and no bank shall exceed a slope of one foot of vertical rise to two feet of horizontal distance. No removal shall take place within 20 feet of a property line except where the natural grade is above the existing grade of the adjoining property.
- 8.3.3 At the conclusion of the operation, or of any substantial proportion thereof, the whole area where removal takes place shall be covered with not less than four inches of top soil which has been removed, or with top soil similar in quality to adjacent virgin soil, and seeded with a suitable cover crop.
- 8.3.4 Except in an industrial district, no stone crusher or other machinery not required for actual removal of the material shall be used.
- 8.3.5 Before a permit is granted under this section, the applicant shall post a bond with the Treasurer of the Town of Winchester in an amount approved by the Planning and Zoning Commission as sufficient to guarantee conformity with the provisions of the permit issued hereunder.
- 8.3.6 In passing on such application, the Town Planning and Zoning Commission shall consider the effect of such removal on surrounding property and the future usefulness of the premises when the operation is completed.
- 8.3.7 Such permit shall be issued for a period not exceeding two years.

SECTION 9

OFF-STREET PARKING

9.1. PARKING FACILITIES REQUIRED

Parking facilities off the street or highway right-of-way shall be provided to serve all buildings erected, moved, altered, or enlarged, and all premises otherwise developed, after the adoption of these regulations. Such facilities shall be sufficient to accommodate the motor and other vehicles of all occupants, employees, customers, and other persons normally visiting such building or premises at any one time.

9.2 Required parking facilities may be provided on the same lot as the building they serve, or on a lot within 200 feet from such building. Two or more parking facilities on adjoining lots, if designed for use as a single parking area, may use the same means of access. Except in the case of dwellings, rooftop or indoor parking, exclusive of access ramps, may be included in the required area.

9.3 Unless parking facilities are otherwise approved by the Town Planning and Zoning Commission, they shall contain not less than the following minimum areas, exclusive of driveways necessary for access:

9.3.1 For dwelling, 250 sq.ft. for each dwelling unit.

9.3.2 For offices, financial institutions, permitted home occupations, and for retail stores, personal service shops, restaurants, and similar business buildings, three times the floor area used for business, except storage space, except that in CA-3 District the required off-street parking area shall be not less than the floor area used for business, except storage space.

9.3.3 For theaters and assembly halls having fixed seats, 250 sq.ft. for every five seats.

9.3.4 For other places of public assembly or public recreation, 250 sq.ft. for every five legal occupants, including employees.

9.3.5 For hotels, lodging or boarding houses, and hospitals, 250 sq. ft. for every three guests or patient accommodations. In the case of restaurants or other public rooms in a hotel, which are open to nonresidents, thereof, additional parking facilities shall be provided, as prescribed in paragraph 9.3.2 and 9.3.4.

9.3.6 For undertakers establishments, an area equal to three times the total floor space, exclusive of storage.

9.3.7 For industrial plants, wholesale establishments and similar buildings, 250 sq.ft. for every four persons normally employed.

9.4

TRUCK LOADING SPACE

In the case of hospitals, institutions, hotels, retail, wholesale and industrial buildings, space shall be provided for loading and unloading of trucks at the rate of one space not less than 400 sq.ft. in area for each 20,000 sq.ft. of floor area or fraction thereof less than 60,000 sq.ft., and 400 sq.ft. for each 40,000 sq.ft. of floor area or fraction thereof in excess of 60,000 sq.ft.

9.5

SURFACING

Required minimum parking and truck loading facilities shall have adequate all weather surfacing, capable of allowing free and safe movement of all vehicles customarily using the facility.

SECTION 10

NONCONFORMING BUILDINGS AND USES

10. Any nonconforming use of building lawfully existing at the time of the adoption of these regulations, or of any amendments thereto, may be continued, and any building so existing, which was designed, arranged, intended for or devoted to a nonconforming use, may be reconstructed and structurally altered, and the nonconforming use therein changed subject to the following regulations:
 - 10.1 No nonconforming use may be changed except to a conforming use, or, with the approval of the Town Planning and Zoning Commission, to another nonconforming use not more objectionable in character.
 - 10.2 No nonconforming use shall, if once changed into a conforming use, be changed back again into a nonconforming use.
 - 10.3 No nonconforming use shall be extended or expanded.
 - 10.4 No nonconforming use, which has not been in active use for a period of one year, shall be thereafter resumed.
 - 10.5 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, or any amendments thereto, and which shall be completed within one year of the adoption of the same.
 - 10.6 A building containing a permitted use, but which does not conform to the requirements of these regulations regarding building height limits, floor area, area and width of lot, percentage of lot coverage, and required yards and parking facilities, may be enlarged or altered, provided:
 1. Such enlargement provides for a permitted use containing no more family dwelling units than now exist;
 2. Any additions are constructed within the applicable yard requirements, or, with the approval of the Zoning Board of Appeals, are not nearer to the lot lines than the existing building.
 - 10.7 Nothing in these regulations shall prevent the reconstruction within one year of a building damaged by fire, explosion, accident, the act of God or of the public enemy, to its condition prior to such damage, or prevent the restoration of a wall or structural members.

- 11.1 * The Zoning Enforcement Officer of the Town of Winchester shall be the administrative official charged with the enforcement of this ordinance, and no building permit nor certificate of occupancy may be issued except in conformity with all applicable regulations and ordinances, except as such regulations may have been modified by the Board of Appeals.
- 11.2 No construction shall be started, and no building shall be erected, moved, enlarged, or structurally altered at a cost exceeding one hundred dollars, until a building permit for the proposed work shall have been issued, and a certificate of occupancy shall have been applied for.
- 11.2.1 Application for a building permit shall be made by the owner or his agent in writing on approved forms, which shall include;
- a. Two copies of the lot plan, drawn to scale, and showing lot lines, open spaces, building sizes, and location on the lot.
 - b. Two copies of dimensional plans of floors and elevations of the building, and specifications to indicate the kind, size, and quality of the proposed construction.
 - c. A building permit shall become void unless construction is commenced within six months from date of issuance, unless such time shall have been extended in writing.
 - d. The filing of building plans required in 2.1.b above may be waived when the proposed work is of a minor nature, or repairs, provided the scope of work is adequately described in the application.
- 11.2.2 Application for a building permit shall be accompanied by a fee, payable to the Town of Winchester, as prescribed in the Building Code of the Town of Winchester.
- 11.3 No land, building or premises, the use or area of construction of which has been changed, extended, enlarged, or altered, after the passage of this section, shall be occupied or used in whole or in part until a certificate of occupancy shall have been issued showing compliance with applicable regulations.
- 11.3.1 No nonconforming use of land, building or premises, the use or area of construction of which has been changed, extended, enlarged, or altered after the passage of this ordinance, shall be occupied or used in whole or in part until a certificate of occupancy shall have been issued showing compliance with applicable regulations.

- 11.3.2 When a proposed change, extension, enlargement or alternation of land, buildings, or premises as to use or area, or construction, do not require a permit, a certificate of occupancy shall be applied for before such proposed changes are commenced.
- 11.3.3 A certificate of occupancy will be issued within 10 days after completion and compliance with all applicable regulations, and a record of all such certificates shall be kept on file in the office of the building inspector, who will furnish additional copies to any person having a priority or tenancy interest in the building or premises affected.
- 11.4 Any person, firm, association, or corporation, violating any provisions of these regulations, shall be subject to a fine not exceeding twenty dollars for each offense, and for each and every day that such offense continues.

SECTION 12

ZONING BOARD OF APPEALS

- 12.1 The Zoning Board of Appeals shall consist of five members chosen as provided by law, who shall serve without compensation. Said Board shall elect a chairman from its membership and shall appoint a secretary, who shall keep a record of all its proceedings, showing the vote of every member upon each question, or, if absent or failing to vote, indicating such fact. Each rule and regulation, and each amendment or repeal thereof, and each order, requirement or decision of the Board shall immediately be filed in the office of the Board, and shall be a public record. Before acting on any matter under the provisions of these regulations, the Board shall hold a public hearing, as required by Section 285c of the 1953 Supplement to the General Statutes.
- 12.2 All meetings of said Board shall be held at the call of the chairman, and at such other times as said Board may determine, and shall be open to the public. The chairman or on his absence the acting chairman may administer oaths and compel the attendance of witnesses.
- 12.3 The Zoning Board of Appeals shall have the following powers and duties:
- 12.3.1 To hear and decide appeals where it is alleged that there is an error in any order, requirement or decision made by the agent of the Commission or any other official charged with the enforcement of these regulations.
- 12.3.2 To hear and decide all matters, including special exceptions upon which it is required to pass by the specific terms of these regulations, and
- 12.3.3 To determine and vary the application of provisions of these regulations in harmony with their general purpose and intent, and with due consideration for conserving the public health, safety, convenience, welfare and property values solely with respect to a parcel of land, where, owing to conditions especially affecting such parcel but not affecting generally the district in which it is situated, a literal enforcement of these regulations would result in exceptional difficulty or unusual hardship, so that justice will be done, and the public safety and welfare preserved.

SECTION 13

AMENDMENTS

- 12.1 These regulations and the boundaries of zoning districts established hereunder may from time to time be amended or changed by the Town Planning and Zoning Commission in accordance with the provisions of the General Statutes.

SECTION 14

VALIDITY

- 14.1 If any section, paragraph, subdivision, clause or provision of these regulations shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged, and the remainder of these regulations shall be deemed valid and effective.

SECTION 15

TRAILERS

- 15.1 The use of trailers for human occupancy is permitted only under the following conditions, and in such zone or zones as the Town Planning and Zoning Commission may establish upon determination that such zone or zones are necessary and appropriate for the growth and development of the Town, and are consistent with the comprehensive plan of development of the Town.
- 15.1.1 A temporary permit, valid for one year, may be issued for occupancy by the owner of the lot in a rural zone, or in residence R-1 and R-2 zones, who has applied for a permit to build and has started construction or remodeling of a residential building on the same lot, provided that such trailer shall be connected to a permanent potable water supply and sewage disposal system.
- 15.1.2 In a Rural Zone, a permit, valid for one year and renewable, may be issued for occupancy of two or more trailers in a trailer park where trailers and/or trailer sites are offered for rent or lease under the following conditions:
- a. The Commission shall hold a public hearing to determine whether such use will detract from the character of the neighborhood or depreciate the value of adjacent properties;
 - b. Provision is made for an adequate supply of potable water, with piped connections to each trailer;
 - c. Sewer lines serving each trailer are connected to the public sewer system, or to a treatment plant whose drainage fields are installed in soil rated Class C or better, based on State Sanitary Code Standards;
 - d. In the case of a trailer park containing more than 50 sites, provision shall be made for the storage of adequate water for fire protection;
 - e. Electric lines shall be installed with connections at each trailer site, and street lighting shall be installed and maintained according to the requirements of the Board of Selectmen.
- 15.1.3 Except for the requirements of a license, paragraphs 15.5 and 15.5.2 hereafter, the requirements of this section shall not be deemed to apply to trailers or trailer parks lawfully existing on the effective date of this regulation.
- 15.1.4 The Building Inspector, after issuance of a permit for a bona-fide construction operation, may issue a temporary permit for a trailer for use as a field office, or storage of tools and equipment, located on the same premises as the construction operation, but such permit shall not include use as a real estate or sales office.

15.2 DEFINITIONS: For the purpose of these regulations, certain words shall have the following meaning;

15.2.2 TRAILER PARK - a parcel of land, subdivided into "sites", for the purpose of leasing, but not for the sale, of sites and/or trailers and sites.

15.2.3 SITE - a parcel of land on which one occupied trailer may be legally maintained.

15.2.4 TOWN - shall mean the Town of Winchester

15.3 No parcel of land shall be zoned for use as a trailer park which contains less than three acres of land, nor with less than 250 feet of frontage on a town road or state highway. In computing the area of the lot for the permissible number of trailers, the street frontage multiplied by not more than 3 1/2 times such frontage shall be used regardless of any greater lot depth.

15.3.1 Not more than one driveway for each 250 feet of frontage shall give access from the lot to the street, and such driveway shall be not less than 150 feet from the nearest intersection on either side of said town or state highway. Such entrance driveway shall connect with an interior road system serving each site. Interior roads shall be not less than 35 feet wide, constructed in accordance with the appropriate requirements of the subdivision regulations of the Town. Dead end roads shall give access to not over 20 trailer sites.

15.3.2 Each trailer shall contain not less than 6000 sq. ft. with its least dimension not less than 35 feet at the building line or an interior road. Yards required at each site shall be not less than: front yard at interior road - 25 feet; and side yards 15 feet.

15.3.3 Provision shall be made for parking one car per trailer site on the traveled portion of the interior roads. Such parking shall not be located in the front yard, nor less than 40 feet from the side or rear lot lines of the trailer park.

15.4 Application shall be made in writing to the Building Inspector and shall contain the following information:

15.4.1 A map, drawn to scale, showing the boundaries of land to be used;

names of adjoining property owners; approximate distances to nearest intersections; each site, with numbered designation; location of water supply, location and method of sewage disposal; proposed methods of garbage and refuse collection and disposal; location of access roads and parking spaces.

- 15.4.2 Prior inspection of proposed sanitary facilities shall have been made by the local Health Officer, and his approval in writing shall accompany the application.
 - 15.4.3 Approval of the Town Planning and Zoning Commission is required for the location of any trailer before a building permit will be issued.
 - 15.4.4 Upon completion of all the requirements of these regulations, and issuance of a certificate of occupancy, the licensee shall file with the Town Clerk a map showing all physical installations as built, together with a certificate from the Health Officer showing compliance with the sanitary requirements of these regulations, before a license will be issued.
- 15.5 The fee for application and license for the establishment of a new trailer site, a trailer park, or an existing trailer park, will be \$25.- total for from one to five sites in any parcel of land, plus \$2.50 for each trailer in addition to five on the same parcel of land, payable to the Town, together with a filing fee of \$5.00, payable to the Town Clerk.
- 15.5.1 Such license shall be valid for one year, unless revoked for failure to maintain the premises in accordance with these regulations. A new license for one existing trailer and for renewal of an existing license shall be \$2.50 for each trailer. Such license shall be renewed each year one month before any trailer and/or site is reoccupied, not later than May 1st, after inspection and certification by the Health Officer, and the Building Inspector that the requirements of these regulations are being maintained.
 - 15.5.2 Such license shall contain the name of property owner, the name of the licensee, the number of sites shown on the map on file with the Town Clerk, which are included in the license, the fee, and date of issue.
- 15.6 The licensee of a trailer park shall be responsible for the operation and the maintenance of the park in accordance with these regulations.
- 15.6.1 He shall provide all the required utilities and facilities.
 - 15.6.2 He shall provide for the collection of garbage from each site, he shall provide metal containers with covers for refuse and waste materials, and he shall dispose of all garbage and refuse in accordance with local ordinances.
 - 15.6.3 He shall keep and maintain a register, written in the English

* Adopted & Amended: 2/13/90; Effective 2/19/1990

language, available at all times to federal, state, and local authorities having jurisdiction. Such records shall be kept available for three years, and shall contain for each site:

- a. Name of lessee of site or trailer;
- b. The permanent or last known address of such lessee;
- c. The name of each person customarily occupying the trailer;
- d. State or registry and marker number of trailer and/or motor vehicle;
- e. Date of entry and exit from the site or trailer.

15.7* Any person who violates any provision of these regulations shall be subject to the penalties provided by Section 846 of the General Statutes as now in force, or as hereafter amended, and which shall be enforced by the Zoning Enforcement Officer of the Town of Winchester.

Winchester Planning and Zoning Commission

SECTION 16
SIGN REGULATIONS

Adopted April 15, 1985

16.0 SIGN REGULATIONS

16.1 PURPOSE

The purpose of the Sign Regulations is to set forth guidelines for commercial and other advertising signs in order to encourage business activity, to preserve and enhance property values, to protect against traffic distractions and hazards, and to recognize that the general welfare includes the attractiveness and character of an area and the esthetics of a sign.

16.2 DEFINITIONS

A sign is any object, device, display or structure, natural or man-made of any material, that is used for attracting attention to any use, product, service or activity, or intended for the purpose of identification. Flags and insignia of a government or governmental agency, at any time, and flags and insignia of political, educational, charitable, philanthropic, and civic organization, for temporary use, are not considered signs within the purpose and meaning of this section.

- a. DETACHED SIGN. A sign supported by one or more permanent supports placed in or affixed to the ground. No detached sign, or any part thereof, including supports and lights, shall exceed a height of 12 feet above the ground. A detached sign shall be located entirely within the property lines of the lot.
- b. WALL SIGNS. A sign which is attached to any surface or plane of a building and which does not extend beyond the perimeter of the building or above the roof line.
- c. ROOF SIGN. Any sign erected and maintained upon or above the main roof of a building.
- d. SIGN AREA. The area of a sign shall include all exposed faces of a sign measured from the outer dimensions of the plate or frame by which the sign is enclosed. When a sign is comprised only of letters, designs or figures attached to a wall, the area shall be computed as the area of the smallest geometric shape which encloses all letters, symbols or design. Both sides of a double-face or v-type sign shall be used in computing total surface area unless the two faces of such sign are parallel to and within twenty-four (24) inches of each other.

- e. SIGN CONTENT. Permanent signs may designate the name, location, and type of business conducted therein. Such signs shall not advertise any particular article or merchandise unless it is the principal product sold or manufactured on the premises.
- f. SIGN ILLUMINATION. The light source shall be internal or indirect, exposed neon tubes shall not be used. Exterior lights shall be shielded so that the source of light is not visible above a height of 4 feet at the property line. Colored lights shall not be used where they conflict with traffic safety. No flashing, intermittent or intensity variations of light shall be permitted except in time and temperature signs.
- g. SIGN MOTION. No sign or any part thereof shall be moving whether by mechanical or other means.

16.3 GENERAL REQUIREMENTS

16.3.1 Permits

- a. All permanent signs exceeding four (4) square feet require a building permit.

16.3.2 Sign Maintenance

- a. The owner and/or leasee of the premises on which a sign is erected shall be directly responsible for keeping such sign in good repair and safe condition.

16.3.3 Temporary Signs

- a. Signs temporarily attached to a window announcing sales or special features are permitted provided that they are in place for not more than thirty (30) days.
- b. Special advertising devices, including but not limited to plaques, banners, pennants and streamers, are permitted for a period of not more than thirty (30) days provided that they do not constitute a public nuisance.

16.3.4 Additional Requirements

- a. Detached signs shall be limited to one per lot and shall not exceed 24 square feet in area.

- b. No part of a permanent detached sign shall be located closer than 6 feet from the front property line.
- c. No sign shall violate corner visibility so as to obstruct vision for a distance of twenty-five (25) feet along each intersecting street line and from an elevation between two (2) feet and ten (10) feet above the top of curbing.
- d. All signs not expressly permitted by these regulations are prohibited.

16.4 SIGNS IN RESIDENTIAL AND RURAL ZONES

- 16.4.1 One sign limited to 4 square feet of area designating the name, occupation, location of the occupant of the premises.
- 16.4.2 Two temporary real estate signs limited to 4 square feet each, advertising the sale, rental or lease of the premises.
- 16.4.3 One temporary sign limited to 12 square feet designating the owner, individuals or firms, or other pertinent data relating to a construction project. Such sign shall be removed within 5 days after the issuance of a Certificate of Occupancy and/or completion of a renovation project.
- 16.4.4 No detached sign shall be more than six (6) feet in height.

16.5 SIGNS IN COMMERCIAL EXPANSION ZONES

- 16.5.1 The total aggregate surface area of all wall signs on a lot shall not exceed one (1) square foot for each lineal foot of the face of the building along the street. If a lot is a corner lot, such measurement shall be taken along the face of the building where the principal entrance is located.
 - a. In mixed use or multi-tenant buildings, the total sign area for said building shall be pro-rated on an equitable basis, such as the amount of gross floor area of each rental unit, the number of units or the facade area subject to approval by the Commission.
 - b. No one business use or tenant shall have more than two (2) signs on the premises except that one (1) additional wall identification sign shall be permitted at a

secondary business entrance facing a parking lot. Said identification sign shall not exceed two (2) square feet in area and shall be exempt from the total allowable sign area.

16.5.2 Signs as permitted in item 16.4.2 and 16.4.3

16.6 SIGNS IN ALL COMMERCIAL AND INDUSTRIAL ZONES

16.6.1 The total aggregate surface area of all wall signs on a lot shall not exceed two (2) square feet for each lineal foot of building frontage. In the case of a corner lot and in the case of buildings located in commercial or industrial parks, such measurement shall be taken along the face of the building where the principal entrance is located. The maximum size of any one such sign shall not exceed 300 square feet.

- a. In mixed use or multi-tenant buildings, the total sign area for said building shall be pro-rated on an equitable basis, such as the amount of gross floor area of each rental unit, the number of units or the facade area.
- b. No one business use or tenant shall have more than one (1) sign on the premises except that one (1) additional wall identification sign shall be permitted at a secondary business entrance facing a parking lot. Said identification sign shall not exceed two (2) square feet in area and shall be exempt from the total allowable sign area.

16.6.2 Signs as permitted in item 16.4.2 and 16.4.3

16.7 SIGNS IDENTIFYING COMMERCIAL AND INDUSTRIAL PARKS

16.7.1 Commercial and Industrial Parks may maintain one sign identifying the Park at each major entrance. The size, location and lighting of such signs shall be subject to the approval of the Commission.

16.8 SPECIAL EXCEPTION

The Commission, after a public hearing held as required by the General Statutes, may approve the following detached signs in accordance with 16.10, Criteria for Detached Signs.

16.8.1 In Residential and Rural Zones

- a. One sign limited to 12 square feet as an accessory to an authorized Special Exception.
- b. One sign limited to 12 square feet erected by a governmental body, or under the direction of such a body and bearing no commercial advertising, identifying public schools and playgrounds and other governmental facilities.
- c. One permanent residential development sign, limited to 12 square feet, designating a residential subdivision.

16.8.2 In All Commercial and Industrial Zones

- a. Roof signs in lieu of wall signs that are designed to conceal mechanical equipment or because of building design, roof signs that are architecturally and aesthetically more attractive.

16.8.3 All applications for Special Exception shall be accompanied by a \$25 application fee.

16.9 SIGN VARIANCE

The Zoning Board of Appeals may modify the sign area and height requirements of detached signs where such modification will encourage excellence in the design and the attractiveness of the sign.

16.10 CRITERIA FOR DETACHED SIGNS

16.10.1 That the materials, design, and location of the signs will be in harmony with the architecture of the building, and the character of the site and the area.

16.10.2 That the major elements of detached signs are constructed of natural materials, or otherwise of materials specifically approved by the Commission.

16.10.3 That the sign is located within a landscaped area.

16.10.4 That the sign be in accordance with the State Building Code.