

**ZONING REGULATIONS
AND MAPS**

**TOWN OF WINCHESTER
(Including Winsted)
CONNECTICUT**

Adopted May 24, 1956

Effective Monday, June 11, 1956

PLANNING AND ZONING COMMISSION

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WINCHESTER, CONNECTICUT

SECTION 1

DEFINITIONS

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:** Any structure having a roof and intended for the shelter, housing, or enclosure of persons, animals, or materials. Any other structure more than eight feet high shall be considered as a building including a solid fence or wall, excluding a public utility poles or flagpole.
- 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 ten feet 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 the 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 buildings.
- 1.6 **DWELLING, ONE FAMILY:** A detached building designed for or occupied by one family.
- 1.7 **DWELLING, TWO-FAMILY:** A detached building designed for 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 three or more families, having separate or joint entrances, services or facilities.

- 1.9 **DWELLING, ROW:** A building designated for or occupied by one family which is attached to one or more similar dwellings in a row or group containing not less than three such buildings.
- 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 together 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 building and the accessory buildings 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 buildings, a group of buildings under the same ownership may be considered as occupying the same lot.
- 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, or through 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 line of measurement shall touch, but not be in front of the building line. In case of a corner lot, the minimum width shall be similarly measured, considering as the front lot line the front line which has the least dimension, and the lot lines adjacent thereto as side lot lines.
- 1.17 **NON-CONFORMING USE:** A use of land, building or premises which is not a use permitted by the provisions of

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- these regulations for the district in which such land, building, or premises is situated.
- 1.18 **NON-CONFORMING 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 building, open to the sky on the same lot as the principal building.
- 1.20 **STREET:** For the purposes of these regulations, the word "street" shall include a public or private highway or right of way giving access to the lot.
- 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 along all streets.
- 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.

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SECTION 2

DISTRICTS

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

Rural Districts	Commercial Districts
RU-1 District	CA-1 District
RU-2 "	CA-2 "
RU-3 "	CA-3 "
	CB-1 "
	CB-2 "
	CB-3 "
	CX "

2.2 The boundaries of these districts are hereby established as shown on the Building Zone Maps of the Town of Winchester, dated April 9, 1956, which maps are hereby declared to be a part of this regulation.

2.3 Zoning district boundaries follow the lines of natural water-courses, lakes, public lands, and streets, and where such lines are set back from 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 ORDINANCE:**
 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 this ordinance. 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 than as prescribed in the table applicable to the district in which it is located, or as otherwise provided in this ordinance.

3.1.2 In any section of town which is predominately residential, where a temporary building permit and/or temporary certificate of occupancy has been issued between August 19, 1955, and the effective date of this ordinance for construction, alterations, or additions to a building, or for a change in use of premises, and where such building or premises is for the temporary relocation of flood disaster victims, and provided the exterior appearance of the building or premises is not altered or changed to a less residential character, then Section 3.1 above and subsequent sections of this ordinance shall not become effective for a period of 18 months after the effective date of this ordinance.

3.2 **REDUCTION OF LOT AREA OR DIMENSION:**
 No lot shall be diminished in area nor shall any yard, court or other open space be reduced except in conformity with the requirements of this ordinance.

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 is not less than 720 square feet if on one story and not less than 900 square feet if on more than one story provided that not less than 600 square feet of living space shall be on the first floor. In

the case of dwellings for more than one family, the floor area devoted to living space in each family unit shall be not less than 225 square feet for the first room and an additional 125 square feet for each additional living room or bedroom in such unit. 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 seven 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 above mentioned and otherwise complying with the provisions 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.

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:

Nothing in this ordinance shall prevent the construction of a permitted building or the establishment of a permitted use on a lot which at the time of the adoption hereof or of any pertinent amendment hereto was owned separately from any adjoining lot, as evidenced by deed recorded in the land records of the Town of Winchester and which contains less than the prescribed area, and any such lot, or any such adjacent lots under the same ownership, may be divided into not more than three lots if each of the resulting lots has an area and a lot width not less than 80 per cent of those prescribed by this ordinance. No dwelling for more than one family shall be constructed on any such lot unless it contains the required area per family unit. Any reduction in required yards shall be approved by the Zoning Board of Appeals. Nothing in this ordinance shall prevent the construction of a one family dwelling on any lot in any subdivision of record in the office of the Town Clerk at the time of the adoption of this ordinance which lot is not less than 5,000 square feet in area and is served by public sanitary sewer or which is not less than 10,000 square feet in area if not served by public sanitary sewer.

3.7 USE OF LAND FOR ACCESS OR PARKING:

The use of land for access to 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 LIMITATION:

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 per cent 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, pro-

SECTION 4

RESIDENCE DISTRICTS

vided 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 per cent 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 per cent 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 otherwise 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.

4.1 USES PERMITTED:

4.1.1 Single family dwellings

4.1.2 Dwellings for more than one family provided the lot size conforms to the requirements of Paragraph 4.2.

4.1.3 Professional or commercial office of a person when located in the dwelling used by such person as his private residence, or in a building accessory thereto, provided the space used for such purpose does not exceed one third of the floor space of such dwelling.

4.1.4 Customary home occupations including home industries and service occupations carried on by a resident of the premises, with not more than two employees not resident on the premises, provided that such use is secondary to the use of the premises for dwelling purposes, does not change the residential character thereof and creates no objectionable noise, smell or smoke noticeable off the premises, and creates no interference with radio or television sets on other premises. No office or home occupation shall be carried on in an accessory building located nearer than 20 feet to any lot line.

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 non-profit corporation or governmental unit, excluding correctional institutions or institutions for the insane.

4.1.7 Agriculture, farming, dairy farming and stock breeding, forestry, truck or 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 on street line.

- 4.1.8 A police station, fire house 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 that the architecture and landscaping are approved by the Board of Appeals as being in harmony with the general character of the neighborhood.
- 4.1.9 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.
- 4.1.10 Parks and playgrounds operated by a governmental unit, non-profit corporation or community association.
- 4.1.11 A convalescent home for not more than 20 occupants including employees, provided that the Zoning Board of Appeals shall find that such use will not adversely affect the health, safety and convenience of the immediate vicinity and further provided that such use is approved by the health officer.
- 4.1.12 Accessory uses customary with and incidental to a permitted use, including buildings used for permitted home occupations. No accessory building 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 non-commercial motor vehicles.
- 4.1.12.1 Buildings used for the 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 square feet area, with not more than two (2) signs aggregating twelve (12) square feet 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 the farm, and provided further that in any one calendar year the total number of livestock or poultry slaughter shall not exceed 125 per cent 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 farming use, 4.1.12.3 and 4.1.12.4 above, buildings housing farm animals and poultry shall be not less than one 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 square feet 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.

SECTION 5

RURAL DISTRICTS

4.1.1.3 Signs not over two feet square in area bearing the name and occupation of the occupant of the premises, including directional signs; temporary signs not over six square feet in area advertising the sale or rental of the premises on which they are located.

4.2 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 Yard Each Ft.	Rear Yard Ft.	Bldg. Cov. %	Height Ft.
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

5.1 USES PERMITTED:

5.1.1 Any uses permitted in a residence district.

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 nor within 150 feet from any other property 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 lots of not less than five acres and that no dogs are kept in any building or enclosure within 150 feet from any property line and no other livestock are kept in any building within 50 feet from any property line.

5.1.5 Livestock auctions after approval of the Zoning Board of Appeals provided proper 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 restrictions:

5.1.6.1 The lot area shall be not less than five acres and not less than 7,000 square feet for each sleeping accommodation.

5.1.6.2 Restaurants, bars and rooms for public entertainment shall have an aggregate capacity at one time not in excess of twice the number of sleeping accommodations.

5.1.6.3 All buildings shall be not less than 150 feet from any lot line except where adjacent to a business or industrial district.

SECTION 6

COMMERCIAL DISTRICTS

USES PERMITTED IN CA DISTRICTS:

- 6.1.1 Any use permitted in Rural Districts. Agricultural uses, commercial kennels, livery and boarding stables, and riding schools shall be subject to required lot areas, widths and yards provided in Section 5.2 above. Other uses, including residential uses, permitted in Rural Districts shall be subject to required lot areas, widths, and yards provided in Section 6.4 hereafter.
- 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.

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.

5.1.8 A restaurant or tea room provided that the lot area shall be not less than five 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.

5.1.11 Signs not over four square feet in area bearing the name and occupation of the occupant of the premises, including directional signs and signs advertising a business on the premises; temporary signs not over ten square feet in area advertising the sale or rental of the premises on which they are located.

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 Yard Each Ft.	Rear Yard Ft.	Blkd. 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

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 establishments 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 Signs pertaining to a business on the same premises, providing that signs painted on or affixed to the wall of a building or mounted on the roof shall not exceed in the aggregate ten per cent of the gross wall area

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 alleys 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 within an enclosure not less than eight 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.

6.2.8 Public utility buildings, including storage yard or electric 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, pharmaceuticals or toilet preparations, perfumes and similar products.

6.2.10 Retail lumber, fuel and building material 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 Signs as provided in CA Districts under paragraph 6.1.18.

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 created under the provisions of this section (6.3), may be occupied for a use or uses listed in 6.3.5.a to 6.3.5.j hereafter only after meeting all of the following requirements and under the following conditions:

a. 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.

b. 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.

c. The required lot area and width, yards, building heights and lot coverage of CX districts shall apply, except that where a CX district adjoins and is an extension of a Commercial or Industrial district, then the lot area and width, yards, building height and lot coverage shall be as required for CB2 districts.

d. 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 subdivision regulations of the Town of Winchester;

e. Assurance to the Town, in a manner satisfactory to the Town's Counsel, that 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.

6.3.3 Except for driveways giving access to public streets, all buildings, driveways, and parking areas shall be not less than 25 feet 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 lands, or lack of residential development on adjacent properties accomplishes the purpose 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.

6.3.5 PERMITTED USES:

a. Any use 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 a 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 not 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;
 - j. Signs as permitted in CA zone.
- 6.3.6 When, in the opinion of the Commission, a plan of development for a CX district meets all 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 a 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.

6.4 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.	Min. Bid. Cov. %	Height Ft.
CA-1)	40,000	150	20,000	50	20	50	25	30
CA-2)	15,000	80	10,000	40	12	40	33 1/2	30
CB-2)	6,000	50	3,600	25	10	30	50	30
CA-3	10,000	80	3,600	25	10	30	50	30
CB-3	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 masonry construction. 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 masonry construction. Except in the case of a building built on the lot line, no side yard may be less than 12 feet in width.

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.

SECTION 7

INDUSTRIAL DISTRICTS

7.1 USES PERMITTED IN 1A DISTRICTS:

- 7.1.1 Any use permitted in CB Districts, without limitation, ~~in a residential or floor area~~, provided that no human habitation shall be permitted other than the dwelling of a proprietor or caretaker.
- 7.1.2 Laundries, cleaning or 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 stream 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.
- 7.1.6 The manufacture and assembling of sheet metal products, signs, billboards.
- 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 1A District in which located.

7.1.12 Foundries for non-ferrous metals causing no objectionable odors or fumes noticeable outside the 1A 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 Signs as provided in CA Districts under Paragraph 6.1.18.

7.2 USES PERMITTED IN 1B DISTRICTS:

7.2.1 Any permitted use in 1A 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 Signs as provided in CA Districts under Paragraph 6.1.18.

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 portion 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

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:

District	Min. Lot Area Sq. Ft.	Min. Lot Width Ft.	Front Yard Ft.	Side Yards Each Ft.	Rear Yard Ft.	Side. Cov. %	Height Ft.
IA-1	80,000	200	50	50	50	25%	30
IB-1	40,000	150	50	25	50	25	30
IA-2	20,000	100	25	12	30	33 1/2	30
IA-3							
IB-3							

7.4 A strip not less than 30 feet wide in all side and rear yards where adjacent to a Residence or Rural District shall be suitably landscaped and not used for parking or for any use prohibited in such Residence or Rural Districts.

SECTION 9

OFF-STREET PARKING

9.1 PARKING FACILITIES REQUIRED:

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 permits shall be issued for a period not exceeding two years.

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 1000 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, roof top 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 square feet for each family 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 Districts, 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 square feet for every five seats.

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

9.3.5 For hotels, lodging or boarding houses, and hospitals, 250 square feet for every three guest or patient accommodations. In the case of restaurants or other

SECTION 10

Non-Conforming Buildings and Uses

(Refer also to Section 3.1.a—Temporary Flood Relocations)

public rooms in a hotel which are open to non-residents, thereof, additional parking facilities shall be provided as prescribed in paragraphs 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.

10. Any non-conforming 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 non-conforming use may be reconstructed and structurally altered, and the non-conforming use therein changed subject to the following regulations:

10.1 No non-conforming use may be changed except to a conforming use, or, with the approval of the Town Planning and Zoning Commission, to another non-conforming use not more objectionable in character.

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

10.3 No non-conforming use shall be extended or expanded.

10.4 No non-conforming use which has been abandoned 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 of 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 limit, 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 not more family dwelling units than now exist;

SECTION 11

ENFORCEMENT

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 building inspector 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 the 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, buildings 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

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 in 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 substantial justice will be done and the public safety and welfare preserved.

shall have been issued showing compliance with applicable regulations.

11.3.1

No non-conforming use of land, buildings 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 alteration 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 ten 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 proprietary 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 13

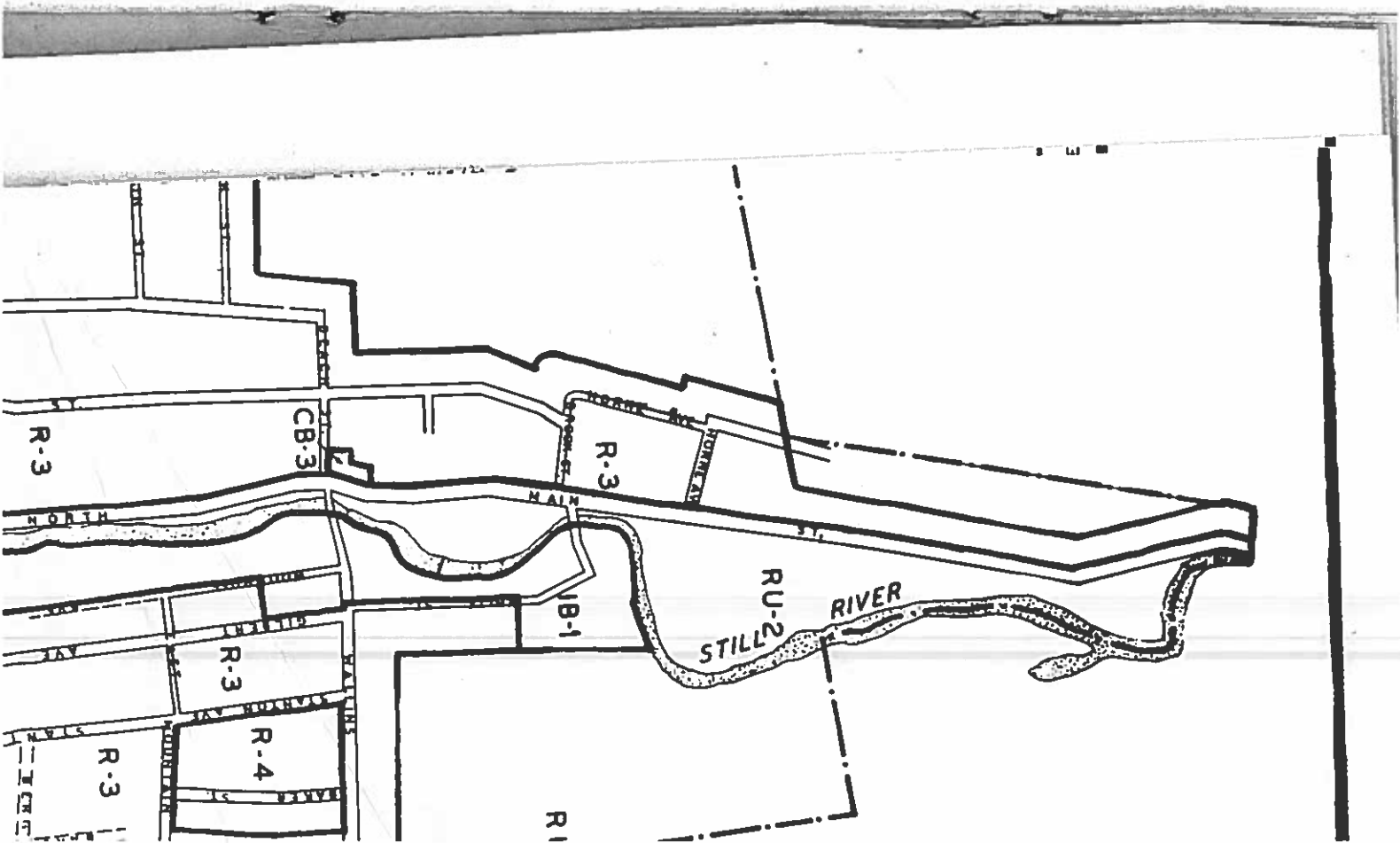
AMENDMENTS

13.1 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 Section 157b of the 1951 Supplement to 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.



AMENDMENTS TO ZONING REGULATIONS

Winsted, Connecticut

1.6.a

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 first.

1.13.a

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.

3.4.2

Seasonal cottages where permitted, and as defined in 1.6.a, shall have a minimum floor area of not less than 500 sq. ft.

3.6

Provided 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 hereof 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 and Zoning Commission and recorded in the land records of the Town of Winchester.

3.6.1 Except as provided in 3.6.b above, a group of adjacent lots of record under the same ownership may be re-divided, in accordance with the requirements of the Subdivision Regulations of the Town, into larger lots

- a. for permanent dwellings where permitted, such lots having not less than 80% of the required lot area and 80% of the required lot width, or
- b. for seasonal cottages where permitted, such lots having not less than 50% of the required lot area and 50% of the required lot width.

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 contains less than 100% of the required "Minimum Lot Area per Family Unit" in the applicable zone.

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.

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

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.

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

Adopted—Jan. 28, 1959
Effective—Feb. 10, 1959