ZONING REGULATIONS

TOWN OF SIMSBURY, CONNECTICUT

The Zoning Regulations of the Town of Simsbury, Connecticut, were approved by a Town Meeting on October 2, 1933, and include recently enacted statutes, zoning ordinances, and boundary changes as per the zoning map now on file in the Town Clerk's office, in said Town of Simsbury, which ordinances, amendments, and changes are approved and ordered to be effective by said Zoning Commission on the 23rd day of March, 1990.

Prepared by the Simsbury Zoning Commission

As Amended June 17, 2014
Effective July 3, 2014

TABLE OF CONTENTS

		Page
ARTICLE ONE	INTENT AND PURPOSE	5
ARTICLE TWO	ESTABLISHMENT OF DISTRICTS AND PROVISION FOR OFFICIAL ZONING MAP	7
	A. Establishment of Zoning Districts	7
	B. Provision for Official Zoning Map	8
ARTICLE THREE	APPLICATION OF ZONING REGULATIONS	10
	A. Application of District Regulations	10
ARTICLE FOUR	RULES AND DEFINITIONS	12
	A. Rules	12
	B. Definitions	12
ARTICLE FIVE	GENERAL PROVISIONS	46
	A. Lots in Two Zoning Districts	46
	B. Temporary Uses	46
	C. Fallout Shelters	47
	D. Roadside Stands	47
	E. Unbuildable Land	47
	F. Accessory Buildings	47
	G. Accessory Dwelling Units	48
	H. Loud Speakers, Amplifiers, and Sound Equipment	48
	I. Use of Residence for Personal Business Purposes	48
	J. Site Plan Requirements	48
	K. Lots in Zones Abutting the Floodplain Zone	51
ARTICLE SIX	PROHIBITED USES	52
	A. Public or Private Race Tracks, etc.	52
	B. Outdoor Drive-in Theaters	52
	C. Trailer Camps	52
	D. Crematories	52
	E. Trailers and Mobile Homes	52
	F. Advertising Signs	52
	G. Advertising Signs, Advertising Devices, Logos	52
	H. No Use Shall Be Permitted, etc.	52
ARTICLE SEVEN	PERMITTED USES	53
	A. Uses Permitted as a Special Exception in Any Zone	53
	B. Uses Permitted in All Residential Zones	55

	C. Special Exceptions Permitted in All Residential Zones After Public Hearing	56
	D. Uses Permitted in Village cluster Zone	62
	E. Uses Permitted in B-1, Restricted Business Zones	62
	F. Uses Permitted in B-2, General Business Zones	64
	G. Uses Permitted in B-3, Designed Business Development Zone	66
	H. Uses Permitted in PO, Professional Office Zone	66
	I. Uses Permitted in I-1, Restricted Industrial Zone	66
	J. 1. Uses Permitted in I-2, General Industrial Zone	67
	2. Uses Permitted as a Special Exception in I-1, Restricted Industrial Zone and I-2, General Industrial Zone	68
	K. Uses Permitted in I-3, Earth Excavation Zone	69
	L. Simsbury Center Code	70
	M. Floodplain Zone	70
	N. Uses Permitted as a Special Exception in any Residential Zone, Business Zone, Simsbury Center Code, or Industrial Zone	72
ARTICLE EIGHT	HEIGHT AND AREA REQUIREMENTS	73
	A. Scope of Requirements	73-74
	B. Exceptions to Height and Area Requirements	74-77
	C. Special Exception of Height Requirements in the I-1 Zone	77
	D. Special Exception for Height Requirements in the I-2 Zone	77
ARTICLE NINE	NON-CONFORMING LOTS, NON-CONFORMING USES OF LAND, NON-CONFORMING STRUCTURES AND NON-CONFORMING USES OF STRUCTURES AND PREMISES	78
	A. Statement of Intent	78
	B. Non-Conforming Lots of Record and in Subdivisions	78
	C. Non-Conforming Uses of Land	79
	D. Non-Conforming Structures	79
	E. Non-Conforming Use of Structures	79-80
	F. Repairs and Maintenance	80
	G. Uses Under Exception Provisions not Non-Conforming Uses	80
ARTICLE TEN	SPECIAL REGULATIONS	81
	A. Designed Development Districts	81-87
	B. Single Family Open Space Cluster Zone	87-90
	C. Sign Standards by Zoning Districts	90-98
	D. Earth Excavation	98-100

	E. Off-Street Parking Regulations	100-103
	F. Off-Street Loading Regulations	103-104
	G. Commercial Garages and Service Stations	104
	H. Regulations Governing Uses Which Sell Alcoholic Beverages	104-105
	I. Health Care Facilities	105-106
	J. Aquifer Overlay Zone	107-117
	K. Assisted Living Facility, Congregate Senior Housing Facility or Continuing Care Retirement Community	117-120
	L. Simsbury Planned Area Development Zone (PAD)	121-141
	M. Housing Opportunity Development Zone	142-153
	N. Workforce Housing Overlay Zone	153-162
ARTICLE ELEVEN	ADMINISTRATION	
	A. Administration and Enforcement	162
	B. Building Permits	162
	C. Certificate of Occupancy	162
	D. Expiration of Building Permit	163
	E. Public Information Notice Sign	163
ARTICLE TWELVE	BOARD OF APPEALS	
	A. Board of Appeals Established	164
	B. Decisions of the Board of Appeals	165
	C. Procedure	165
ARTICLE THIRTEEN	AMENDMENTS	167
ARTICLE FOURTEEN	REGULATIONS DECLARED TO BE MINIMUM	168
ARTICLE FIFTEEN	VALIDITY	169
ARTICLE SIXTEEN	EFFECTIVE DATE	170
APPENDIX	APPENDIX	171

ARTICLE ONE

INTENT AND PURPOSE

This regulation is adopted under the General Statutes of the State of Connecticut for the following purposes:

1. To promote and to protect the public health, safety, and welfare of the inhabitants of Simsbury, Connecticut, and of the public generally;

2. To encourage and facilitate the orderly growth and expansion of the municipality;

3. To prevent the overcrowding of the land;

4. To avoid undue concentration of population and to facilitate the adequate provision for transportation, water, sewerage, schools, parks, and other public requirements;

5. To protect the character and maintain the stability of residential, business, and manufacturing areas within the town;

6. To provide adequate light, air, privacy, and convenience of access to property;

7. To divide the town into zones and districts restricting and regulating therein the location, construction, reconstruction, alteration and use of buildings, structures and land for residence, business, manufacturing, and other uses;

8. To control the height, size, and location of business signs;

9. To establish building lines and the location of buildings designed for uses within such lines;

10. To provide uses, building, or structures which are compatible with the character of development of the permitted uses within specified zoning districts;

11. To regulate such additions to, and alterations or remodeling of, existing buildings or structures as would not comply with the restrictions and limitations imposed hereinafter;

12. To encourage efficient circulation in and to lessen congestion on the public streets by providing for off-street parking of motor vehicles and for the

loading and unloading of commercial vehicles and so protect the public health, safety, and the general welfare;

13. To provide protection against fire, panic, flood, explosion, noxious fumes, and other dangers in the interest of the public health, safety, comfort, and general welfare;

14. To provide for the gradual elimination of those uses of land, buildings and structures which do not conform with the standards of the districts in which they are located and are adversely affecting the development of other property in each district;

15. To define and limit the powers and the duties of the administrative officers and bodies as provided herein.

ARTICLE TWO

ESTABLISHMENT OF DISTRICTS AND PROVISION FOR OFFICIAL ZONING MAP

A. ESTABLISHMENT OF ZONING DISTRICTS

The Town of Simsbury is hereby divided into the following Zoning Districts:

R-160	Rural Residence Zone
R-80	Single Family Residence Zone
R-80 OS	Residential, 80,000 square feet, Open Space Subdivision
R-40	Single Family Residence Zone
R-40 OS	Residential, 40,000 square feet, Open Space Subdivision
R-25	Single Family Residence Zone
R-15	Single Family Residence Zone
RD	Designed Multiple Residence Zone
CZ	Single-Family Cluster Zone
AZ	Apartment Zone
SC	Simsbury Center Code (SC-1 through SC-5)
PAD	Planned Area Development
VC	Village Cluster Zone
HOD	Housing Opportunity Development Zone
B-1	Restricted Business Zone
B-2	General Business Zone
B-3	Designed Business Development Zone
PO	Professional Office Zone

FP	Floodplain Zone (overlay)

CT Level A Aquifer Protection Areas (overlay)

I-1	Restricted Industrial Zone
I-2	General Industrial Zone
I-3	Earth Excavation Zone

B. PROVISION FOR OFFICIAL ZONING MAP

The boundaries of zones are established as shown on the Zoning Map, entitled "Zoning Map of the Town of Simsbury, Connecticut," filed in the Office of the Town Clerk.

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

1. Zone Boundaries

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

a. Boundaries indicated as abutting right-of-way lines of streets, highways, or alleys shall be construed as extending to the center line of such streets, highways, or alleys;

b. Boundaries indicated as approximately following plotted lot lines shall be construed as following such lot lines;

c. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;

d. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line, shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center line of streams, rivers, or other bodies or water shall be construed to follow such center lines;

e. Boundaries indicated as parallel to, or extension of, features indicated in subsections (a) through (e) above shall be so construed. Distances not specifically indicated on the Zoning Map shall be determined by measurement in accordance with the scale of the map;

f. In cases of uncertainty, the Zoning Commission shall determine the location of the boundary.

ARTICLE THREE

APPLICATION OF ZONING REGULATIONS

A. APPLICATION OF DISTRICT REGULATIONS

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

1. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.

2. No building or other structure shall hereafter be erected or altered:

    a. To a greater height;

    b. To accommodate or house a greater number of families;

    c. To occupy a greater percentage of lot area;

    d. To have narrower or smaller rear yards, front yards, side yards, or other open spaces; than herein required, or in any other manner contrary to the provisions of this regulation.

3. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this regulation, shall be included as part of a yard, open space, or off-street parking or loading spaces similarly required for any other building, unless specifically permitted.

4. No yard or lot existing at the time of passage of this regulation shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this regulation shall meet at least the minimum requirements established by this regulation.

5. No buildings to be used for a dwelling shall be constructed or altered in the rear of a building situated on the same lot, nor shall any building be constructed in front or moved to the front of a dwelling situated on the same lot. The provision shall, however, not prevent

the erection, alteration, or maintenance of dwelling quarters in an accessory building on the rear of a lot when such building is occupied by persons in domestic service on the premises, or when used as temporary quarters for guests. This provision shall not prevent the erection, alteration or maintenance of an accessory dwelling unit in an existing accessory building on the rear of a lot in accordance with Article Seven of these Regulations. **(adopted June 24, 2002)**

6. Except in the case of Designed Multiple Residence Districts and apartments, not more than one principal detached residential building shall be located on a zoning lot, nor shall a principal detached residential building be located on the same zone lot with any other principal building.

ARTICLE FOUR - Definitions

A. Definitions – General Rules/Word Use

In the construction of these Regulations, the rules and definitions contained in this Article shall be observed and applied, except where the context clearly indicates otherwise.

(1) Words used in the singular shall include the plural and the singular, and words used in the present tense shall include the future.
(2) The word "shall" is mandatory and not discretionary.
(3) The word "may" is permissive.
(4) The word "lot" shall include the words "piece" and "parcel."
(5) The words "zone," "zoning district," and "district" have the same meaning.
(6) The phrase "used for," shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."
(7) The phrase "these Regulations" shall refer to the entire zoning regulations.
(8) The word "Town" means the Town of Simsbury, Connecticut.
(9) The word "Commission" means the Simsbury Zoning Commission.
(10) Words used in these Regulations shall be determined to have the meanings as defined below. Doubt as to the precise meaning of other words and terms shall be determined by the Commission after reference to:

i. The Connecticut General Statutes, as amended, and
ii. Black's Law Dictionary, (latest edition), and
iii. The Latest Illustrated Book of Development Definitions, Rutgers University, as amended, and,
iv. Webster's Third New International Dictionary.

B. Definitions – Terms

Unless specifically defined below, words or phrases in these Regulations including the Simsbury Center Code, shall be interpreted giving them the same meaning as they have in common usage and so as to provide the most reasonable application.

Abutting/Adjoining: Having a common border with, or being separated from such a common border by a right-of-way, alley or easement.

Accessory Apartment: A second dwelling unit in an existing single-family detached dwelling or added onto an existing single family dwelling or located in an existing accessory building which may be expanded in accordance with the applicable regulations, for use as a complete, independent living facility with provisions within the accessory apartment for cooking, eating, sanitation and sleeping. Such a dwelling is an accessory use to the main dwelling. **(amended June 17, 2014)**

Accessory use or structure: A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

ADDITION. Any act or process or construction which changes one or more of the exterior architectural features of a structure by adding to, joining with or increasing the size or capacity of the structure.

Adjacent: Touching or contiguous.

Affordable Housing: Housing meeting the definitions of affordable housing in CGS §8-30g as amended.

Agricultural Operations: Operations and activities located on land defined as a farm under these Zoning Regulations whose annual gross sales from agricultural products during the preceding calendar year were $1,000 or more.

Antenna: Means a device used to receive or transmit electromagnetic waves. Examples include, but are not limited to whip antennas, panel antennas and dish antennas.

Antenna Height: The vertical distance measured in feet from the base of the antenna support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used to calculate height.

Apartment Building: A residential structure containing four (4) or more dwelling units, or a group of such buildings.

ALLEY. A public way, or approved private way, that provides a secondary means of access to abutting property, normally located behind the building it serves.

Applicant: An individual, firm, association, syndicate, partnership, corporation or the authorized agent thereof, having recorded title to the land or building, or sufficient proprietary interest to seek development or use of the premises.

Application: An application shall consist of a completed form and fee as prescribed by the Commission including all necessary and required documents/Department approvals.

Arborist: An individual licensed or otherwise certified and trained in arboriculture or forestry, and experienced in the care, conservation and preservation of native and ornamental trees.

Aquifer Protection Definitions*

Aquifer: Land having coarse grained stratified drift deposits bearing water and capable of sustaining a public and private water supply.

Aquifer Recharge Area: A land area that drains naturally into an aquifer. Areas of adjacent stratified drift, till, or bedrock which recharge the aquifer through subsurface flow and infiltration of direct runoff along aquifer margins.

* In addition to these regulations, see also all definitions in Simsbury Statutory Aquifer Protection Area Regulations under separate cover and under the jurisdiction of the Simsbury Aquifer Protection Agency.

Assisted Living Facility: A residential community occupied by those aged 55 and over to the extent permitted by Federal and State Fair Housing Laws and any other applicable laws that provide assistance with activities of daily living to the residents. Services provided by the facility shall be provided on a 24-hour basis and shall include such services as bathing, dressing, toileting, medication monitoring, and meal preparation. Services are also provided in the following areas: linen service, recreation, security, transportation, shopping, and housekeeping. Assisted living facilities may also provide for the daily living needs of memory impaired residents.

Awning: A roof-like cover, often of fabric, metal or glass, designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure over a window, walk, door, or the like. (See also Sec. 2.11 of Town center Code)

BALCONY. An exterior platform attached to the upper floors of a building facade (see also Sec. 2.11 of the Town Center Code).

BLADE SIGN. A sign which protrudes in a perpendicular fashion from the wall of a building. See also PROJECTING SIGN.

BLANK WALL AREA. The maximum distance an exterior building facade may extend without a substantial or material change (see also Sec. 2.2 of the Town Center Code).

BLOCK. An aggregate of private lots, passages, alleys and lanes, circumscribed by public streets.

Balloon, Advertising: A nonporous bag of light material filled with heated air or a gas lighter than air so as to rise and float in the atmosphere and intended to be flown in the air at the end of a cable, wire, or rope for the purposes of advertising or otherwise attracting attention to a commercial enterprise or event.

Banquet Facility: An establishment operated for profit and not open to the general public that provides on site preparation and serving of food, beverages and general amenities for large group functions such as weddings, school graduations, business and club meetings.

Basement: A story in a building located partly underground, but having less than one-half of its clear floor to ceiling height below the average level of finished grade adjoining the exterior walls of the building.

Berm: An earthen mound designed to provide visual interest on a site, screen undesirable views, reduce noise, or fulfill other such purposes.

Boarding House: Any dwelling in which at least three persons but less than 12 persons are housed or lodged for hire or otherwise, without separate kitchen facilities, with or without meals. If 12 or more persons are housed or lodged, such building shall be considered a hotel or motel. **(adopted December 19, 2011)**

Buffer Strip: A strip of land along a commercial or industrial property line or commercial or industrial zone line abutting properties zoned residential, which shall be free of any building or use other than existing natural woody growth and/or appropriate landscaping and screening of suitable type, density and height and which may be a part of the minimum yard requirements.

Buildable Area: A rectangular area, determined on a zone by zone basis, with minimum rectangular sides.

Building: An independent structure resting upon or attached to the ground, arranged, intended, designed or used for the shelter, housing or enclosure of persons, animals or materials including but not necessarily limited to residential and commercial structures, sheds, garages, stables, greenhouses, barns or other accessory buildings. A detached building is one separated on all sides from adjacent buildings by open space from the ground up.

Building, Accessory: A building, including plastic or canvas covered frames with or without a foundation and transportable personal storage containers incidental or subordinate to and located on the same lot with the principal building or use.

BUILDING ELEMENT: Parts of a building such as a gallery, awning, porch, stoop or balcony, cupola, windows, doors and the like.

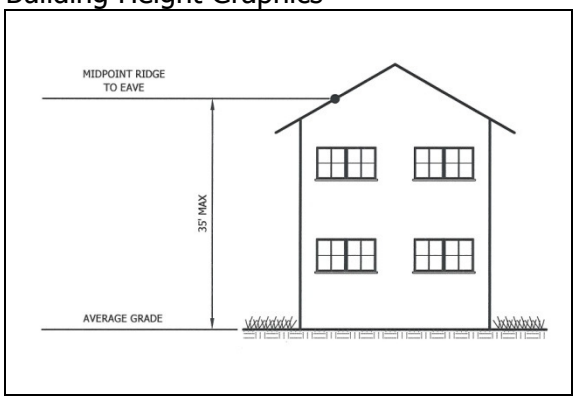
BUILDING ENVELOPE STANDARDS: (BES) The part of the Code which establishes basic parameters relating to a building's form and its placement in three dimensions, including the envelope and certain permitted/required building elements, such as storefronts and street walls. The BES establishes the boundaries within which things may be done and within which things must be done. The applicable BES for a site is determined by its street frontage and street type per the Regulating Plan. This produces a coherent street and allows the building greater latitude behind its street façade.

BUILD-TO LINE. The line to which the width of the front building facade that-must be located within the Street setback area (see Sec. 2.2 of Town Center Code).

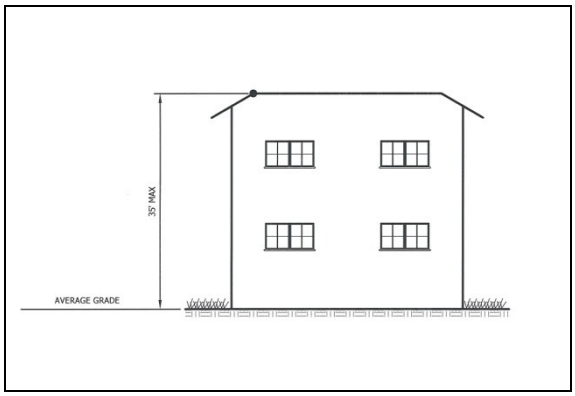
Building Frontage: Those building elevations that face upon a road or a parking area between the building and the road.

Building Height: The vertical distance, as shown on engineered plans showing surveyed grades, measured in feet from the average finished grade of the ground surrounding a building or other structure or addition thereto up to the midpoint between the ridgeline and the eave of a pitched roof, or up to the level of the highest main ridge or peak of any other type of structure, excluding dormers extending less than one-half of the roof width, or to the top of any solar panels or roof top mechanical equipment, whichever is greater.

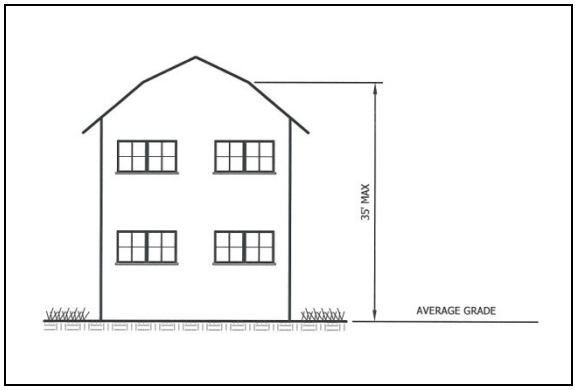
Building Height Graphics



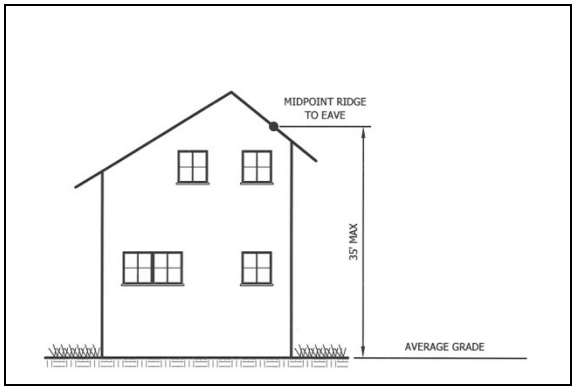
Building Height



Building Height – Flat Roof



Building Height - Gambrel



Building Height - Saltbox

Building Height Within A Flood Hazard Area: The vertical distance measured from the average level of the finished grade adjacent to the exterior walls of the building to the mean height between eaves and ridge for gable, hip and gambrel roofs, or to the highest point of any other type of structure. The vertical distance measured shall include all portions of a building situated below the regulatory flood protection elevation and all portions of basements or cellars that extend above the finished grade adjacent to the building.

Building Line: A line parallel to the street line at a distance equal to the required setback, or in the Town Center Code area equal to the build-to line.

Building, Principal: A building in which is conducted the main or principal use of the lot on which said building is located.

Building Setback Line: The line within a lot defining the minimum required horizontal distance between the principal building or use to be erected and an adjacent street or lot line.

Caliper: The diameter of a tree measured at a point four and one-half feet above grade.

Camp Trailer: A trailer which is currently registered with the Motor Vehicle Department as a Camp Trailer, and which is for travel, recreational and vacation use only. This includes camper bodies not registered by the Connecticut Department of Motor Vehicles.

Campground: Any lot on which may be located two or more cabins, tents, other accommodations of a design or character suitable for seasonal or other temporary recreational living purposes, including a day camp but not a mobile home park, boarding or rooming house, tourist home, hotel or motel.

CAR-SHARE PROGRAM. A program providing shared vehicles available only to members, with a specific location associated with reduction of parking for a project.

Car Wash Facility: An automated car washing and cleaning establishment attended during hours of operation equipped to wash automobiles, pick-up trucks and small vans, with systems capable of complete recycling of all wash waters utilized on site.

CERTIFICATE OFAPPROPRIATENESS. A certificate from the Historic District Commission approving plans to exterior architectural features for alterations, erections, removal or demolition of a building or structure within a local historic district.

CIVIC BUILDING. A building operated by not-for-profit organization(s) dedicated to the arts, culture, religion, education, recreation, government, transit, municipal parking or other approved use.

CIVIC SITE. A specially designated site on the Regulating Plan that serves a greater public purpose and therefore special rules apply (see also Sec. 2.1 of Town Center Code).

COMMON LOT LINE. A lot line shared between two private (separate) lots, which does not abut a public or private right-of-way.

Civic Center: An area developed with a substantial concentration of public and governmental buildings or uses.

Club: An association of persons which is the owner, lessee or occupant of an establishment operated solely for a recreational, social, fraternal, religious, political or athletic purpose whose activities are confined to the members and guests, are not extended to the general public, and include the establishment so operated; but does not include such clubs, the chief activity of which is a service customarily carried on primarily for business or gain.

Co-location: Means locating wireless communication facilities from more than one provider on a single site.

Commercial Use: Retail, personal, and business services; restaurants, inns, professional offices; banks; institutional uses and equivalent uses as determined by the Commission.

COMMERCE, Town Center Code area: Refers to a defined set of commerce use categories (see Sec. 4.3.3). For a specific a list of allowed uses by street frontage (see Sec. 4.2. in Town Center Code).

Commercial Vehicle: Any truck, trailer, van or other equipment on wheels used in the operation of a commercial activity. This term includes automobiles, vans, mini-vans and pickup trucks even if such vehicles feature a company name, slogan or logo. Construction equipment and farming equipment of any type are included in this definition.

Community Center: A building used as and providing a place of meeting for religious, fraternal, social and/or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.

Congregate Senior Housing Facility: A residential community occupied by those aged 55 and over to the extent permitted by Federal and State Fair Housing Laws any other applicable laws with limited support services generally providing meal service, laundry service, housekeeping, social and recreational activities, transportation and personal services in a group setting.

Construction, Start of: Includes substantial improvement, and means the date Site Plan approval was issued, provided the improvement was commenced in accordance with CGS Section 8-3(i). The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or placement of a manufactured home on a foundation and installation of water, sewer and/or drainage facilities. Permanent construction does not include land preparation such as clearing, grading and filling; nor does it include the

installation of streets and/or walkways; nor does it include the excavation for a basement, footings, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Continuing Care Retirement Community (CCRC):

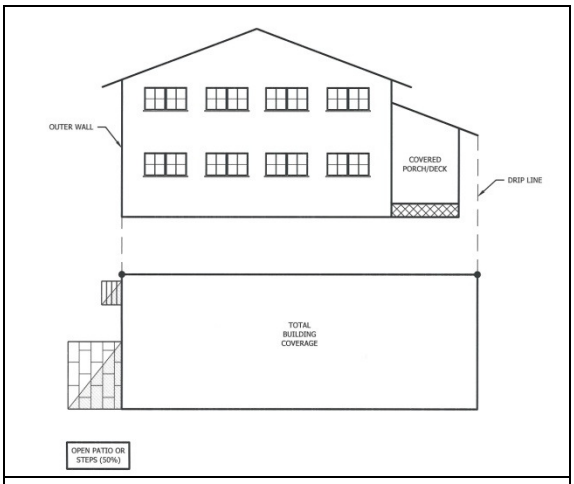
A CCRC shall consist of individual, private residential units (independent living units) and common supportive facilities (assisted living units) and provide or make available services required by the State of Connecticut statutes or regulations for an Assisted Living Services Agency (ALSA). The CCRC may also include a skilled nursing component and a memory care component. The Common supportive facilities may include but are not limited to: meal service offering two or more meals per day, laundry service, housekeeping, maintenance, including routine chore services in a group setting to persons of fifty-five (55) years of age and older who require help or aid with activities of daily living.

A CCRC may provide common facilities for use by occupants, including common rooms, laundry facilities, mailboxes, entertainment facilities, communal dining area(s) with kitchen and supportive food preparation areas, administrative offices, a convenience store for residents of the facility and areas for periodic medical examinations, limited treatment and therapy, or similar uses. Residents may also include those clinically diagnosed with dementia and or physical disabilities. **(adopted February 9, 2009)**

Convalescent and Nursing Home: A building or group of buildings intended and designed solely for the temporary care of the aged or infirmed with a full-time medical staff.

Cornice: Any horizontal member, structural or nonstructural, of any building, projecting outward from the exterior walls at the roofline, including eaves and other roof overhang.

Coverage, Building: The area of ground beneath a building measured by the outer wall of habitable space, the dripline of covered porches and covered decks and including 50% of the coverage by open patios, walkways, and entry platforms or steps connected to the building but not including seasonal awnings, expressed as a percentage of the total lot area.



Building Coverage

Coverage, Total: the total impervious surface on a parcel consisting of all surface area created by buildings, parking areas of all surface types, and circulation drives.

Curb Cut: The providing of vehicular ingress and/or egress between property and an abutting public street.

Date of Receipt: Means the day of the next regularly scheduled meeting of the Commission immediately following the submission to the Commission or its agent or 35 days after such submission, whichever date shall first occur.

Day Care Center, Adult: A facility in which are received three (3) or more adults, age 55 or older, who are frail or moderately handicapped and who stay for a period of more than one (1) hour, but not exceeding fifteen (15) hours during any day each week, with no overnight accommodations, irrespective of compensation or reward.

Day Care Center, Child: A building or portion thereof, licensed by the State Department of Health, having facilities and all necessary personnel for the supplementary care for more than twelve (12) related or unrelated children outside their own homes on a regular basis for a part of the twenty-four (24) hours in one or more days in the week

Day Care Home, Adult Group: A dwelling in which a permanent occupant of the dwelling, licensed by the State Department of Health, provides for the care of four (4) or fewer elderly and/or functionally impaired adults, not all of whom are related by blood or marriage, for a portion of a 24-hour day.

Day Care Home, Child: A dwelling in which a permanent occupant of the dwelling, licensed by the State Department of Health, provides for the supplementary care of six (6) or fewer children, not all of whom are of common parentage or related by blood or marriage, for a portion of a 24-hour day.

Day Care Home, Group: A dwelling in which a permanent occupant of the dwelling, licensed by the State Department of Health, provides for the supplementary care for not less than seven (7) nor more than twelve (12) related or unrelated children on a regular basis for a part of the twenty-four (24) hours in one or more days in the week.

Day Care, Pet: A commercial business providing temporary care of pets for a period not exceeding 12 hours in any 24 hour period.

Design Guidelines: A set of guidelines regarding the architectural appearance of a building or improvement, which guides the alteration, construction, demolition, or relocation of a building or improvement.

Development: Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations. Development includes physical improvements such as, but not limited to, excavation, clearing and grading, installation of water and sewer lines, footings, and/or foundations that have been developed on the site. The storage of building materials or the placement of temporary structures does not constitute "beginning development."

Disturbed Area: An area where vegetation, topsoil, or overburden has been removed, exposing the soil to erosion; or an area where topsoil, spoil or other material has been stockpiled; or in an area rutted or otherwise disturbed by construction activities.

DRIVE-THROUGH FACILITY. A structure or organization of materials or activities on a site which would facilitate an accessory use that by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services, or obtain goods while remaining in their motor vehicles.

Drive-In Establishments: A business establishment so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to either serve patrons while in the motor vehicles or else intended to permit consumption in the motor vehicle of food or beverage obtained by a patron from said business establishment. Examples may include, restaurants, service stations, cleaners, banks, drug stores, theaters, etc.)

Dwelling: A building designed exclusively for residential occupancy. Dwelling includes buildings designed as one-family residences ("single-family dwellings") as well as buildings designed as multi-family residences but does not include hotels, motels and boarding houses.

Dwelling Unit: That portion of a building providing complete and permanent living facilities, including cooking and bathing facilities for one family.

Dwelling Unit, Accessory: A separate, self-contained living unit within and subordinate to an existing single-family residence or accessory with provision for an additional kitchen and living area not common to the primary residence.

Dwelling Unit, Primary: That portion of a single family dwelling structure not converted to an accessory dwelling unit.

Earth Materials Definitions

Earth Materials: Natural soil, loam, sand, gravel, clay, rock, or other excavated natural material.

Earth Materials Activities: The excavation and removal or importation and deposition of earth materials, including earth processing.

Earth Processing: Alteration of earth materials excavated on site, including mixing with earth materials or other approved materials imported to the site using authorized processing equipment, including but not limited to screening and crushing and production of concrete, asphalt and other earth materials products.

Excavate: To sever from the earth's surface or to remove earth materials from the ground.

Deposit (Earth Excavation): To fill or alter by the addition of earth materials and/or fill existing swamps, wetlands, water courses, or other bodies of water, or to change, by filling or re-grading, existing contours and elevations.

Imported Materials (Earth Excavation): Earth materials brought to a permit area as excess materials produced by permitted excavation activities, or as authorized by any permit issued in accordance with Earth Excavation Regulations.

Permit Area (Earth Excavation): The limits of the area within the premises for which a permit or permits exist or are requested for excavation, storage area, and processing of earth materials.

Premises (Earth Excavation): Within an earth excavation district, the entire area of land owned by the applicant or permittee and identified as one piece of property by the Simsbury Tax Assessor's Office within which the permit area is proposed.

Easement: A grant of one or more of the property rights by the owner to, or for the use by, the public, a corporation, or another person or entity.

Erosion: The detachment and movement of soil or rock fragments from the land surface by water, wind, ice or gravity.

Façade: The exterior wall of a building exposed to public view or that wall viewed by persons not within the building, extending from grade to the top of the parapet, wall or eaves, and including the entire width of the building elevation.

Family: One or more persons occupying a single housekeeping unit and using common cooking facilities, provided that unless all members are related by blood, marriage or legal adoption, no such family shall contain more than five persons. This definition shall not limit the occupancy of a dwelling unit by more than 5 unrelated persons who are members of a duly recognized organization.

Farm: A tract of land containing five (5) acres or more, used in part or wholly for agricultural purposes, excluding fur ranching, pig farming, slaughter houses, and fertilizer manufacture. A farm may include premises used for the keeping of livestock and other domestic animals when permitted by these Regulations.

Flag, Business: A flag displaying the name, insignia, emblem, or logo of a commercial entity.

Flood Definitions

Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from (1) the overflow of inland waters and/or (2) the unusual and rapid accumulation of runoff of surface waters from any source.

Flood Frequency: The average frequency statistically determined for which it is expected that a specific flood level or discharge may be equaled or exceeded.

Flood Insurance Rate Map (FIRM): The official map on which the Federal Emergency Management Agency (FEMA) has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study: The official report used to delineate flood hazard areas in which FEMA has provided flood profiles, as well as the Flood Hazard Boundary-Floodway Map and the water surface elevation of the base flood.

Floodplain: The land area susceptible to inundation by water as a result of flooding and defined by FEMA as having a flood frequency of 1% in any year.

Floodproofing: Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without substantial increases in flood heights.

Floor Area: The sum of the horizontal area of the several floors of a dwelling unit measured from the outside, excluding cellar floor areas, basement rooms, garage, porches, and open attics or unfinished rooms, and for which a Certificate of Occupancy has been issued as habitable living quarters. In split level houses, the first two levels may be counted as one floor, provided the difference in floor levels is less than five (5) feet.

FRONT The wall of a building or property facing or "fronting" a public street.

FRONTAGE. The linear distance measured along the front lot line. When shown with a radius, corner lot frontage is measured to the point of intersection of front and side lot lines.

GALLERY. A covered passage extending along the outside wall of a building supported by arches or columns which is open on one side. (see also Sec. 2.11 of Town Center Code).

Garage, Commercial: Any lot, building or part thereof, used for the storage, service or repair of motors, or motor vehicles for remuneration, including any rental, lease or sale of motor vehicles.

Garage, Private: A detached or accessory building or a portion of a main building for the parking and storage only of automobiles belonging to the occupants of the premises.

Garage, Private – Attached: An attached portion of a main building used or designed to be used for the parking and storage of motor vehicles.

Garage, Private – Detached: A detached accessory building which is capable of providing access to motor vehicles and used or designed to be used for the parking and storage of motor vehicles.

Garage, Public: A building or use, other than a private garage, used for the maintenance, repair, or storage of automobiles.

Garage, Vehicle Repair and/or Service: A commercial garage or gasoline station used for repairing, overhauling, removing, adjusting, replacing, assembling or disassembling any parts of any motor, engine, or vehicle.

Gasoline Station: Any lot, building or part thereof, used for the sale of gasoline or motor vehicle fuel that may include facilities for lubrication, washing, or otherwise servicing vehicles, but not including painting of vehicles.

Golf Course: A tract of land typically laid out with at least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards.

Grade: The level of the finished surface of the ground or pavement at a stated location.

Grading: 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. Does not include normal cultivation associated with a Farm.

Grocery: An establishment, commonly known as a supermarket (not including convenience stores), engaged in the retail sale of a variety of canned and dry foods, fresh fruits and vegetables, or meats, poultry, and fish, and may include a variety of disposable nonfood products.

Groundcover: Any shrub, plant or grass that does not attain a mature height of more than one foot. Such plants shall be characterized by a growth habit in which the shrub, plant or grass spreads across the ground to connect with similar plants forming a continuous vegetative cover on the ground.

Gross Building Area: The sum of the gross horizontal areas of the several floors of all buildings enclosed by walls on the property excluding parking decks and basement areas used for storage, loading and unloading or for housing of mechanicals or central heating and air conditioning equipment.

GROSS FLOOR AREA MEASUREMENT. The gross floor area of a building is measured from the exterior faces of exterior walls or from the centerline of walls separating two attached buildings and includes the area of each floor of the structure.

GROUND FLOOR. The street level floor of a structure.

GROUND STORY. The story closest to and above grade along the street.

Habitable Space: Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

HALF STORY. Habitable space situated within the structure having a pitched roof.

Hazardous Material: Any material which may pose a present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed and any material which is defined as hazardous within the meaning of any federal, state, or local law, regulations or ordinance including, but not limited to chemicals which are subject to reporting requirements under Title III of the Super Fund Amendments and Reauthorization Act of 1986 (SARA).

Hazardous Waste: Any waste material which may pose a present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of or otherwise managed including hazardous waste identified in accordance with RCRA (Resource Conservation Recovery Act).

Health Care Facility: A building or group of buildings composed, at a minimum, of residences or sleeping quarters and common dining facilities, and offering limited medical care, all functioning in an integrated manner.

Health Club: A facility with exercise equipment and a trained staff where members receive instruction and training in cardiovascular and strength programs.

HEIGHT MAP. A controlling/regulatory, map depicting building heights as described in Sec. 3.1 of Town Center Code, which also serves as part of the Official Zoning Map.

Home Occupation: An occupation customarily carried on by an occupant of a dwelling unit as a secondary use which is clearly incidental to the use of the dwelling unit for residential purposes.

Hotel: A building designated as the more or less temporary abiding place for more than ten persons or providing six or more sleeping rooms for which lodging is provided for compensation with or without meals.

Impervious Surface: Any hard-surfaced, man-made area that does not readily absorb or retain water including, but not limited to, building areas, parking and driveway areas, graveled areas, sidewalks and paved recreational areas.

Improvement, Substantial: Any repair, reconstruction or improvement of a structure, which equals or exceeds 50 per cent of the square footage of the structure either:

- Before the improvement or repair is started, or
- It the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, "improvement, substantial" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

- Any project for improvement of a structure to comply with existing State or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or
- Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Independent Living Facilities: A residential community occupied by those aged 55 and over to the extent permitted by Federal and State Fair Housing Laws and any other applicable laws.

INDUSTRIAL. Refers to a defined set of industrial use categories (see Sec. 4.3.4 Town Center Code). For a specific list of allowed uses by street frontage see Sec. 4.2. in Town Center Code.

Inn: A building, used in whole or in part, as a temporary abiding place and providing not more than 35, nor less than 6, sleeping rooms, in which lodging is provided for

compensation with or without meals. An Inn may not be used as a permanent residence for other than the owner and his/her family.

Interior Lot Line: For an interior lot, the straight line closest to the street along which such lot meets the minimum width requirement of these Regulations.

Junk: Material which is inoperable, discarded or which creates an unacceptable and disheveled appearance of clutter on a property.

Junk Vehicles: Vehicles inoperable or otherwise unfit for road use and not registered with the Connecticut Department of Motor Vehicles for a period of more than 6 months, which are stored or parked outdoors on a property where such use is not otherwise permitted.

Junkyard: Any place in or on which old material, glass, paper cordage or other waste or discarded or second-hand material which has not been a part, or is not intended to be a part, of any motor vehicle, is stored or deposited. It includes also any business and place of storage or deposit, whether in connection with another business or not, which has stored or deposited more than one unregistered motor vehicle which is no longer intended or in condition for legal use on the public highways, or used parts of motor vehicles or old iron, metal, glass, paper, cordage or other waste or discarded second-hand material which has been a part, or is intended to be a part, of any motor vehicle, the sum of which parts or material shall be equal in bulk to two or more motor vehicles. Said terms shall also include any place of business or storage or deposit of motor vehicles or parts of motor vehicles purchased for the purpose of dismantling the vehicles for parts or for use of the metal for scrap and where it is intended to burn material which are parts of motor vehicles or to cut up the parts thereof.

Landfill: Properly permitted land or premises, with or without structures, used for the deposit of clean fill materials for the purpose of disposing of said materials or for the filling and improving upon the land for development purposes.

Landscaped Buffer: An area of landscaping separating two distinct land uses, or a land use and a public right-of-way, acting to soften or mitigate the effects of one land use on the other.

Landscaping Plan: A plan, drawn to scale, showing dimensions and details for vegetating a property, or a portion of a property, including maintenance and protection measures.

Legal, Non-Conforming Lot: Any lot legally existing in accordance with the zoning regulations in effect at the time the lot was created, which has been made non-conforming by subsequent adoption of zoning regulations or amendments thereof. Such a lot may be non-conforming with the present zoning district regulations for any prescribed lot requirements, such as lot area, shape, width or depth.

Legal, Non-Conforming Structure: A structure or building legally existing on the effective date of these Regulations or any amendment thereto which does not conform to the zoning district regulations for any prescribed structure or building requirements, such as front, side or rear yards; building height; building area or lot coverage; lot area per dwelling unit; dwelling units per building; parking and loading spaces, etc.

Legal, Non-Conforming Use: A use, whether of a building, structure or lot, legally existing on the effective date of these Regulations or any amendments thereto which does not conform to the use regulations of the zoning district in which it is located.

Library: A public facility for the use, but not sale (unless deemed an accessory use), of literary, musical, artistic, or reference materials.

Licensed medical marijuana dispensary: A pharmacist licensed pursuant to Chapter 400j of the Connecticut General Statutes, who the Department of Consumer Protection has licensed to acquire, possess, distribute and dispense medical marijuana pursuant to CGS Sections 21a-408 to 21a-408q. inclusive, of 'An Act Concerning the Palliative Use of Marijuana' and who is located on the premises of a pharmacy licensed by the Connecticut Commission of Pharmacy. **(adopted October 22, 2013)**

Licensed medical marijuana producer: A person or organization licensed by the Connecticut Department of Consumer Protection as a producer under CGS 21a-408-1 through 21a-408-70, whose purpose is to cultivate marijuana for palliative use, including selling, delivering, transporting and distributing such marijuana, but only to licensed dispensaries under Sections 1 through 15, inclusive of the Act. **(adopted October 22, 2013)**

Lighting Definitions

Direct Glare: The visual impact of direct light emissions resulting from insufficient shielding of a source of light which may create hazards or discomfort to any person off of the property.

Direct Light Emissions: Light emissions visible above a height of 5 feet at the subject property line. A bulb, a reflective device, a refractive lens device, a globe, or diffuse panel shall be considered a direct light emission source.

Disability Glare: The eye's line-of-sight contact with a direct light emission, which causes a partial blindness.

Foot-Candle: The illuminance on a surface of one square foot in area on which there is uniformly distributed a light flux of one lumen.

Full Cut-Off Type Fixtures: A luminary or light fixture that, by design of the housing, does not allow any light dispersion or direct glare to shine above a 90 degree, horizontal plane from the base of the fixture. Full cut-off fixtures must be installed in a horizontal

Lighting Definitions (continued):

position as designed, or the purpose of the design is defeated, and disabling glare will result.

IES: Illuminating Engineering Society of North America, an organization that establishes standards for the lighting industry.

Isodiagram: A graphical representation of points of equal illuminance drawn as a single line, circular patters, or computer generated spot readings in a grid pattern on a site plan. Lighting designers and manufacturers to show the level and evenness of a lighting design and to show how light fixtures will perform on a given site.

Light Trespass: Light from an artificial light source that is intruding into an area where it is not wanted or does not belong.

Lumen: A unit of measure of the quantity of light that falls on an area of one square foot every point of which is one-foot form the source of one candela. A light source of one candela emits a total of 12.57 lumens.

Uplighting: Any light source that distributes illumination above a 90-degree horizontal plane.

Line of Sight: A visual path emanating from an average eye level adjudged to be five feet above the ground level.

Listed: Means included in a list published by a testing laboratory which (1) is approved by the Commissioner of Environmental Protection in consultation with the Bureau of the State Fire Marshal, (2) maintains periodic inspection of production of listed equipment or materials, and (3) states in their listing either that the equipment, material or procedure meets appropriate standards or has been tested and found suitable for use in a specified manner.

Livery Service: A business licensed by the Connecticut Department of Transportation that provides sedans, vans, limousines, and buses and drivers for those vehicles for transportation of people.

Lot Definitions

Lot, Corner: A lot located at the intersection of two or more streets. A lot abutting on a curved street shall be considered a corner lot if the interior angle formed by the street is not greater than 135°.

Lot Definitions (continued):

Lot Frontage: The distance between the side lines of a lot measured either along the front street line or the interior lot line. On rear lots, the rear lot line of the front lot is the frontage of the rear lot.

Lot, Interior: A lot other than a corner, rear, flag or through lot.

Lot, Rear: A lot, the major portion of which lies to the rear of another lot that separates it from a public street, which is connected to a public street via a private accessway of required width. Any lot which does not satisfy the minimum lot width, measured along the right-of-way line of a public road or measured along the minimum front building setback line, shall be considered a rear lot.

Lot, Through: A lot, other than a corner lot, having frontage on two streets.

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

Lot Area: The gross horizontal area contained within the property lines of the lot.

Lot Depth: The mean distance from the front line of the lot to the rear lot line measured in the general direction of the side lines of the lot.

Lot Line: The property line bounding the lot.

Lot Line, Front: Boundary of the lot along the lot frontage. On corner lots, both lot lines abutting streets shall be considered front lot lines.

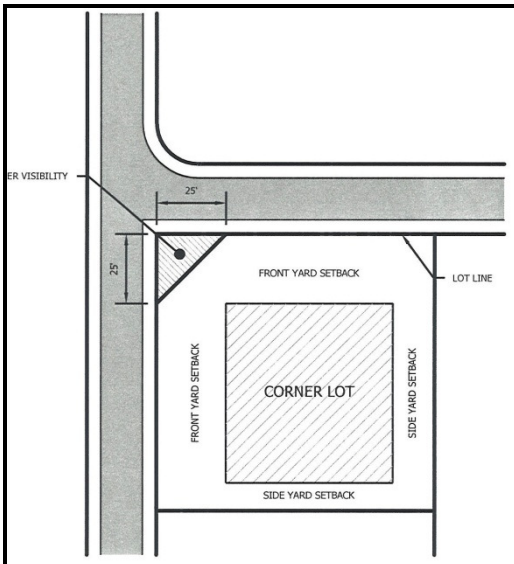
Lot Line, Rear: Boundary of the lot most distant from and most nearly parallel to the front lot line.

Lot Line, Side: Any boundary of a lot that is not a front or rear lot line.

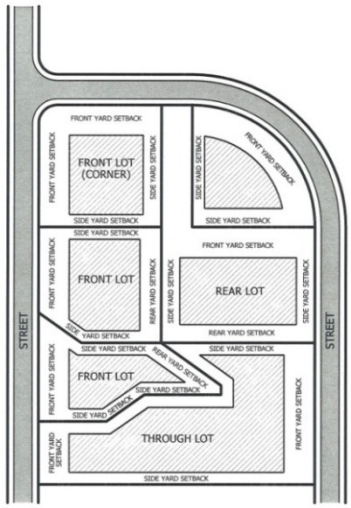
Lot of Record: An area of land designated as a lot on an approved plat of subdivision or described on a deed duly recorded or registered, pursuant to statute.

Lot Width: The distance, measured in a straight line, connecting the points of intersection of the building line with the side lot lines or at the rear line of the required front yard for irregular shaped lots.

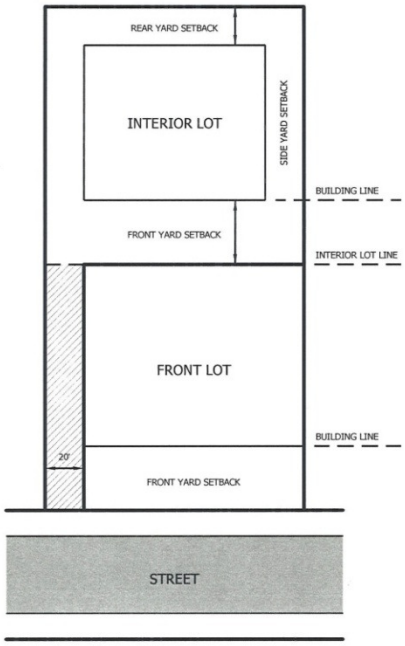
Lot Dimension Illustrations



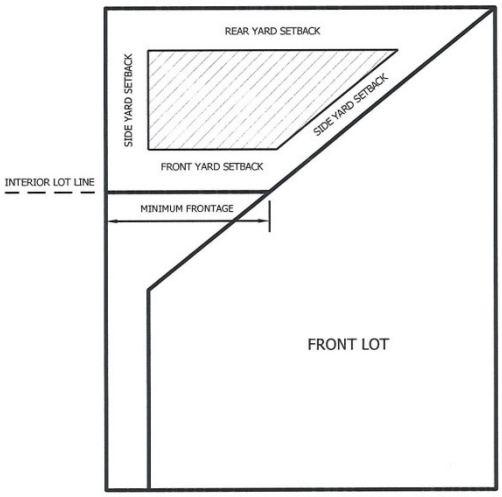
Corner Lot



Lot Layout



Interior Lot – Regular



Interior Lot - Irregular

Manufacturing: Any process whereby the nature, size or shape of articles is changed, or whereby articles are assembled or packaged in quantity.

Medical Facility: Any facility, wherein medical treatment or diagnosis is rendered including but not limited to outpatient services and diagnostic testing.

Mixed Use Development: A single building containing more than one type of land use, or a single development of more than one building and land use, where the different types of land uses are in close proximity, planned as a unified complementary whole, and functionally integrated and structurally coordinated with regard to the use of shared vehicular and pedestrian access and parking areas.

Mobile Home: A reasonably transportable unit without motive power, suitable for year-round occupancy and provided with equipment, plumbing, heating, electricity and refrigeration.

Mobile Home Park: A parcel of land that has been planned for the placement of two or more mobile homes.

Motel or Motor Hotel: A building or group of buildings having units containing sleeping accommodations, which are available for temporary occupancy by automobile transients.

Multifamily Use: Residential occupancy of a building with more than one family.

Multifamily Structure: A building designed or used for residential purposes by more than one family.

Multi-Use Sports, Recreational, and Restaurant Complex. A single building or a group of buildings, operating under a common name or management, serving as a multiple sport center and restaurant along with ancillary, recreational and cultural uses where individuals actively participate in sports, sport exhibitions, recreational or cultural activities, or as spectators of competitions or exhibitions.

Multi Sport Center: A facility where people engage in organized team and individual sports activities, inside the buildings and outside the buildings which comprise the facility, on designated fields or in designated areas.

Natural Features: Components and processes present or produced by nature, including soil types, geology, slopes, vegetation, surface water, drainage patterns, aquifers, recharge areas, climate, floodplains, aquatic life and wildlife.

Non-Conforming Use or Structure: Any land, building or structure or their use which does not comply with all of the requirements of these Regulations governing the zoning district in which it is located.

NONRESIDENTIAL: Refers to the public or civic, commerce/business and industrial use categories which are not residential in nature.

Nursery: A use whose sole function is the growing of trees or plants with commercial activities limited to the sale of products grown on the premises and in no case including a retail outlet of garden supplies or a landscape service business or the storage of equipment related thereto.

Nursery School: An establishment licensed by the State of Connecticut having facilities and all necessary personnel for the care, guidance and/or supervision of seven or more children between the ages of two and six not of common parentage on a regular basis for a part of the 24 hours in one or more days of the week.

Occupiable Room: A room or enclosed space designed for human occupancy in which individuals congregate for amusement, education or similar purposes, or in which occupants can be or are engaged at labor; and which is equipped with means of egress, light and ventilation facilities meeting the requirements of this code.

Off-Street Parking Space: An on-the-lot space (garage or outdoor) having the dimensions of not less than 9 feet in width and 18 feet in length.

Off-Street Loading Space: An on-the-lot space for the temporary parking of a commercial vehicle while loading or unloading merchandise or material. Such space shall be not less than fourteen (14) feet in width, fourteen (14) feet in height if covered, and 50' in length. Trucks or trailers occupying such a space shall be located entirely on the lot and shall not extend into the sidewalks or the street.

OPEN SITE. A specially designated site on the Regulating Plan (Town Center Code) intended to provide access to the public and remain substantially clear of buildings. (see also Sec. 2.1 Town Center Code).

Open Space: The portion of the ground space on the same lot and contiguous to the principal building which is either landscaped, or developed and maintained for recreation or conservation purposes. Open space shall not include those portions of a lot that are utilized for off-street parking or loading, driveway or building purposes. This open space area shall not be required to be dedicated for public use or access unless the provisions of the district within which the property is located requires it.

Organization, Private Non-Profit: Any person(s), partnership, association, corporation or other group whose activities are conducted for civic or humanitarian motives, or for the benefit of others, and not for the gain of any private individual or group and may include, but shall not be limited to, patriotic, philanthropic, social service, welfare, benevolent, educational, civic, fraternal, cultural, charitable, scientific, historical, athletic, or medical activities.

Outbuilding: (See accessory building).

Outdoor Light Fixture: An illuminating device, which is permanently installed outdoors, including but not limited to devices used to illuminate any site, architectural structure, or sign.

Outpatient Surgical Facility: A building or portion of a building containing medical offices and facilities for providing surgical services to patients on an outpatient basis, where such services generally require a stay of less than 24 hours.

Parapet: A low protective wall or railing along the edge of a raised structure such as a roof or balcony.

Parcel: Any legally described piece of land of any size that may or may not be subdivided or improved.

PARKING SETBACK LINE. Line on the Regulating Plan that establishes the point at (behind) which parking may be located (see Sec. 2.2 of Town Center Code).

Parking Definitions

Parking Lot: An area other than a street used for the parking of registered vehicles.

Parking Structure: Parking spaces and adjacent access drives, aisles, and ramps that are located in a structure with two or more levels, accessory to a residential, business/commercial, or industrial use.

Off-Street Parking Space: An on-the-lot space (garage or outdoor) having the dimensions of not less than 9 feet in width and 18 feet in length.

Off-Street Loading Space: An on-the-lot space for the temporary parking of a commercial vehicle while loading or unloading merchandise or material. Such space shall be not less than fourteen (14) feet in width, fourteen (14) feet in height if covered, and 50’ in length. Trucks or trailers occupying such a space shall be located entirely on the lot and shall not extend into the sidewalks or the street.

Pesticide: Any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, or any substances intended for use as a plant regulator, defoliant or desiccant.

Place of Worship: A building wherein persons regularly assemble for religious worship.

Plot Plan: A schematic representation of a lot, drawn to scale, showing the actual measurements of the size, and location of existing structures or structures to be erected, the location of the lot in relation to abutting streets, and other such information.

PORCH. A one or two-story structure attached to a building to shelter an entrance or to serve as a semi-enclosed space (see also Sec. 2.11 of Town Center Code).

PRINCIPAL BUILDING: Main building on a lot.

Primary Dwelling: An unconverted portion of an existing single-family residence where all living areas, kitchen, entrance, and lot on which it is situated are used in common.

Professional Office: The office of recognized professions, such as doctors, lawyers, dentists, architects, engineers, artists, musicians, designers, teachers, and others who through training or experience are qualified to perform services of a professional as distinguished from a business nature.

PROTECTED DISTRICT: Group of districts which includes R-160, R-80, R-40, R-25, R-15 and the Single-Family Cluster Zone. Also includes the open sites.

Public Charitable Institution: Any partnership, association, corporation or other group whose activities are conducted for selfless, civic, or humanitarian motives, or for the benefit of others, and not for the gain of any private individual or group, and for which said institution receives financial support from a governmental entity or other public organization. Such institution may include, but shall not be limited to, patriotic, philanthropic, social service, welfare, benevolent, educational, religious, civic, fraternal, cultural, charitable, scientific, historical, athletic, or medical activities.

PUBLIC USE: Refers to a defined set of public use categories (see Sec. 4.3.2). For a specific a list of allowed uses by street frontage (see Sec. 4.2. Town Center Code)

REGULATING PLAN: A regulatory plan is a zoning map that specifies and shows the territorial/areal application of the Simsbury Town Center Code as described in Sec. 2.1. Town Center Code. The Regulating Plan is a part of the Official Town of Simsbury Zoning Map and shows the various zoning categories, the permitted form and location of buildings and public spaces, both open spaces as well as roadways.

Religious Institution: A church or place of worship or religious assembly with related facilities such as the following in any combination: rectory or convent; meeting hall, offices for administration of the institution, licensed child or adult daycare, playground, cemetery.

RESIDENTIAL USE as shown in Town Center Code: A defined set of residential use categories (see Sec. 4.3.1). a specific a list of allowed uses by street frontage see Sec. 4.2 Town Center Code.

Restaurant: A commercial establishment open to the public where food and beverages are prepared, served and consumed primarily within the principal building.

Retail: The buying or selling of goods or merchandise directly to the consumer for their personal consumption or use

Right-of-Way: An area of land not on a lot that is dedicated for public or private use to accommodate a transportation system for allowing the free passage of people and goods. Rights-of-way include, but are not limited to, highways, streets, roads, private roads, rail lines, and sidewalks.

School, Parochial: A private school maintained by a religious body or organization for the purpose of elementary and/or secondary instruction.

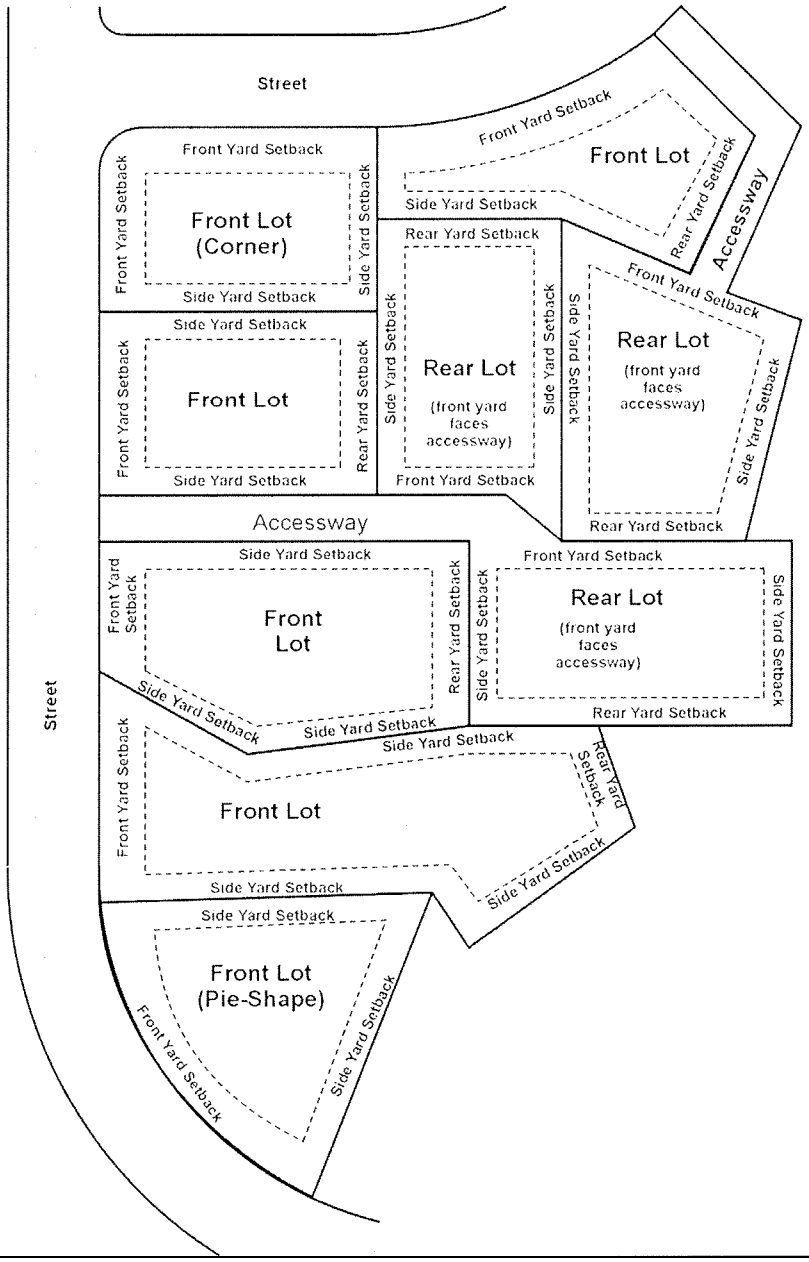
School, Private: A school that is established, conducted, and primarily supported by a nongovernmental agency or organization.

School, Private Non-Profit: Any private educational facility owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

School, Public: Any educational facility owned and operated by a governmental entity.

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

Setback: The horizontal distance from any street or lot line to any building, structure or use, measured in a straight line from and perpendicular to such street or lot line and extending as a vertical plan upwards to infinity.



Yard Setback Locations

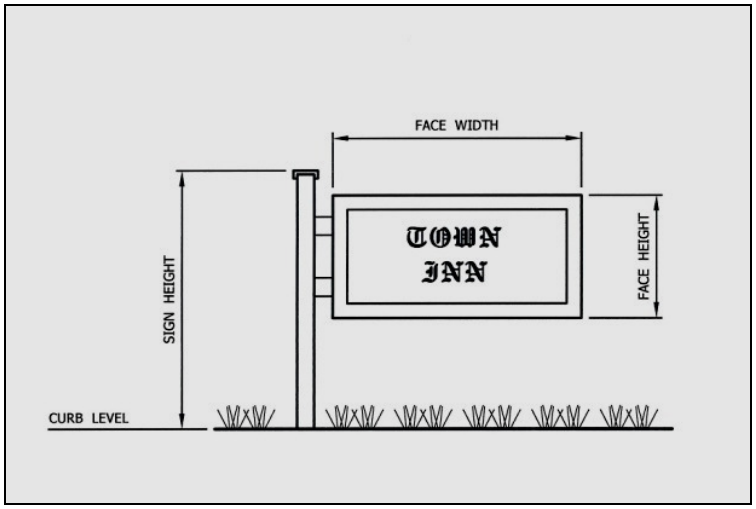
Shelter, Security: A structure or a portion of a structure intended to provide protection to human life during periods of danger to human life from nuclear fallout, air-raids, storms, or other emergencies.

SIDEWALK: The hard surfaced area of the public frontage dedicated to pedestrian activity and for other uses as may be approved.

Sign Definitions:

Sign: Any object, device, display or structure or part thereof, situated outdoors or indoors but designed and intended to be seen outside the building, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images.

Sign, Area: The entire face of a sign including the advertising surface and any framing trim or molding within a continuous perimeter enclosing the extreme limits of the entire message of advertising copy and in no case passing through or between any adjacent elements of same. However, such perimeter shall not include any structural elements lying outside the limits of the above area not forming an integral part of the display. For the purpose of computing area only, one side of a double-faced sign shall be included in the total area.



Sign Dimensions

Sign, Banner: A sign having characters, letters or illustrations applied to cloth, paper, flexible plastic or fabric of any kind, with only such material for backing.

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

Sign Definitions (continued)

Sign, Commercial Advertising or Off-Premises: Any sign owned or operated by any person, firm or corporation engaged in the business of outdoor advertising for compensation for the use of such signs.

Sign, Directional: A sign with an area of not over two square feet indicating the direction or route of an establishment.

Sign, Directly Illuminated: Any sign designed to give forth any artificial light directly (or through any transparent or translucent material) from a source of light within such sign.

Sign, Directory: A sign or group of signs attached to a building or freestanding which identifies the business, owner, address, or occupation of a group of businesses, but contains no advertising.

Sign, Double-Face: A sign containing the same copy on both sides of the supporting structure.

Sign, Flashing: Any directly or indirectly illuminated sign on which the artificial light is not stationary, or constant in intensity and color, at all times when in use.

Sign, Ground or Freestanding: A sign supported by one or more uprights or braces in or above the ground.

Sign, Height Of: The vertical distance between the ground level and the top of a sign. See diagram above.

Sign, Indirectly Illuminated: A sign illuminated with a light so shielded that no direct rays there from are visible elsewhere than on the lot where said illuminated sign is located. If such shielding is defective or ineffective, such sign shall be deemed to be a directly illuminated sign.

Signs, Number of: For the purpose of determining the number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related and composed to form a unit. Where matter is displayed in a random manner without organized relationship elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.

Sign, Off Premise: A sign advertising a use not conducted on the premises or a product not sold on the premises where the sign is located.

Sign, On Premises: A sign advertising a use or activity conducted on the premises where the sign is located.

Sign Definitions (continued)

Sign, Political: A sign identifying and urging voter support for a particular election issue, political party, or candidate for public office.

Sign, Projecting: A sign that is affixed to an exterior wall of any building and extending more than 15 inches beyond the building walls or parts thereof.

Sign, Temporary: Any sign not intended for permanent display. Examples of temporary signs include but are not limited to, any sign, display board, handbill, poster, banner, sandwich board, pennant, streamer, whirligig, valance or advertising display constructed of paper, cloth, canvas, light fabric, cardboard, wallboard or other light materials (with or without structural frame).

Sign, Temporary Permit: A permit issued by the Zoning Enforcement Officer pursuant to these Regulations by virtue of which signs not otherwise permitted by said regulations may be permitted in accordance with conditions set forth in the regulations for periods of not more than six months, subject to renewal for periods not to exceed six months each to the extent such renewals are permitted in these Regulations.

Sign, Wall: A sign which is affixed to the exterior walls of any building and projecting not more than 15 inches from the building wall or parts thereof. Wall signs shall also include illuminated signs erected inside window display area of a building.

Site Plan: A document or group of documents containing sketches, text, drawings, maps, photographs, and other materials intended to present and explain certain elements of a proposed development, including physical design, grading, siting of buildings and structures, interior vehicle and pedestrian access, the provision of improvements, and the interrelationship of these elements.

Soil: Means the unconsolidated mineral or organic material on the immediate land surface that serves as a natural medium for the growth of plants.

Soil Erosion & Sediment Control Plan: Means a plan and narrative that explains and illustrates the measures that will be taken to control erosion and sediment problems during construction. The plan has a written portion known as a narrative and an illustrative portion known as a map or site plan.

Solid Waste: Unwanted or discarded material including municipal solid wastes, bulky wastes, and non-hazardous industrial processing wastes. Solid waste does not include septage and sludges, agricultural and mining wastes, or hazardous wastes.

Storage: A space or place where goods, materials, or personal property is placed and kept for any period of time.

Storage Area (Earth Excavation): An area within the permit area in which the applicant proposes to stockpile excavated materials and/or approved fill materials and/or to locate any equipment and structures.

Storage Building: An accessory building where materials, such as building materials, equipment, such as garden equipment or other personal property is stored.

Storage Building, Temporary: A building which is delivered to a property by truck for storage related to a residential property often as part of a move or used for storage accessory to a business use.

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

Story, Half: Any place under a gable, hip or gambrel roof, the floor of which is not more than two feet below the plate.

Streamer, Advertising: Any long, narrow, wavy strip of cloth, paper, flexible plastic or fabric of any kind attached to a building, vehicle or other property fixture along only one side of its length or width, and having characters, letters or illustrations applied to it for the purposes of attracting public attention to a commercial enterprise or event.

Street: Any existing way, or town highway, or a way shown (a) on a subdivision plat approved by the Planning Commission, or (b) on a subdivision record map duly filed and recorded in the office of the Town Clerk of the Town of Simsbury.

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

Streetscape: The visual image of a street, including the combination of buildings, parking, signs, street trees and landscaping, and other hardscape and street furniture.

STOOP: A relatively small raised entry platform on the facade of a building (see also Sec. 2.11 Town Center Code).

STORE FRONT: Typically a private frontage used for retail purposes, with substantial glazing and possibly an awning, with the façade of the building in conformance with the Code requirement and with the building entrance at or near sidewalk grade.

STORMWATER IMPACTS: Stormwater or rainwater flow from a site which must be mitigated using an acceptable method or combination of methods including Low Impact Development techniques, Light Imprint techniques, Best Management Practices, Pre-development hydrological mimicry or other suitable methods that may be developed and found acceptable during site plan or project review and prior to approval. (Specifics of all these methods are available in Simsbury Comprehensive Drainage Memorandum).

STORY: That space within a building and above grade that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above. For the precise measurement of story height see Sec. 2.2. Town Center Code.

STREET: A thoroughfare for pedestrian and vehicle access.

STREET FURNITURE: Benches or other structures incorporated into the streetscape for use by pedestrians.

STREET LIGHTS: Pedestrian scale lighting incorporated into the streetscape and parking facilities, used to promote safe, but not overly lighted travel during evening hours.

STREET TREE(S): A tree or trees used to create or reinforce more pleasant walking along thoroughfares in areas where pedestrian activities are encouraged.

STREET WALLS: A freestanding or attached wall built along a front property line. Possibly used to separate or mask a parking lot, provide privacy or strengthen desirable definition between the public and private realm.

STREETSCAPE: The physical elements along a street including trees, benches, bike racks and trash receptacles.

STREET FRONTAGE: A designation on the Regulating Plan that governs lot dimensions, building placement, use and building form for each site (see Sec. 2.1 Town Center Code). Categories include SC-1, SC-2, SC-3, SC-4, SC-5, Civic, and Open Site.

STREET SETBACK AREA: The area of land between the street setback line and the maximum allowed setback (see Sec. 2.2 Town Center Code).

STREET SETBACK LINE: Line on the Regulating Plan that establishes the measuring point for the required build-to and the parking setback line (see Sec. 2.2 Town Center Code).

Structure: Anything constructed or erected, the use of which requires location on the ground or attached to something having location on the ground. The term structure includes, but is not limited to, any building, manufactured home, storage tank, sign, wall, swimming pool, sports court, constructed tower or fence extending more than six (6) feet above grade. The term structure excludes public utility poles, flagpoles, transmission lines, television antennas, municipal or state transportation infrastructure, landscape furniture and decorations, mailboxes, lamp posts, seasonal decorations and similar yard accoutrements, and seasonal decorations.

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

Structure, Primary: The predominant building or structure used for a permitted use or activity on a lot or parcel. Where evident by context, the terms "principal building" or "principal structure" shall have the same meaning.

Trailer: A portable, primarily temporary living accommodation towed on wheels, transported on a truck or having its own motive power, which may or may not contain running water, bath facilities, a flush toilet, appropriate sanitary connections or cooking facilities.

TRANSPARENCY. The total percentage of windows and doors that cover a ground or upper story façade (see also Sec. 2.2 Town Center Code).

UNPROTECTED DISTRICT: Group of districts that includes B-1, B-2, B-3, P0, I-1, 1-2 and 1-3. Also includes the SC-1, SC-2, SC-3, SC-4 and SC-5 street frontages, civic sites and open space sites.

UPPER STORY: Any story located above a ground story.

USE CATEGORY: A group of uses with common characteristics. See also Sec. 4.3. Town Center Code.

Unsightly Material: Garden equipment, excavation equipment, commercial equipment, industrial equipment, appliances, furniture or debris or waste or other products stored outdoors and which are not actively being utilized for their intended purpose, such as for construction or repair of a structure on the lot.

Use: The specific purpose for which a lot or a building is designed, arranged, intended to be used, or for which it is or may be occupied or maintained. The terms permitted use, special use, or its equivalent shall not be deemed to include a non-conforming use, as defined herewith.

Use, Accessory: A use of land, buildings or structures which is clearly incidental to, and customarily in connection with and located on the same lot as the primary structure or use.

Use, Permitted: A use permitted in a zoning district without the need for special administrative review and approval, upon satisfaction of the standards and requirements of these Zoning Regulations.

Utility Trailers: Trailers used for private residential multi-purposes and may include transport of snowmobiles, boats and all terrain vehicles.

Vehicle: Any motor vehicle as defined by the General Statutes of the State of Connecticut, as amended.

Vehicles Actively Being Restored or Repaired: Vehicles for which there is noticeable continuous progress in making the vehicle roadworthy as may be determined by the Land Use Inspector and Commission. These vehicles, when being stored or parked outdoors may be required to be covered or else be parked indoors.

Vehicle, Recreational: Any towed or self-propelled residence, coach, trailer, or truck body converted for residential occupancy primarily designed or utilized for seasonal and/or vacation use.

Village District: A zoning district within which development and use of land and structures is permitted based on specific standards and criteria intended to preserve and protect the distinctive character, landscape, and historic values of the designated area.

Visually Sensitive Areas: Areas of statewide concern, areas of local interest, trap rock ridges and locally designated scenic roads, and Simsbury Land Trust properties.

Wetlands: Any wetland as defined in Chapter 440 of the CGS.

Wholesale: The buying or selling of goods or merchandise in bulk or large quantities to those actively involved in the trades for the purposes of resale of said goods or merchandise directly to the consumer for their use.

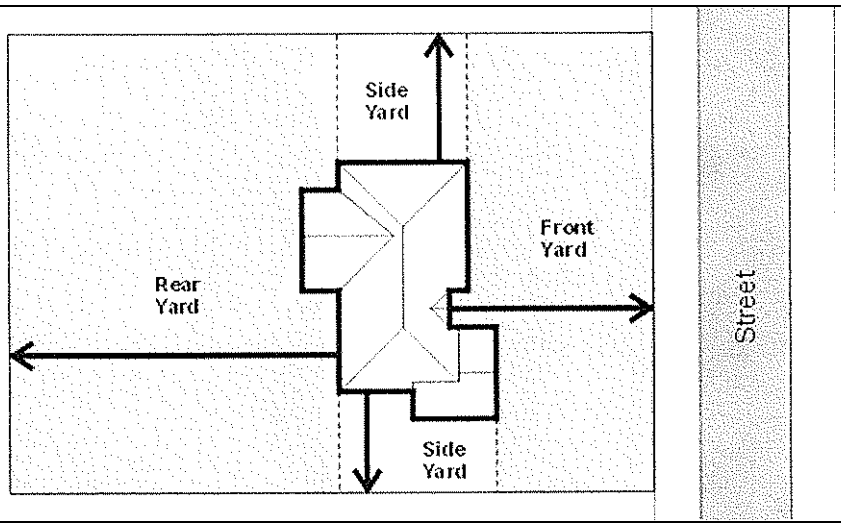
Wireless Communication Facility: The antennas, satellite dish antennas, telecommunications equipment, communication towers, monopoles, and/or support structures used in conjunction with the provision of commercial wireless communication services or municipal, State, or Federal communications systems. These services may include, but are not limited to cellular communications, personal communication services, specialized mobilized radio, and paging.

Yard: An open space on a zoning lot which is unoccupied and unobstructed from its lowest level to the sky and upon which no structure may be located, except as otherwise permitted.

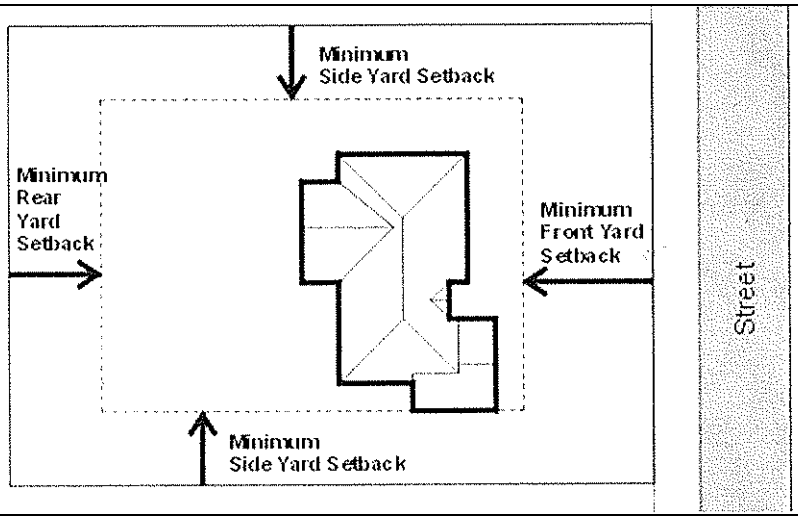
Yard, Front: An open space extending across the full width of the lot bounded on one side by a street to a depth as required by these Regulations.

Yard, Rear: An open space extending across that portion of the lot most opposite from the front lot line bounded on one side by a property line and to a width as required by these Regulations.

Yard, Side: An open space extending from the front to the rear yard, bounded on one side by the lot boundary and to a depth as required by these Regulations



Yard Locations



Yard Setback Locations

ARTICLE FIVE

GENERAL PROVISIONS

A. LOTS IN TWO ZONING DISTRICTS

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

B. TEMPORARY USES

1. Permits may be issued by the Zoning Enforcement Officer for the following purposes, with conditions which will safeguard the character of the neighborhood. Prior to issuance of such permit, the Zoning Enforcement Officer shall require written approval from the Building Inspector, Chief of Police, Fire Marshal, and Director of Health.

   a. A circus, carnival, auction, festival, or similar public gathering held for a period of not more than ten (10) days and subject to the standards established by the above named agents. For the purpose of this Section, private residential tag sales held by individuals or groups of individuals for periods of less than three (3) consecutive days shall be exempt from the Regulation.

   b. A non-conforming temporary building shown to be necessary pending construction of a conforming building or use, for not more than one year, but renewal permits for successive periods of six (6) months each may be granted.

   c. In any residential zone, temporary or permanent storage of any:
      - Boats and/or trailers
      - Campers, whether self propelled or not
      - Mobile homes regardless of size
      - Motor vehicles
      - Equipment or vehicles of a non-residential nature or used in a commercial activity whether such activity occurs legally or not.

      Temporary or permanent storage of any of the above items may be permitted by the ZEO and may not be located in any front, side or rear yard. Any items stored for longer than six (6) months in any calendar year shall be buffered or screened or located in such a way as to minimize their visual impact on abutting residential

neighbors or views from the public way. **(adopted December 19, 2011)**

d. Trailers used as offices and/or living quarters for a janitor or watchman incidental to construction on or development of the premises on which the trailers are located.

C. FALLOUT SHELTERS

Fallout shelters are permitted as principal or accessory uses in any district, subject to the yard regulations of the district.
Such shelters may contain or be contained in other structures or may be constructed separately, and in addition to shelter use, may be used for any principal or accessory use permitted in the district, subject to the district regulations on such use, but shall not be used for principal or accessory uses prohibited expressly or by implication in the district.

D. ROADSIDE STANDS

Farm stands of temporary construction and readily removable for the sale of products raised exclusively on the farm which is used by the stand may be permitted in any residential zone. Such stands hereafter erected must be set back from the road at least thirty-five (35) feet to permit access roads and to avoid parking of customers motor vehicles on the highway, as approved by the Chief of Police.

E. UNBUILDABLE LAND

Land in any zone which in the judgment of the Town Zoning or Town Planning Commission may be unfit for human habitation for health reasons shall not be built on for that purpose until the building permit has the written approval of the Health Officer.

F. ACCESSORY BUILDINGS

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

1. Accessory buildings, structures and uses shall be located on the same lot as the principal building, structure or use to which they are accessory. **(adopted June 24, 2002**)

2. No permanent accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory. **(adopted June 24, 2002)**

3. A building attached to the principal building by a covered passageway, or by having a wall or part of a wall in common, shall be considered as part of the principal structure. **(adopted June 24, 2002)**

G. ACCESSORY DWELLING UNITS ARE PERMITTED IN ANY RESISDENTIAL ZONE SUBJECT TO THE REQUIREMENTS OF ARTICLE SEVEN. **(adopted June 24, 2002)**

H. LOUD SPEAKERS, AMPLIFIERS, AND SOUND EQUIPMENT

The commercial use of loud speakers is permitted only within the confines of buildings. **(amended December 19, 2011)**

I. USE OF RESIDENCE FOR PERSONAL BUSINESS PURPOSES

Nothing in these regulations shall restrict the use of a residence by the occupant for business purposes where:

1. No business is conducted on the premises except by mail or telephone.

2. No persons other than members of the family are employed.

3. No external evidence of the business is visible.

4. No business signs are erected.

5. No pedestrian or automobile traffic other than that normally generated by a residence is generated.

J. SITE PLAN REQUIREMENTS

1. All site plan required under these Zoning Regulations shall be submitted in six (6) copies at a scale of not less than forty (40) feet to the inch and shall show, as applicable, the following data:

    a. Title block, north point, scale, location map, and seals of the engineer, architect, landscape architect, or surveyor preparing the site plan.

    b. Boundaries of property certified to a State of Connecticut A-2 Map Survey Standard.

c. Field verified existing and proposed contours at not more than two (2) foot vertical intervals. Wetlands, floodplains, and soil type should be delineated. **(amended December 19, 2011)**

d. Existing and proposed roads, pedestrian walkways, driveways, loading and parking area, and a table showing proposed and required parking spaces.

e. Location and dimension of all existing and proposed buildings, structures, walls, and area fences. Approximate age of existing structures and sites of historical significance should be noted. Building setback lines shall be shown.

f. Location, nature, and extent of watercourses and waterbodies.

g. Location, size and design of existing and proposed storm drainage, sewage disposal, refuse containment, water supply facilities, and electric and telephone lines. Design calculations, soil types, deep test hole data and percolation test data shall be shown for on-site sewage disposal system.

h. Location, size, species and type of proposed landscaping including existing trees of twelve (12) or more inches in diameter, measured at a trunk height of three (3) feet above the ground. Heavily wooded areas shall be shown by foliage lines.

i. Location, dimensions, areas, type, color, and illumination of all proposed exterior signs.

j. Location and intensity of all proposed exterior lighting.

k. An Erosion and Sediment Control Plan prepared in accordance with the document entitled "Connecticut Guidelines For Soil Erosion and Sediment Control" prepared by the Connecticut Council on Soil and Water Conservation, dated January 1985. The Zoning Commission shall review and certify said plan and shall direct its designated agents to inspect for compliance with said plan.

l. All site development permits required under state, federal, or local regulations and statement of availability of service from local utilities or documentation that reviews process is underway.

m. Renderings, elevations, floor plans, statistical data, and other information considered necessary by the Commission for adequate study of the proposal.

n. Demonstrate how plan utilizes passive techniques for solar energy, or energy conservation.

o. An applicant is not required to submit detailed road, utility and drainage 1"=40' scale Construction Plan and Profiles until no later than 30 days prior to such time as a Final Mylar is submitted for signature by the Commission Chairman following approval of the Site Plan. The details that are not required are only the road and utility construction details. All other plan requirements and computation submittals must be met.

2. The Zoning Commission may modify the requirements of this section in whole or in part where the proposed development involves building additions of less than twenty-five (25) percent of the existing outside dimensions of the structure provided however that the use of the structure remains the same.

3. The Zoning Commission may require such modifications in the site plan as are necessary to meet the specific requirements of the development type, and may make additional modifications as are necessary to protect the public health, safety, convenience, and property values of the community.

4. All site improvements including all modifications required by the Zoning Commission shall be installed to the satisfaction of the Commission or its designated agents before final approval is given and a Certificate of Occupancy is issued.

5. The Zoning Commission may require a performance bond for all improvements not installed prior to final approval and issuance of a Certificate of Occupancy. The performance bond shall be in the amount of 100 percent of the cost of such improvements as estimated by the Town Engineer and shall be in a form satisfactory to the Commission.

6. An approved site plan showing the Commission's modifications and signature of the Chairman shall be filed with the Building Inspector within ninety (90) days of the approval date. No development shall be permitted except in conformity with the approved plan. Site Plans approved under the provisions of this Article shall be completed within the time frame as specified under the provisions of Connecticut General Statues Section 8-3(i). **(amended March 5, 2009)**

7. A site plan approved by the Zoning Commission as part of a Special Exception shall be considered a condition of the Special Exception and all development on the site shall comply with the approved plan.

K. LOTS IN ZONES ABUTTING THE FLOODPLAIN ZONE

Where a parcel of land is located in two zones, one of which is a Floodplain Zone, all zoning requirements for the applicable non-floodplain zone must be met within that portion of the parcel which is not located in the Floodplain Zone.

ARTICLE SIX

PROHIBITED USES

A. Public or private racetracks for testing or proving ground for motor vehicles, or race tracks for horses or dogs whether conducted for profit or as a non-profit operation.

B. Outdoor drive-in theaters.

C. Trailer camps.

D. Crematories.

E. Trailers and mobile homes.

No automotive type of trailer and no mobile home, whether mounted on wheels, or on a foundation, or demounted shall be occupied for living purposes or business purposes within the town except as permitted in Article Five, Section B, as a temporary use.

F. Boarding houses, unless expressly permitted. **(adopted December 19, 2011)**

G. Advertising Signs, Advertising Devices, or Logos are prohibited unless located on the property they are intended to serve and unless permitted in accordance with these regulations.

H. No use shall be permitted which:

1. Emits into the air dust, dirt, flyash, smoke, or other material which is not confined to the lot containing the use;

2. Emits into the air offensive odors or noxious, toxic, or corrosive fumes or gases;

3. Transmits outside the lot containing the use, noise which is objectionable due to volume, intermittence, beat, frequency, or shrillness;

4. Transmits light, which is objectionable due to brightness;

5. Discards offensive wastes into any stream, watercourse, or storm sewer.

ARTICLE SEVEN

PERMITTED USES

All uses permitted in this article are subject to height and area requirements contained in Article Eight, and all other applicable requirements of the zoning regulations.

A. USES PERMITTED AS A SPECIAL EXCEPTION IN ANY ZONE

The following uses are declared to possess such special characteristics that each must be considered as an individual case. They may be permitted as a special exception in any zone after a public hearing, subject to conditions and modifications as determined by the Commission. In evaluating the uses, the Commission shall apply the standards set forth in Section C of this article. The Commission shall require the approval of a Site Plan prepared in accordance with Article Five, Section J.

1. Cemeteries.

2. Aircraft landing fields.

3. Public utility installations needed for the public convenience and necessity.

4. Municipal, state and federal government facilities, including development of Affordable Housing on Town-owned land whether or not the housing itself is owned by a municipal, state or federal government.

5. Nursery as defined. Where such nursery exceeds five (5) contiguous acres of growing stock, then the operation of a landscaping service business shall be considered an accessory use provided that all equipment be stored within the buildings and all buildings except dwellings be located at least fifty (50) feet from any property line, stream, or watercourse, and further all fertilizers be stored at least fifty (50) feet from any property line, stream, or watercourse.

6. Energy generating devices such as wind turbine generators as accessory uses in all zones. The Commission may permit maximum height and area requirements of the accessory use that are greater than those specified by other applicable requirements of the Zoning Regulations.

7. Day care or child care facility.

8. The rehabilitation of an existing structure containing no less than 2,000 square feet of gross floor area measured at the interior of the perimeter walls and the construction of the principal portion of which has been

completed between January 1, 1851 and December 31, 1939 for purposes of so converting it as to provide more than one separate dwelling unit, as the term "dwelling" is defined in Article Four, Section B hereof. In addition to the other conditions herein above set forth to granting the special exception, the Commission shall condition granting of the exception upon the following requirements:

a. the conversion shall conform to all applicable standards --- including, but not by way of limitation, the building, fire and health codes --- of all codes applicable to structures and uses in the Town of Simsbury;

b. the conversion shall not result in an increase of total habitable floor area greater than an amount equal to 20 percent of the lowest habitable floor; provided however, that floor area required to construct interior stairwells or corridors which are to be enclosed by exterior walls shall not be included in the tabulation;

c. after granting of the exception, no additional square footage shall be added to the structure;

d. conversion of a structure in a residential zone shall provide parking spaces in accordance with the requirements of Article Ten, Section E; provided however that in a residential zone the parking area shall not be located in the front, side or rear yards as those terms are defined in Article Four, Section B of these regulations; and provided further, that parking shall be screened from surrounding properties;

e. the structure as converted shall comply with all requirements of these regulations applicable to the zone in which it is located; and

f. the structure as so converted shall be connected to a public water supply and the municipal sewer system. If the structure is listed on the Town Inventory of Historic Places on file with the Town Planner on the date the application for special exception is filed, the Commission shall refer the application and accompanying plans and documentation to the Simsbury Historical Society for its review and advice, which review shall report whether the plans comply with the Standards for Rehabilitation promulgated by the United States Secretary of the Interior and published in the Federal Register, as the same may be amended from time to time, which advisory report of the Society shall be filed with the Commission within thirty (30) days of the referral to the Society. If the Commission shall find, as to any structure which is the subject of an application hereunder, that the conversion would detract from the architectural character of the original structure, it

may condition approval of the special exception upon deletion of the detracting feature.

9. Health Care Facilities as set forth in Article Ten, Section I.

B. USES PERMITTED IN ALL RESIDENTIAL ZONES

The following uses shall be permitted in all residential zones, subject to the requirements and standards set forth herein.

1. Farms, provided that the storage of fertilizer and manure, and all buildings except dwellings shall be located at least one hundred (100) feet from any lot line.

2. Single family detached dwellings.

3. Accessory buildings and uses, provided accessory living quarters for agricultural workers employed on the premises, shall be located at least one hundred (100) feet from other residences or the front lot line.

4. Use of residence for personal business purposes as provided in Article Five, Section I.

5. Use of residence to care for up to four (4) non-resident children by resident person or family.

6. Keeping of domestic animals clearly accessory to residential use. In no case may the following schedule be exceeded unless the use qualifies as a farm:

   a. Horses, ponies, sheep, and similar animals provided that the parcel contain at least three (3) acres and that no more than two (2) such animals are kept, and further that no storage of manure or accessory buildings be located closer than one hundred (100) feet from any property line, stream, or watercourse.

   b. Dogs, cats, and similar domestic pets provided that no more than six (6) animals are kept and no commercial kennel is operated.

   c. Ducks, geese, chickens, etc., provided that no more than twelve (12) such animals are kept.

   d. No roosters or peacocks are allowed. **(adopted December 19, 2011)**

C. USES PERMITTED AS A SPECIAL EXCEPTION IN ANY RESIDENTIAL ZONE AFTER PUBLIC HEARING:

The following uses are declared to possess such special characteristics that each must be considered as an individual case. They may be permitted after public hearing in any residential zone set for herein. The Zoning Commission shall require that a site plan prepared in accordance with Article Five, Section J be submitted. The Commission, in evaluating the request for Special Exception, shall require conformity to the standards set forth in this section.

1. Home occupations and professional offices in residences. Such occupation or profession shall be carried on wholly within the principal building or within an accessory building, and not more than one person outside the family shall be employed. There shall be no exterior storage of material and no other exterior indication of the home occupation or profession or variation from the residential character of the building, except that signs in accordance with Article Ten, Section C are permitted.

2. Churches.

3. Private schools, but not including schools for special training such as instrumental music, dancing, barbering, or industrial pursuits.

4. Boarding schools or boarding camps operated for profit, subject to the following conditions:

    a. The area of the property shall be equal to one-half (1/2) acre for every person including employees residing therein.

    b. No parking area shall be nearer than twenty-five (25) feet from any side or rear property line.

5. Golf clubs and riding clubs operated as membership clubs provided: **(adopted May 6, 1996)**

    a. No structure used for recreation or other purposes shall be within two hundred and fifty (250) feet of any adjoining property line or within fifty (50) feet of any street line.

    b. No land used for fairways or bridle paths shall be located closer than fifty (50) feet to any adjoining property line.

    c. Vehicular access shall not be within one hundred (100) feet of any adjoining property line.

    d. The minimum lot size shall be twenty (20) acres.

6. Other non-profit recreation buildings or areas operated by membership clubs provided: **(adopted May 6, 1996)**

    a. No structure used for recreation or other related purpose shall be within two hundred and fifty (250) feet of any adjoining property line or within fifty (50) feet of any street line.

    b. No land actively used for recreation or other related purposes shall be within one hundred (100) feet of any adjoining property line.

    c. Vehicular access shall not be within one hundred (100) feet of any adjoining property line.

    d. The minimum lot size shall be five (5) acres.

7. Living quarters and accessory facilities for agricultural workers where such use is a principal use.

8. Development of Rear Lots

    The Zoning Commission may grant a Special Exception to allow the rear portion of a lot of record in the R-40, R-80 and R-160 Zones to be divided to create one new residential lot with no street frontage where all of the following conditions apply. NOTE: If the division by special Permit meets the definition of a subdivision or resubdivision, under Connecticut law, it must be processed by the Planning Commission.

    a. The lot of record in its current dimensions has existed prior to December 1, 1969.

    b. The lot of record has met all of the frontage and yard requirements in the applicable zone in existence at the time of creation of the new lot.

    c. Access to the rear lot shall be provided across the portion of the original lot with street frontage and shall be within an easement at least twenty (20) feet wide and be constructed to accommodate fire apparatus and other emergency equipment. The right-of-way shall be sufficiently buffered to screen the lot from abutting properties.

    d. The lot line from which the right of access leads shall be considered the front lot line of the rear lot and both the rear lot and front lot shall conform to all requirements of the zone in which they are located.

e. No additional subdivision or resubdivision of the original lot or created lot shall be permitted until a fifty (50) foot right-of-way has been provided to all lots thereafter created and further until all regulations for subdivision have been complied with.

f. A plan shall be submitted at a scale of not less than 1"=40' and shall show as applicable the following data:

1. Boundaries of the property certified to a State of Connecticut A-2 Map survey standard.

2. The location of all existing and proposed water supply wells, septic systems, septic system reserve areas, and sewer and water lines.

g. Each building lot shall meet the following criteria unless waived in part or whole by the Planning Commission:

1. Each undeveloped lot shall be of a size and configuration that will contain, exclusive of the required side, front, and rear yards, a rectangle of the size required in the following chart:

Zone	Minimum Dimension (feet)	Minimum Area (square feet)
R-160	96	14,400
R-80	96	14,400
R-40	80	10,000

2. The rectangle contained within each undeveloped building lot shall not contain land in the following classifications:

a. Inland wetlands as defined by the Town of Simsbury Inland Wetlands and Watercourses Regulations.

b. Floodplain areas as defined by the Town of Simsbury regulations or ordinance of the Town of Simsbury.

c. Land with an average slope, as measured over any distance of fifty (50) feet within the rectangle, greater than 20 percent.

9. Accessory Dwelling Units **(adopted June 24, 2002, amended April 15, 2013, and further amended June 17, 2014)**

a. Purpose: The purpose of this section is to help implement the goals, policies and objectives of the Housing section of the 2007 Plan of

Conservation and Development or the most recently adopted POCD, as it may be amended by providing a variety of housing opportunities for all segments of the population while at the same time preserving the appearance and general character of the Town's neighborhoods by permitting, by special exception, the creation of a single accessory dwelling unit which is incidental and subordinate to the existing single family dwelling.

b. Review Criteria: A single-family dwelling located in any residential zone may be converted to include an accessory dwelling unit subject to the issuance of a special exception by the Zoning Commission which is found to meet the following conditions:

i. Eligibility for Conversion: The single-family dwelling being converted to include an accessory dwelling unit must be in conformance with all applicable requirements of these regulations.

ii. Maximum Size: The gross floor area of an accessory dwelling unit may not exceed two thirds (2/3) of the gross habitable (finished/heated) floor area of the single family dwelling or a maximum of 1,000 square feet, whichever is less. Existing accessory buildings may be expanded; however, the floor area of the accessory dwelling unit to be located therein shall not exceed a maximum of 1,000 square feet.

iii. Occupancy: A principal owner of the single-family dwelling unit must reside (maintain legal CT residence) in either the primary dwelling unit or in the accessory dwelling unit, Said owner shall certify such residence to the Zoning Commission by affidavit at the time of initial application. In addition, if the property ownership changes the owner of the property who holds the accessory apt/ADU permit must notify the Town Land Use office of the change in ownership.

iv. Entrances: The primary dwelling unit and accessory dwelling unit shall have separate entrances. The separate entrances may be from a common hall. All entrances shall have a clearly defined walkway to the entrance from the parking area on the site.

v. Driveways: No additional driveway (curb cut) shall be created for the primary purpose of serving the accessory dwelling unit. This however, shall not preclude the creation of an additional curb cut which meets all safety requirements and is recommended by the Town Engineer and the Director of Public works and would otherwise be approved regardless of the accessory dwelling unit.

vi. Parking: There must be at least one off-street parking space with a proper solid surface, dedicated to the accessory dwelling unit.

vii. Compliance with other Regulations: The accessory dwelling unit must comply with all applicable building, fire and health code regulations.

viii. Water and Sewers: If the single-family dwelling is served by public water and/or public sewer, the accessory dwelling unit must also be served by public water and/or sewer. If the single-family dwelling is served by a well and/or septic system, the subject site must be capable of properly serving the accessory dwelling and the principal dwelling unit as determined by the Farmington Valley Health District (FVHD).

ix. Continuation of Accessory Dwelling Unit: Upon the sale of a property having a single-family dwelling unit and an accessory dwelling unit, the new owner(s) shall file within thirty (30) days of the transfer of the property, a notice with the Land Use Office/Zoning Commission stating whether the new owners intend to continue the accessory dwelling unit. If the new owners intend to continue the use, the principal property owner shall also file with the Land Use Office/Zoning Commission an affidavit in regard to such use and continued compliance with all sections and subsections of Article Seven Section C. 9. of these regulations within thirty days of the transfer of the property.

x. Application Requirements: An application for a special exception for an accessory dwelling unit shall:

(a) Be made on a form provided by the Land Use Office, and

(b) Include a plot plan showing the location of the single-family dwelling, and the location of the proposed accessory dwelling unit, and

(c) Contain a dimensioned floor plan showing the existing floor plan and the floor plan of the proposed accessory dwelling unit, and

(d) Show any proposed changes to the exterior of the single family dwelling or any other structure on the property, and

(e) Show the location of the parking which will serve the proposed accessory dwelling unit, and

(f) Show the location and design of the entrance(s) to the proposed dwelling unit, including photographs of the existing dwelling, and

(g) Contain a list of all abutting property owners including across the street, and

(h) Contain an application fee as required by the Town Fee Schedule, without which the application shall be incomplete.

c. Standards: In considering the proposed accessory dwelling unit the Commission shall be guided by the following standards. The Commission shall determine that the application either does or does not comply with the following standards:

i. The need for the proposed use in the proposed location as described in the Purpose Section C. 9. A., above.

ii. Relevant recommendations contained in the most recently adopted Plan of Conservation and Development Housing Section.

iii. The existing and future general character of the neighborhood in which the use is to be located and whether the proposed use will adversely impact the neighborhood character.

iv. The impact, if any, of the proposed use on the desirable height and bulk of the building(s) in relation to other structures in the vicinity.

v. The impact, if any, of the traffic circulation within the site, including the amount, location and access to parking, traffic volume or possible circulation problems on existing streets.

vi. The need, if any, for additional landscaping and buffering between abutting or dissimilar uses.

vii. Proof of adequate availability of water (on-site or public) and sewage disposal (on-site or municipal)

viii. Additional safeguards needed, if any, to protect adjacent property and the neighborhood in general from detriment.

10. Standards

In considering the proposed project or use the Commission shall be guided by the following:

a. The need for the proposed use in the proposed location.

b. The existing and future character of the neighborhood in which the use is to be located.

c. The location of main and accessory buildings in relation to one another.

d. The height and bulk of buildings in relation to other structures in the vicinity.

e. Traffic circulation within the site, amount, location, and access to parking, traffic load or possible circulation problems on existing streets.

f. Availability of water to the site and adequate disposal of sewage and storm water.

g. Location and type of display signs and lighting, loading zone, and landscaping.

h. Safeguards to protect adjacent property and the neighborhood in general from detriment.

D. USES PERMITTED IN VILLAGE CLUSTER ZONE - See Article Ten, Section A 5.

E. USES PERMITTED IN B-1, RESTRICTED BUSINESS ZONES

The following uses are permitted in the B-1, Restricted Business Zone subject to approval of a site plan prepared in accordance with Article Five, Section J:

1. Office, bank, or studio.

2. Retail stores, and personal service shops not involving manufacture of products except those sold at retail on the premises and provided further that no more than five (5) operators shall be employed in the manufacturing process, but not including gasoline service stations, automobile sales, repairs, storage, and car washes.

3. Residential uses if clearly accessory to the principal business use or if designed as part of a business complex, if the following apply:

   a. Residential uses must be located above the principal use.

   b. The total square footage of all residential uses does not exceed 40 percent of the total floor area of all uses.

   c. The residential uses are constructed at the same time or after the development of the principal area, but never before.

d. Use is part of an approved site plan.

4. New residential uses in existing or rehabilitated commercial uses shall be considered a Special Exception and require a public hearing. Such uses shall conform to standards of 3 a, b, c, and d above.

5. Commercial parking lot available to the public for or as an accommodation to clients or customers.

6. Special exception permitted in B-1, B-2, and B-3 Business Zones.

The following uses are declared to possess such special characteristics that each must be considered as an individual case. They may be permitted as a Special Exception in the B-1, B-2, and B-3 Zones after a public hearing, subject to conditions and modifications as determined by the Commission. In evaluating the uses the Commission shall consider the standards set forth in Article Seven, Section C, No. 10. The Commission may require the approval of a site plan prepared in accordance with Article Five, Section J.

a. Restaurants with or without liquor, beer, or wine licenses.

b. Taverns.

c. Specialty, limited menu, sandwich, or other eating places with or without curb service.

d. Convenience stores selling food items.

e. Markets, supermarkets and specialty food stores.

g. Outside storage in connection with the operation of a business. **(adopted April 15, 1996)**

h. Multi-Use Sports, Recreational and Restaurant complex. **(adopted October 15, 2003)**

i. Licensed medical marijuana dispensary permitted in B-1, B-2, and B-3 zones as a Special Exception use. **(adopted October 22, 2013)**

j. Licensed medical marijuana dispensary permitted in Simsbury Center Code area where pharmacies are permitted under regulations existing on the date of adoption of this regulation. **(adopted October 22, 2013)**

k. The dispensing of medical marijuana may only take place on the premises which have been properly permitted to do so and may only be done under the requirements and restrictions of those contained in CGS 21a-408-1 through 21a-408-70. **(adopted October 22, 2013)**

l. A maximum of two (2) medical marijuana dispensary facilities are permitted within the Town of Simsbury at any time. Any proposal to relocate such a dispensary shall:

1. Only be granted upon agreement by the property owner to abandon such use at the original location as verified by notarized affidavit submitted to the Commission, and

2. Be the subject of a new special exception application to the Zoning Commission and shall be subject to all applicable standards. **(adopted October 22, 2013)**

F. USES PERMITTED IN B-2, GENERAL BUSINESS ZONES

1. The following uses are permitted in the B-2, General Business Zone subject to approval of a site plan prepared in accordance with Article Five, Section J:

a. All uses permitted in B-1 Restricted Business Zone.

b. Printing, where the produce is sold at retail on the premises.

c. Wholesale business, sales offices, or sample rooms.

d. Private club.

e. Motel or motor hotel.

f. Funeral homes.

g. Bakery, laundry, clothes cleaning and dyeing establishments.

h. Radio and television studios.

i. Repair services or businesses which are not heavy industrial in nature. **(amended December 19, 2011)**

j. Any other business of the same general character as the above.

2. Special exceptions permitted in B-2 General Business Zones.

The following uses are declared to possess such special characteristics that each must be considered as an individual case. They may be permitted as a Special Exception in the B-2 Zone after a public hearing subject to conditions and modifications as determined by the Commission. In evaluating the uses the Commission shall consider the standards set forth in Article Seven, Section C, No.

10. The Commission may require the approval of a site plan prepared in accordance with Article Five, Section J.

a. Bowling alleys and similar commercial recreational places.

b. Automobile sales, repair, and storage.

c. Automobile service stations.

d. Car Washes. Where car washes are included as any part of an application, a report from a professional engineer on the disposal and impact of wastewater and cleaning products must be included with the application.

e. Sales and storage of contractor's equipment.

f. Veterinary hospitals and commercial kennels.

g. Theaters, except drive-in theaters.

h. Licensed medical marijuana dispensary permitted in B-1, B-2, and B-3 zones as a Special Exception use. **(adopted October 22, 2013)**

i. Licensed medical marijuana dispensary permitted in Simsbury Center Code area where pharmacies are permitted under regulations existing on the date of adoption of this regulation. **(adopted October 22, 2013)**

j. The dispensing of medical marijuana may only take place on the premises which have been properly permitted to do so and may only be done under the requirements and restrictions of those contained in CGS 21a-408-1 through 21a-408-70. **(adopted October 22, 2013)**

k. A maximum of two (2) medical marijuana dispensary facilities are permitted within the Town of Simsbury at any time. Any proposal to relocate such a dispensary shall:

    1. Only be granted upon agreement by the property owner to abandon such use at the original location as verified by notarized affidavit submitted to the Commission, and

    2. Be the subject of a new special exception application to the Zoning Commission and shall be subject to all applicable standards. **(adopted October 22, 2013)**

G. USES PERMITTED IN B-3, DESIGNED BUSINESS DEVELOPMENT ZONE

The following uses are permitted in the B-3, Designed Business Development Zone, subject to the procedures and requirements contained in Article Ten (Special Regulations), Section A:

1. All uses permitted in the B-1 and B-2 Zones.

H. USES PERMITTED IN PO, PROFESSIONAL OFFICE ZONE

The following uses are permitted in the PO, Professional Office Zone, subject to the procedures and requirements contained in Article Ten (Special Regulations), Section A:

1. Church, school, and library.

2. Banks; professional offices; offices for real estate agents; insurance agents; investment brokers; public utilities; educational, charitable, and civic organizations, and other offices of a similar nature.

I. USES PERMITTED IN I-1, RESTRICTED INDUSTRIAL ZONE

The following uses are permitted in the I-1, Restricted Industrial Zone, subject to the procedures and requirements contained in Article Ten (Special Regulations), Section A:

1. Office buildings.

2. Research laboratories.

3. Warehouses and the manufacture, processing, or assembly of goods.

4. Special exceptions permitted in I-1, Restricted Industrial Zone after public hearing.

   The following uses are declared to possess such special characteristics that each must be considered as an individual case:

   a. Private or commercial recreation uses such as tennis, handball, paddle tennis, gymnasiums, and similar recreational facilities.

      In considering the special characteristics of the above uses, the Commission shall consider the following:

      (1) The existing or future character of the neighborhood in which the use is to be located.

(2) Traffic circulation within the site, location and access to parking areas, and traffic loads and possible circulation problems on existing streets.

(3) Location and type of display signs and lighting.

(4) Necessary safeguards to protect adjacent property and the neighborhood in general.

b. Business uses, such as banks, industrial salesrooms, restaurants or cafeterias, and similar uses which are clearly supportive of the permitted primary uses in an industrial park or district.

In considering the special characteristics of the above uses, the Commission shall consider the same criteria as specified in Section 4 a (1)-(4) above, and in addition, the following:

(1) Whether the proposed use is consistent with the industrial intent of the designed industrial zone.

J. 1. USES PERMITTED IN I-2, GENERAL INDUSTRIAL ZONE

The following uses are permitted in the I-2, General Industrial Zone provided that no use is permitted which generates offensive emission of dust, dirt, smoke odors, fumes, noise, vibration, or light beyond the premises.

a. Any use permitted in I-1 Zone.

b. Warehouse, wholesale, or storage.

c. Sale and underground storage of fuel, building materials.

d. Grain sales and storage

e. Contractor's storage yards

f. Public utility garages, pole yards, and similar facilities

g. Truck terminals and warehouses

h. Uses where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking, house wrecking, and used lumber as long as such uses are conducted entirely within a completely enclosed building.

All applications for permit to develop in the I-2 Zone shall be accompanied by a site plan prepared in accordance with Article Five, Section J.

2. USES PERMITTED AS A SPECIAL EXCEPTION IN I-1 RESTRICTED INDUSTRIAL ZONE AND I-2 GENERAL INDUSTRIAL ZONE **(amended March 2, 1998)**

The following uses are declared to possess such special characteristics that each must be considered as an individual case. They may be permitted as a special exception in the I-1 Restricted Industrial Zone and I-2 General Industrial Zone after a public hearing, subject to conditions and modifications as determined by the Commission.

A. The following pose minimum adverse visual effects subject to the Performance Standards below: a) Wireless telecommunication sites located on buildings and shielded from view from all surrounding streets and driveways used the by the general public and b) Wireless telecommunication sites where the antenna is mounted to existing towers, utility poles, water towers, light standards, bridges or other structures. Existing buildings in the I-1 Restricted Industrial Zone and I-2 General Industrial Zone can be used as long as the antenna blends with architectural style.
B. Medical marijuana production facilities may be permitted as a special exception use in the I-1 or I-2 zone. The applicable special exception standards and criteria are as stated in Article Ten, A.3. provided that all cultivation of medical marijuana plants be conducted indoors and in full compliance with all applicable State of Connecticut laws and regulations. **(adopted October 22, 2013)**

In evaluating the uses, the Commission shall apply the same standards set forth in Article Ten, Section A-3 to both zones and provided the Zoning Commission finds the Performance Standards and Location Criteria listed below are met. The Commission shall require the approval of a Site Plan prepared in accordance with Article Five, Section J.

PERFORMANCE STANDARDS:

a. No lights shall be mounted on proposed towers unless required by the FCC or the FAA.

b. Structures shall be painted with a non-reflective paint or made of a non-reflective substance.

c. No wireless communications facilities shall be located within 200’ of a residence.

d. Towers shall not be used to exhibit signs or other advertising.

e. A visual marker is to be flown at tower location and height or require applicant to provide a simulation of what the tower will look like to ascertain the visual impacts of the tower.

f. Wireless communication facilities shall be removed if not in use for six months or longer. Owners of approved facilities shall provide an annual certification as to their operational status.

LOCATION CRITERIA:

1. Locate on existing structures: water towers, tall buildings, church steeples, smokestacks, etc. Antennas are to blend in with existing color and architectural style.

2. Co-locate facilities on a single existing tower.

3. Locate new towers with visual mitigation and use creative design measures to camouflage facilities.

4. Locate where the existing topography, vegetation, buildings or other structures provide the greatest screening.

5. Site facilities below visually prominent ridge lines.

6. Minimize the location of facilities in visually sensitive areas.

SITE PLAN REQUIREMENTS: In addition to Article Five, Section J, the plans shall include a 2000 scale topographic map showing:

a. Location of the antenna, tower or wireless facility, and guy-wires.

b. The extent of planned service area within the Town of Simsbury.

c. Approved locations all other telecommunications sites in the Town and within 1 mile of the Town line.

d. The boundaries of the tower view shed i.e. the area within which the tower can be seen based upon an assessment of the topography surrounding the site. The boundaries are to include areas in adjacent towns.

e. The boundaries of the tower fall zone.

f. Location of tall structures within one quarter mile of the proposed site.

K. USES PERMITTED IN I-3, EARTH EXCAVATION ZONE

The following uses are permitted in the I-3, Earth Excavation Zone, subject to the procedures and requirements of Article Ten (Special Regulations), Section D:

1. The operation of stone, sand, and gravel quarries including the manufacture of products composed of materials extracted from said quarries, along with principal and accessory buildings relating to such operation or manufacture.

L. SIMSBURY CENTER CODE

1. Refer to the Simsbury Center Code and Map, under separate cover Adopted April 15, 2011.

2. Wherever there is a conflict regarding Simsbury Center Code land between the Simsbury Center Code Regulating Plan and the rest of the Simsbury Zoning Regulations, the Center Code And Center Code Regulating Plan shall prevail.

M. FLOODPLAIN ZONE

1. Intent.

   To promote public health, safety, and general welfare and to minimize losses caused by periodic flooding.

2. The Floodplain Zone is defined as all the land within the Town of Simsbury that falls at/or below the FEMA 100 Year Flood elevation as identified by the Federal Emergency Management Agency Study dated September 26, 2008, with the accompanying Flood Insurance Rate Maps dated September 26, 2008, and any subsequent revision thereto, are adopted by reference and declared to be part of this regulation. Since mapping is legally adopted it must take precedence when more restrictive until such time as a map amendment is obtained. In no case shall any building or structure intended for human occupancy be permitted. Existing structures within or adjacent to the Floodplain Zone may be expanded provided that the expanded portions of the building be flood proofed to an elevation that is two feet above the FEMA 100 year flood elevation. New construction may take place adjacent to the Floodplain Zone corridor provided that habitable spaces and occupiable rooms as defined within these regulations shall be flood proofed to the elevation that is two feet above the FEMA 100 year flood elevation as, and if, it runs through the subject property. For the purposes of this regulation, adjacency occurs when the FEMA 100 year flood elevation crosses or touches the property at any point. (adopted September 15, 2008 and effective September 26, 2008)

3. Requirements:

   a. Within a designated floodplain, encroachments resulting from fill, new construction or substantial improvements, as defined in 44 CFR Part 59.1, involving an increase in footprint to the structure shall be prohibited unless the applicant provides the zoning commission certification by a state licensed engineer that such

encroachment shall not result in any increase in base flood elevation;

b. The water holding capacity of the floodplain shall not be reduced by any form of development unless such reduction (A) is compensated for by deepening or widening the floodplain, (B) is on-site, or if adjacent property owners grant easements and the Town of Simsbury authorizes such off-site compensation, (C) is within the same hydraulic reach and a volume not previously used for flood storage, (D) is hydraulically comparable and incrementally equal to the theoretical volume of flood water at each elevation, up to and including the hundred year flood elevation, which would be displaced by the proposed project, and (E) has unrestricted hydraulic connection to the same waterway or water body; and

c. Work within adjacent land subject to flooding, including work to provide compensatory storage, shall not result in any flood stage or velocity

4. Permitted Uses

a. Open space uses to the extent that they are not prohibited by any other ordinance or regulations and provided they do not require buildings, structures, fill, pavement, or the storage of equipment or materials.

1) Agricultural uses including farming, nurseries, forestry, and grazing provided fertilizer, manure, and chemicals are stored at least one hundred (100) feet away from any stream or

2) Public and private recreational areas including parks, playgrounds, golf courses, tennis courts, and swimming areas.

b. Uses which may be permitted as special exception after a public hearing:

1) Buildings, structures, and signs related to permitted uses.

2) Parking areas as an accessory to adjacent permitted uses within or adjacent to floodplain.

3) Public roads.

4) Filling, paving, and grading of land provided:

a) Such filling is accessory to abutting permitted uses or a use permitted in the Floodplain Zone.

b) The flow of the river or its related streams shall not be retarded, and the storage capacity that alleviates flooding elsewhere is not reduced.

5. Applications for Special Exception shall be accompanied by the following documents which shall be prepared by a registered engineer and submitted in triplicate:

a. A site plan prepared in accordance with Article Five, Section J.

b. Typical valley cross section showing the channel of the stream, elevation of land area, location of development, and high water information.

c. A plan of the area within a 1,000-foot radius of the proposed development showing topography, vegetation, and the effect of the proposed development upon flooding and drainage within the site and on adjacent properties.

d. Any other information deemed pertinent by the Commission.

6. Factors considered by the Commission in approving or disapproving the special exception shall be as follows:

a. The public health, safety, and general welfare.

b. The effects on persons and property within and without the floodplain area.

c. Availability of public facilities and services during time of flooding.

d. Relationship of the proposed use to the comprehensive plan and flood management program for the area.

e. Such other factors which are relevant to the purposes of this regulation.

N. USES PERMITTED AS A SPECIAL EXCEPTION IN ANY RESIDENTIAL ZONE, BUSINESS ZONE, SIMSBURY CENTER CODE, OR INDUSTRIAL ZONE. **(adopted December 6, 1999)**

1. Assisted Living Facility, Congregate Senior Housing Facility and/or Continuing Care Retirement Community with accessory uses, as defined in these regulations and as set forth in Article Ten, Section K. **(amended February 9, 2009)**

ARTICLE EIGHT

HEIGHT AND AREA REQUIREMENTS

A. SCOPE OF REQUIREMENTS

All buildings or structures erected or altered after the enactment of this Zoning Regulation shall conform to the requirements specified for the zone in which the building or structure is located and as listed in the scheduled entitled "Height, Area, and Yard Requirements," which accompanies and is made a part of these regulations.

HEIGHT, AREA, AND YARD REQUIREMENTS (4)**

Zoning District	Lot Area	Lot Frontage	Front Yard	Side Yard	Rear Yard	Height	Maximum Coverage in Percent	Minimum Floor Area
R-160	4 acres	200'	50'	40'	50'	35'	N/A	1500 s.f. 900 1st floor
R-80	2 acres	200'	50'	40'	50'	35'	N/A	Same as above
R-40	40,000 s.f.	200'	50'	40'	50'	35'	N/A	Same as Above
R-40 OS	30,000 s.f.	150′	50′	25′	50′	35′	N/A	N/A
R-25	25,000 s.f.	125'	35'	15'	50'	35'	N/A	1200 s.f. 768 1st floor
R-15	15,000 s.f.	100'	35'	12'	25'	35'	N/A	Same as above
R-D (2,3)	10 acres	200'	35'	30'	35'	35'	25	(2)
Village Cluster	10 acres	200'	35'	30'	35'	35'	25	(2)
B-1	(5)		25'	20' (1)	25'	40'	40	500 s.f. 1st floor
B-2	(5)		25'	20' (1)	25'	40'	40	Same as above
B-3 (2, 3)	(5)	200'	50'	40'	50'	40'	40	
PO	(5)	100'	35'	20' (1)	25'	40'	40	
I-1 (2, 3)	10 acres		50'	40'	50'	40'	40	
I-2	(5)		25'	20'	25'	40'	45	
I-3 (2)	(5)		50'	20'	50'	40'	N/A	

SIMSBURY CENTER CODE - See Simsbury Center Code regarding maximum coverage requirement
VILLAGE CLUSTER - See Article Ten, Section A-5 - 25% maximum coverage requirement
FLOODPLAIN ZONE - See Article Seven, Section M.
** See following page for footnotes (in parenthesis) to this table.

HEIGHT, AREA, AND YARD REQUIREMENTS

Footnotes to Table

1. See special requirements for this district, Article Ten, Section A.

2. Where a parcel in single ownership is developed as a single unit under two or more designed development districts, the total site required may be reduced to the site area required for the most restrictive applicable district.

3. The regulations governing height are maximum heights permissible, and the area and yard requirements are minimum permissible.

4. No minimum lot area required. Area shall be governed by the required yards, parking and loading areas, and other provisions of these regulations.

5. In the R-25 and R-15 Zones, minimum floor area of 1,000 square feet is permitted if the structure has a basement.

6. Corner lots in residential zones shall comply with minimum frontage requirements on all abutting streets. Other yards of such corner lots which abut side lot lines of adjacent lots shall be considered side yards.

7. Impervious surface shall include surface area created by buildings, parking areas of all surface types, and circulation drives.

8. The Zoning Commission may, after notice and public hearing, grant a special exception to allow up to 50 percent increase to the maximum coverage allowed in any zone. The Commission shall require a site plan prepared in accordance with Article Five, Section J and other information it deems necessary. In evaluating the request for special exception, the Commission shall consider the standards set forth in Article Seven, Section C, Number 10.

B. EXCEPTIONS TO HEIGHT AND AREA REQUIREMENTS

1. Front Yards on Corner Lots

On corner lots, front yard requirements shall be enforced on both street fronts.

2. Corner Visibility **(adopted May 20, 1996)**

On any corner lot, no fence, wall, hedge, shrub, or other structure or growth shall be constructed or maintained in a manner which will decrease the sight line within ten (10) feet of the edge of the pavement.

3. Construction in Required Yards **(adopted May 20, 1996)**

Notwithstanding other provisions of this regulation, fences, walls, hedges, and driveways may be permitted in any required yard or along the edge of any yard subject to the provisions in Section B.2 (Corner Visibility). For any building requiring a site plan, the Zoning Commission may approve any structures required for handicapped access shown on the site plan to be constructed in any required yards. For any building not requiring a site plan, the Zoning Enforcement Officer may permit any structures required for handicapped access to be constructed in any required yard, provided that no practical location can be found outside of the required yard.

4. Height Exceptions

The provisions of these regulations limiting the maximum height of buildings shall not apply to restrict the height of a church spire, tower or belfry, or a flagpole, chimney, water tank, elevator bulkhead, or similar uses.

5. Through Lots (or Double Frontage Lots)

On a through lot, a front yard is required on both frontages.

6. Measurement of Required Yards on Irregular Lots

Where the front lot line is an arc or the side lines converge toward the front lot line, the required frontage may be measured along the rear line of the required front yard.

7. Area Requirements of Designed Development Districts

Where a parcel in single ownership is developed as a single unit under more than one designed development district, the total site required may be reduced to the site area required for the most restrictive applicable district.

8. Non-Conforming Lots

A residence may be erected in any residential zone on a lot having an area or frontage less than that required by the "Height, Area, and Yard Requirements" schedule provided:

a. That such lot shall be a lot of record prior to July 18, 1957,

b. That all other requirements of said schedule are complied with except that the total of side yards shall be equal to at least 30 percent of the lot frontage with minimum side yard as follows:

R-160, R-80, R-40	25 feet
R-25	15 feet

R-15	8 feet

9. Side Yards in B-1 and B-2 Zones

A building adjacent to a vacant lot in a business zone must be constructed at the property line or with a side yard at least ten (10) feet wide.

Buildings constructed adjacent to existing buildings in a business zone shall be constructed with no space between buildings or so as to provide a space between buildings of at least twenty (20) feet. No building shall be built within twenty (20) feet of a lot line of a non-business zone.

10. Measurement of Required Yards in B-3, Professional Office, and I-2.

Where a contiguous area is in multiple ownership, It may be developed under a single site plan with "Height, Area, and Yard Requirements" governing the boundaries of the entire parcel so developed.

Where individual parcels are developed Individually, "Height, Area, and Yard Requirements" shall apply to each parcel.

Minimum lot sizes shown in the "Height, Area, and Yard Regulations" are intended to govern non-contiguous parcels. Where two or more lots are located in a single design zone, lot area requirements shall relate to the area of the entire zone rather than any specific lot.

11. Landscaped Buffer in Non-Residential Zones Adjacent to Residential Zones

Where a non-residential zone abuts a residential zone, the Commission may require a dense landscaped buffer sufficient to screen any detrimental effect upon the abutting, existing, or future residences.

12. Swimming pools, tennis courts, outdoor cooking areas which are structures may be permitted in required rear yards, but may not be closer than twenty-five (25) feet to a property line, except in R-15 Zone where they may not be closer than ten (10) feet.

13. Where required floor area is divided into an overall requirement and a first floor requirement, only the first floor requirement need be finished to building code occupancy standards.

14. Where a site plan is submitted showing a house which meets full requirements for floor area, a permit may be issued and a structure built which is less than the required floor area. Such plan shall show the area for future expansion clearly designated and the area shown and space occupied shall conform with required yard requirements and the first stage shall be constructed in accordance with the approved plan. In no case, however,

may the first stage contain square feet other than that required for the first floor in the applicable zone.

15. Sheds of 200 square feet or less may be located within 12 feet of a property line, but may not be located in any front or side yard.

C. SPECIAL EXCEPTION FOR HEIGHT REQUIREMENTS IN THE I-1 ZONE

The Zoning Commission may, after public notice and hearing, grant a special exception to the height requirement of this Article Eight for an individual site in the I-1, Restricted Industrial Zone, subject to the following:

1. The Commission may require approval of a site plan prepared in accordance with Article Five, Section J.

2. In evaluating the request for special exception, the Commission shall consider the standards set forth in Article Seven, Section C, Number 10.

3. For the purposes of computing the height of a structure, the measurement shall not include flagpoles, chimneys, water tanks, elevator bulkheads, or mechanical penthouses.

4. The Commission shall not grant a special exception for height that would allow a structure to exceed either seventy-five (75) feet or four (4) stories.

D. SPECIAL EXCEPTION FOR HEIGHT REQUIREMENTS IN THE I-2 ZONE

The Zoning Commission may, after public notice and hearing, grant a special exception to the height requirement of this Article Eight for an individual site in the I-2, General Industrial Zone, subject to the following:

1. The Commission may require approval of a site plan prepared in accordance with Article Five, Section J.

2. In evaluating the request for special exception, the Commission shall consider the standards set forth in Article Seven, Section C, Number 10.

3. For the purposes of computing the height of a structure, the measurement shall not include flagpoles, chimneys, water tanks, elevator bulkheads, or mechanical penthouses.

4. The height of a structure shall mean the average of the highest and lowest points on a structure as measured five (5) feet from the finished grade of foundation.

5. The Commission shall not grant a special exception for height that would allow a structure to exceed either seventy-five (75) or four (4) stories.

ARTICLE NINE

NON-CONFORMING LOTS, NON-CONFORMING USES OF LAND, NON-CONFORMING STRUCTURES, AND NON-CONFORMING USES OF STRUCTURES AND PREMISES

A. STATEMENT OF INTENT

Within the districts established by this regulation or amendments that may later be adopted, there exists lots, structures, and uses of land and structures which were lawful before this regulation was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this regulation or future amendment.

It is the intent of this regulation to permit these non-conformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this regulation to be incompatible with permitted uses in the districts involved. It is further the intent of this regulation that non-conformities shall not be enlarged upon, expanded or extended if such a change increases the non-conformity, or be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

A non-conforming use of a structure, a non-conforming use of land, or a non-conforming use of a structure and land shall not be extended or enlarged after passage of this regulation by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which could be prohibited generally in the district involved. To avoid undue hardship, nothing in this regulation shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of the adoption or amendment of this regulation.

B. NON-CONFORMING LOTS OF RECORD AND IN SUBDIVISIONS

In any district in which single family dwellings are permitted, notwithstanding limitations imposed by other provisions of this regulation, a single family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this regulation. This provision shall apply even though such lot fails to meet the requirements for the area or lot frontage, or both, that are generally applicable in the district, provided that yard dimensions and other requirements not involving area or frontage, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Board of Appeals.

Nothing in this regulation shall restrict the future construction of structures in conformance at the effective date of these regulations in subdivisions in the process of approval at such effective date or in subdivisions approved prior to such effective date.

C. NON-CONFORMING USES OF LAND

Where, at the effective date of adoption or amendment of this regulation, lawful use of land exists that is made no longer permissible under the terms of this regulation as enacted or amended, such use may be continued so long as it remains otherwise lawful subject to the following provisions:

1. No such non-conforming use shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this regulation.

2. No such non-conforming use shall be moved in whole or in part of any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this regulation.

3. If any such non-conforming use of land ceases for any reason for a period of more than one year, any subsequent use of such land shall conform to the regulations specified by this regulation for the district in which such land is located.

D. NON-CONFORMING STRUCTURES

Where a lawful structure exists at the effective date of adoption or amendment of this regulation that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful subject to the following provisions:

1. No such structure may be enlarged or altered in any way which increases its non-conformity.

2. Should such structure be destroyed or damaged it may be repaired or replaced to an extent which does not increase the non-conformity. If such repair or replacement is not accomplished within eighteen (18) months, it shall not be reconstructed except in conformity with the provisions of this regulation.

3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

E. NON-CONFORMING USE OF STRUCTURES

If a lawful use of a structure, or of a structure and premises in combination, exists at the effective date of adoption or amendment of this regulation that would not be

allowed in the district under the terms of this regulation, the lawful use may be continued so long as it remains otherwise lawful subject to the following provisions:

1. No existing structure devoted to a use not permitted by this regulation in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered in a manner which increases the non-conformity except in changing the use of the structure to a use permitted in the district in which it is located.

2. Any non-conforming use of a structure, or structure and premises, may be changed to another non-conforming use provided that the Zoning Commission, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Commission may require appropriate conditions and safeguards in accordance with the provisions of this regulation.

3. Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the non-conforming use may not thereafter be resumed.

4. When a non-conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for one (1) year, the structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located.

F. REPAIRS AND MAINTENANCE

On any building devoted in whole or in part to any non-conforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs or remodeling which does not increase the non-conformity.

Nothing in this regulation shall be deemed to prevent the strengthening or restoring to a safe condition of any building, or part thereof, declared to be unsafe by any official charged with protecting the public safety upon order of such official.

G. USES UNDER EXCEPTION PROVISIONS NOT NON-CONFORMING USES

Any use for which a special exception is permitted or which is part of a legally approved open space subdivision as provided in this regulation shall not be deemed a non-conforming use, but shall without further action be deemed a conforming use in such district.

ARTICLE TEN

SPECIAL REGULATIONS

A. DESIGNED DEVELOPMENT DISTRICTS

Intent

The Zoning Regulation is designed for the typical development of a single principal detached structure on a single lot. It shall be the intent of these regulations to permit the development of groups of principal buildings on a single lot or other variance from the specific lot requirement of these regulations only under the strictest control to assure that the intent of these regulations is carried out.

1. The following zones are established to allow such variation and to permit a total project to be developed as a single unit. Site plan approval by the Zoning Commission and review by the Planning Commission is required before a building permit is issued.

    a. Village Cluster Zone

    b. B-3, Designed Business Development Zone

    c. PO, Professional Office Zone

    d. I-1, Restricted Industrial Zone

    e. Simsbury Center Zone

    f. Single-Family Cluster Zone

2. Required Procedure

    a. All applications shall include a site plan prepared in accordance with Article Five, Section J.

    a. A complete set of plans and other information shall be submitted to the Town Planning Commission for review, and any report submitted by the Planning Commission shall be entered into the minutes of the Zoning Commission, and in the case of a public hearing read into the record at that hearing.

    c. The Zoning Commission may require such changes in the site plan as are necessary to meet the specific requirements of the development type and may make such additional requirements as are necessary to

promote and to protect the sound and orderly growth of the community.

d. Where a change of zone is required, a petition for zone change must be submitted and heard in accordance with these regulations and the General Statutes of the State of Connecticut. The petitioner may submit all necessary maps at the time of the petition for zone change and the Zoning Commission may review the petition for the zone change and the site plan simultaneously.

e. Where no change of zone is required, or following the public hearing if a petition for zone change has been submitted, the Commission may grant approval, disapprove, or approve with modifications the proposed development. When acting to approve any site plan, the Commission shall file with the Building Inspector at least one (1) copy of the approved site plan, showing the Commission's modifications, if any, so that no development shall be permitted except in conformity with the approved plan. An approved plan shall be void if construction is not started within one (1) year from date of approval by the Zoning Commission, provided that the Commission may grant an extension for an additional one (1) year.

3. Prerequisite to Commission Approval or Disapproval

In considering the proposed project or use, the Commission shall be guided by the following:

a. The need for the proposed use in the proposed location.

b. The existing and future character of the neighborhood in which the use is to be located.

c. The location of main and accessory buildings in relation to one another.

d. The height and bulk of buildings in relation to other structures in the vicinity.

e. Traffic circulation within the site, location, amount and access to parking, traffic load or possible circulation problems on existing streets.

f. Availability of water to the site and adequate disposal of sewage and storm water.

g. Location and type of display signs and lighting, loading zones, and landscaping.

h. Safeguards to protect adjacent property and the neighborhood in general from detriment.

4. Special Requirements in Addition to the "Height, Area, and Yard Requirements."

   a. Screening may be required if, in the judgment of the Zoning Commission, it is necessary to protect nearby residential areas. Landscaping, screening, or other appropriate screening material may be specified.

   In the I-1, Restricted Industrial Zone, the Commission may require a dense planting screening thirty-five (35) feet in width or seven (7) feet high or both.

   The table of Height, Area and Yard Requirements is amended to increase the B-1 height to 58 feet by Special Exception. **(adopted October 15, 2003)**

   The maximum footprint for individual shops, restaurants and other retail and service establishments shall be 25,000 square feet. (adopted October 15, 2008)

5. Special Requirements for Village Cluster Zone

   a. The purpose of the Village Cluster Zone is to provide flexibility of design to allow a range of housing types while maintaining significant environmental features. No approval shall be granted which would be detrimental to the public safety, create or increase traffic hazards, tend to have a depreciating effect on the neighborhood properties, or is not in keeping with the stated intent of these regulations.

      Village Cluster Zones may be designated on the Zoning Map or established by petition after public hearing. Village Cluster Zones are declared to be of such specialized character as to require special requirements and detailed review.

      Each application shall be on a form prescribed by the Zoning Commission and shall include a final site plan prepared in accordance with Article Five, Section J of the Zoning Regulations. In passing upon any application for such development, the Zoning Commission shall also consider the factors set forth in Article Ten, Section A, Subsections 2 3 of the Zoning Regulations. The Zoning Commission may grant a Zone Change permitting a village cluster development under this section provided that the following criteria shall be met by the development:

      No site shall be approved unless it is on or within three hundred (300) feet of an arterial or collector street as defined by the Plan of Development. The site shall be connected to public sewer and public water supply systems. No alternate public sewer system shall be permitted.

      No site shall be developed as a Village Cluster Zone, which contains less than ten (10) acres. The dwelling unit density shall be no greater than

the density permitted by these Regulations in the prior residential zone, with the number of dwelling units having been determined by the Zoning Commission in accordance with the following formula:

1) Determine the total land area contained in the site.

2) Deduct from the total land area 20 percent for open space as required and as specified in the Subdivision Regulations. The land that is to comprise the 20 percent open space shall meet the requirements of Section III of the Subdivision Regulations. It shall be dedicated to the Town as public open space, parks, or playgrounds as provided in the Subdivision Regulations or it shall be dedicated under permanent conservation easement to the Town or other appropriate agency.

3) Deduct from the total land area 12 percent for roads and utility easements in the R-15 Zone, 11 percent in the R-25 Zone, 10 percent in the R-40 Zone, and 8 percent in the R-80 Zone and R-160 Zone.

4) Deduct floodplain land not included in (2) above as defined by the Simsbury Zoning Regulations; or, if land is not listed as floodplain there but is identified by the Federal Emergency Management Agency on the Flood Insurance Rate Maps (FIRM) as Zone A and Zone B, then as defined by the latter.

5) Deduct 50 percent of the land not included in (2) and (4) above designated as Inland Wetlands and Watercourses as shown on a map titled "Inland Wetlands and Watercourses of the Town of Simsbury, Connecticut." **(adopted, December 20, 1983**)

6) Deduct 50 percent of the land with slopes greater than 20 percent ("steep slopes") and not included in (2) above.

7) The total of (5) and (6) above shall not be greater than 50 percent of the land that is, in the aggregate, non-wetlands, non-floodplain, non-steep slopes, or road right-of-way.

8) Divide the total land area adjusted in accordance with the above formula by the minimum lot size of the prior residential zone(s) in which the site was located. The formula shall be applied to each zoned parcel within the total site. Where the prior zone is not a Single Family

Residence Zone, the R-40 Single-Family Residence Zone minimum lot size shall be utilized in the above formula.

9) The number of dwelling units may be increased by the Commission provided, however, that the theoretical population density, computed using Water Pollution Control Authority engineering standards, does not exceed the population of the prior residential zone based solely on the land area of the site.

The above factors, with the exception of (4) and (9) above may be varied by Special Exception following a public hearing.

b. Permitted uses shall be residential and customary accessory residential uses and the only building types shall be single family, duplex, and multi-family. Multi-family structures shall have no more than four (4) dwelling units in a building.

The ratio of building types shown on the site plan shall fall within the following ranges:

15-25 percent - Single-family units
25-50 percent - Duplex units
Balance percent - Multi-family units

An Exclusive Use Area of not more than 10,000 square feet shall be provided for each dwelling unit. An Exclusive Use Area (EUA) shall be defined as a parcel of land used exclusively by the owner of the residential unit placed upon it but the ownership of the parcel constitutes less than fee simple title to the land area. There shall be no less than fifty (50) feet between adjacent structures containing dwelling unit(s) on Exclusive Use Areas. The same distance shall be maintained between accessory structures on adjacent Exclusive

Use Areas. Exclusive Use Areas of larger dimension may be provided around multi-family units.

There shall be a fifty (50) foot minimum space between multi-family buildings. The balance of the site not included for roads and utility easements and not used for Exclusive Use Areas shall be held by a homeowner's association or be placed under a conservation restriction in favor of the Town.

The above factors may be varied by Special Exception following a public hearing. **(amended June 2, 1997)**

c. Area and Site Requirements **(amended June 2, 1997)**

Minimum Site Size	Ten (10) acres
Required yards -	(entire site) Front Thirty-Five (35) feet Side Thirty-Five (35) feet Rear Thirty-Five (35) feet
Minimum Frontage	Two hundred (200) feet
Minimum Width	Site width measured parallel to street - Two hundred (200) feet for a minimum depth of four hundred (400) feet
Site coverage	Not to exceed 25 percent.
Building Height	Two (2) stories or thirty-five (35) feet. No accessory structure may exceed fifteen (15) feet in height.
Buffer	There shall be provided a minimum 100-foot landscaped area along the frontage of all public streets, and 50 feet along the remaining perimeter.

Area and site requirements may be varied by Special Exception following a public hearing. Building height may not be varied by Special Exception.

d. All interior circulation streets shall be constructed in accordance with the Highway Construction and Design Standards for the Town of Simsbury.

All utilities shall be placed underground.

A minimum of 20 percent of the total site dedicated to the Town in fee simple title or encumbered by conservation restriction as provided in Section 5.a.2 shall be allocated as recreation facilities or open spaces for active and passive recreation.

Parking - Two (2) spaces shall be provided for each dwelling unit. Parking spaces shall not be arranged in tandem. Visitor parking may be provided at

a rate of one (1) space per four (4) dwelling units. Areas assigned as visitor parking shall not be included in coverage calculations.

e. The Zoning Commission may not change the classification to Village Cluster Zone if the zoning classification of that parcel (or of those parcels) of land on August 24, 1988, was not the same as the classification from which the change to Village Cluster Zone is being sought.

B. SINGLE FAMILY OPEN SPACE CLUSTER ZONE **(amended July 21, 1997)**

1. The purpose of this section is to permit, by Zone Change, alternate development patterns in the single-family R-160, R-80, R-40, R-25 and R-15 residence zones. The goal of this zone is to encourage development that is sensitive to the environment and ecological features of the site and to minimize the undue use of land to meet existing zoning lot regulations. The zone encourages the preservation of land in its natural state for the benefit of the residents of the Town of Simsbury and allow the development of residential structures in a manner consistent with a more historically traditional New England character. Development at the density provided below may be permitted if it preserves more open space than would otherwise occur and preserves and contributes to the Town's natural and scenic resources, its streams, ponds, marsh lands, aquifers, parks, playgrounds, historic sites, wildlife habitats, farmland, forests, ridges, or open space. Development under this section shall emphasize the clustering or grouping of single-family residences on one or more portions of the site as contrasted to a street and lot layout that typifies a single-family subdivision development pursuant to subdivision regulations administered by the Planning Commission. Natural site features shall be preserved by minimizing disturbance to existing vegetation and by minimizing changes to existing topographic conditions on the site. All structures shall relate harmoniously to the terrain and to the use and scale of existing buildings in the vicinity that have a functional or visual relationship to the proposed buildings**.**

2. Each application shall be on a form prescribed by the Zoning Commission and shall include a site plan prepared in accordance with Article Five, Section J of the Zoning Regulations. In passing upon any application for such development, the Zoning Commission shall also consider the factors set forth in Article Ten, Section A, Subsections 2 and 3 of the Zoning Regulations.

   The Zoning Commission may grant a Zone Change permitting a single-family open space cluster development under this Section provided that it has made specific findings of fact that all of the criteria noted below are met by the development. Exclusive Use Areas (EUAs) may be converted to fee simple lots after approval of an application filed pursuant to this Article Ten B, in accordance with these regulations and by approval of a subdivision plan, by the Planning Commission, provided however, that a simultaneous application for subdivision approval has been filed with the Planning Commission by the applicant. If a

request for subdivision is not filed simultaneously with the zoning application then future subdivision of the property is prohibited.

a. The development shall consist of single-family houses used for residential purposes and shown on the approved site plan.

b. The total area of the development shall be at least 10 acres under single ownership.

c. Coverage of any Exclusive Use Area by the structures proposed to be constructed thereon, shall not exceed twenty-five (25%) percent of the area of the EUA, unless specifically permitted by the Zoning Commission, by means of Special Exception, after consideration of the standard set forth in Article Seven, Section C.10; but in no event may the lot coverage exceed thirty seven and one half (37.5%) percent.

d. The dwelling unit density shall be no greater than the density permitted by these Regulations in the underlying residential zone. The specific number of dwelling units permitted will be determined by the Zoning Commission, after evaluating the results of two methods of computing density. The first method is the density resulting from a schematic subdivision layout that complies with the lot configuration for the zone and any other provisions as required by the Subdivision Regulations and deleting areas for the development of structures covered by floodplain and wetlands. Twenty percent of the total site should be shown as open space. The second is the density resulting from a calculation prepared in accordance with the formula below.

1) Determine the total land area encompassed by the development;

2) Deduct from the total land area not less than 20 percent for open space as required and as specified in the Subdivision Regulations. The land that is to comprise the 20 percent open space shall meet the requirements of Section III of the Subdivision Regulations.

3) Deduct from the total land area 12 percent for roads and utility easements in the R-15 Zone, 11 percent in the R-25 Zone, 10 percent in the R-40 Zone, and 8 percent in the R-80 Zone and R-160 Zone.

4) Deduct floodplain land as defined by the Simsbury Zoning Regulations not included in (2) above; or, deduct land identified as floodplain by the Federal Emergency Management Agency on the Flood Insurance Rate Maps (FIRM) as Zone A and Zone B, as regulated by the latter in accordance with the Town of Simsbury Flood Damage Prevention Ordinance.

5) Deduct 50 percent of the land not included in (2) and (4) above designated as inland wetlands and watercourses as shown on a map entitled "Inland Wetlands and Watercourses Map of the Town of Simsbury, Connecticut. (Adopted 12/3/83, as amended)"

6) Deduct 50 percent of the land with slopes greater than 20 percent ("Steep slopes") and not included in (2) above.

7) The total of items (5) and (6) above shall not be greater than 50 percent of the land that is, in the aggregate, non-wetlands, non-floodplain, non-steep slopes, and non-road right-of-way.

8) Divide the total land area adjusted in accordance with the above formula by the minimum lot size of the underlying residential zone in which the site is located.

e. The frontage of the total area of development shall be at least 200 feet on a public street. The Zoning Commission may vary this requirement by Special Exception.

f. An Exclusive Use Area (EUA) which shall be not more than 15,000 square feet but not including the area of the driveway leading to the EUA shall be delineated for each dwelling unit. An EUA shall be defined as a parcel of land used exclusively by the owner of the residential unit placed upon it but the ownership of the parcel constitutes less than a fee simple title to the land area.

g. No building shall exceed a height of thirty-five (35) feet as measured by the State Building Code method.

h. There shall be no less than 50 feet between adjacent dwelling units and accessory structures on adjacent EUA's.

i. There shall be a landscaped area of 100 feet in depth around the total perimeter of the site. No planting shall be required in said perimeter, when, in the judgment of the Zoning Commission, the area is adequately vegetated. The Zoning Commission may vary this requirement by Special Exception.

j. The balance of the site not included for roads and utility easements and not used for EUAs shall be held by a homeowners' association or be placed under Conservation restriction.

k. Parking shall be provided in accordance with these regulations.

l. The development shall be connected to municipal sewer and public water systems.

m. Main circulation roads shall be constructed to Highway Construction and Design Standards for the Town of Simsbury. Widths may be varied by the Zoning Commission if recommended by the Planning Commission.

n. Utilities shall be constructed underground.

o. The remaining land not included as part of the 20% dedication as open space shall be dedicated to the Town as public open space, parks or playgrounds as provided in the Subdivision Regulations or at the discretion of the Zoning Commission it shall be dedicated under permanent conservation easement to the Town or other appropriate agency.

C. SIGN STANDARDS BY ZONES **(adopted September 18, 1995)**

The purpose of this section is to further promote the public health, safety and welfare by providing adequate standards to control the location, height, size, number, illumination and overall design of signs. The specific requirements and standards of this section have been formulated to prevent undue distraction of motorists and pedestrians, to insure compatibility of signs with permitted land uses, to provide reasonable standards by which uses within various zones may relate their function to the general public, and to preserve the general welfare by controlling the aesthetics and attractiveness of signs in order to:

a. protect the residential, commercial, industrial and recreational character of each zone;

b. mitigate any negative impact on adjoining properties;

c. assist in achieving a more desirable environment in order to maintain property value and to encourage economic growth.

The general sign guidelines and standards provided for in this section are intended to offer town residents and businesses a basic introduction to the key elements of importance in signage, as well as to encourage both creativity and innovation in sign design.

1. Residence Zones
Only the following signs are permitted:

a. One nameplate or sign per dwelling unit giving only the name of the occupant or use of the premises not to exceed one (1) square foot and historic information signs not to exceed two (2) square feet. Condominium or Apartment complexes and housing approved under Cluster Zone Regulations may display one (1) sign not to exceed twenty (20) square feet provided such sign is shown on an approved site plan.

b. One real estate sign not to exceed six (6) square feet in area, advertising the sale or lease of the premises on which the sign is displayed, except that a sign not over thirty-two (32) square feet advertising the sale or lease of the premises on which the sign is displayed, except that a sign not over (32) feet with a maximum height of six (6) feet may be allowed under a Temporary Sign Permit issued by the Zoning Enforcement Officer for a period of not more than six (6) months to advertise a [real estate development] new subdivision or cluster development.

b. A contractor's sign not over thirty-two (32) square feet in area and a maximum height of six (6) feet when displayed on the premises, while active construction is in progress, may be allowed under a Temporary Sign Permit provided the site has received site plan approval. A temporary contractor's sign, not to exceed twelve (12) square feet in area or a height greater than three (3) feet, may be allowed under a temporary sign permit issued by the Zoning Enforcement Officer in conjunction with an active Building Permit.

d. Bulletin boards on premises of churches and educational institutions not over twelve (12) square feet in area and shown on an approved site plan.

e. A farm identification sign affixed to a farm structure or as a free-standing element provided, however, that the sign area does not exceed twenty (20) square feet and shown on an approved site plan. A sign identifying farm produce for sale on a seasonal basis provided that the sign does not exceed thirty-two (32) square feet and is shown on an approved site plan or a Farm Identification Sign or farm symbol painted on a wall may be permitted as a Special Exception.

f. A sign identifying a use granted by special exception provided that the sign area does not exceed thirty-two (32) square feet and is shown on an approved site plan.

g. Traffic directional signs and public notice and warning signs, political signs (including signs which express personal opinion about any subject), any signs required by any other code, ordinance or law i.e. Foreclosure, Liquor Permit, or going-out-of-Business signs. Such signs shall not exceed six (6) square feet or the minimum size required by the pertinent code, ordinance or law. These signs shall be removed within one week after the event to which they pertain.

2. Non-Residence Zones

In the Business, Professional, Office, and Industrial Zoning Districts and the Simsbury Center Zone, the following signs are permitted provided that their dimension, location, and approval complies with the conditions of this regulation:

a. Those permitted in residence zones.

b. Business signs for permitted uses which have received approval from the Zoning Commission through the Site Plan or Sign Plan Approval process. See Section 4 for Sign Plan Requirements

c. Temporary window signs not to exceed an additional twenty-five (25) percent of the allowable square footage based upon the building frontage. For the purposes of this regulation, merchandise displayed in a window, with descriptive information, which is not legible from more than forty (40) feet outside of the building, shall not constitute a sign.

d. Vehicular or Pedestrian Traffic Directional Signs which are shown on an approved Site Plan, however, the total area of traffic directional signs shall not be included in the calculations for the total allowed square footage.

e. Signs affixed to vehicles which are used on a day to day basis by the business which they advertise (i.e. delivery vehicles, tow trucks, or vehicles which carry equipment away from the business office).

f. Signs on property for which no Site or Sign Plans have been approved, provided a Permit has been issued by the Zoning Enforcement Officer certifying that the sign complies with the following pre-approved specifications:

Size:	No more that 24" x 30" 1 1/2" border with 1/8" inline border 1/4" from the 1 1/2" border with 1/4" concave detail in the inside edge of the perimeter trim, with 1 1/2" inverted radius corners.
Colors:	Backgrounds shall be white or off-white (10 parts white to 1 1/2 parts ivory). Border colors shall be dark green, maroon or black.
Materials:	The sign shall be made of wood.

Lettering:	Optima style print letters in black Letters - 3" high, maximum Numbers - 1 1/2" high, maximum
Contact:	3 lines, maximum, for business name, street number at bottom center with a black horizontal line separating the business name from the street number.
Mounting:	Wall Arm Posts All mounts must be painted the same color as the border or the background of the sign.

3. Sign Design Standards

The following design standards shall be utilized in evaluating proposed signs in all zones:

a. Each lot or combination of lots shown on one common site plan shall be allowed one (1) free standing sign. The total area of all wall, canopy and free standing signs shall be one (1) square foot of signage for every running foot of building frontage(s) except that in no case shall any free standing sign be more than thirty-two (32) square feet.

b. Wall signs shall not exceed two-third (2/3) of the length of the building frontage, but in no case, shall exceed the total sign area specified in Subsection 3.a. above.

c. Free standing signs shall not exceed ten (10) feet in total height (including all supporting structures), as measured at the average grade, or twelve (12) feet in length (including all supporting structures). The minimum height from the ground to the bottom of the sign area shall be twenty-four (24) inches.

d. Free-standing signs shall be adequately landscaped at ground level for a minimum horizontal distance of four (4) feet from the base and a minimum vertical distance of twelve (12) inches from ground level. Plant material shall consist primarily of low-growing evergreen shrubs, however, low-growing deciduous shrubs, annuals and/or perennial flowering plants and/or groundcovers may be used in the planting bed.

e. Signs attached to walls shall not project more than fifteen (15) inches from the surface to which they are attached.

f. Except as may be required by Building, Fire or other Life Safety Code, no sign shall be attached to any tree, fence, utility pole or be permitted to be painted directly onto any pavement or opaque wall of any building or structure. Permanent signs limited to letters, numbers and logos shown on an approved Sign or Site Plan may be affixed to window. Temporary signs may be affixed to windows as allowed in Section C.2.c.

g. All signs allowed under this section shall be located within the property lines of the site that they are intended to serve. In no case shall any part of the sign or supporting structure project beyond the property line.

h. Signs may be externally lighted or back-lit, but shall be designed so as not to allow any light to project through the face of the sign nor shall the lights themselves make up the lettering.

i. Any property containing more than two (2) businesses shall submit a unified sign plan. Multiple signs required for multiple uses on single zoning lots or multiple uses shown on a combined site plan shall be limited to the square footage specified in this section and further shall be limited to one (1) wall or canopy sign per use and one (1) free-standing sign for the total parcel. The Commission may, by Special Exception, allow more signs where, in its judgment, the specified use and its related sign requirements are of such peculiar or extraordinary nature as to require such variation.

See Section 7. for specific prohibitions

4. Sign Plan Requirements

Submit an application for the sign plan along with the required fee. The application must include:

a. A map of the property, or at least enough of the property to clearly indicate where the sign will be erected;

b. A detailed plan of the proposed sign showing the dimensions, colors, and materials of the sign and all supporting structures, the lighting and the landscaping (a full color drawing would be helpful).

The Commission shall consider the size, scale, landscaping, and support of the sign in relation to its specific location, purpose of the sign, other buildings and signs in the immediate vicinity and how closely the sign conforms to the Town of Simsbury's Design Guidelines.

5. Temporary Signs

a. Temporary Outdoor Signs for Public Purposes

Temporary outdoor signs for charitable, civic, or non-profit purposes shall be permitted in all zones by Permit issued by the Zoning Enforcement Officer under the following conditions:

1. A Temporary Sign Permit is issued by the Zoning Enforcement Officer. The application, which clearly states the size and location of the sign(s) and clearly indicates that the owner of the property has approved of the sign's posting, must be completed and signed by the applicant.

2. No permit shall exceed sixty (60) days and the sign shall be removed by the applicant upon expiration of the Permit.

3. No temporary sign authorized under this sub-section shall exceed 32 square feet.

b. Temporary Signs for Business Purposes.

The following temporary signs shall be allowed by Permit from the Zoning Enforcement Officer in the Simsbury Center Zone, the Professional Office Zone, all Business Zones (B-1, B-2, B-3), and the Industrial I-1 and I-2 Zones.

1. Temporary sign in lieu of a permanent sign which is pending before the Zoning Commission or an approved sign which is under construction; under the following conditions:

i. A Temporary Sign Permit is issued by the Zoning Enforcement Officer. The application, which clearly states the size and location of the sign(s), must be completed and signed by the applicant;

ii. The temporary sign shall be affixed to the exterior of the structure or located within the structure and visible from the exterior and shall not exceed thirty-two (32) square feet;

iii. No Permit for this type of sign shall be valid for more than ninety (90) days or until the permanent sign has been installed. The sign

shall be removed upon expiration of the Permit;

iv. If a new business is opening, or an existing business coming under new ownership or management on a lot which has a previous sign approval, this section may be utilized to post a sign announcing that information, however, in this case, no Permit shall be issued for more than ninety (90) days.

2. Temporary Signs to Advertise Special Business Events.

One temporary free-standing sign per business advertising a special sale, promotion, or other important business events shall be permitted four (4) times per calendar year under the following conditions:

i. A Temporary Sign Permit is issued by the Zoning Enforcement Officer which clearly states the size and location of the sign(s), must be completed and signed by the applicant;

ii. Such sign shall not be more than twelve (12) square feet in area nor be more than four (4) feet in total height;

iii. Permits shall be issued in fourteen (14) day increments;

iv. No sign shall be placed within the right-of-way of any town or state road nor obstruct the sign line of any intersection;

v. All signs must be in good repair, and have a professional appearance

vi. No sign allowed under this subsection shall be within one hundred fifty (150) feet of another sign allowed under this subsection.

This entire Subsection titled "Temporary Signs to Advertise Special Business Events" shall be automatically repealed on **January 1, 2000 (amended January 1, 2000)** unless the Commission agrees to extend this Subsection by Public Hearing.

6. Permanent Signs for Identification or Public Purposes

Permanent signs for municipal, civic, institutional, charitable purposes or signs to identify a subdivision or for nonprofit purposes are permitted as a special exception in any zone following a public hearing, subject to the conditions listed below:

a. Written permission from the property owner or agency having jurisdiction over the property where the sign is to be located shall be obtained.

b. No sign shall exceed twenty (20) square feet, but both sides may be used for a total display area not to exceed forty (40) square feet.

c. All signs specified in the "Manual on Uniform Traffic Control Devices for Streets and Highways" by the U. S. Department of Transportation, Federal Highway Administration, as amended, shall be exempt from the provisions of this section.

7. Sign Prohibitions: The following signs are prohibited:

a. Any sign, in any zoning district where a site plan is required, which is not shown on an approved Site Plan or Sign Plan unless such sign is a temporary or pre-approved sign for which a Permit has been issued by the Zoning Enforcement Officer.

b. Any sign that no longer advertises a bona fide business, product, service or activity being conducted. Such sign shall be taken down and removed from the premises by the owner or his agent thirty (30) days from cessation of the activity.

c. Movable or portable signs, including those which may be attached to a vehicle when such vehicle is not an integral part of the operation of the business which the sign advertises.

d. Signs which allow light to project through the face of the sign or where the lights themselves make up the lettering or symbols. Also signs which have flashing, rotating, or other forms of intermittent lighting.

e. Signs which rotate or are otherwise designed to move.

f. No sign shall be erected, altered, refurbished or otherwise modified after the effective date (1990) of this regulation except in accordance with these regulations and after the receipt of a sign Permit issued by the Zoning Enforcement Officer. Signs which are lawfully non-conforming with respect to these regulations may be maintained and repaired without the need for any permit from

the Zoning Enforcement Officer except that the signs shall not be changed in any manner which would increase their non-conformity.

D. EARTH EXCAVATION

1. The excavation and removal of sand, gravel, stone, loam, dirt, or other earth product is permitted as Special Exception in all zones upon written permission of the Zoning Commission after public hearing, except the following activities may be undertaken without a permit provided no dangerous condition is created or one which damages the surrounding land or lowers its value:

   a. Excavation and removal of less than twenty-five (25) cubic yards of material from any single parcel of land recorded as such in the office of the Town Clerk.

   b. Necessary foundation and trench excavation only in connection with work on the premises for which a building permit has been issued.

2. Screening, sifting, washing, crushing, or other activities incidental to processing, or the erection of principal and accessory buildings or structures relating to such operations will be permitted only in the I-3, Earth Excavation Zone.

3. Procedure

   Application for a permit to excavate or remove any of said products shall be made to the Zoning Commission by the property owner or his authorized agent on forms provided by the Zoning Commission. The Commission may require that the application be accompanied by a plan of operations including one or more of the following maps, plans, and specifications:

   a. Location of the premises, lands immediately surrounding, and the amount of materials to be excavated or removed.

   b. Grading plan showing contours in the area to be excavated and proposed contours after excavation. Such plan must also include the topography of the area surrounding to be excavated within a distance of three hundred (300) feet from all sides of the area.

   c. Existing and proposed drainage of the site.

   d. Proposed truck access to the excavation.

e. Number and types of trucks and other machinery to be used on the site, hours of operation as well as the locations and types of any buildings to be erected.

f. Details of regrading and revegetation of the site at the conclusion of the operations.

4. The Zoning Commission shall approve the plan and grant the permit only when it is satisfied that the following conditions will be complied with in the undertaking of such excavations:

a. The premises shall be excavated and graded in conformity with the plan as approved and any deviation from the plan shall be cause for the Zoning Commission to revoke the permit.

b. The applicant shall file with the Zoning Commission a performance bond in such amount as a competent engineer shall deem sufficient to insure completion of the work following excavation pursuant to the conditions as set forth by this regulation.

c. No fixed machinery shall be erected or maintained within 200 feet of any property line or street line.

d. No excavation shall take place within one hundred (100) feet of any property line or within two hundred (200) feet of any street line if the excavation is below the established grade of the street.

e. No building shall be erected on the premises except in an I-3 Zone or except as temporary shelter for machinery and field office.

f. At all stages of operations, proper drainage shall be provided to prevent the collection and stagnation of water and to prevent harmful effects upon surrounding properties.

g. During the period of excavation and removal, barricades or fences shall be erected as are deemed necessary by the Zoning Commission for the protection of pedestrians and vehicles.

h. Truck access to the excavation shall be so arranged as to minimize danger to traffic and nuisance to surrounding properties. That portion of access road within the area of operation shall be provided with a dustless surface.

i. Proper measures, as determined by the Zoning Commission, shall be taken to minimize the nuisance of noise and flying dust or rock. Such measures may include, when considered necessary, limitation upon the practice of stockpiling excavated materials upon the site.

j. When excavation and removal operations or either of them are completed, the excavated area shall be graded so that no gradients in disturbed earth shall be steeper than a slope of 3-1 (horizontal/vertical). A layer of arable topsoil of a quality approved by the Town Engineer, shall be spread over the excavated area, except exposed rock surfaces, to a depth of four (4) inches in accordance with the approved contour plan. The area shall be seeded with a perennial rye grass and maintained until the area is stabilized and approved by the Zoning Commission.

k. Where application for excavation for adjoining properties are filed, the Commission may consider them as one application in regard to paragraphs e. g, and j above.

5. Any permit shall expire two (2) years from the date of issuance unless renewed by the Zoning Commission. The Zoning Commission shall not renew or extend any permit unless the operator is able to show, through the report of a certified engineer, that the excavation already completed conforms with the plan of operations as approved.

E. OFF-STREET PARKING REGULATIONS

1. Parking Spaces

An application for a building permit for the erection or enlargement of any building or structure for which off-street parking is hereinafter required, or an application for uses requiring a public hearing or site plan approval shall be accompanied by a scale plan of not less than 1" = 40' showing parking area and space, including the means of access and interior circulation and traffic control.

2. Description of Parking Spaces and Areas

Each parking space shall have an area of not less than nine (9) feet by eighteen (18) feet, plus adequate driveways and aisles. No area shall be credited as a parking space which is in any part also credited or used as a loading space. All required parking spaces, except for single-family residences, shall be located on paved surfaces, drained and permanently marked to delineate individual parking spaces. Parking areas shall be maintained by the owner of the premises.

3. Location of Parking Areas

Parking spaces and circulation drives shall not be located within twenty-five (25) feet of the front property line or within fifteen (15) feet of the side property line or within ten (10) feet of the rear property line. Where parking

areas abut a residential zone, parking spaces and circulation drives shall not be located within the front, rear, or side yards.

The Zoning Commission may require landscaping, planting, parking islands, and site improvements to reduce the visual and noise impacts of parking areas.

Parking spaces as required shall be located either on the same lot with the principal use to which it is accessory or within a radius of five hundred (500) feet of any part of the property which it is intended to serve, provided however that the area is of the same zoning classification. Joint use of off-street parking facilities is recommended and permitted provided that the amount of such facilities shall not be less than the sum of the various users computed in accordance with the requirements of this section.

4. Parking Space Requirements

In all zones, permanently maintained off-street parking spaces shall be provided in accordance with the following Parking Space to Gross Floor Area Ratios. The Zoning Commission shall determine the parking requirement where a specific use is not listed by determining a similar use.

PARKING SPACE RATIOS

Use	Minimum (1) Requirement	Parking Spaces each 500 Gross Floor Area Footage (2)
Single Family D. U.	2 per D. U.	
Multi Family D. U.	2 per D. U.	
Hospital		2.
Sanitarium		2.
Nursing Home		2.
Corporate Office Headquarters (5)		1.5
Commercial Office		2.5
Commercial Recreation		.75
Medical Office		3.3
Retail Stores (3)		3.3
Shopping Centers (4)		2.75
Day Care Facility		1.
Dairy Bars		3.3
Restaurants		3.3
Clubs		3.3
Grills		3.3
Places of Amusement	1 per 3 seats	2.
Public Assembly		2.
Funeral Homes		10.0
Industrial		1.
Manufacturing		1.
Wholesale Trade		.25
Warehousing		.25
Storage, Retail		2.5
Auto Showrooms		5.
Auto Body Shops		2.
Computer Facilities		.5

(1) Minimum requirements shall be in addition to other parking requirements.
(2) Gross floor areas shall not include unfinished basements.
(3) Retail stores up to 10,000 gross square feet.
(4) Retail stores over 10,000 gross square feet.
(5) Corporate Office Headquarters over 50,000 gross square feet.

5. Special Exception to Parking Requirements

The Zoning Commission may, after public notice and hearing, grant a Special Exception to the "Off-Street Parking Regulations" to:

a. Decrease the number of parking spaces required up to 50 percent by creating a future reserve parking area shown on the site plan, or

b. Reduce the required dimensions of the individual parking space on up to 50 percent of the required spaces,

c. Modify the surface construction requirements of the proposed reserve area to decrease storm water run-off and increase groundwater infiltration.

d. Modify the surface construction requirements to allow alternative all-weather surfaces.

e. Waive up to twenty five (25%) percent of the total parking requirements for developments comprised of a mix of land uses which have peak parking demands at different times of day or week so as to justify an assumption of multiple use of the same parking spaces. (adopted August 11, 2008)

The Commission may require a site plan prepared in accordance with Article Five, Section J and information concerning the number of employees, visitors, and other persons expected to use the parking area. In considering the request for Special Exception, the commission shall consider the standards set forth in Article Seven, Section C, Number 10. As a condition of approval for a decrease in the number of parking spaces required, (a) above, the site plan shall stipulate that the owner and all successive owners will install any or all of the reserve spaces, as the Commission deems necessary within six (6) months of the Commission's request.

F. OFF-STREET LOADING REGULATIONS

1. In any district, in connection with every building or part thereof hereafter erected, having a gross floor area of 10,000 square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale tore, market, hotel, hospital, laundry, dry cleaning, or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained on the same lot with such building, one (1) loading space for each 20,000 square feet or major fraction thereof of gross floor area so used in excess of 20,000 square feet.

a. Each loading space shall be not less than ten (10) feet in width, twenty-five (25) feet in length, and fourteen (14) feet in height.

b. No such spaces shall be located closer than fifty (50) feet to any other lot in any residential zone unless wholly within a completely enclosed building or unless enclosed on all sides by a wall or uniformly painted board fence not less than six (6) feet in height.

G. COMMERCIAL GARAGES AND SERVICE STATIONS

1. No permit shall be issued for the erection or enlargement of facilities for automobile sales, repair, storage, service, or washing, or for the conversion of any premises not so used for such purposes, if any part of the lot is situated within a 400-foot radius of any part of a lot used for a school, public playground, church, hospital, public library, or institution for children. No existing facilities for automobile sales, repair, storage, service, or washing shall be decreed to become a non-conforming use through the subsequent erection of such uses.

2. On all corner lots, all vehicular entrances to or exits from, and curb openings shall be set back a minimum of twenty-five (25) feet from the corner property lines. All curb openings whether on a corner lot or not, shall not exceed forty (40) feet in width at the curb line and thirty (30) feet at the property line. There shall be a minimum of any series of driveways.

H. REGULATIONS GOVERNING USES WHICH SELL ALCOHOLIC BEVERAGES

Permitted uses which sell or serve alcoholic beverages are declared to possess such special characteristics that each must be considered an individual case

1. The sale of alcoholic beverages may be permitted by the Zoning Commission by Special Exception. Such Special Exception shall pertain to a specific location and a specific class of permit, as defined by the State Liquor Control Act.

2. In considering the proposed liquor outlet, the Commission shall be guided by the following:

a. The need for the proposed use in the proposed location.

b. The existing and future character of the neighborhood in which the use is proposed.

c. Traffic which is likely to be generated by the proposed use.

d. Safeguards necessary to protect adjacent property and the neighborhood in general.

3. A retail use or outlet selling alcoholic liquor having a lawfully existing location may be relocated within one thousand (1,000) feet of its existing location without the need for another Special Exception providing that the new location is also within a zone which permits the sale of alcoholic liquors and providing that the new location does not exceed the limits imposed by Subsection 4 below. No use selling or dispensing alcoholic liquor located in a Residential Zone shall be moved to a new location in a Residential Zone.

4. Any change in the class of permit issued by the State of Connecticut, or an enlargement of the use which exceeds ten (10) percent of the gross floor area originally approved under this section or existing prior to July 1964, shall be considered a new use, and application for approval under this section is required.

5. All applications submitted under this section shall be accompanied by a site plan prepared in accordance with Article Five, Section J. All applications must state, specifically, what class of permit will be applied for from the Department of Liquor Control.

I. HEALTH CARE FACILITIES

The Zoning Commission may after public notice and hearing grant a Special Exception to develop a health care facility in any zone.

1. Procedure

Applications for such Special Exceptions shall be made on forms provided by the Commission and shall include a site plan prepared in accordance with Article Five, Section J. All such applications shall be accompanied by evidence satisfactory to the Commission that all necessary licenses and permits from the Connecticut State Department of Health for the operation and maintenance of the proposed use either have been issued or will have been issued by the time the Commission decides the application. The Commission shall utilize criteria contained in Article Ten, Section A, Subsections 2 and 3 in evaluating the application.

2. Location

No site shall be approved unless it is on or within three hundred (300) feet of a road classified as arterial as set forth in the Simsbury Plan of Development and unless it is connected to public water and sewers.

3. Area and Site Requirements

Minimum Parcel Size	Twenty (20) acres
Maximum Coverage	25 percent
Maximum Density	Eight (8) patient beds per acre*
Minimum Frontage	200 feet
Minimum Side/Rear Yard	In no case shall any structure or parking area be located less than one hundred (100) feet from any property line
Maximum Building Height	Two (2) stories or thirty-five (35) feet. No accessory structure may exceed the height of fifteen (15) feet.

*Independent living units shall be counted as two (2) beds for each efficiency unit or two (2) beds per bedroom.

4. Other Site Requirements

Buildings shall be sited and landscaping and buffer areas provided to assure maximum privacy to the patients and adjoining uses.

5. Parking Areas

Parking spaces shall be provided at the rate of 0.75 spaces per patient bed.

6. Open Spaces

Suitable recreation facilities appropriate in function and area to the needs of the residents shall be provided.

7. Drives and Access and Egress Points

Internal circulation shall provide for the easy movement of vehicles, pedestrian traffic including handicapped pedestrian movement, and convenient access of emergency vehicles. All internal circulation roads shall be constructed in accordance with Highway Construction and Design Standards for the Town of Simsbury.

8. General

No approval shall be granted which would be detrimental to the public safety, create or increase traffic hazards, tend to have a depreciating effect on the neighborhood properties, or is not in keeping with the stated intent of these regulations.

J. AQUIFER OVERLAY ZONE

1. Purpose

The purpose of the Aquifer Protection Zone is to protect the public health, safety, and welfare and to preserve the quality and quantity of the town's groundwater supply. This is accomplished by regulating land uses which may cause contamination of designated aquifers and aquifer recharge areas.

2. Boundaries of the Aquifer Protection Zone

All land areas covered by these regulations are identified as aquifer and aquifer recharge areas and shown on a map entitled "Town of Simsbury Aquifer Protection Zones, as amended, dated 3/19/90". The map may be amended from time to time in accordance with the procedures outlined in the General Design Requirements for Uses in an Aquifer Protection Zone which can be obtained from the Planning Department, Town Hall.

Aquifers and aquifer recharge areas were identified in accordance with the methodology outlined in "Delineating Recharge Areas for Stratified-Drift Aquifers in Connecticut with Geologic and Topographic Maps" by Elinor H. Handman.

3. General Provisions

Within an Aquifer Protection Zone, no land shall be used or structures erected, constructed, expanded, converted, altered, or used except in conformance with this section and all other requirements of the underlying zone. All applications for uses or structures within the Aquifer Protection Zone shall be subject to site plan requirements under Section II of the General Design Requirements for the Aquifer Protection Zone.

4. Prohibited Uses

Because of their associated dangers to public or private water supplies, the following uses are prohibited in any aquifer protection zone:

> Loading, disposal or storage, whether exterior above ground or underground, of any hazardous material, hazardous waste, petroleum product, road salt, fertilizer, herbicide, or pesticide in amounts greater than would be used for residential purposes unless such unloading, disposal, or storage is regulated by other sections of this regulation through the site plan process.
>
> Any and all new commercial or industrial uses of hazardous materials without approved controls and mitigating measures where no such use previously existed.

Disposal of hazardous waste in landfills or any similar type of facility

Disposal of septage, brine, industrial wastewater, or sludge onto land

Residential sanitary wastewater discharge to on-site septic systems at a rate greater than 450 gallons per 40,000 sq. ft per day

Injection wells of any type and for any purpose

Chemical manufacturing or processing

Furniture stripping operations

Junk yards and salvage operations

Metal heat treating operations

Metal cleaning and metal plating operations

Swimming chemical vending and/or storage

Solvent processing operations

Contractor storage yards

Truck and fleet terminals and warehouses

Commercial lawn care businesses and related storage areas

Warehouse, wholesale, or exterior storage

5. Restricted Uses

Certain uses, which are considered to be potentially damaging to an aquifer or aquifer recharge area, including, but not limited to the following, are subject to restrictions in addition to those imposed by the underlying zone. These shall be approved according to the provisions of the special exception:

Agricultural operations

Automotive service operations (including gas stations)

Appliance service shops

Beauty shops and nail facilities

Community or industrial septic systems

Vehicle washing facilities

Commercial painting and/or coating operations

Dry cleaning operations, commercial laundries, and/or laundromats

Excavation, filling, or removal of earth materials, except that which is permitted by a building permit

Golf courses

Medical research laboratories, and/or analytical laboratories

Residential uses greater than one unit per acre

Firearm ranges

Veterinary hospitals, kennels, and dog grooming facilities

Photo chemical developing operations

Sales of hazardous materials

Restaurants and cafeterias

Commercial self-storage facilities

Application of pesticides, herbicides, fertilizers, or similar materials from airborne equipment

6. General Design Requirements for Uses in an Aquifer Protection Zone

The following general requirements shall apply in the Aquifer Protection Zones. Information necessary to ensure compliance with these regulations shall be included with an application to the Zoning Commission. Any modification to an approved site plan or existing use affecting any requirement of these regulations shall require approval by the Zoning Commission and review by the Conservation Commission.

A. Residential Uses

The following conditions are in addition to existing Subdivision Regulations:

1. Individual lots with on-site septic systems shall be at least 40,000 square feet in size or connected to a public sewer.

2. Community septic systems are restricted.

3. All apartment buildings or residential units which are regulated under the village cluster or single family cluster regulations shall be served by sewers.

4. Burial of underground petroleum liquid, diesel fuel, and gasoline storage tanks is prohibited.

5. In the secondary and tertiary aquifer recharge areas, site stormwater drainage shall be designed for maximum aquifer recharge in compliance with the Town of Simsbury's Master Drainage Study except where stormwater may be contaminated.

B. Agricultural Operations

1. Agricultural operations are considered a restricted use and will be subject to regulation where:

   a. The use is new to a building or section of the land. The expansion of crop or pastureland will not be considered an expansion unless subject to other portions of the zoning regulations.

   b. The use expanded with the building of additional structures

2. In accordance of the requirement of Public Act 89-305, a Farm Resources Management Plan which has been approved by the Department of Environmental Protection and/or The Hartford County Soils and Water Conservation District shall be considered to meet the provisions of this regulation.

3. If such a plan has not been submitted and approved, the applicant shall submit an application with the requirements of the commercial and industrial uses. Such application will

be reviewed by The Hartford County Soil and Water Conservation District for its review as to the best management practices for agricultural practices.

C. Commercial and Industrial Uses

The following requirements are in addition to existing requirements applicable to commercial or industrial areas.

1. All parking, driveway, and loading areas shall be paved. Paved areas shall be adequately curbed to prevent unprotected runoff onto adjoining lands. Unless required under site plan approval, farm roads shall be exempt from this regulation where traffic is limited to farm vehicles.

2. In the secondary and tertiary aquifer recharge areas, site stormwater drainage shall be designed for the maximum on-site aquifer recharge in compliance with the Town of Simsbury's Master Drainage Study except where stormwater may be contaminated.

3. Petroleum, chemical and hazardous waste storage and disposal conditions incidental to those uses which are in the restricted use list:

(a) Chemical and waste storage tanks located above ground shall have an impervious containment berm/dike with an impervious base surrounding the tank(s). Containment dikes for most chemicals shall be coated concrete or coated metal and shall be of adequate holding capacity to retain at least

110 percent of the tank's capacity. For outside storage, the tank and dike shall be protected with a permanent roof to prevent rainwater accumulation. Other requirements may be deemed necessary by the Town of Simsbury Planning, Building, and/or Engineering Departments, the Fire Marshal, or the Farmington Valley Health District, and may be updated from time to time.

(b) Drum or other container storage areas shall have an impervious containment dike with an impervious base surrounding the storage area. Containment dikes for most chemicals shall be coated concrete or coated metal

and shall be of adequate holding capacity to retain at least 110 percent of the container(s) collective capacity. All drums shall be sealed or covered. For outside storage, drums or other containers shall be protected with a permanent roof to prevent rainwater accumulation.

(c) Other storage areas not included in the previous sections shall provide acceptable containment.

(d) Dumpsters utilized in conjunction with uses regulated under this section shall be covered or located within a roofed area and on a paved surface and shall be water tight.

(e) A complete list of all chemicals, pesticides, fuels, or other potentially hazardous material to be used or stored on the premises, other than those associated with normal household use, shall be provided as part of the site plan application. Information on the measures proposed to protect all storage containers from vandalism, corrosion, leakage, and spillage shall also be provided in addition to a plan for the control of spilled materials.

(f) All generators of hazardous waste shall apply for and obtain all necessary permits and registrations required by the U.S. Environmental Protection Agency (EPA) and the CT Department of Environmental Protection (DEP).

(g) All generators of hazardous waste shall provide upon request to agents of the town information regarding the specific types of hazardous waste, and a plan for collection, transportation, and ultimate disposal of said waste consistent with the best available management practices by a registered hauler as defined and licensed by EPA and DEP.

(h) Disposal of hazardous materials into the municipal sanitary sewers is prohibited until appropriate reviews and approval are

obtained from the Simsbury Water Pollution Control Authority and DEP.

4. Floor Drains

(a) No interior floor drains from any process or storage area where possible contaminants are handled shall be directed to any aquifer recharge area, stream, wetland, storm drain, or subsurface leaching system.

(b) No interior floor drains from any process area where possible contaminants are handled shall be directed to a sanitary sewer without adequate pretreatment as required by the CT DEP and the Simsbury Water Pollution Control Authority.

5. Underground Storage Tanks and Facilities

(a) All underground containers and distribution lines for the storage of liquid fuels or other hazardous liquids shall be installed, repaired, or replaced in accordance with applicable state and federal laws and regulations.

(b) Such tanks shall be equipped with monitoring devices and failure detection systems and protected internally and externally from structural failure.

(c) All underground storage tanks shall be of a material in compliance with current approved CT DEP standards.

(d) The installation of such tanks, facilities, and systems shall be done strictly in accordance with the manufacturer's specifications. Installations shall be inspected by the Building Inspector, and this official must witness a test of the facilities for tightness before they are covered. If a failure is detected, work shall not proceed until the failure is remedied and the system retested. The Zoning Enforcement Officer shall have the right to periodically inspect the underground tank.

(e) The materials used for underground storage systems must be appropriate for and chemically compatible with the materials stored.

7. Application Procedures and Requirements

The information required for application in the aquifer Protection Zone shall be in addition to the requirements for any other special exception or site

plan requirements contained in other sections of the zoning regulations for other zoning districts.

A. Site plans and supporting documents shall be provided and contain sufficient information to show compliance with the site development and management criteria of these regulations. All applications in the Aquifer Protection Zone shall include at least the following:

1. Layout plan showing the location of all buildings, parking areas, entrance and exit drives, loading areas, floor drains, hazardous materials/waste storage areas and associated containment device/structure(s) etc. at a scale of not less than 1" = 40' and on sheets no larger than 24" x 36".

2. Engineering plan prepared by a licensed civil engineer showing existing and proposed contours at two foot intervals, proposed site drainage, sanitary sewers and/or septic field location, all utilities including existing and proposed fire hydrants at a scale of 1" = 40' and on sheets no larger than 24" x 36".

3. A building floor plan(s) showing the location of all storage or containment areas and facilities, emergency equipment related to each storage area, process areas, and building exits. Storage areas shall be identified according to their use and material stored. Building plans shall be at an appropriate scale on sheets no larger than 24" x 36".

4. Construction details shall be provided at an appropriate scale for all containment facilities, drainage facilities including catch basins and detention basins, water and septic/sewer facilities. Calculations, details, and profiles shall be provided for all drainage design systems. All storage and containment facilities shall be described by the type of materials stored, the quantity of the containers, and the volume of containment areas.

B. A comprehensive description of the amount and composition of any and all hazardous materials that are manufactured, generated, stored, discharged, used, or transported on to or from the site. If the applicant can certify to the Zoning Commission that materials used or stored on the premises can be considered as

part of a trade secret as defined in Section 1-19(B) of the Connecticut General Statutes, an application will be considered as confidential. Such description shall be submitted separately and will be kept in a separate file. Only designated Town Officials shall have access to the file.

C. A detailed description of the amount and composition of all industrial or commercial waste, including fly ash, and the proposed method of disposal of such wastes. The Commission shall prohibit any on-site disposal of materials which are found to pose a threat of contamination to the aquifer.

D. A hazardous materials management plan shall be submitted to include:

1. Emergency Spill Plan: An in-depth emergency spill procedure must be formulated as part of the plan that identifies and describes the following major topics:

Emergency procedures
Notification of state and local officials
Spill containment procedures
Cleanup
Disposal
Report of cleanup operation
Under state or federal regulations, A Contingency Plan, and
Emergency procedures plan prepared pursuant to 40 CFR part 264 subpart D 9 and any amendments thereto, such plan can be submitted if an applicant has to prepare such.

An updated plan must be approved by the Commission whenever there is a change in procedures, technology, materials used, stored or processed or waste generated. The plan shall be reviewed by the town staff and the Zoning Commission. Any recommendations made by the town staff or the Zoning Commission shall be incorporated into the plan.

8. Boundaries of the Aquifer Protection Zone

All land areas covered by these regulations are identified as aquifer and aquifer recharge areas and shown on a map entitled "Town of Simsbury Aquifer Protection Areas, as amended, dated 3/19/90”.

Aquifers and aquifer recharge areas were identified in accordance with the methodology outlined in "Delineating Recharge Areas for Stratified-Drift Aquifers in Connecticut with Geologic and Topographic Maps" by Elinor H. Handman.

Where the bounds of the aquifer protection areas are in dispute, the burden of proof shall be upon the owners of the land in question to show that the disputed area is not in the aquifer protection zone. Such proof shall be in the form of:

A. A map prepared by a professional engineer and land surveyor to a Class A-2 standard of accuracy at a scale of 1 inch = 800 feet showing:

1. contour lines at two-foot intervals
2. proposed boundary and existing boundary
3. test locations
4. depth of bedrock

B. A report prepared by a geologist or licensed civil engineer outlining:

1. soil conditions
2. surface and subsurface hydrology
3. tests and/or other information used to determine the proposed boundaries

C. Such information shall be submitted to the Planning Department for Conservation Commission receipt at least three working days prior to a regularly scheduled Conservation Commission meeting. There shall be a public hearing on any proposed changes to the aquifer map within 90 days after receipt of an application for such change. The hearing must be completed within 45 days, and a decision rendered within 65 days of the close of the public hearing. Notice of the decision of the Commission shall be published within 15 days of the decision, and the applicant shall be notified of the decision by certified mail within 15 days of the decision.

9. Approval by the Zoning Commission

Every application for Zoning Commission approval within the Aquifer Protection Zone shall be transmitted to the Conservation Commission for review. The Conservation Commission shall make a report to the Zoning Commission on the consistency of the proposal with standards contained in the technical report entitled "General Design Standards for Land Use Activities in an Aquifer Protection Zone" as stated in No. 6 above.

10. Administration and Enforcement

Before any site, use, or building can be altered, converted, expanded, or otherwise changed, the Zoning Enforcement Officer shall issue a certificate of zoning compliance indicating the requirements of this section have been met.

All non-residential uses within this zone shall be subject to periodic inspection by agents of the town to verify adherence to the regulations.

11. Non-Conforming Uses

All buildings and uses which do not conform to the use or development standards of these regulations shall be considered legal and non-conforming upon the effective date of the adoption of these regulations unless further restricted under local ordinance or the use is discontinued for a year or more.

12. Use Variances

The Zoning Board of Appeals shall not be permitted to grant use variances in the Aquifer Protection Zone.

K. ASSISTED LIVING FACILITY, CONGREGATE SENIOR HOUSING FACILITY OR CONTINUING CARE RETIREMENT COMMUNITY **(adopted December 6, 1999) (amended February 9, 2009)**

1. Intent

The purpose of an Assisted Living Facility, Congregate Senior Housing Facility or Continuing Care Retirement Community is to provide an alternative living arrangement to meet the special needs of the population over 55 years of age, including those who are physically or mentally handicapped or who need supportive care. Supportive care, (such as meal services, assistance with activities of daily living, and transportation), may be provided to an individual on a permanent or temporary basis and may vary from little or no services for an individual, to full supportive services, depending upon the needs of the individual. This provision recognizes housing and care facilities for those age 55 and over as having less impact than other higher density housing options, and therefore meriting separate consideration. Furthermore, provision of specially designed housing units under this regulation is in keeping with the goals and objectives for housing diversity as set forth in the 2007 Plan of Conservation and Development for the Town of Simsbury. In approving this section, the Commission finds that all such facilities are best located in transitional areas between residential neighborhoods and business or commercial areas, and adjacent to arterial streets. Said facilities shall be designed to be of similar scale, mass, and architectural design of surrounding residential land uses.

2. Procedure

The Zoning Commission may after public notice and hearing grant a Special Exception for the construction of an Assisted Living Facility, Congregate Senior Housing Facility or Continuing Care Retirement Community in any applicable zone. Applications for such Special Exceptions shall be made on forms provided by the Commission and shall include a site plan prepared in accordance with Article Five, Section I. The Commission shall utilize criteria contained in Article Ten, Section A, Subsections 2 and 3 in evaluating the application.

3. Location

No site shall be approved unless it is for property on an arterial road or another road which meets the criteria for a collector road. Items to be considered in the review of such a site plan shall include:

a. Pavement width

b. Adequate sub-base construction

c. Drainage characteristics

d. Road conditions and geometry as compared to the volume of traffic and other characteristics

e. Such development may not be a local road which serves primarily as access to a single family residential area.

4. Utilities

Proposed sites shall be serviced by public water and public sewers with documented capacity and allocation to serve the proposed facility.

5. Other Site Requirements

Buildings shall be sited and landscaping and buffer areas provided to assure privacy to the residents and adjoining uses. The Zoning Commission shall have the authority to determine if the architectural design, scale and mass of buildings, including exterior building materials, colors, roof lines, and building elevations is of a character to harmonize with and preserve the appearance of the surrounding area. Mechanical equipment and refuse containers shall be screened from view.

6. Drives and Access and Egress Points

Internal circulation shall provide for the easy movement of vehicles, pedestrian traffic including handicapped pedestrian movement, and convenient access of emergency vehicles. All internal circulation roads shall be constructed in accordance with Highway Construction and Design Standards for the Town of Simsbury. At the Commission's discretion, said standards may be reduced in order to maintain a design which is consistent with or complements the character of the Town of Simsbury.

7. Building Types

A structure or groups of structures may include any one or a combination of the following: (i) a free standing building containing multiple residential units; (ii) groups of buildings containing multiple residential units; (iii) groups of buildings with a maximum of four attached units and/or single unit buildings.

8. General

No approval shall be granted which would be detrimental to the public safety, create or increase traffic hazards, or is not in keeping with the stated intent of these regulations.

9. Age Restrictions

Occupancy of Assisted Living Facilities, Congregate Senior Housing Facilities or Continuing Care Retirement Community is restricted to those 55 or older to the extent allowed by Federal and State Fair Housing laws and any other applicable laws and subject to the following exceptions:

a. If a couple occupies a unit, one member of the couple must meet the minimum age limit as defined by Federal and State Fair Housing laws and any other applicable laws; and

b. A dwelling unit may be occupied by the surviving member of a household, regardless of age and any other applicable laws; and

c. The operator of the facility shall verify, on an annual basis, to the Zoning Enforcement Officer that the facility is in compliance with the age requirements of this Section. Such verification shall include submittal of copies of any reports, forms or other documents required to be maintained and/or submitted pursuant to and evidencing compliance with Federal and State Fair Housing Laws.

10. Bulk, Area, and Site Requirements

Minimum Parcel Size	5 Acres
Maximum Coverage Residential Zones Non-residential Zones	 25% As Required in Underlying Zone
Maximum Density Assisted Living Facility Congregate Senior Housing	Lot Area Per Unit 2,000 Square Feet/Unit 3,000 Square Feet/Unit
Minimum Frontage, Overall Parcel	200 Feet
Minimum Yards, Residential Zones Front Side Rear Minimum Front Side/Rear Yard. Non-residential Zones	 100 Feet 100 Feet 100 Feet As Required in Underlying Zone
Maximum Height	As Required by Underlying Zone
Distance Between Buildings	50 Feet
Parking Standards Assisted Living Facility Congregate Housing Facility	 1 Space Per 2 Units 1 Space Per Unit

L. SIMSBURY PLANNED AREA DEVELOPMENT ZONE (PAD) **(adopted May 3, 2010)**

1. Purpose and Intent

A. The purpose of this Article is to establish a process for a change of zone pursuant to Connecticut General Statues § 8-3 to permit the planned area development of tracts of land within the enumerated eligible zone(s). The intent of this Article is to:

a. Encourage proposals of mixed use and other attractive, innovative developments in certain non-residential zones as guided by the adopted 2007 Plan of Conservation and Development (POCD).

b. Afford proponents of such developments prompt nonbinding feedback on Preliminary Development Plans from as many interested parties as possible;

c. Afford the Zoning Commission discretion to establish certain zoning standards for projects deemed appropriate; and

d. Assure those submitting Master Development Plans for such projects a predictable and efficient process of consideration without undue delay.

B. It is the further intent of this Article to encourage master planning of sites to create attractive, livable, environmentally wholesome, and pedestrian friendly public spaces appropriate to their surroundings, consistent with the Town of Simsbury's comprehensive plan and guided by its adopted Plan of Conservation and Development and its Guidelines for Community Design to:

a. Permit flexibility in the application of land development regulations that will encourage innovative development and redevelopment for residential and nonresidential purposes meeting the demand for diverse housing and other development and land use by creating variety in type, design, and layout of dwellings and other buildings and structures including traditional neighborhood development;

b. Provide flexibility in architectural design, placement, and clustering of buildings, use of open areas, provision of adequate circulation facilities,

including pedestrian and vehicular facilities and parking; and related site and design considerations;

c. Encourage the conservation of natural features, preservation of open spaces and critical and sensitive areas, and protection from natural hazards;

d. Provide for efficient use of public facilities;

e. Encourage and preserve opportunities for energy-efficient development and redevelopment; and

f. Promote and implement the concept of sustainability as it pertains to such land development or redevelopment which is in line with the term "Smart Growth" as it is defined in PA. 09-230; and

g. Promote attractive and functional environments for nonresidential areas which are compatible with surrounding land use(s).

C. While offering a predictable and efficient process and potential relief from certain zoning standards, this Article imposes additional measures and administrative procedures to assure compliance with generally applicable land use regulations.

2. Definitions

A. Comprehensive Plan: The adopted zoning regulations and zoning map of the Town of Simsbury.

B. Planned Area Development ("PAD"): A development approved pursuant to this Article and approved as a floating zone as provided for by this Article.

C. Planned Area Development Zone: A tract or parcel of land approved for a Planned Area Development pursuant to this Article.

D. Underlying Zone: That zone district existing on a tract or parcel(s) of land at the time of filing the Master Development Plan pursuant to Section Five (B.) of this Article and to which the tract or parcel will revert if a Planned Area Development Zone development is not started and completed within the time limits established by Section 8-3 of the Connecticut General Statues (CGS), these Regulations and this Article.

E. Mixed Use Development or Mixed Land Use: To be considered a mixed use development or mixed land use a proposed development shall include:

1. Two or more significant revenue-producing uses (such as retail, educational, entertainment, office, residential, hotel, civic, cultural, recreation) that are to some extent, mutually supporting

2. Significant physical and functional integration of project components (and thus a relatively close-knit and intensive use of land) which may include uninterrupted pedestrian connections; and

3. Development in conformance with a coherent plan that stipulates the type and scale of uses, permitted densities, and related items.

F. Mixed Use Building: A building with at least one floor of residential use and at least one floor of non-residential use.

3. Eligible Zones and Minimum Tract Size

A Planned Area Development shall be permitted only in the following zones and for parcels of land containing at least the following minimum acreage:

BUILDING ZONE MAP ZONE CLASSIFICATION	MINIMUM ACRES CONTINGUOUS TRACTS
Industrial Zone I-1	10 acres
Industrial Zone I-2	No minimum lot size
Industrial Zone I-3	No minimum lot size
PO Zone	No minimum lot size
Simsbury Center Zone	No minimum lot size
Restricted Business Zone B-1	No minimum lot size
General Business Zone B-2	No minimum lot size
Design Business Zone B-3	No minimum lot size

For the purposes of this Section contiguous tracts shall mean tracts which are part of a single, integrated master plan and which would share common boundaries or are separated by a town or state highway. Any lot not conforming to the minimum required lot size at the time of the adoption of this Article shall be deemed to be legally non-conforming and shall be acceptable for application for, or inclusion in, a PAD application. A Planned Area Development may include contiguous parcels of land having different underlying zones.

4. Permitted Uses:

Any use(s) permitted as of right or by Special Permit or Special Exception in the Simsbury Zoning Regulations are eligible for inclusion in a PAD and may be permitted in a Planned Area Development Zone. Such uses may be combined in a Mixed Use Development in accordance with the Development Plan Standards set forth in this Article. Uses prohibited under Article Six of these Regulations shall be prohibited in a Planned Area Development Zone.

5. Master Development Plan Standards:

It is the intention of this Article to encourage and guide the coordinated development of a group or groups of principal buildings and uses within a development site and to encourage mixed use development proposals which achieve the objectives of the adopted Plan of Conservation and Development. In evaluating the appropriateness of the proposed development, all due consideration shall be given to, among other things, the recommendations of the Plan of Conservation and Development for the area being considered. Proposed PAD projects which are based on appropriate Form Categories as found on pages 53-57 of the adopted 2007 POCD will be considered most compliant with the recommendations of the Plan of Conservation and Development.

A. Master Development Plan General Requirements: In addition to the standards contained in the Simsbury Zoning Regulations which are not in conflict with the specific standards and review criteria set forth in this Article, all approved Master Development Plans submitted under this Article shall be in accordance with the following standards:

1. Coverage: Coverage shall consist of the following two elements:

a. Building Coverage: Building coverage shall be calculated by determining the total footprint of all buildings proposed to be constructed on a site. Where the site is composed of more than a single parcel, the building coverage shell be shown for each lot and for the site as a whole. The maximum building coverage for a PAD total site shall be determined by the applicant's ability to control all stormwater either on the PAD site or on property under the control of the applicant.

b. Site Coverage: Site coverage as defined in these regulations shall be calculated by determining the total impervious area on a site. Where the site is composed of more than a single parcel, the site

coverage shall be shown for each lot and for the site as a whole. The maximum site coverage for a PAD total site shell be determined as that site coverage for which all stormwater can be controlled as noted in a. (above) and which the Commission finds acceptable based on the standards contained in any section of these Regulations.

2. Building Height: No building shall exceed the height permitted in the underlying zone as stated and as calculated in the Simsbury Zoning Regulations.

3. Open Space and Public Amenities: Each proposed Master Development Plan submitted under this Article shall include areas of open space and public amenities in a design, form, location and area to be approved by the Zoning Commission. Public amenities and open space areas shall be made available through dedication for public use at the option of the Board of Selectmen upon recommendation of the Zoning Commission. If not so dedicated, adequate provisions shall be made for the maintenance and upkeep of such open space areas and public amenities, including recreational and public facilities provided therein. Such provisions shall include an organization set up by the developer in a form acceptable to the Zoning Commission with the power of obtaining assessments through enforceable covenants against privately owned land within the development for purposes of ongoing maintenance and upkeep of the areas and facilities established as part of an approved Master Development Plan.

4. Parking: In lieu of the parking standards set forth in the Regulations, the Zoning Commission may modify the parking requirements within a proposed Planned Area Development Zone as follows:

    a. The total number of parking spaces required may be reduced to the number the Commission determines to be necessary based on the applicant's parking study and pursuant to Article Ten for the individual uses proposed for the site upon demonstration by the applicant that the proposed uses have complementary and adequate parking characteristics. Any request for reduction in parking from the established standards shall be

accompanied by a parking study prepared by a qualified professional engineer.

b. For multiple-phased projects within a Planned Area Development Zone, the commission may require the applicant to prepare a revised parking plan for any subsequent phase after the first phase if experience demonstrates that parking provided is not adequate. Such revised plan shall be submitted prior to approval of any site plan for a new phase and shall provide parking adequate to meet the demonstrated need of the additional phase of the development. The Commission may require the construction of the required additional parking if it is determined to be necessary to accommodate existing, proposed, or potential uses on the PAD tract.

5. Lighting: Lighting plans shall show no light trespass off the proposed Master Development Plan site and shall use the minimum safe lighting level for the proposed use and particular application. Wherever feasible, all lighting proposed in a Master Development Plan shall employ full cut off recessed lighting fixtures. A photometric outdoor lighting plan shall be submitted as part of the Master Development Plan. All lights shall be shielded so that indirect light falling outside the Planned Area Development Zone into areas shall be of low intensity and shall not adversely affect motorists or abutting property owners.

6. Drainage: All stormwater generated by the proposed Master Development Plan shall be managed using the best current technology, and provision shall be made for necessary long-term maintenance of stormwater systems. If possible, the stormwater should be treated and infiltrated on site. Erosion shall be controlled, both during construction and thereafter, by, among other techniques, landscaping, with native trees and native shrubs as well as avoiding creating or disturbing steep slopes. This Article does not abridge laws and regulations protecting wetlands and watercourses or the regulation of activities in regulated upland review areas or other activities that adversely affect wetlands or watercourses.

7. Master Development Plan Design Standards: A proposed Master Development Plan submitted under this Article shall incorporate the following design standards.

In evaluating the appropriateness of the proposed development, all due consideration shall be given to, among other things, the recommendations of the Plan of Conservation and Development for the area being considered. Specifically see the POCD pages 88-91 for PAD proposals in the northern gateway and POCD pages 95-99 for PAD proposals in the southern gateway.

a. **Block Shape, Layout and Size.** Wherever possible, proposed blocks within a Master Development Plan shall create a localized grid of pedestrian and vehicular travel ways where parking is located, where appropriate and desirable, along proposed streets or in areas to the rear of buildings, and the fronts of buildings (where their primary entries are located) shall be established as close to the street as practicable, while allowing for pedestrian circulation.

b. **Building-to-Building Relationship:** Each proposed building, as well as its constituent parts, shall be in a balanced relationship with each other and existing proposed buildings.

c. **Enclosure**: Proposed streets, squares, parks and other elements of the public realm shall be established by a relationship between buildings and landscape elements that creates a sense of enclosure for the pedestrian.

d. **Massing**: The overall visual impact of each proposed building's volume, defined as a combination of height, width and depth, shall be proposed to complement the other design elements of the proposed Master Development Plan.

e. **Rhythm**: The spacing of proposed buildings along the street or the pattern of building masses and the spaces in between them shall complement the other design elements of the Proposed Master Development Plan.

f. **Roof and Façade Articulation**: A variety of roof shapes and relief in building walls shall be proposed to work in concert to avoid monotony and to create visual interest.

g. **Scale**: The size of the design elements and details of the proposed Master Development Plan shall be proposed to relate to the human proportion.

h. **Solid to Void Relationship**: The pattern of openings in the façade of each proposed building shall reinforce and complement the other design elements of the proposed Master Development Plan.

B. PAD Zone Establishment: To encourage the submission of development proposals that (a) take full advantage of the Form Categories as found on pages 53 through 57 of the adopted 2007 Simsbury POCD, and (b) comply with the Standards and Review Criteria set forth in this Article, the standards pertaining to a Planned Area Development shall be those specifically set forth in the approved Master Development Plan and the Site Plan thereunder.

Notwithstanding the foregoing, the provisions of the Simsbury Zoning Regulations, including without limitation, those set forth in the underlying zone shall continue to govern any Master Development Plan adopted by the Commission unless otherwise addressed by a specific standard contained in this Article or a standard approved by the Commission as a part of an approved Master Development Plan or Site Plan.

6. Procedure and Application: The procedure of making application for and obtaining approval of a Planned Area Development Zone shall be governed by the laws and regulations applicable to all zone changes, text amendments and map amendments to the Simsbury Zoning Regulations, including Article Thirteen.

At the time of submission of a Preliminary Development Plan, the applicant shall be informed of the schedule of fees on file in the Zoning Commission office covering the application. Such fees, as approved by the Board of Selectmen, shall be paid by the applicant at the time of submission of an application as required by the schedule of fees.

The Planned Area Development review process shall consist of four steps: Preliminary Plan Initial Staff Review, Preliminary Development Plan review, Master Development Plan and Zone Change and Site Plan Review and approval.

A. Preliminary Plan Initial Staff Review:

All prospective applicants considering development within established or proposed Planned Area Development zones are

encouraged to review with the Town Planner, on an informal and non-application basis, preliminary development plans. Utilization of this process may enable a prospective applicant to obtain meaningful preliminary feedback prior to a major commitment of resources. To maximize the benefits of an informal review, it is recommended that prospective applicants provide enough information to allow the subject proposal to be considered with respect to the Town's Plan of Conservation and Development, the Guidelines for Community Design, and important development factors, such as, but not limited to the following: water supply, sanitary waste disposal, drainage and storm water impacts, traffic and circulation, fire protection and impacts on the natural environment and neighboring properties.

B. Preliminary Development Plan Review

1. The purpose of the Preliminary Development Plan is for the applicant to present a conceptual master plan for the development of the site. The applicant shall submit 12 paper copies and 1 electronic copy of a Preliminary Development Plan to the Zoning Commission for distribution and review.

2. The Zoning Commission and the Planning Commission, either jointly or severally, shall consider the Preliminary Development Plan at a public meeting, or meeting as the case may be within sixty-five (65) days of the receipt date of a Preliminary Development Plan. Date of receipt shall be the next regularly scheduled meeting of the Zoning Commission. After receipt of the Preliminary Plan and before the public meeting, it shall be submitted by Town staff to the Design Review Board. The Chairman of the Zoning Commission shall chair any joint meeting regarding the Preliminary Development Plan.

3. At the meeting on the Preliminary Development Plan, the applicant shall present such plan, which will contain at a minimum the proposed uses, building(s) and major structure layout, road and parking patterns, proposed amenities including recreation and open space, building coverage, density, general architectural style of buildings.

4. The purpose of this meeting is to receive preliminary information from the applicant and input from the public and to elicit comment and suggestions from the Zoning Commission, the Planning Commission and the Design Review Board, the Conservation Commission, and other Simsbury boards and commissions, if applicable, to provide the applicant with enough commission input and public

comment to decide whether to proceed with the expense of preparation of the Master Development Plan.

5. The applicant may return for further guidance to a Planned Area Development Subcommittee of Zoning Commission as the Commission may establish. The applicant shall be encouraged to make presentations and to engage in dialogue with other boards, commissions, and officials whose input will be sough or required for approval of any Master Development Plan that might be submitted.

6. The applicant may make such changes to the Preliminary Development Plan as he deems appropriate, provided, however, the Zoning Commission may within its discretion, if it considers those changes substantial, require the submission of a new Preliminary Development Plan to an additional public meeting.

7. Any opinions or suggestions expressed by members of the Zoning Commission or any other board or commission as to the Preliminary Development Plan shall be tentative only and shall not hinder or preclude such members from making an independent judgment as to the acceptability of the Master Plan of Development based upon all evidence in the record at the time of a final decision.

C. Master Development Plan and Zone Change:

Zoning Commission approval of a Master Development Plan is required in order to place the floating zone designation on the proposed PAD property. The Master Development Plan and the PAD zone change are thus linked together. The Master Development Plan contents and requirements shall continue to control the characteristics, extent, density and content of the proposed PAD through the final site plan approval process.

Subsequent to the meeting on the Preliminary Development Plan, the applicant may submit a Master Development Plan to the Zoning Commission, which shall refer the application to the Planning Commission for review according to the standards set forth in the General Statues for the review of an application for a change of zone. The application shall also be referred to the Conservation Commission for comment at this time.

The Master Development Plan shall, where applicable, be prepared and certified by a licensed architect, or a professional civil engineer, landscape architect, traffic engineer, soil scientist

and any other professional discipline necessary for a complete review of the application by town staff, and shall include or be accompanied by the following information unless specifically waived by the Director of Planning.

1. Location of existing and proposed zone of property and the nature of the applicant's interest, including a boundary map certified to the State of Connecticut A-2 and T-2 map survey standards, which map is to be adopted as description of the zone boundaries, if the PAD is approved.

2. A narrative and plan describing present and proposed and building uses, categorized as residential, non-residential, civic, etc. and the acreage and square footages assigned to each. Each narrative and plan shall also contain information regarding the lot or lots included in the proposed PAD, placement of buildings on the land, and information regarding the proposed building forms and proposed uses of buildings and uses.

3. Proposed dwelling unit densities, including the number of dwelling units and rooms within the units, including schematic floor plans for each type of unit proposed.

4. Building intensities, including use, dimensions and locations of present and all proposed structures

5. Proposed vehicular and pedestrian circulation patterns, including location and dimension of private and public streets.

6. Location of proposed off-street parking areas with dimensions, including location, size and number of parking spaces, access routes, parking barriers and walkways.

7. Proposed pedestrian walks, malls and other paths, public and private.

8. Proposed open space, including a calculation of the area of the proposed open space, such as parks, lawn areas, and recreational facilities, and such proposed covenants or easements.

9. Landscaping, present and proposed, including major tree and shrub area, present and proposed water elements and related treatment of open space, screening, present and proposed topography.

10. Proposed utilities, including water supply, sewage disposal, electrical service, exterior lighting and drainage, including capacity and additional storm water runoff flow produced for water courses utilized. If the proposed Planned Area Development is within an area not presently served but within a master utility plan area, the proposed utility system shall be adaptable to municipal services when provided.

11. Preliminary building plans, including schematic floor plans, exterior elevations and perspective drawings.

12. Description of types of building materials and facing, including fire retardant, energy conservation and green building design characteristics for all proposed buildings as well as site design characteristics.

13. Relation to existing and future land uses in the surrounding area, including transportation and other infrastructure components.

14. Priority schedule of construction of the various units, buildings, landscaping and other elements of the plan, including any proposed phasing of the PAD.

15. Proposed future division of the PAD into proposed future lots using lot lines or by building or other reasonable separations.

16. An outdoor lighting plan including a photometric plan.

17. A traffic study of the area as affected by the proposed development, including present and anticipated traffic counts, volumes, flow patterns, and capacity analysis of present and proposed interchanges, intersections and entrances and exists servicing the development shall be done by a professional engineer, experienced in traffic studies and licensed to practice in the State of Connecticut. In addition, upon his review of the traffic study, a report, including a clear narrative summary of the traffic report on these items and other security-related items shall be submitted to the Commission. The Commission will also request comments on this report from the Town Engineer, Director of Public Works and the Simsbury Legal Traffic Authority.

18. A report from the Fire Marshal on firefighting feasibility of the proposed development.

19. If the site is within the service area of the public sanitary sewerage system, a report from the Simsbury Water Pollution Control Authority regarding the adequacy of the existing or proposed sanitary sewer system. If no public sanitary sewers are available, a report from the Farmington Valley Health District regarding the adequacy of an existing or proposed private sewage disposal system is required.

20. A report from a licensed civil engineer certifying the adequacy of the existing or proposed drainage storm water drainage system, public street design, the design of elements to be served by the Department of Public Works, and the engineering capacity of the proposed storm water design in relation to the existing roads, storm water management system and utility infrastructure of the Town.

21. A report from the CRCOG if the zone change requires such report and a report from the Planning Commission if the CGS requires such report for the proposed zone change.

22. A report from the Design Review Board on the proposed buildings, planting and landscaping plans and PAD implementation as outlined in the application as the application relates to the adopted Guidelines for Community Design.

23. In addition to any permits that may be required from the Inland Wetlands and Watercourses Agency, a preliminary report from the Conservation Commission on the environmental impact of the proposed development.

24. A report from any other advisory committee whose opinion is deemed appropriate by the Zoning Commission.

25. Any other information which the Zoning Commission may reasonably require or the applicant may wish to submit in support of the application.

26. The Commission may request a report or recommendation from any other staff person, agency, or consultant as provided by ordinance, when it deems such a report necessary to its deliberations.

All applications shall be signed by the owner of the property or the owner's authorized agent and accompanied by a copy of the deed to the property. The application shall also include all required

fees. Any proposed modification of existing standards or requirements shall be made known and explained to the Commission in writing as part of the staff memo on the application.

D. Master Development Plan Review Process:

A determination shall be made by the Simsbury Town Planner that a complete Master Development Plan has been filed and forward it to the Zoning Commission for consideration, review, comment and action as required by the Connecticut General Statues for a zone change application. The Zoning Commission shall refer the application to the Planning Commission and the Conservation Commission and the Inland Wetlands and Watercourses Agency for its review under the standards applicable to a change of zone application. The Planning Commission shall then consider such plan and make an appropriate recommendation thereon to the Zoning Commission. Regardless of the recommendations of the Commission, the applicant shall have the right to consideration and action by the Zoning Commission for a change of zone to Planned Area Development Zone consistent with the requirements of this regulation and the Connecticut General Statutes.

The Zoning Commission may require additional documents to be submitted and explanatory statements or descriptive material to be appended. The Zoning Commission shall approve or disapprove the Master Development Plan after a public hearing in the manner as required by law for a change of zone. Approval of the Master Development Plan may include such changes, limitations, restrictions or conditions, as the Zoning Commission shall consider appropriate. If approved, the Master Development Plan and related documents shall be a text amendment and a map change to the Simsbury Zoning Regulations, denoted as "PAD No._____".

E. Review Factors and Criteria

1. Review Factors: In addition to the Standards set forth in this Section, the following Review Factors may be considered in reviewing and evaluating development proposals submitted under this Article:

    a. The potential impact of the proposed Master Development Plan on existing dedicated and/or preserved areas of open space.

    b. Where appropriate and desirable, the availability of access connections between the proposed Master Development Plan and

existing commercial, recreational and other community facilities.

c. The availability of existing or potential public transportation connections to serve the proposed Master Development Planned area.

d. The transitional character of the proposed Master Development Plan to the existing built environment surrounding the development site.

e. The potential impact of the proposed Master Development on highways and other public facilities, including utilities.

f. The potential impact of the proposed Master Development Plan on the preservation of existing residential neighborhoods.

g. The satisfaction of any other standards and review criteria set forth in this Article.

2. Criteria: To carry out the Purpose and Intent of this Article and in applying the Standards and Review Factors set forth in this Section, more favorable consideration will be given to proposed Master Development Plans submitted under this Article which address the following criteria.

a. Create compact, mixed use environments, which are pedestrian-oriented, providing adequate circulation and parking for vehicles but facilitating pedestrian and bicycle movement.

b. Create logical and orderly development patterns and land transitions among uses of varying intensity and compatibility.

c. Mix residential and commercial uses to enhance one another and to be compatible with surrounding uses, integrating new commercial development within residential areas, not in strips along thoroughfares.

d. Provide significant open space and recreational opportunities for residents, employees and the public.

e. Protect and enhance existing natural resources that are of environmental, historic or scenic importance as determined by the Zoning Commission.

f. Employ building designs which complement and enhance the desirable architectural qualities of the existing built environment surrounding the development parcel.

g. Promote environmental sustainability through low impact design practices and other methods.

h. Encourage pedestrian usage of the development site, including meaningful pedestrian connections to the existing built environment, by building sidewalk level elements (e.g. protective canopies, stairs benches columns, wall or roof projections and recesses, etc.) to human scale and incorporating weather protection, convenience and safety features;

i. Install underground utilities connections to serve future off-site, adjacent developments and, where appropriate, relocate existing overhead utility services below grade;

j. Where appropriate, integrate and preserve existing mature vegetation and a variety of plant species into the Master Development Plan and avoid the use of invasive species;

k. Where possible, facilitate access to bus stops and other transit opportunities as well as other community facilities so as to minimize adverse impacts on highways and other public facilities.

F. Findings Required:

The Zoning Commission may approve the creation of a Planned Area Development Zone provided that findings are made that the facts submitted with the application establish that:

1. The standards, requirements and required findings contained in this Article have been met.

2. The developer has provided, where appropriate, for the sustained maintenance of the development in general, and also for the open space or public amenities in accordance with Section Five above.

3. Utilities, drainage and recreational facilities have been physically laid out as not to unduly burden the capacity of such facilities, such other facilities presently connected therewith, and such facilities proposed by the adopted Town Plan of Conservation and Development.

4. The streets, roads, drives and blocks will be suitable and adequate to carry anticipated traffic and increased densities will not generate traffic in such amounts as to overload the existing or proposed street network in the area.

5. The capacity of the existing or proposed utility services are adequate for the proposed development.

6. The development will be in keeping with the purpose and intent of this Article as defined in Section One, the general public interest and the comprehensive plan.

G. Conformity with Subdivision Regulations:

Where required, the Applicant shall comply with the provisions of the Simsbury Subdivision Regulations. To the extent practicable, the processing of any applications for subdivision approval shall be coordinated with the processing of an application under this Planned Area Development regulation.

H. Post Approval Process:

A certified mylar of the approved Master Development Plan, signed by the Commission as provided by law, shall be filed in the Office of the Town Clerk by the owner at his expense within ninety (90) days following approval by the Zoning Commission, and any Master Development Plan not so filed within ninety (90) days shall be void, unless extended by the Commission as provided by law. Reproducible linen or mylar, black and white copies of the approved Master Development Plan shall also be filed with the offices of the Building Official, the Town Engineer and Town Planner.

7. Site Plan Submission, Required Finding and Action:

Prior to any action on a site plan for a PAD the Zoning Commission shall make a finding as to the conformity of the proposed site plan with the approved Master Development Plan. Site Plans which are found to be in substantial conformance with the approved Master Development Plan may after review by the Commission be approved or modified and approved. Site Plans which are found not to be in substantial compliance with the approved Master Development Plan shall be denied.

No zoning permit may be issued and no building shall be constructed and no land shall be used prior to the approval of a site plan which plan shall comply with Article Five, Section J. of these Regulations and, without duplication, the following:

1. Architectural renderings and perspectives of all proposed structures and their interaction with existing on site structures;

2. Proposed use categories of all proposed buildings. When multiple uses are proposed, percentages of floor area for each use shall be shown;

3. Detailed building plans, including schematic floor plans and exterior elevations;

4. Traffic impact report of the area as it may be affected by the proposed development, including present and anticipated traffic counts, flow patterns, and capacity analysis of present and proposed interchanges, intersections and entrances serving the development shall be analyzed by a professional traffic engineer licensed to practice in the State of Connecticut. Such report to include certification that the proposed site plan conforms with the traffic study.

5. Identification of vehicular and pedestrian circulation patterns, including location and dimension of private and public streets and common drives;

6. Location of proposed off-street parking areas with dimensions, including location, size and number of parking spaces, access routes, parking barriers and walkways;

7. Proposed pedestrian facilities, public and private;

8. Priority schedule of construction of the buildings, landscaping, infrastructure and other elements of the plan;

9. A narrative and plan indicating conformity of the proposed site plan to the approved Master Development Plan, including lots, building placement on the lots, proposed building use and building form.

8. Phasing:

The Zoning Commission may establish as a condition of its approval time limits for any development or phases thereof. Such time limits may be revised by resolution of the Zoning Commission, upon application, provided the Zoning Commission shall find the revision to be in the public interest. If, after the expiration of a time limit set in the approving resolution, the applicant has failed to obtain a building permit for the work required under an approved site plan, the Commission may schedule a hearing to consider an action to change the undeveloped portion of the PAD to the previous underlying zone.

9. Bonding:

A. Prior to the issuance of any building permit, the developer shall provide the Town with a performance bond in a form satisfactory to the Town Attorney covering the costs of public improvements unless said public improvements are bonded under the provisions of the Simsbury Subdivision Regulations. Said bond shall be in an amount satisfactory to the Town Engineer and shall be conditioned on completion of said public improvements within 5 (five) years of the date of issuance of the first such building permit, except that such time limit may be extended by resolution of the Zoning Commission, upon application.

B. Prior to the issuance of any building permit, the developer shall provide the Town with a performance bond covering the cost of facilities common to the entire development, including but not limited to public amenities such as recreational facilities, club houses, private road, buffer areas, and walkways as specified. Said bond shall be in a sum satisfactory to the Town Engineer and shall be conditioned on the completion of said common facilities within 5 (five) years of the date of issuance of the first such certification of occupancy, except that such time limit may be extended by resolution of the Zoning Commission, upon application.

C. If a Planned Area Development is to be developed in stages and the Zoning Commission finds that the common facilities are divided so that they are approximately evenly distributed over the total number of proposed stages and that each stage, together with its common facilities, shall be capable of complete and self-sufficient existence without the completion of the final stages the

Zoning Commission may allow the developer to provide the Town with a performance bond covering the cost of facilities common to and contained within each stage, on a stage-by-stage basis and shall be conditioned on the completion of said common facilities for each stage, except that such time limit may be extended by resolution of the Zoning Commission, upon application.

10. Changes in Approved Plan:

A. Minor changes in an approved Final Development Plan may, with the written approval of the Town Planner, be made provided such changes shall not substantially affect the overall architectural and site design of the Planned Area Development. Such changes shall in no way affect overall density, impact or nature of the development. Such minor changes may include but are not limited to:

- the location of catch basins, manholes, and other technical aspects of drainage,
- slight alterations of the location of roads, sidewalks, structures or buildings due to unforeseen topographic or geologic features;
- slight alterations of finished contours,
- minor rearrangement of lighting standards, benches, and other incidental street furniture.

For any particular PAD the Zoning Commission may eliminate any of these items from the list it considers to be minor changes.

If the Town Planner shall have any question as to whether such a proposed change is minor or not, such change shall require the review and written approval of the Zoning Commission.

B. Any change in an Approved Master Development Plan which is not considered to be a minor change shall be considered and processed as an application for change of zone to PAD.

11. Site Plan Compliance:

A. Prior to the issuance of any building permit or the commencement of any site work, the developer shall schedule a job meeting with the Town Engineer, the Town Planner and the Building Official in order to establish compliance with the approved site plan and any conditions placed thereon, construction schedules and procedures. The developer shall be responsible for notifying all contractors and utility companies involved in the project of this meeting. A job meeting will not be held unless all affected contractor and utility companies are represented.

B. To ensure strict compliance with the approved Master Development Plan, the approved site plan and the certified record drawings shall be reviewed by the Town Engineer and the Town Planner. If either of those town officials or their designated representatives determines that said improvements do not comply with the Master Development Plan and the approved site plan, the Town Planner shall notify the developer of such non-compliance and give the developer a period of thirty (30) days to remedy the non-compliance. Failure to remedy the non-compliance to the satisfaction of the Town Engineer and the Town Planner within said thirty (30) day period shall be sufficient cause for revocation of the approval of the Master Development Plan by the Zoning Commission at a public meeting.

C. Certified Record Drawings: The developer's engineer shall furnish the developer a complete set of prints upon which the developer shall incorporate and update the as-built record of all the approved Master Development Plan work on a continual basis as construction progresses. All surveys, measurements, and such other data required for the determination of the as-built records of the construction of all work shall be obtained under the direction of a Connecticut registered land surveyor or professional engineer. These drawings shall be signed and sealed by the registered land surveyor and/or professional engineer, as to materials, construction methods and location.

The complete set of prints shall be maintained at the job site at all times, and the developer shall be responsible for having clearly, neatly, accurately, and promptly recorded thereon, as the work is performed, the as-built record of the work. Principal dimensions, elevations and such other data as required shall be recorded for all work. Should there be a question as to the type and amount of data to be recorded, Town Staff shall be responsible for determining the type of data necessary.

The marked-up prints shall be available for inspection by Town Staff during regular business hours and shall be corrected immediately if found either inaccurate or incomplete.

At the completion of the project, and before any performance bond held by the Town is released, a set of as-built plans shall be submitted on mylar to Town Staff for acceptance. The plans shall be signed and sealed by a Registered Professional Engineer licensed in Connecticut and/or a Registered land surveyor licensed in Connecticut as may be applicable.

ARTICLE TEN

SPECIAL REGULATIONS

M. HOUSING OPPORTUNITY DEVELOPMENT ZONE

1. Intent and Purpose. This regulation is adopted for the following purposes:

   a. To comply with those portions of the Town's Plan of Development that encourage on a long-term basis, diverse housing patterns, including "starter" homes and other affordable housing;

   b. To encourage the construction of housing that is both affordable as defined by state statutes and is consistent with design and construction standards present in the community;

   c. To assist the Town in complying with the State Zoning Enabling Act, Conn. Gen Stat. § 8-2, as amended by Public Act 91-392, by adopting zoning regulations that encourage multi-family dwellings and promote housing choice and economic diversity, including housing for low and moderate income households; and

   d. To efficiently utilize existing infrastructure and promote neighborhood planning by providing, where infrastructure support is available, a mix of housing types, densities, sizes, and prices, while also providing substantial public and private open space and recreational areas.

2. Definitions.

   a. Housing Opportunity Development ("HOD"). A proposed housing development in which, for at least thirty (30) years after the initial occupancy of units within the proposed development, (1) not less than fifteen percent (15%) of the dwelling units will be conveyed by deeds containing covenants or restrictions which shall require that such dwelling units be sold or rented at, or below, prices which will preserve the unit as affordable housing, as defined in Conn. Gen. Stat. § 8-30g, for persons or families whose income is less than or equal to eighty percent (80%) of the area median income or the statewide median income, whichever is less; and (2) not less than ten percent (10%) of the dwelling units shall be conveyed in the same manner to persons or families whose income is less than or equal to sixty percent (60%) of the area median income or the statewide median income, whichever is less.

   b. Housing Opportunity Unit. As used in this HOD Regulation, "Housing Opportunity Unit" means housing for which persons and families pay thirty percent (30%) or less of their annual income, where such income is less than or equal to eighty percent (80%) or sixty percent (60%) as applicable, of the lesser of area median income for the Town of Simsbury or the statewide median income, as determined by the U. S. Department of Housing and Urban Development.

3. Uses Permitted In An HOD Zone.

   a. Single-family detached dwellings, on either common interest ownership property or subdivided lots.

b. Attached single-family dwellings consisting of two or more residential units, but not more than six.

c. On-site facilities for active and passive recreation, including community buildings and clubhouses, swimming pools, athletic fields, walking trails, bicycle routes, tennis courts, basketball courts, playgrounds, and picnic areas.

d. Uses or structures accessory to the above uses to the extent permitted by, and subject to the procedures, limitations and conditions of, Article Five, Section F of the Zoning Regulations.

e. Use of a residence for personal business purposes to the extent permitted by, and subject to the procedures, limitations, and conditions of, Article Five, Section I of the Zoning Regulations.

f. Home occupations and professional offices in residences as permitted by Article Seven, Section C.1 of the Zoning Regulations.

g. Public utility and infrastructure uses.

h. Water supply tanks in existence on the date that rezoning to HOD becomes effective.

4. Uses Prohibited In an HOD Zone Within Aquifer Overlay Zone.

a. In any portion of an HOD Zone located within an Aquifer Overlay Zone as defined in Article 10, Section J of the Zoning Regulations and as identified on the Zoning Map:

(1) Individual lots with on-site septic systems shall be at least 40,000 square feet in size.

(2) Community septic systems shall be restricted.

(3) All single family cluster units and buildings containing more than one dwelling shall be served by sewers.

(4) Burial of underground petroleum liquid, diesel fuel, and gasoline storage tanks shall be prohibited.

(5) In the secondary and tertiary aquifer recharge areas, site stormwater drainage shall be designed for maximum aquifer recharge in compliance with the Town of Simsbury's Master Drainage Study except where stormwater may be contaminated.

5. Parcels Eligible For Rezoning To HOD.

a. No parcel of land shall be rezoned to Housing Opportunity Development unless it satisfies the following criteria:

(I) Not less than 300 nor more than 400 contiguous acres held in single ownership;

(2) Currently zoned for residential use;

(3) Not less than 400 feet of frontage on a Town road;

(4) Located within 500 feet of a collector street;

(5) Access to a public water supply that provides adequate volume, pressure and quality for domestic and emergency needs; and

(6) For those portions to be developed with residential dwellings at a density in excess of that required by the applicable public health code for on-site sewage disposal, access to the public sewer system.

b. For the purpose of determining contiguous acreage held in single ownership as set forth in 5.a(l), a public street or road shall not interrupt contiguity so long as the subject property abuts such street or road on both sides for a distance of at least 400 feet.

6. Height, Area, And Yard Requirements.

a. Overall Housing Opportunity Development:

Maximum Gross Density	2.0 units per acre
Maximum Impervious Site Coverage	25 percent
Total Minimum Open Space	10 percent
Minimum Open Space To Be Conveyed To Town of Simsbury	10 percent

b. Single-Family Detached Dwellings On Subdivided Lots, Connected to Public Sewer:

Minimum Lot Area	15,000 square feet
Minimum Lot Frontage	100 feet (except 30 on cul de sacs with 100 foot building line)
Minimum Front Yard	35 feet
Minimum Side Yard	15 feet
Minimum Rear Yard	25 feet
Maximum Building Height	35 feet
Maximum Stories	2 ½

c. Single-Family Detached Dwellings on subdivided lots, with on-site Sewage Disposal:

Minimum Lot Area, Within Aquifer Protection Zone	53,333 square feet
Minimum Lot Area, Outside Aquifer Protection Zone	40,000 square feet
Minimum Lot Frontage	100 feet (except 30 feet on cul-de-sacs with 100 feet at building line
Minimum Building Square	80 foot dimension, 10,000 square feet
Minimum Front Yard	50 feet
Minimum Side Yard	40 feet
Minimum Rear Yard	50 feet
Maximum Building Height	35 feet
Maximum Stories	2 ½

d. Attached Dwellings With Two Or More Units Connected To Public Sewer:

Minimum Setback From Perimeter of HOD Zone When Abutting Existing Residential	50 feet
Minimum Setback From Public Right-Of-Way	30 feet
Minimum Setback From Public Road Curb	30 feet
Maximum Building Height	35 feet
Maximum Stories	2 ½

e. Single Family Detached Dwellings on subdivided Flag Lots:

Minimum Lot Size, On Septic	53,333 square feet
Minimum Lot Size, On Sewer	40,000 square feet
Minimum Street Frontage And Width of Access	30 feet

Minimum Building Square	80 foot dimension, 10,000 square feet
Minimum Front Yard	50 feet
Minimum Side Yard	40 feet
Minimum Rear Yard	50 feet
Maximum Height	35 feet
Maximum Stories	2 ½

f. On-Site Recreational Facilities:

(1) Community Building/Clubhouse:

Maximum Height 35 feet

Maximum Stories 2 ½

(2) Tennis courts.

(3) Basketball courts.

7. Landscaping Requirements. A Master and Final Site Plan and Subdivision Plan for a Housing Opportunity Development shall provide for the following landscaping:

a. Between any proposed attached dwellings or multi-unit buildings and any existing off-site single-family detached dwellings on subdivided lots, a landscaped or natural area, called a "perimeter buffer," of not less than 50 feet wide.

b. Between all proposed on-site single-family detached dwellings on subdivided lots and fronting on an existing Town road, a minimum 50 foot "tree belt" consisting of a double row of deciduous trees.

8. Road Construction Standards And Road Dedication Requirements.

a. Within an HOD, roads to be dedicated to the Town shall be constructed in conformance with Town standards.

b. Within an HOD, private roads serving a maximum of 20 units shall be shown on the Master and Final Site Plan and Subdivision Plan constructed with the following dimensions:

(1) 26 foot minimum pavement width;

(2) 50 foot minimum centerline radius; and

(3) 20 foot minimum outside radius at turnarounds (40 foot diameter).

c. Within an HOD, private drives serving ten dwelling units or less shall be shown on the Master and Final Site Plan and Subdivision Plan constructed with the following dimensions:

(1) 20 foot minimum pavement width;

(2) 50 foot mini mum centerline radius; and

(3) 20 foot minimum outside radius at turnarounds (40 foot diameter).

9. Common Interest Ownership Requirements.

a. In order to achieve the purposes of this HOD regulation as set forth in Section 1 above; to promote neighborhood coordination and cooperation within an HOD; to provide for the maintenance of on-site recreation facilities, private roads, and landscaped buffers and tree belts; to provide for the maintenance of infrastructure; and to provide for maintenance of dwelling units not situated on subdivided Jots; all dwelling unit owners in an HOD, including the owners of single-family detached homes on subdivided lots, shall be members of a common interest ownership association formed and governed in accordance with the Connecticut General Statutes.

b. To fulfill the purposes of the previous subparagraph, an application for a Housing Opportunity Development shall include, in draft form, a declaration arid bylaws prepared in conformance with the Connecticut Common Interest Ownership Act, Conn. Gen. Stat. § 47-200 et seq. In order to accommodate varying unit types within an HOD, such common interest ownership documents may establish a master unit owners association comprising the entire HOD, as well as subsidiary associations of development areas or clusters within the HOD.

c. Any fees charged by a common interest ownership association or subassociation within an HOD shall be limited by and in conformance with "Additional Requirements" for Housing Opportunity Developments set forth in Section 22 of this HOD regulation. Specifically, the Affordability Plan and common interest ownership documents for an HOD shall provide that no such fees shall be set by an association or subassociation so that an occupant's monthly expenditures for housing will exceed the "maximum monthly payment" for an affordable unit as defined in Section 22e of this Regulation.

10. Open Space And Exclusive Use Area For Common Interest Units. Within an HOD, not less than ten percent (10%) of the gross area shall be set aside as open space, and not less than ten percent (10%) of the gross area shall be conveyed in fee to the Town of Simsbury. Such areas shall include, but are not limited to, areas for active or passive recreational uses; and perimeter buffers or tree belts as described in Section 7 of this Regulation; and upland regulated areas surrounding wetlands or watercourses. Any open space subjected to a conservation easement shall preserve it for such uses in perpetuity. The common interest ownership documents for an HOD shall provide for an exclusive use area for each dwelling unit located in a common interest ownership area of the HOD.

11. Parking Requirements.

    a. Within an HOD, off-street parking shall be provided in accordance with Article Ten, Section B of these Zoning Regulations, i.e., two spaces per dwelling unit.

    b. An application for a Housing Opportunity Development shall identify on the Master and Final Site Plan the location and number of parking spaces that will serve all units located in common interest ownership areas.

12. Signage.

    a. Signage within a Housing Opportunity Development shall comply with Article Ten, Section C of these Zoning Regulations.

    b. The Master Site Plan and Subdivision Plan for an HOD shall depict the conceptual design and location of all proposed signage, and the Final Site Plan and Subdivision Plan shall depict all proposed signage as required by Article Ten, Section C of these Zoning Regulations.

13. Trash Removal. The Final Site Plan and Subdivision Plan for a Housing Opportunity Development shall provide for the number, location, and screening of dumpsters or trash receptacles at community facilities. For individual units, the Final Site Plan and Subdivision Plan shall provide for trash storage and removal.

14. Landscaping. Landscaping of buffers and perimeters and the aesthetic quality achieved thereby shall be considered a critical part of the Master and Final Site Plan and Subdivision Plan for a Housing Opportunity Development. Such Plans, therefore, shall provide at a minimum for the following:

    a. All roads to be built to Town standards and dedicated to the Town shall be planted with deciduous trees, 50 feet on center, on both sides of the road.

    b. The landscaping plan shall provide, for all dwellings except single-family detached dwellings on subdivided lots, one or more shade trees, along with an illustration or detail of minimum foundation plantings.

    c. The landscaping plan shall provide for all tree belts to be planted with two rows of deciduous trees at a minimum of 50 feet on center.

    d. The landscaping plan shall provide in all perimeter buffers (as defined in this Regulation) plantings to achieve screening from adjacent properties.

15. Lighting. A Master and Final Site Plan and Subdivision Plan for a Housing Opportunity Development shall provide, with illustrative detail, for exterior street lighting fixtures at intersections of Town roads, and as may be required for the safety of vehicular or pedestrian traffic.

16. Utilities.

    a. All electrical and telephone lines shall be located underground in conformance with Town highway specifications.

    b. No certificate of zoning compliance shall be issued for any dwelling unit until such unit has been connected to all required utilities.

17. Earth Disturbance For Site Preparation. When the construction of a Housing Opportunity Development requires, for environmental purposes, the excavation or mixing of on-site earth materials but not off removal, the Master Site Plan and Subdivision Plan shall be accompanied by a report, prepared by a licensed professional engineer, explaining the need and environmental basis for such excavation or mixing, and the written opinion of such engineer that such activity is necessary to allow residential use of the property; will not involve off-site removal of the material; and can be accomplished in a manner consistent with public safety. The Final Site Plan and Subdivision Plan shall be accompanied by a plan, prepared by a licensed professional engineer, for the physical conduct of such excavation or mixing.

18. Site Plan And Subdivision Plan Requirements. Due to the substantial minimum acreage of a parcel eligible for Housing Opportunity Development, the sequence of site plans and subdivision plans for an HOD shall be as follows:

    a. With an application to the Simsbury Zoning Commission and the Simsbury Planning Commission for approval of a Housing Opportunity Development, an applicant shall submit the following information in the form of a Master Site Plan and Subdivision Plan:

    (I) Key Map at 1″ = 800′ scale.

    (2) Map at 1″ = 300′ scale depicting existing zoning of parcel to be rezoned and zones of adjacent land,

    (3) 500 foot perimeter map, with Assessor's parcels listed.

    (4) Information at scale 1″ = 100′:

    (a) Title block, north point, scale, location map, and names of the engineer, architect, landscape architect, or surveyor preparing the plan. Seals shall be provided at signing of mylars.

    (b) Approval blocks.

    (c) Boundaries of property, certified to a State of Connecticut A-2 Map Survey Standard, of area to be rezoned to HOD.

    (d) Existing and proposed contours at not more than two (2) foot vertical intervals. Wetlands as defined by soil type and flood-plains shall be delineated.

    (e) Existing and proposed roads, pedestrian walkways, driveways, loading and parking areas and spaces.

    (f) For off-site traffic improvements, a development plan with existing and proposed conditions;

    (g) Location and dimension of all existing and proposed buildings, structures, walls, and area fences. Building setback lines shall be shown.

    (h) Location, nature, and extent of watercourses and waterbodies.

    (i) Location, size, and design of existing and proposed storm drainage, sewage disposal, and water supply facilities. Design

calculations, soil types, deep test hole data, and percolation test data shall be shown for on-site sewage disposal systems.

(j) Location, size, and type of proposed landscaping including existing trees of 24 or more inches in diameter, measured at a trunk height of three feet above the ground. Heavily wooded areas shall be shown by foliage lines.

(k) Location, dimensions, and conceptual design of all proposed exterior signs.

(l) Location and design of all proposed street lighting.

(m) An Erosion and Sediment Control Plan and narrative prepared in accordance with the document entitled "Connecticut Guidelines For Soil Erosion and Sediment Control" prepared by the Connecticut Council on Soil and Water Conservation, dated January 1985. The Zoning Commission shall review and certify said Plan and shall direct its designated agents to inspect for compliance with said Plan.

(n) Conceptual renderings, elevations, and floor plans.

(o) Preliminary grading plan.

(p) Preliminary utilities plan.

(q) Preliminary profiles for roads to be constructed to Town standards and dedicated to the Town.

(r) Traffic study prepared by a licensed engineer.

(s) If earth excavation is proposed as set forth in Section 18 of this HOD Regulation, a report describing need and environmental basis for excavation.

(t) Open space plan identifying the areas of the development that will be open space; the areas and facilities to be used for active or passive recreation; connections to existing Town open space; areas that will be conveyed to the Town as open space; and any improvements, structures, buildings, or accessory uses to be located in open space.

(u) Phasing plan, explaining the sequence of construction of the development areas in coordination with construction of infrastructure and recreational uses.

(v) Draft common interest ownership documents prepared in accordance with this HOD Regulation.

(w) As required by Section 25.1 of this HOD Regulation, an Affordability Plan explaining the administration of affordability restrictions and covenants.

(5) Information at scale 1′ = 40:

(a) All information required by the Simsbury Inland Wetlands and Watercourses Regulations for any regulated activities to be conducted as part of the construction of the HOD.

b. Approval by the Zoning Commission and Planning Commission (and, if applicable, the Commission having jurisdiction over inland wetlands and watercourses) of the Master Site Plan and Subdivision Plan shall constitute an approval of such Plans that are conditional upon the submission and approval of a Final Site Plan and Subdivision Plan as set forth below. Following approval of a Master Plan, the applicant shall submit for review and approval, prior to the time that each phase is designated for construction, a Final Site Plan and Subdivision Plan containing all of the remaining information required by Article V Section I of the Zoning Regulations with respect to site plan requirements, and with respect to subdivided lots all of the remaining information required by the Simsbury Subdivision Regulations, such submissions to be at the scale required by those Regulations.

c. After approval of a Master Site Plan and Subdivision Plan, submission of Final Site Plan and Subdivision Plan shall not constitute a new subdivision or site plan application under the General Statutes or Town Zoning or Subdivision Regulations, so long as (1) Final Site Plan and Subdivision Plan is in substantial conformance with the approved Master Site Plan and Subdivision Plan.

19. Duration Of Final Site Plan Approval. In accordance with § 8-3 and §8-26g of the General Statutes, approval of a site plan and subdivision plan, respectively, as part of a Final Site Plan and Subdivision Plan, may require completion of all work in connection with such plans within ten years.

20. Start Of Construction. Construction of each phase of an approved HOD shall commence within one year of the written designation of each phase by the developer as being ready for construction, and each phase, including public improvements, shall be completed within three years of the start of construction of such phase, provided that the overall HOD shall proceed in accordance with Section 22 of this HOD Regulation.

21. Bonding Of Public Improvements Shown On Final Site Plan And Subdivision Plan. When a phase designated for construction includes a public improvement, the posting of any performance or other bond or financial security intended to ensure the completion of any such public improvement shall occur prior to the start of construction of that phase of the HOD.

22. Additional Requirements For A Housing Opportunity Development.

a. Construction Quality And Location of Units. Housing Opportunity Units shall be of a construction quality that is comparable to market-rate units within the development. The Final Site Plan and Subdivision Plan shall identif5t the locations within the HOD of Housing Opportunity Units.

b. Pro-Rata Construction, If the development is to be built in phases, the Housing Opportunity Units shall be built on a *pro rata* basis as construction proceeds.

c. Bedroom Ratios. In a Housing Opportunity Development, no Housing Opportunity Unit shall have less than two bedrooms, and at least thirty percent (30%) of such Units shall have three bedrooms.

d. Monthly Payment. Calculation of the maximum monthly payment for a Housing Opportunity Unit, so as to satisfy Conn. Gen. Stat § S-30g, shall utilize the area median income data as published by the U. S. Department of Housing and Urban Development (a) for a rental unit, as in effect on the day the lease is signed; and (b) for an ownership unit, as in effect on the day a bond for deed or similar contract of conveyance is accepted by the seller.

e. Maximum Monthly Payment. The maximum payment that the occupant for a Housing Opportunity Unit shall pay shall not be greater than the amount that will preserve such unit as "affordable housing" as that term is defined in Conn. Gen. Stat. § 8-30g and shall include the following:

(1) For rental housing, the maximum monthly housing payment shall include the cost of rent; common charges in the case of a rental in a common interest community, if the tenant is directly responsible; heat; and utility costs, including hot water and electricity, but excluding telephone and cable television.

(2) For ownership housing, the maximum monthly housing payment shall include periodic mortgage payments, based on a commercially reasonable down payment for affordable housing buyers and prevailing interest rates at the time of sale; taxes; insurance; common charges in the case of ownership of a unit in a common interest community; heat; and utility costs, including hot water and electricity, but excluding telephone and cable television.

f. Principal Residence. Housing Opportunity Units shall be occupied only as a tenant's or purchaser's principal residence. Subletting of Housing Opportunity Units shall be prohibited.

g. Notice Of Availability. At the same time that the market-rate units in a Housing Opportunity Development are first advertised to the general public, notice of availability of the Housing Opportunity Units shall be provided by advertising such availability in the real estate section of a newspaper of general circulation in the Town of Simsbury, and by providing notice to the Simsbury Board of Selectmen, the Simsbury Town Clerk, the Simsbury Planning Commission, and the Simsbury Zoning Commission.

h. Prioritization Of Applicants. For one of every five Housing Opportunity Units which becomes available for initial sale or rental, preference shall be given to applicants who are otherwise qualified and are Town of Simsbury municipal employees or Simsbury Board of Education employees.

i. Standard Deed Or Lease Provision. Each deed or lease for a Housing Opportunity Unit will contain substantially the following provision:

> This unit is sold or rented as an "affordable housing unit" as defined in Coin. (3en. Stat. § 8-30g, and is available only to persons or families whose income is at or below eighty percent (80%) or sixty percent (60%), as applicable, of the area median income for Simsbury or the statewide median income, whichever is less, as determined by the U. S. Department of Housing and Urban Development. This development has been approved by agencies of the Town of Simsbury based in part on the

condition that a defined percentage of units will be preserved as affordable housing units. The restrictions related to affordability are required by law to be strictly enforced.

j. Utility Allowance for Rental Units. The monthly rent for a Housing Opportunity Unit includes a monthly allowance for utilities, which are heat, hot water, and electricity, but excluding telephone and cable television. Heat and utility cots may be calculated by reasonable estimate.

k. Thirty Year Period. The thirty (30) year affordability period shall be calculated separately for each Housing Opportunity Unit in a Housing Opportunity Development, and the period shall begin on the date, as defined at closing, of occupancy of the Unit.

l. Affordability Plan. In conjunction with an application for approval of a Master and Final Site Plan and Subdivision Plan for a Housing Opportunity Development, the applicant shall submit an "Affordability Plan," which shall describe how the regulations regarding affordability will be administered. The Plan shall include provisions for administration of and compliance with the provision of this section, notice procedures to the general public of the availability of affordable units, identification of those units which are to be designated affordable, procedures for verification and periodic confirmation of unit occupancy income, and compliance with affordability requirements. Such Plan shall also include drafts of documents that will be used in the administration of the affordability restrictions and any explanations which will be provided to the unit occupants concerning such restrictions.

m. Enforcement. A violation of the Regulations contained in this Section 24 shall not result in a forfeiture or reversion of title, but the Zoning Commission shall otherwise retain all enforcement powers granted by the Connecticut General Statutes, including the authority under § 8-12 to issue notices of violation, to impose fines, and to seek injunctive relief.

SECTION 10.N – WORKFORCE HOUSING OVERLAY ZONE (WHOZ)

10.N.1 Purpose.

The Workforce Housing Overlay Zone (WHOZ) is intended to create additional housing opportunities within Simsbury while promoting the appropriate development of Simsbury's historic Town center and other areas of the community.

10.N.2 Nature of Zone.

1. The WHOZ exists in addition to the current (underlying) zone for the property.
2. The WHOZ enables a property owner to apply for approval of a housing development using the provisions of this Section instead of those for the underlying zone.
3. The provisions of the WHOZ are an option for the property owner and such owner would voluntarily choose to comply with these provisions when or if new housing as authorized herein is proposed.

4. In the event any conflict between the provisions of this Section and any other Section of the Regulations, the provisions of this Section shall control.

10.N.3 Process.

1. The overall process for development within a WHOZ district includes:
    a. Establishment of the WHOZ district (a zone change application to the Zoning Commission in accordance with Article 13 of these Regulations) including a declaration of the proposed type of sub-district and plans and drawings depicting the proposed development,
    b. Approval of a Special Permit and accompanying Site Plan by the Zoning Commission in accordance with Article 7. Section C.10 and Article 5, Section J of these Regulations,
    c. Filing of approved plans, and
    d. Issuance of building permits by the Town of Simsbury
2. Pre-application meetings for any proposed development are strongly recommended.

10.N.4 Description of Sub-Districts.

Due to the diversity of desired development patterns in different parts of Simsbury, the Workforce Housing Overlay Zone consists of six (6) different sub-districts as reflected on the zoning map:

1. **Mixed Use** (WHOZ-MXD) –Simsbury Center and other areas with potential for development with mixed use developments and/or buildings.
2. **Mixed Housing** (WHOZ-MXH) –a development including a combination of housing types.
3. **Multi-Family** (WHOZ-MF) –existing mill buildings and other areas with potential for development with multi-family housing.
4. **Townhouse** (WHOZ-TH) –areas with potential for residential townhouse development (a residential building consisting of three or more attached units in which each unit shares a wall extending from foundation to roof with the adjacent unit(s) and has exterior walls on at least two sides).
5. **Duplex** (WHOZ-DX) –areas with potential for development with duplex housing units designed to be compatible with single-family units in adjacent residential neighborhoods.
6. **Single Family** (WHOZ-SF) –areas with potential for development with single-family units compatible with adjacent residential neighborhoods.

10.N.5 Permitted Principal Uses.

The following uses are permitted in the various sub-districts subject to granting of a Special Permit by the Zoning Commission:

1. **Mixed Use**	a. Mixed use development and/or mixed use buildings as defined in Section 10.L.2 with a residential density at up to 20 units / acre of site area (not including any area designated as wetland, watercourse, slopes greater than 25 percent, or 100-year floodplain). b. Uses and structures accessory thereto.
2. **Mixed Housing**	a. Two or more housing types at maximum densities for each as provided herein. b. Uses and structures accessory thereto.
3. **Multi-Family**	a. Multi-family residential development at up to 20 units / acre of site area (not including any area designated as wetland, watercourse, slopes greater than 25 percent, or 100-year floodplain). b. Uses and structures accessory thereto.
4. **Townhouse**	a. Townhouse residential development at up to 10 units / acre of site area (not including any area designated as wetland, watercourse, slopes greater than 25 percent, or 100-year floodplain). b. Uses and structures accessory thereto.
5. **Duplex**	a. Duplex residential development (two-unit buildings) at up to 10 units / acre of site area (not including any area designated as wetland, watercourse, slopes greater than 25 percent, or 100-year floodplain). b. Uses and structures accessory thereto.
6. Single Family	a. Single family residential development at up to 6 units / acre of site area (not including any area designated as wetland, watercourse, slopes greater than 25 percent, or 100-year floodplain). b. Uses and structures accessory thereto.

10.N.6 Dimensional Standards.

The dimensional standards of the underlying zone shall continue to apply except that the Zoning Commission may, through granting of a separate Special Permit, modify any dimensional standard in order to:

1. Facilitate the creation of housing opportunities as provided in this Section.
2. Address on-site constraints or protect important resources.
3. Enhance the development and/or surrounding neighborhoods.
4. Be consistent with the setbacks of nearby buildings.

10.N.7 Housing Affordability Requirements

1. At least twenty percent (20%) of all dwelling units constructed in a development approved under this Section of the Regulations shall be deed-restricted to be affordable to and occupied by households earning 80 percent or less of the *area median income* for Simsbury, as determined and reported by the United States Department of Housing and Urban Development (HUD).
2. When a calculation performed under this subsection results in a number that includes a fraction, the fraction shall be rounded up to the next higher whole number.
3. Each such affordable unit shall be subject to a housing restriction acceptable to the Town Attorney and the Zoning Commission, which shall be recorded on the Simsbury Land Records and shall, at a minimum, include the following:
    a. An identification of the affordable housing units within the development.
    b. A requirement that such affordable unit shall only be occupied by a household earning 80 percent or less of the *area median income* for Simsbury, as determined and reported by the United States Department of Housing and Urban Development (HUD).
    c. A statement of whether the affordable units will, at the time of initial occupancy, be rented or owner-occupied.
    d. A statement of the method for determining the rental rate or sale price or resale price of an affordable housing unit at any point in time.
    e. A statement that the term of the deed restriction for each affordable unit shall be a minimum of thirty (30) years from the date of first occupancy of that affordable unit.
4. The applicant shall prepare and submit a final "Housing Affordability Plan" in accordance with CGS § 8-30g, section 8-30g-1 et seq. of the Regulations of Connecticut State Agencies and the "Housing Affordability Plan Requirements" as adopted by the policy of the Zoning Commission and as the same may be amended from time to time, including:
    a. The name and address of the proposed administrator of the deed restricted affordable units.
    b. Provision that the proposed administrator shall file an annual report to the Zoning Commission by January 31, in a form specified by the Zoning Commission, certifying compliance with the provisions of this Section.

10.N.8 Additional Provisions.

1. Unless otherwise approved by the Zoning Commission, all developments approved under this Section shall be served by public water and public sewer.
2. Unless otherwise approved by the Zoning Commission, any development approved under this Section shall provide for off-street parking as follows :
    a. As provided in Section 6.2 of the Town Center Code, or
    b. As provided in Section 10.E of the Simsbury Zoning Regulations.
3. Any developments proposed under this Section shall, unless modified by the Zoning Commission, construct or improve the sidewalks abutting the project site in order to enhance the pedestrian nature and character of the proposed development and the surrounding area.

10.N.9 Building Design and Construction Guidelines

Since design of buildings and sites is an important part of integrating housing at permissible densities into the community, all development in the WHOZ shall be referred to the Design Review Board and it is expressly stated that the quality of the overall design of any development will be an important consideration as part of the granting of any Special Permit.

1. Overall Character

a. Proposed development projects should enhance the general flavor of a historic New England community and, where appropriate, complement the scale and architecture of adjacent buildings.

b. An overall design theme (including building placement, building massing, exterior treatments, signage and other design considerations) shall be established where harmony in textures, lines, and masses is provided and monotony is avoided.

c. The illustrative WHOZ design guidelines on the following pages shall be used by applicants and the Zoning Commission as a general reference for desirable characteristics of buildings and sites.

d. Within the Town Center area, the design and site development provisions of the Town Center Code shall also be used, when appropriate.

e. The "Guidelines for Community Design" established by the Design Review Board shall also be used as a reference for desirable characteristics of buildings and sites.

f. A desirable streetscape and attractive landscape transitions to adjoining properties shall be provided.

g. Landscape treatment shall be provided to enhance architectural features, shield unsightly areas, provide shade, and relate to the natural environment and topography.

2. Building Placement

a. Buildings shall be organized in a coordinated and functional manner that is compatible with site features and the desirable characteristics of adjoining areas.

b. In general, new buildings shall be placed near to the public street and shall be oriented with the main façade parallel to the public street in order to strengthen the overall streetscape. The Zoning Commission may modify or waive this requirement when the applicant demonstrates that a greater setback or alternative orientation (such as the main façade perpendicular to the street) will enhance the overall effect of a historic New England community and/or allow for the creation of a public amenity (such as a wider sidewalk, a public seating area, etc.).

c. Off-street parking and loading shall not be located between buildings and a public street unless approved by the Zoning Commission and any parking area visible from a public street or public sidewalk, shall be screened with landscaping, walls, fencing, or combination thereof.

d. Buildings shall be designed and located on the site so as to retain the existing topography and desirable natural features of the land to the extent feasible.

3. Building Mass

a. Monolithic building forms shall be avoided through the use of variations in wall placement, color, texture and/or material and variations in the height of buildings or use of architectural features such as balconies, cornices, step-backs, or other articulating features.
b. The height and scale of each building shall be compatible with its site and the existing or planned character of the area.
c. Architectural features shall be evaluated based on the scale of the building(s), the quality of the design, and the relationship to surroundings.
d. Facades and rooflines shall be articulated and/or varied to reduce the appearance of inappropriate bulk and provide architectural interest.

4. Exterior Materials and Colors

a. Exterior building materials and their placement on a building shall be consistent with the overall look of a historic New England community.
b. Building materials shall have durable quality and shall be selected for harmony or compatibility of the building with adjoining desirable materials.

5. Doorways and Windows

a. In mixed use and multi-family developments, recessed doorways are preferred. Where a recessed doorway is not used, an awning or similar architectural overhang is encouraged. Adequate lighting for the doorway shall be incorporated into the design of the doorway.
b. Windows should be taller than they are wide and windows on upper floors should not be larger than windows on lower floors.
c. Windows should be inset from the exterior wall surface and shall have visually prominent sills, lintels, or other forms of architectural detailing to add visual relief to the wall.

6. Roofs and Mechanical Equipment

a. Roof forms should be appropriate for a historic New England community and complement the principal building in terms of style, detailing, and materials.
b. Roof overhangs (eaves and cornices) should be a minimum of two feet (2’) or as appropriate to the proposed architecture.
c. Any mechanical equipment shall be screened from public view using landscaping, walls, fencing, parapets or other architectural elements, or combination thereof.
d. Utility and service equipment areas shall be screened from public view with materials compatible with the building.

Illustrative WHOZ Design Guidelines - Single Family Dwellings

Favorable Design Treatments

Unfavorable Design Treatments

Design Elements Which Are Encouraged / Required

- 1.5 to 2.5 story buildings
- Building comprised of distinct parts with smaller footprints
- Articulated forms and facades
- Rich architectural details (porches, eaves, shutters, columns, dormers, chimneys, trim, etc.)
- Classically proportioned facades
- Entrances face the street
- Pitched roofs
- Windows with vertical proportions
- Strong relationship to street / sidewalk
- Parking on-street or behind buildings

Discouraged Elements

- 1.0 story buildings
- Monolithic forms
- Flat facades
- Limited architectural detailing
- Plain facades
- Flatter roofs
- Windows with horizontal proportions
- Weak relationship to street / sidewalk
- Dominant garages / parking

Illustrative WHOZ Design Guidelines – Duplex / Townhouse Dwellings

Favorable Design Treatments

Duplex Dwellings

Townhouse Dwellings

Unfavorable Design Treatments

Design Elements Which Are Encouraged / Required

- 2.0 to 2.5 story buildings (or as appropriate to site context)
- Articulated forms and facades and materials
- Good architectural details (porches, eaves, shutters, columns, dormers, chimneys, trim, etc.)
- Well proportioned facades
- Good building materials
- Pitched roofs
- Windows with vertical proportions
- Strong relationship to street / sidewalk
- Parking on-street or behind buildings
- Single-family appearance for duplex buildings
- Entrances face the street

Discouraged Elements

- 1.0 story buildings
- Monolithic forms
- Overly repetitive forms
- Monotonous materials
- Flat facades
- Limited architectural detailing
- Plain facades
- Flatter roofs
- Windows with horizontal proportions
- Weak relationship to street / sidewalk
- Dominant garages / parking
- Entrances face parking areas

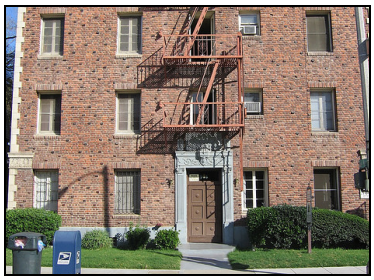
Illustrative WHOZ Design Guidelines – Multi-Family Dwellings and Mixed Use Buildings

Favorable Design Treatments

Multi-Family Dwellings

Mixed Use Buildings

Unfavorable Design Treatments



Design Elements Which Are Encouraged / Required

- 2.0 to 3.5 story buildings (or as appropriate to site context)
- Articulated forms and facades
- Good architectural details (lintels, dormers, trim, etc.)
- Classically proportioned facades
- Entrances face the street
- Adaptive re-use of historic buildings
- Pitched roofs / flat roofs, deep cornices
- Windows with vertical proportions
- Strong relationship to street / sidewalk
- Mixed use – strong glass presentation on first floor

Discouraged Elements

- 5.0+ story buildings
- Monolithic forms
- Flat facades
- Limited architectural detailing
- Plain facades
- Windows with horizontal proportions
- Weak relationship to street / sidewalk
- Dominant parking

ARTICLE ELEVEN

ADMINISTRATION

A. ADMINISTRATION AND ENFORCEMENT

The Building Inspector and the Zoning Enforcement Officer designated by the Commission shall be the administrative officers for the enforcement of these regulations.

If the Building Inspector or Zoning Enforcement Officer shall find that any of the premises of this regulation are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures or of additions, alterations, or structural changes thereto, discontinuance of any illegal work being done; or shall take any action authorized by this regulation to insure compliance with or to prevent violation to its provisions. Penalties for illegal acts shall be as provided in the General Statutes and Special Acts of the State of Connecticut.

B. BUILDING PERMITS

No building or structure shall be erected, altered, or moved until an application therefore shall have been approved by the Building Inspector and a written permit issued. The application for permit shall contain all the information necessary for a decision that the proposed building, alteration, or use complies with the provisions of these regulations and stakes or markers shall be fixed on the lot to indicate the relation of lot lines to the proposed buildings. Nothing herein contained shall require any change in the plans, construction or use of a building for which a building permit has been issued or for which plans were filed with the Zoning Commission before the effective date of these regulations.

C. CERTIFICATE OF OCCUPANCY

No land shall be occupied or used and no building thereafter erected or altered or moved shall be occupied or used in whole or in part for any purpose until a Certificate of Occupancy has been issued by the Building Inspector, stating that the use of the land or building complies with all provisions of these regulations. Such a certificate is required for any change or extension of a use. The Certificate of Occupancy may be applied for at the same time as the Building Permit or thereafter, and if approved shall be issued within ten (10) days after notification by the permitted that the land or building is ready for occupancy. This regulation shall not affect the moving of a portable accessory building within the boundaries of the lot on which it is situated.

A record of all certificates shall be kept on file and copies shall be furnished upon receipt to any person having a proprietary or tenancy interest in the land or building affected for a fee of one dollar ($1.00) for each original certificate and seventy-five cents ($0.75) for each copy.

D. EXPIRATION OF BUILDING PERMIT

If the work described in any Building Permit has not begun within ninety (90) days from the date of issuance thereof, said Permit shall expire; it shall be canceled by the Building Inspector; and written notice thereof shall be given to the persons affected. If the work described in any Building Permit has not been substantially completed within two (2) years of the date of issuance thereof, said Permit shall expire and be canceled by the Building Inspector and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new Building Permit has been obtained.

E. PUBLIC INFORMATION NOTICE SIGN

Whenever an application filed with the Zoning Commission requires a public hearing the applicant shall display a Public Information Sign on the site giving notice that an application is pending before the Zoning Commission. The sign shall be in a manner and form as prescribed by the Commission and be provided by the Commission to the applicant. It shall be displayed in a highly visible place at each location in the site where the property line abuts a public or private street or at a visible location nearest the site. It shall be the responsibility of the applicant to insure that the signs remain on display for a period of fifteen (15) days prior to the public hearing and are to be removed within seven (7) days following the close of the public hearing. The applicant, at the public hearing, shall supply the Commission with an affidavit certifying that the Public Information Notice Sign has been placed for the period specified.

ARTICLE TWELVE

BOARD OF APPEALS

A. BOARD OF APPEALS ESTABLISHED

A Board of Appeals, hereinafter called the Board, shall be formed and shall serve as provided by the General Statutes and Special Acts of the State of Connecticut and shall have the following powers and duties.

1. Adopt such rules and procedures as may be necessary to carry out these regulations.

2. To hear and decide appeals where it is alleged that there is error in any order, requirement, or decision made by the town official charged with enforcement of Chapter 124 of the Connecticut General Statutes or any bylaw, ordinance, or regulations adopted under provisions of that chapter, including the Zoning Regulations, and any order, requirement, or decision made by the Building Official.

3. To hear and decide all matters including Special Exceptions and Special Exemptions under Connecticut General Statutes Section 8-2g upon which the Board is required to decide by the specific terms of the Zoning Regulations.

4. To determine and vary the application of the Zoning Regulations in harmony with their general purpose and intent 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 parcels but not affecting generally the district in which it is situated, a literal enforcement of such regulations would result in exceptional difficulty or unusual hardship so that substantial justice will be done and the public safety and welfare secured. The Zoning Board of Appeals shall be guided by the following standards in determining whether a request for variance shall be granted.

    a. The applicant shall demonstrate that exceptional shape, size, topography or unique characteristic of the site requires a variance from a literal enforcement of the Zoning Regulations.

    b. The exceptional difficulty or unusual hardship claimed shall not have been created by the owner or the person or persons requesting the variance.

c. The variance requested shall not adversely affect the neighborhood and shall be in harmony with the purpose and intent of the Zoning Regulations.

d. The application shall be for the least number of variances possible.

e. The applicant shall show that there is no reasonable alternative other than to grant the requested variance(s).

5. The requested variance(s) shall not permit on a site any use to exist or to be created which use is not already permitted by right as set forth in the Zoning Regulations for that zone.

6. No variance to the Zoning Regulations shall be granted that is conditioned on an approval by another Board or Commission.

7. No variance shall be granted that will continue or expand a non-conforming use.

B. DECISIONS OF THE BOARD OF APPEALS

1. In exercising the above mentioned powers, the Board of Appeals may, so long as such action is in conformity with the terms of these regulations, reverse or affirm, wholly or partly, or may modify the order, requirement or decision appealed from and may make such order, requirement, or decision, or determination as ought to be made, and to that end shall have all the powers of the administrative official from whom the appeal is taken.

2. In granting the variance, the Board of Appeals may prescribe appropriate conditions and safeguards. Violation of such conditions and safeguards, when they have been made a part of the terms under which the variance is granted, shall be deemed a violation of these regulations. It shall be the responsibility of the Zoning Enforcement Officer to enforce the specific conditions of the variance.

C. PROCEDURE

1. Every application for variance from the Use Regulations as distinguished from the Height and Area Requirements shall be immediately transmitted to the Zoning Commission and the Planning Commission, and on or before the public hearing held by the Board on such application for variance, the Zoning Commission and Planning Commission shall make a report of their recommendation.

2. Public Information Notice Sign

Whenever an application filed with the Zoning Board of Appeals requires a public hearing, the applicant shall display a Public Information Notice Sign on the site giving notice that an application is pending before the Zoning Board of Appeals. The sign shall be in a manner and form prescribed by the Board and be provided by the Board to the applicant. It shall be displayed in a highly visible place at each location on the site where the property line abuts a public or private street or at a visible location nearest the site. It shall be the responsibility of the applicant to insure that the signs remain on display for a period of fifteen (15) days prior to the public hearing and are removed within seven (7) days following the close of the public hearing. The applicant, at the public hearing, shall supply the Board with an affidavit certifying that the Public Information Notice Sign has been placed for the period specified.

ARTICLE THIRTEEN

AMENDMENTS

These regulations may be amended or repealed as provided in the Zoning Law either on the initiative of the Zoning Commission or by petition. Every petition for such action shall be filed with the Zoning Commission which may act on it only after a public hearing. To defray the cost of legal notice and publication of decision, a fee of twenty-five ($25.00) shall accompany the petition.

No petition for amendment or repeal which has been rejected by the Zoning Commission or withdrawn by the petitioners shall be heard again within one (1) year from the date of rejection or withdrawal. The Zoning Commission may grant a re-hearing if it finds, on facts presented in writing, that a material change in the situation justifies this action in the interest of the public as well as the petitioner.

In any petition for a change of zone, the Zoning Commission may require the submission of plans showing proposals for the development of the land involved in the change including the location of buildings, streets, and open spaces, and such other information as the Zoning Commission considers helpful to its decision. On the basis of such plans, the Commission may grant the change in zone subject to conditions which will protect the public interest and neighboring properties, and Building Permits will be issued only in conformity with the plans as approved and conditioned.

ARTICLE FOURTEEN

REGULATIONS DECLARED TO BE MINIMUM REGULATIONS

In their interpretation and application, the provisions of this Regulation shall be held to be minimum regulations, adopted for the promotion of the public health, safety, morals, or general welfare. Wherever the requirements of this Regulation are at variance with the requirements of any other lawfully adopted rules, regulations, deed restrictions or covenants, the most restrictive or that imposing the higher standards shall govern.

ARTICLE FIFTEEN

VALIDITY

Should any section or provision of this regulation be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulation as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

ARTICLE SIXTEEN

EFFECTIVE DATE

The amendments to these regulations shall take effect fifteen (15) days after publication, as specified by the Connecticut General Statutes, or specified in the amendment.

A copy of these Zoning Regulations and a revised map of the Town of Simsbury showing zones as herein described are now on file in the Office of the Town Clerk, Simsbury, Connecticut.

APPENDIX

R-D Zones:

Deleted from Regulations with August 24, 1988 Amendments, but remain on maps

Originally appearing in Article Eight, Section D (September 4, 1985):

USES PERMITTED IN R-D, DESIGNED MULTIPLE RESIDENCE ZONES

1. In the R-D Designed Multiple Residence Zone, where a lot is developed under single ownership, one-family, two=family, and multiple family dwellings, subject to the requirements of Article Ten, Special Regulations.

2. Commercial uses, clearly accessory to the principal residential use.

Originally appearing in Article Ten, Section A-1 (August 3, 1973):

a. R-D Designed Multiple Residence Zone