

SECTION IV

RESIDENTIAL AND RURAL ZONES

A. RESIDENTIAL

1. Permitted Uses

- a. Single-family dwelling.
- b. Farming on a tract containing more than 10 acres.

2. Accessory Buildings and Accessory Structures

The following accessory buildings and structures are permitted provided that: they are used for garage and storage only; and that the total of all such buildings shall not exceed 1,000 square feet; however, the average height of any accessory structure shall be less than the average height of the principal structure:

- a. A private garage, conforming to all required yards in applicable zone. The total number of garage spaces on the lot shall not exceed a capacity of one more motor vehicle than the number of bedrooms in the principal building.
- b. Storage sheds and similar out buildings, including gazebos, conforming to all required yards in the applicable zone
- c. Buildings for the purpose of housing horses, livestock, and fowl, provided that they are located at least 100 feet from any lot lines. (See Section IV.A.3.)
- d. Swimming pool, tennis court, or other similar recreational structure provided such structure shall not be located in the required front yard setback, is at least 30 feet from any rear lot lines and at least 25 feet from any side lot lines (in any zone which has a more restrictive side yard requirement, it shall be applied to the structures); these structures shall be buffered or fenced, where necessary, as determined by the Zoning Enforcement Officer, to protect adjacent property values, and lights (if any) are shielded to protect adjacent property values. Accessory structures such as pumps, filters, heaters, or a bathhouse shall also be located at least 30 feet from any rear lot lines and at least 25 feet from any side lot lines (in any zone which has a more restrictive side yard requirement, it shall be applied to the structures).

- e. Generators shall conform to all required yards in the applicable zone, and shall be buffered or fenced where necessary, as determined by the Zoning Enforcement Officer.
- f. Other structures customarily incidental to a single-family dwelling shall be located at least 10 feet from side or rear lot lines in the rear yard, or if not in the rear yard, conforming to front and side yards in the applicable zone.
- g. Tower and pole type antennas not exceeding 70 feet in height for radio broadcast and reception for the personal, not-for-profit, noncommercial use by residents of the dwelling are permitted as accessory if they comply with applicable regulations of the district, are not located in any required yard area, and are not located closer to any property line than a distance equal to the height of the antenna.
- h. Satellite dish antennas subject to the following requirements:

Size of Satellite Dish

Requirements

Less than or equal to 24 inches in diameter

- 1. May be ground mounted or mounted to a structure situated on the lot in a manner which conforms to all required yard setbacks and height restrictions.
- 2. May be attached directly to the structure or attached to a mast or pole providing the mast or pole is less than 12 feet in height.
- 3. Shall utilize colors that blend with the surroundings.

Greater than 24 inches in diameter

- 1. Shall be ground mounted and shall not exceed a height of 10 feet to be measured from ground level to the highest point of the antenna. The Commission may permit an installation not to exceed 13 feet in height for those uses receiving Special Exception approval under this section.
- 2. Shall observe all yard setbacks.

3. Shall not be permitted within the front yard.
4. Shall be screened from adjoining lots, drives, and streets by the installation and maintenance of a visual barrier. Shall utilize colors that blend with the surroundings.

3. Accessory Uses

- a. Home Occupation, Minor.
- b. A Day Care home conducted in the resident's dwelling unit for less than 5 people conducted by the resident with a valid State license.
- c. Recreational Vehicle Storage provided that the vehicle is owned by the owner or occupant of the premises, is stored at least 10 feet from the side and rear lot lines, observes the front yard setback, is not used as living quarters, and is buffered, or fenced where necessary, as determined by the Zoning Enforcement Officer, to protect property values in the neighborhood. Temporary storage (less than 48 hours in one month) is exempt from these regulations.
- d. Limited Farming on a tract of land containing 80,000 square feet or more which is clearly accessory to a residential use subject to the following standards:
 - (1) On a lot containing 80,000 square feet, a maximum of 1 large animal, or 2 medium animals, or 15 small animals may be kept.
 - (2) For each additional 43,560 square feet, 1 additional large animal may be kept; OR for each additional 21,780 square feet, 1 additional medium animal or 15 small animals may be kept.
 - (3) No more than 100 small animals may be kept on any lot.
 - (4) The keeping of pigs is not permitted.
 - (5) Buildings for the purpose of housing horses, livestock, and fowl shall be located at least 100 feet from any lot line. Manure must be stored at least 100 feet from any lot line and visually screened from adjoining properties.

- (6) Dogs, cats, and other pets which are kept as companions and housed together with human occupants are permitted in any residential zone on any size lot in conjunction with a residence.
 - (7) The keeping of up to 10 rabbits shall be permitted on a lot of any size.
 - (8) The boarding of horses or other farm animals or any other commercial activities undertaken for compensation is not permitted.
- e. Any other use customarily incidental and subordinate to the principal use.

4. Special Exceptions

The following uses, and accessory uses thereto, may be authorized by the Commission as a Special Exception under the applicable criteria of Section VIII:

- a. Modification to, or replacement at the same site, of any existing communications transmission stations and towers, both conforming and nonconforming, including changes to any accessory building, facilities or equipment, subject to the following:

The application presented to the Commission shall be accompanied by:

- (1) A site plan conforming to Section X.A.1.a. including detailed elevations of all existing towers, antennas, dishes and other transmitting and receiving devices.
- (2) A report showing field measurements of ambient nonionizing electromagnetic radiation (NIER) levels in the frequency range of those sources existing and proposed on the site. Such readings shall be: submitted by a qualified engineer and shall be taken at the nearest point of the main NIER source to the property boundary and at any other point deemed necessary by the Commission. The report shall include calculations of estimated total NIER levels following the proposed modifications and shall compare these to the standards noted in Section IV.A.4.a.(7).

The following are minimum conditions of any permit granted under this Section:

- (3) Except as provided for in Section IV.A.4.a., no additional communications transmission stations and towers shall be permitted after the effective date of this amendment.
- (4) No strobe or white aviation lights shall be permitted. Only standard red aviation lights shall be allowed. If after the approval any applicable authority requires the refitting of a tower to white or strobe lights, the tower must be lowered in height to a point where red lights are acceptable or the tower shall be removed.
- (5) Any tower shall be set back from all street lines and property lines a distance at least equal to the tower height, however, the Commission may modify this setback along certain property lines where, in the opinion of the Commission, the abutting property is not likely to be used for residential purposes. In no instance shall the tower or guy wire anchors be placed within the required yard areas.
- (6) No employees shall be employed on a regular basis at the site and no office or broadcast studios shall be permitted.
- (7) NIER emissions from this site as measured at the property lines and combined with ambient levels in similar frequency ranges shall not exceed levels adopted or established by either the American National Standards Committee C95.1 (ANSI), the Environmental Protection Agency of the United States, the State of Massachusetts Department of Public Health, or the State of Connecticut Department of Health Services, whichever is more stringent.
- (8) Any approval shall include the requirement that the applicant submit annual records of NIER measurements and annual reports to the Commission by a qualified engineer verifying compliance to NIER levels.

The Commission shall review the following items as part of each application process:

- (9) The visual intrusion of these structures shall be minimized to the maximum extent possible. Berming and/or year-round screen planting may be required by the Commission to screen view from any public road or any residences.
- (10) Any increase in tower height shall be discouraged as not in keeping with the policy of the Town to preserve the beauty of

the Talcott Mountain ridge line. Any increase in height shall only be permitted when in the judgment of the Commission the following is provided:

- (a) the radiation level at the nearest property line is reduced; and
 - (b) the resulting impact on the ridge line is materially improved by other site, equipment, or tower modifications.
- b. Public and private schools and colleges with a valid State license.
 - c. Educational and training facilities of public and private schools, colleges, and all other types of organizations.
 - d. Community Center Buildings and Clubs provided no liquor is sold.
 - e. Nursing Homes with a valid State license.
 - f. Churches, religious buildings, and cemeteries.
 - g. Nurseries.
 - h. Golf courses, playgrounds, recreational areas, and parks.
 - i. Day Care Centers for five or more people in public and institutional buildings with a valid State license.
 - j. Multiple Dwelling Developments subject to the provisions of Section IX.A.
 - k. Cluster Developments subject to the provisions of Section IX.B.
 - l. Planned Residential Developments subject to the provisions of Section IX.C.
 - m. Planned Elderly Residential Developments subject to the provisions of Section IX.D.
 - n. Conversion of existing buildings to residential use for not more than two dwelling units, provided that:
 - (1) The lot contains the minimum frontage and lot area required in the applicable zone.

- (2) The gross ground floor area after conversion does not exceed the maximum lot coverage regulation of the zone.
 - (3) The dwelling units comply with the multifamily floor area requirements.
 - (4) All applicable sanitary requirements for the additional families are met.
 - (5) The external appearance and general character of the building as a single-family dwelling shall be preserved.
 - (6) In the instance when an application is submitted in an area of predominantly single-family homes, the applicant must demonstrate that the area's present character and housing values will not be adversely impacted. The Commission will be guided by the following:
 - (a) external design and appearance, including entrances,
 - (b) exterior materials,
 - (c) size of the home before and after conversion,
 - (d) parking,
 - (e) landscaping and buffering,
 - (f) building and lot coverage before and after conversion,
 - (g) undeveloped property in the area and relevant recommendations contained in the Plan of Development.
 - (7) Conversions or construction may be appropriate in areas which adjoin higher density residential housing, commercial or industrial development where the Commission determines they may provide an effective transitional land use.
- o. Conversion and expansion of existing buildings to office use, provided that:
- (1) The lot contains at least 60,000 square feet or the minimum lot area required in the applicable zone (whichever is greater), the minimum frontage required, and fronts on a State highway. Front yard shall be a minimum of 60' in depth.

Side and rear yards shall be a minimum of 50' in depth where abutting a residential zone.

- (2) The maximum lot coverage after conversion and additions does not exceed 5%. The Commission may grant an increase in lot coverage up to 10% owing to the quality of architectural and landscape design and a determination of no adverse impact on surrounding properties.
 - (3) All parking requirements for office use in accordance with Section VII.B. No parking shall be permitted in any required yard.
 - (4) At least 65% of the lot shall be a landscaped area including a 25-foot front yard landscaped area and side/rear yard buffers in accordance with Section VII.A.
 - (5) The external appearance, details, scale, materials and general character of the building shall be in harmony with the surrounding neighborhood.
- p. Rear lots, for residential purposes only, provided that:
- (1) The Commission determines that the development of rear lots will provide the most suitable use of the land considering such factors as drainage, configuration, accessibility, and topography.
 - (2) The rear lots conform to all requirements prescribed for the zone in which they are located except that the front yard setback and the lot area, exclusive of access, shall be at least twice the minimum such requirements for the zone.
 - (3) Rear lots shall be provided with a legal right of access at least 30 feet wide to a public street. Driveways serving rear lots shall not exceed 1,000 feet in length and shall have an adequate all- weather surface for their entire length and for a 10-foot width. The Commission may require the entire driveways to be paved. Common driveways may serve up to a maximum of two (2) rear lots and, where appropriate, the two (2) adjacent front lots, and shall adhere to the following:
 - (a) the common portion must be paved;
 - (b) pavement width shall be a minimum of 12 feet;

- (c) pavement specifications shall comply to Town standards;
 - (d) if part of a subdivision, the common portion of the driveway shall be installed as part of the street system;
 - (e) a maintenance agreement shall be approved by the Commission and shall be filed in the land records of both lots prior to the issuance of any building permits authorized under the Special Exception approval.
- (4) A landscape buffer is provided where necessary within the lot and along the access way to ensure that the development of rear lots will be in harmony with surrounding areas and protect existing homes.
 - (5) The Commission may modify the above requirements when it determines that the rear lots and the access thereto will be in harmony with the surrounding area and preserve the public health, safety, welfare and property values.
- q. Incorporation of one accessory apartment which is subordinate and incidental to a principal single-family dwelling.

In addition to standards set forth in Section VIII of these Regulations, the following standards/criteria must be met:

- (1) The lot conforms to the various requirements for the zone in which it is located.
- (2) The accessory apartment must be contained within the principal single-family dwelling after modification(s) as may be permitted under (3)(c) (below).
- (3) The following area requirements must be met:
 - (a) The accessory apartment may not exceed 25% of the dwelling after modification(s) as may be permitted under (c) (below).
 - (b) The accessory apartment must contain at least 400 square feet, but not exceed 600 square feet in area.
 - (c) Any additions may not increase the square footage of the original house by more than 10%. For the purpose of this regulation the "original house" shall be

measured at a point in time five (5) years prior to the submission of an application under this section. If the house is less than 5 years old, it shall be measured from the date a certificate of occupancy was issued.

The Commission may modify the above area requirements when, in the opinion of the Commission, such modification will preserve the public health, safety and welfare, and provide a more practical layout of the principal or accessory living unit.

- (4) The gross ground floor area after modification(s) shall not exceed the maximum lot coverage regulation of the zone.
- (5) The living area in the principal dwelling unit after modification(s) conforms to the living area requirements of these regulations.
- (6) At least one of the dwelling units is occupied by an owner of the property.
- (7) All applicable sanitary requirements for the additional dwelling unit, as enumerated in the Connecticut Public Health Code are met.
- (8) Adequate parking facilities are provided on site for both dwellings.
- (9) The accessory apartment shall be designed so that, to the degree reasonably feasible, the appearance of the building remains that of a one-family residence. In general, any new entrances shall be located on the side or in the rear of the building.
- (10) The Commission may require that the design of the home, both interior and exterior, be such that conversion back to a single-family dwelling may be readily accomplished.
- (11) Approvals shall be valid for a period of two years from the issuance of a certificate of occupancy. Prior to the expiration of this two-year period, or any subsequent approval, an application for renewal may be submitted for an additional period not to exceed two years.

r. Sale of Farm Products and Construction of Farm Buildings

Farms on parcels of land in excess of 10 acres (unless the acreage requirement is modified by the Commission upon a finding that all criteria in Section VIII of the Regulations have been met) may be allowed retail sales of farm-grown or farm-related products and the construction of farm buildings for the purpose of farming operations or retail sales in excess of the size specified in Section IV.A.2.b. provided that the following criteria can be met.

- (1) The farm store must be located on an active farm site.
- (2) The retail sales of farm products must be of a scale such that it is compatible with nearby residential uses.
- (3) The following items may be sold: Produce grown on the farm and farm-related products produced on the farm excluding meat products. Farm products grown elsewhere and other products related to agriculture may also be sold such that the total sales of these other products do not exceed 20% of the total amount of gross revenue generated from all retail sales at the farm stand. Items such as agricultural fertilizers, bark mulch, top soil, peat moss, plants pots, statuary items, prepackaged convenience food items, and soft drinks shall not be permitted for sale.
- (4) The farm store may be located in a free-standing building or may be situated in a portion of a larger structure which may be used in part to support other farming operations such as a dairy barn, hay loft, or farm equipment storage area. In all cases, the farm store shall not exceed 3,000 square feet in area.
- (5) The farm store must have a primary means of access and egress from a through street capable of safely accommodating anticipated volumes of traffic. Preference shall be given to arterial roadways.
- (6) All structures shall meet the minimum requirements established for the residential zoning district in which the farm is located. All parking shall meet the setback requirements for structures for the residential zoning district in which the farm stand is located. Parking shall be provided at a rate to be approved by the Commission. In addition, a B bufferyard shall be observed between any farm buildings

and farm store parking areas and adjoining residentially zoned properties.

- s. Home Occupation, Major.
- t. Roof-mounted satellite dish antennas may be permitted for those uses receiving Special Exception Approval under this section. Applicant shall demonstrate that due to the unusual shape of a parcel of land, building design, or site layout, a ground-mounted installation is not feasible. The Commission may require screening utilizing building materials and a design which will complement and enhance the architecture of the building and not detract from it. No installation shall exceed 35 feet in height.

5. Density Regulations

Any parcel developed for residential use shall observe the following density regulations. First apply the developable land calculation to the parcel being developed. Density of the parcel shall be calculated by multiplying the density factor of the applicable zone by the developable land of the parcel (not the parent parcel). See example in Section III.D.

<u>Zone</u>	<u>Maximum Density (families/acre)</u>
RU-2A	0.3
R-40	0.8
R-30	1.2
R-15	2.2

In residential subdivisions of four lots or less, the Planning and Zoning Commission, by Special Exception, may modify the density requirements. An applicant must demonstrate compliance with Section VIII of these Regulations. This provision shall not apply to resubdivisions.

6. Height and Area Regulations

	<u>RU-2A</u>	<u>R-40</u>	<u>R-30</u>	<u>R-15</u>
Min. Lot Area	2 ac.	40,000 s.f.	30,000 s.f.	15,000 s.f.
Min. Lot Width	200 ft.	170 ft.	170 ft.	100 ft.
Max. Lot Coverage	10%	15%*	15%*	15%
Minimum Front Yard				
-Local Streets	40 ft.	40 ft.	40 ft.	40 ft.
-Collector and Arterial Streets	60 ft.	60 ft.	60 ft.	60 ft.
Min. Side Yard	35 ft.**	35 ft.**	30 ft.***	15 ft.
Min. Rear Yard	30 ft.	30 ft.	30 ft.	30 ft.
Maximum Building Height	35 ft.	35 ft.	35 ft.	35 ft.
Minimum Landscaped Area for all Special Exception uses	65%	65%	65%	65%
	of the resulting acreage following the application of the developable land calculation per Section III.D. enumerated in Section IV.A.4.			

* Maximum Lot Coverage for all Special Exception uses shall be 10% except that by a two-thirds vote of all its members, the Commission may allow an increase in lot coverage up to 15% upon a determination of no adverse impact on any other property and a finding that all Special Exception Criteria in Section VIII are met and by further consideration of the following criteria:

1. The hours of operation of the proposed facility.
2. The amount of daily and peak hourly traffic to be generated by the proposed facility.
3. The location of the minimum landscaped area (65% of the site) such that a buffer to adjoining properties is provided which surpasses the minimum required.
4. The natural topography to be preserved and that to be created which offers a visual and noise barrier to adjoining properties.
5. The size and quality of existing vegetation to be preserved and that to be added.
6. The intensity of deliveries.
7. The frequency of deliveries.

8. The amount of outdoor activity associated with the use.
 9. The height, scale, and architectural style as it relates to surrounding properties.
 10. The history of substantiated complaints.
- ** Any lot which was in existence as of June 27, 2006, shall observe a 25-foot side yard.
- *** Any lot which was in existence as of June 27, 2006, shall observe a 20-foot side yard.

7. Living Area Requirements

- a. Each single-family dwelling hereafter erected shall contain at least 1,000 square feet of Living Area for a one- or two-bedroom house, plus at least an additional 200 square feet of Living Area in the unit as a whole for each additional bedroom.
- b. Dwellings more than one story in height, shall contain at least 800 square feet of Living Area on the ground floor.
- c. Split-level and bi-level dwellings shall be computed with the entire Living Area requirement contained on the upper-most levels.

COLLECTOR/ARTERIAL STREETS (requiring 60' front yard setback)

Arch Road
Burnham Road
Carriage Drive
Chevas Road
Climax Road
Country Club Road
Deercliff Road
Harris Road
Hollister Drive
Huckleberry Hill Road
Juniper Drive
Lofgren Road
Lovely Street
New Road
Nod Road
Northington Drive
Old Farms Road
Rt. 10 (Simsbury Road, Waterville Road)
Rt. 44 (E. Main Street, W. Main Street, Avon Mountain Road)
Scoville Road
Stagecoach Road
Talcott Notch Road
Thompson Road
Tillotson Road
West Avon Road
Woodmont Road

Reference: Section IV.A.6.

This is an interpretive aid only and is not part of the regulations.

B. AGRICULTURAL

1. Permitted Uses

- a. Planting and cultivation of any crop including tobacco, flowers, fruit, vegetables, forestry, nurseries, and field crops whether for personal or commercial purposes.
- b. Dairy farming, and livestock and poultry raising (excluding the commercial raising of pigs and at no time shall more than 3 pigs over 6 months old be kept).

2. Accessory Buildings, Structures and Uses
 - a. Buildings and structures customarily housing the principal use.
 - b. Dwellings; in accordance with the height and area requirements for an R-40 Zone (as specified in Section IV.A.6) occupied by the owner, members of the owner's family employed on the farm, or by permanent salaried employees.
 - c. Buildings, structures, and uses for processing the products of farming, including cider mills.
 - d. Other accessory uses customarily incidental to a permitted use except that the commercial slaughtering of animals (as distinguished from fowl), fertilizer manufacture, and commercial reduction of inedible animal matter are prohibited.

3. Special Exceptions

- a. Golf Courses may be permitted as a Special Exception in the Agricultural Zone when authorized by the Commission under the applicable criteria of Section VIII.
- b. Kennels, animal hospitals, or veterinary offices provided that:
 - (1) No outside kennels or runs for animals shall be allowed.
 - (2) Buildings used for overnight boarding of animals shall be fully enclosed and shall be designed as to keep noises from emanating from the buildings, except that in times of emergency, such as electrical failure, natural ventilation may be used.
 - (3) No structure housing animals shall be located closer than 150 feet to any residential zone boundary.
 - (4) Minimum lot area coverage, height and yard requirements shall be those of the R-40 Zone.

C. EDUCATIONAL LAND

1. Permitted Uses

Public and private schools, colleges and universities.

2. Accessory Buildings, Structures and Uses
 - a. Residential structures accessory to the principal use.
 - b. Any other use customarily incidental and subordinate to the principal use.

3. Area and Height Requirements

Minimum Lot Size	25 acres
Minimum Front Yard	60 feet
Minimum Side Yard	25 feet
Minimum Rear Yard	30 feet
Maximum Building Height	55 feet

4. Land Use and Site Development Requirements

Site Plan Approval under Section X.A.1. is required. The Commission may require compliance with Section VII of these Regulations in regard to landscaping, parking, signage, and other requirements; and with Section V of these Regulations in regard to other requirements.

D. RECREATION/OPEN SPACE

1. Permitted Uses

Golf Courses, playgrounds, recreation areas, parks and open space.

2. Accessory Buildings, Structures and Uses

Any building or structure not exceeding 600 square feet in area, or use customarily incidental and subordinate to the principal use.

3. Special Exceptions

Accessory buildings or structures in excess of 600 square feet in area. The building or structure, due to its location in a residential or recreation area, shall have residential design, scale, architecture and exterior materials compatible with the residential, recreational or rural character of the area. Accessory buildings or structures approved under this section shall be set back, as a minimum, from side and rear property lines in accordance with

the requirements for a B Bufferyard, as outlined in Section VII.A. Landscape Regulations.

4. Area and Height Requirements

Minimum Lot Size	40,000 square feet
Minimum Lot Width	150 feet
Minimum Front Yard	60 feet
Minimum Side Yard	25 feet
Minimum Rear Yard	30 feet
Maximum Building Height	35 feet

5. Land Use and Site Development Requirements

Site Plan Approval under Section X.A.1. is required. The Commission may require compliance with Section VII of these Regulations in regard to landscaping, parking, signage, and other requirements; and with Section V of these Regulations in regard to other requirements.