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Effective Date	Reference
[TABLE I] *AMENDMENTS - TEXT OF REGULATIONS*	
February 12, 1968	Addition of Par. 1.9 Earth Removal (now Par. 1.8).
February 12, 1968	Addition of SECTION 6A - EARTH REMOVAL (now SECTION 8).
February 12, 1968	Revision of Line #59 of SCHEDULE A (now Line C-27).
September 9, 1970	General revision of SCHEDULE A concerning uses for which site plan approval is required.
September 9, 1970	Revision of Lines #34 and #35 (now C-10 and C-10.1) concerning spacing between motor vehicle service stations.

September 9, 1970	Revision of Line #60 (now D-1) concerning plan approvals for accessory uses.
September 9, 1970	Addition of Par. 4.2.1.
September 9, 1970	Addition of Par. 4.5.1.
September 9, 1970	Addition of Par. 6.4.1 (superseded by 7.2.1).
September 9, 1970	Revision of Par. 13.1.3 (superseded by 15.1.3).
April 16, 1971	Revision of Line #16 of SCHEDULE A (now Line B-5).
October 9, 1972	Revision of Par. 3.2.1 concerning junk yards.
September 12, 1973	Comprehensive series of amendments.
November 30, 1973	Correction concerning Par. 6.2.8 (now 7.2.8).
June 6, 1975	Addition of Par. 3.2.4.
January 5, 1976	Southbury Center Zoning Program.
April 14, 1976	Addition of R-80 District.
December 8, 1976	Revisions concerning offices and home enterprise.
March 11, 1977	Revisions concerning interior lots, outdoor sales and storage and outdoor recreation facilities.

January 11, 1978	Revisions concerning lot area and shape (1.7.13), R-30A lot area/unit (Line A-3a) and Flood Plain District (Section 5).
October 27, 1978	Revisions concerning kennels, interior lots, open space lots, minimum access, earth removal, and administration.
March 21, 1980	Flood Plain Management Program: Par. 2.1.1, 3.2.2; new Sec. 5; Par. 8.3, 14.2.1, 14.2.2b, 14.11 and 14.12 (new).
July 25, 1980	Revision concerning earth removal in Flood Plain District: Par. 8.1a.
May 1, 1981	Dwellings for Elderly and/or Handicapped Persons: Schedule A - new Line A-3a: Sec. 7, Par. 7.3.4.
October 28, 1981	Revision of SECTION 12 - PLANNED DEVELOPMENT and Par. 14.8.5.
December 24, 1981	PDD #2 (Greenhouse Condominiums - Old Waterbury Road).
January 4, 1982	PDD #3 (Pomperaug Woods - East Hill Road).
May 21, 1982	Day Care: Par. 1.7, Schedule A - new Line B-11, Sec. 6 - new Par. 6.8 and renumbering; Diesel Fuel: revision of Par. 3.2.4.
June 25, 1982	Fees: delete Par. 14.8.1 through 14.8.7, add new Par. 14.8.1 through 14.8.6.
August 12, 1982	PDD #1 (Baskin-Robbins - Main Street North) amendment of plans and Land Use Areas B and C.
August 26, 1982	Earth Removal: Schedule A - revise Line C-27; new SECTION 8 - EARTH REMOVAL.
October 29, 1982	Schedule A: Part D(c) re. trucks in Residential Districts.
November	PDD #4 (Heritage Crest, East Hill Road).

26, 1982	
April 29, 1983	Ground Base Antennae: Schedule A, new Par. 6.9 and renumbering; Bond for Incomplete Site Improvements: revision of Par. 14.5.5; Lot Size for Two-Family House: revise Line A-2.
May 27, 1983	Schedule A: revise Line A-7 re. 50' setback for livestock shelters.
July 29, 1983	Accessory Apartments: Schedule A—new Line A-1.1; add new Par. 3.3.2.
November 11, 1983	PDD # 5 (Far View Commons, Southford Road).
November 18, 1983	PDD #6 (Pomperaug Common, Heritage Road).
March 23, 1984	SECTION 12—PLANNED DEVELOPMENT: Interim Regulation.
December 28, 1984	SECTION 12—PLANNED DEVELOPMENT: extension of Interim Regulation; Par. 13.11 re. nonconforming lots.
May 10, 1985	Residential/Corporate Park R-60C District; Par. 2.1, 2.1.5; Schedule A; Schedule B; Par. 7.2.10, 7.4, 7.4.1; Par. 10.4, 10.4.1, 10.4.1g, 10.4.2, 10.4.4 and 10.5.
May 10, 1985	Par. 4.3.1.
June 21, 1985	SECTION 12—PLANNED DEVELOPMENT: extension of Interim Regulation.
June 28, 1995	Zoning Program for Southford Center: Par 2.1. 2.1.6; Schedule A (B-1A, B-1B; Lines A-3b and C-1.3); Schedule B (B-1A and B-1B); Par. 7.29b, c, d, 7.2.10, 7.3.5; Par. 9.3,4, 9.3.5; Par. 10.5.3b, c, d; Par. 11.3.2d, 11.3.3d.
June 28, 1985	Par. 1.7 Definition (half story); delete Par 4.4.4 and renumbering.
December	SECTION 12—PLANNED DEVELOPMENT: extension of Interim Regulation.

31, 1985	
December 31, 1985	Hotels and Motels in Residential Districts (Line C-7, Schedule A; delete Par. 6.6)
December 31, 1985	Soil Erosion and Sediment Control; Par. 1 7 definition; Par. 7.2.16, 8.3.5, 8.9.3h. 8.11.4, 14.2.1g, 14.2.2d, 14 5.4, 14.8.1c.
June 27, 1986	SECTION 12—PLANNED DEVELOPMENT: extension of Interim Regulation, SCHEDULE A, Line A-2 (2-family dwellings); SECTION 9—OFF-STREET PARKING AND LOADING: Par 9.2, 9 3, 9 3.5, 9 4.6., 9.4.9, 9.4.10, 9.4.11, 9.4.13, 9.8.3.
July 25, 1986	SECTION 1—GENERAL PROVISIONS: Par. 1.7 definition of Coverage by Buildings and Structures (new), Floor Area, Total, Height and Story, SECTION 7—SITE DEVELOPMENT PLAN STANDARDS: Par 7.2.1a, 7.2.3c; SECTION 14—ADMINISTRATION: Par 142.2a, b, c and e (new).
December 19, 1986	SECTION 1—GENERAL PROVISIONS: Par 1.7 definition of Restaurants, Table Service, SECTION 3—PERMITTED USES BY DISTRICT, add Par. 3.2.6 (car wash) as a prohibited use; SCHEDULE A—PERMITTED USES: amend Line C-8 (restaurants including beverage service), delete Line C-8.1 and substitute Table Service Restaurants, under B-2 change Line C-8 from "S" to "X", delete all of Line C-10 (automotive) including C-10.1 through C-10.3 and substitute new C-10 and C-10.1 through C-10.6 (all concerning automotive service, repair and sales) and designate codes "S" or "X- under each district column, delete C-11 (off-street parking and loading facilities) and substitute C-11 (depot or stop for public, service passenger transportation) and code same as "S" under B-2, B-2E and B-3, and delete Bus Terminals from Line C-20.
December 31, 1986	SECTION 12—PLANNED DEVELOPMENT: extension of Interim Regulation.
June 26, 1987	SECTION 12—PLANNED DEVELOPMENT: extension of Interim Regulation.
September 30, 1987	Revision of SECTION 12—PLANNED DEVELOPMENT (Interim Regulation expires Oct. 1, 1987).
December 3, 1987	PDD #6 (Pomperaug Woods - Heritage Road) revision of floor area and building coverage standards.

July 8, 1988	Addition of Aquifer Protection District to Par. 2.1; Par. 2.1.7; New SECTION 5A—AQUIFER PROTECTION DISTRICT; Section 7; Site Development Standards: add new Par. 7.2.17 Toxic and Hazardous Materials and Wastes.
May 19, 1989	PDD #7 (Old Field Estates), Main Street North and Old Field Hill Road.
August 21, 1989	Section 6—Special Exceptions: Revision of Par. 6.8.1 and 6.8.5 relative to day care centers.
August 14, 1989	Section 5A—Aquifer Protection District: revision of Par. 5A.4.3 relative to fuel storage.
August 14, 1989	Schedule A: add new line A-11, new Par. A-6(c); add Par. 6.6 relative to bed-and-breakfast establishments as special exceptions.
June 20, 1990	Adequacy of Public Water Supply: amend Par. 7.2.8 Sanitation; amend Par. 14,2.2(ii)a; Par. 14.5.3 change heading to "On-site"; Par. 14.5, add new 14.5.4 Adequacy of Public Water Supply and renumber 14.5.4thru 14.5.8 to be 14.5.5 through 14.5.9.
August 24, 1990	Signs: Revise Par. 7.2; 10.2, 10.3.2, 10.3.3, 10.3.5.d, f; add Par. 10,36, 10A, 10.5, renumber Par. 10.5 as 10.6, revise Par. 10.6.1, 10,6.2, renumber 10.6, 10.7 as 10.8, 10.10, add Par. 10.7, 10.9; remove Par. 14.5 7, renumber Par. 14.5.8, 14.5.9 as 14.5.7, 14.5.8, revise Par. 14.8.1.
September 17, 1990	PDD #8 (Southbury I-84 Complex - Southbury Green), Main Street South.
November 17, 1990	Undertakers' establishments: SECTION 3, SCHEDULE A: Revise line C-4.
January 25, 1991	Section 5-Flood Plain District: Revise definition, Par. 1.7-15.2. 1, remove Par. 5.2.2, renumber 5.2.3—5.2.5 as 5.2.2-5.2.4, revise new Par. 5.2.2., 5.2.4; 14.12.
March 29, 1991	SECTION 3, SCHEDULE A March 29, 1991 Center District-Main Street South (CD-MSS): Change name and designation from Center District-Main Streets (CD-M); revise Par. 2.1.3.
March 29, 1991	Section 7-Site Development Plan Standards: Add new Par. 7.2.1.c, reletter 7.2.1.c—.f as d—.g, revise Par. 7.2.1.f. 7.2.4; add new Par. 14.10, Admin, Policy #2, Plan of Development.

July 19, 1991	SECTION 14—ADMINISTRATION: Delete Par. 14.8, Fees, and list of fees; substitute new Par. 14.8, Fees, referring to "Fee Schedule Ordinance."
October 18, 1991	SECTION 5A—AQUIFER PROTECTION DISTRICT: amend Par. 5A.3.3 re. road salt and reference 5A.4.2 re. fuel storage requirements; delete 5A.4.1, Salt, and renumber 5A.4.2 through 5A.4.4 to 5A.4.1 through 5A.4.3; amend 5A.4.1 and 5A.4.2 as renumbered; SECTION 3-PERMITTED USES BY DISTRICT: amend Par. 3.3.1f, SECTION 7-SITE DEVELOPMENT PLAN STANDARDS: Amend Par. 7.2.17 and add 7.2.17e.
October 18, 1991	SCHEDULE B—STANDARDS: under the B-3A column, change Line 9 from 100' to 60' (minimum setback from Residential District), Line 10 from 10% to 20% (maximum lot coverage by buildings and structures), and Line 11 from 20% to 30% (maximum floor area as % of lot area).
June 26, 1992	SECTION 9—OFF-STREET PARKING AND LOADING: change Par. 9.4, "Parking space standards" to be "Number of parking spaces" and modify, amend Par. 9.4.4, 9.4.6, 9.4.9; delete Par. 9.7, Joint use, renumber Par. 9.5, Loading space standards to be Par. 9.7, add new Par. 9.5, Handicapped accessible parking standards, and amend Par. 9.6, Classification of uses; amend Par. 9.8.2, 9.8.4, 9.8.5, 9.3.5 and 9.8.6. SECTION 7-SITE DEVELOPMENT PLAN STANDARDS: Amend Par. 7.2.12, Landscaping.
September 25, 1992	SECTION 7—SITE DEVELOPMENT PLAN STANDARDS: Amend Par. 7.2.15, Signs.
July 30, 1993	SECTION 3—PERMITTED USES BY DISTRICT: Schedule A, Added Part B, B-12; amend Part C, C-21; added Part D, D-1d; SECTION 4-AREA, LOCATION AND BULK STANDARDS: Added new Par. 4.4.6.
August 27, 1993	SECTION 1—GENERAL PROVISIONS: Par. 1.7 definition of Restaurants; SECTION 3-PERMITTED BY DISTRICT: Added Par. 3.2.7, amend Sched. A—Permitted Uses; SECTION 7-SITE DEVELOPMENT PLAN STANDARDS: Delete Par. 7.3.2, Restaurants in B-3A, and add new Par. 7.3.2, Restaurants.
September 24, 1993	SECTION 13—NONCONFORMITY: Added new Par. 13.10.1, Casualty-Historic Structure; SECTION 1—GENERAL PROVISIONS: Amend Par. 7.1 definitions of Historic Structure.
March 25, 1994	SECTION 14—ADMINISTRATION: Added new Par. 14.2.2.f., Historic and Archeological Site Submission; SECTION 7—SITE DEVELOPMENT PLAN STANDARDS: Added new Par. 7.2.18, Historic Structures and Archeological Sites; SECTION 1—GENERAL PROVISIONS: Added footnote to introduction for definition of "Historic Structure."

March 25, 1994	Added Administrative Policy #3.
May 27, 1994	SECTION 3—PERMITTED USES BY DISTRICT: Amend Par. 3.1, Schedule A on Line C-8.3; SECTION 7—SITE DEVELOPMENT PLAN STANDARDS: Amend Par. 7.3.2, subparagraph e.
March 31, 1995	SECTION 3—PERMITTED USES BY DISTRICT: Amend Par. 3.1, Schedule A by adding line C-8.4; SECTION 1—GENERAL PROVISIONS: Amend. Par. 1.7 by adding new definition for "Restaurant, Accessory Service"; SECTION 7—: Amend Par. 7.3 and Par. 7.3.2.
May 10, 1995	ITEM B-2, ADMINISTRATIVE POLICY #2.
September 29, 1995	SECTION 3—PERMITTED USES BY DISTRICT: Amend. Par. 3.1, Schedule A, adding line C-11.1.
October 27, 1995	SECTION 3—PERMITTED USES BY DISTRICT: Amend. Par. 3.3.1, subparagraph b.
November 17, 1995	SECTION 1—GENERAL PROVISIONS: Amend. Par. 1.7; SECTION 3—PERMITTED USES BY DISTRICT: Amend. Par. 3.1, Schedule A, Column B-2F; Delete Schedule A, line C-5 and add new line C-5; Amend. B-3A, B-3B and B-3C districts; SECTION 4—AREA, LOCATION AND BULK STANDARDS: Amend. Par. 4.1, Schedule B; Deleted and insert new Par. 4.2.1; Amend. Par. 4.4.5; Renumber Par. 4.4.6 as 4.4.7 and add new 4.4.6; SECTION 7—SITE DEVELOPMENT PLAN STANDARDS: Amend. Par. 7.2.9; Amend. Par. 7.2.10; Amend. Par. 7.2.12; SECTION 9—OFF-STREET PARKING AND LOADING: Amend. Par. 9.3.5; SECTION 10—SIGNS: Amend. Par. 10.6.3; SECTION 11—LIGHTING: Amend. Par. 11.3.2 and 11.3.3.
December 29, 1995	SECTION 4—AREA, LOCATION AND BULK STANDARDS: Amend. Par. 4.4.2.
December 29, 1995	SECTION 13—NONCONFORMITY: Amend. Par. 13.11.3.
January 3, 1997	SECTION 13—NONCONFORMITY: LOTS—Amend. Par. 13.10; delete Par. 13.10.1.
March 19, 1998	SECTION 4—SCHEDULE B—STANDARDS: Added note (4.7); SECTION 13—NONCONFORMITY: ENLARGEMENT—amended ¶ 13.6.

April 8, 1998	ITEM B-5, ADMINISTRATIVE POLICY # 2.
May 31, 1998	SECTION 6—SPECIAL EXCEPTION: DAY CARE FACILITY—Added ¶ 6.8.6.
July 17, 1998	SECTION 10—SIGNS: PROHIBITED SIGNS—Amend. Par. 10.3.5 f.
August 20, 1998	SECTION 1—GENERAL PROVISIONS: DEFINITIONS, DAY CARE FACILITY—Amend. Par. 1.7; SECTION 6—SPECIAL EXCEPTION: KENNELS AND STABLES—Amend. Par. 6.5.4; DAY CARE FACILITY—Amend. Par. 6.8.6; SCHEDULE B—STANDARDS, R-20 Setbacks; SECTION 13—NONCONFORMITY: ENLARGEMENT—Amend. Par. 13.6
August 20, 1998	PDD #9 (Kensington Green - Assisted Living Facility, Main St. South).
January 28, 1999	PDD #11 (Triangulum Associates - Heritage Bazaar), Heritage Road.
February 19, 1999	SECTION 1—GENERAL PROVISIONS: DEFINITIONS—Amend. Par. 1.7 by adding new definitions of "Antenna", "Height of tower", "Mount", "Tower", and "Wireless communication facility"; SECTION 3—PERMITTED USES BY DISTRICT: SCHEDULE A—Add line B-13; SECTION 6—SPECIAL EXCEPTIONS: WIRELESS COMMUNICATION FACILITIES—Added Par. 6.10 and renumbered Par. 6.10 and 6.11 as 6.11 and 6.12.
March 18, 1999	SECTION 1—GENERAL PROVISIONS: DEFINITIONS—Amend. Par. 1.7 by adding amended definition of "Fences, walls and terraces."
June 17, 1999	PDD #15 (SRG FamilyLLC/Southhaven Associates - Medical Office Building), Old Waterbury Road.
November 18, 1999	SECTION 3—PERMITTED USE BY DISTRICT: SCHEDULE A: Add new line A-7.1; SECTION 3—PERMITTED USED BY DISTRICT: Added. Par. 3.3.4.
December 1, 1999	SECTION 3—PERMITTED USES BY DISTRICT: SCHEDULE A: Add Item C-14.1; SECTION 3—PERMITTED USED BY DISTRICT: Add new Par. 3.3.3.
December 16, 1999	SECTION 3—PERMITTED USED BY DISTRICT: SCHEDULE A: Items C-2 and C-2.2.

March 15, 2000	SECTION 7—SITE DEVELOPMENT PLAN STANDARDS: Amend Par. 7.2, Par. 7.6.
April 27, 2000	SECTION 2—DISTRICTS AND MAPS: Amend. Par. 2.1; SECTION 3—PERMITTED USE BY DISTRICT: SCHEDULE A: Add new column B-3D; SECTION 4—AREA, LOCATION AND BULK STANDARDS: SCHEDULE B: Add new column B-3D; SECTION 7—SITE DEVELOPMENT PLAN STANDARDS: Add Items 7.2.9c, d, 7.2.10; SECTION 9—OFF-STREET PARKING AND LOADING: Add Item 9.3.5; SECTION 10—SIGNS: Amend Item 10.6.3b i), 10.6.3c. 10.6.3d i); SECTION 11—LIGHTING: Amend Items 11.3.2d., 11.3.3d.
June 30, 2000	SECTION 12—PLANNED DEVELOPMENT: Amend Item 12.5.2.b.i.
December 21, 2000	SECTION 3—PERMITTED USE BY DISTRICT; SCHEDULE A: Amend. column C-27 by deleting "P" and inserting "See Section 8"; SECTION 8—EARTH REMOVAL: Amend.; deleted §§ 8.10.2 and 8.10.3 and included as Appendix A to zoning regulations.
June 21, 2001	PDD #16 (Winding Brook Developers, LLC - Condominiums, Old Waterbury and Church Roads).
October 17, 2002	PDD #17 (Heritage Center - Heritage Dev. Group, Inc., 450 Heritage Road).
May 23, 2003	Under Section 14 (Administration) replace Section 14.3 (Referrals) with new paragraph referencing referrals to Planning Commission and ZBA
December 19, 2003	SECTION 3—SCHEDULE A—PERMITTED USES: Delete designation "S" from all lines delineated therein and substitute designation "ES", except for line C-26 Signs which will retain its "S" designation; SECTION 7: Delete title "site development plan standards" and substitute "special exception and site development plan standards"; Amend Items 7.1, 7.2, 7.2.1, 7.2.8.a., 7.2.8.b., 7.2.15, 7.2.18, 7.2.18.a., 7.2.18.b.; SECTION 7.3: Delete title "special exceptions" and substitute "special standards"; Amend Items 7.3.1, 7.3.2., 7.3.2.j., 7.3.2.k., 7.3.3, 7.3.4, 7.3.4.a., 7.3.5, 7.4, 12.4, 14.2.2.
December 19, 2003	SECTION 3 (PERMITTED USES), SECTION 7 (SITE PLAN STANDARDS) and SECTION 14 (SITE DEVELOPMENT PLAN) amend regulations.
August 6, 2004	PDD #18 (Southbury Plaza-Southhaven Associates LLC, 100 Main Street North).
September	PDD #19 (Willow Creek Farm LLC & Willow Creek Estates, corner of Kettletown Road and

22, 2005	North Georges Hill Road
November 17, 2005	Schedule A, Part D, Line D-1 add Subsection F relating to "Falconers"; under Section 1 (General Provisions), Line 1.7 (Definitions) add definitions of "Falconer", "Falconry" and "Raptors"
January 18, 2007	Section 7.2.19 Southford Village District Zoning Regulation Text (SVD) new paragraph; under Section 2 (Districts & Maps) add Section 2.1.6.a (Southford Village District); under Section 7 (Special Exceptions and Site Development Plan Standards) add Section 7.2.19 (Special Standards and Design Criteria)
March 22, 2007	SECTION 1—GENERAL PROVISIONS, Amend Schedule A, Line C-2; Item 1.7 add definition for accessory
July 19, 2007	Schedule A. Line C-14.1 (Zone B-3C) amended to allow radiology services provided by mobile motor vehicle in zone
June 19, 2008	Schedule A (Permitted Uses - Residential and Farming Uses) amended to add Line A-8.1 (Seasonal Outdoor Farmers' Market)
June 19, 2008	SECTION 2.1 DISTRICTS AND MAPS, Add Aquifer Protection District #2 (Southbury Training School Well Head Area); Amend 2.1.7, Aquifer Protection District; Amend 5A.1, General; Add 5.A.1.3; Add 5.A.4; Renumber existing 5.A.4 as 5.A.5
December 18, 2008	Schedule A (Permitted Uses) Line B-3B (Veterinary Hospitals) deleted designation "X" from zone and substituted designation "ES".
April 16, 2009	SECTION 5, Amend 5.A.1, Aquifer Protection District, General; Amend 5.A.1.3, Aquifer Protection District #2 (Heritage Village Road Well Head Area)
October 21, 2010	Section 5 (Flood Plain District) delete paragraph 5.1 Boundaries and Elevations and replace with new text referring to revised FEMA "Flood Insurance Rate Map" dated December 17, 2010
November 17, 2011	Section 11 Lighting - (I) Amended Section 1 (General Provisions) Line 1.7 to show additional definitions; (II) replaced existing regulations with new standards under Section 11 (Lighting); (III) amended Schedule A (Permitted Uses), Part B (Community Facilities and Services Uses) to add Line B-6.1 Outdoor Athletic Lighting with "ES" in all zones; (IV) amended Section 7 (Special Exception and Site Development Plan Standards) and Section 7.3 (Special Standards) to add Line 7.3.6 (Outdoor Athletic Lighting).

October 18, 2012	Section 6 Adult Day Care — (I) Amended Section 1 (General Provisions) Line 1.7 to show additional definitions; (II) amended regulations to add and/or delete text under Section 6 (Special Exceptions) Line 6.8; (III) amended Schedule A (Permitted Uses), Part B (Community Facilities and Services Uses) to add text to Line B-11 and add Line B-11.1 Adult Day Care facility, ... with "X, E and ES" in all appropriate zones.
September 19, 2013	Schedule A, Line C-8.3 (Take-out Food Service Restaurant) deleted designation "X" from B-2 Zone and substitute designation "ES"
September 19, 2013	Section 7, Add Line 7.3.7 (Standards For Joint Occupation By Certain Businesses)
October 17, 2013	Section 10 Signs — Delete existing text and add new text (Sections 10.1 — 10.11.1)
April 17, 2014	PDD #20 (Southbury Riverview Cinema & Playhouse, Main Street South)
October 31, 2014	Section 7.3.4 Line (c) - Delete ten (10) dwelling units and replace with thirty (30)
May 1, 2015	Section 1.7 add additional definitions; Section 3.2.3 add additional new text; Schedule A Line C-4 add additional text (Undertakers' Establishments, Human and Pet Crematories) show "X" across with "ES" om B-2E zone only, and add new Line C-4.1 (Undertakers' Establishments) using original replaced text from Line C-4, and add new Line C-4.2 (Human and Pet Crematories) show "X" across with "ES" in B-2E zone only; Section 7.4.2 (Establishment of Human and Pet Crematories) add new text
January 1, 2016	Section 7, Line 7.3.7 add additional zone B-1A or B-2 Zone Stores as described; Schedule A, Line C-8.3 under Zone B-1A delete "X" and replace with "ES".

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Effective Date	Reference
[TABLE II]	

AMENDMENTS - ZONING MAP	
December 12, 1966	Adoption of Supplementary Map #2 - Old Route 6 and Route #172: from M-2 to B-2.
December 12, 1966	Adoption of Supplementary Map #3 - Route #188 and Interstate #84: from M-5 and R-60 to B-2; from R-60 to M-2.
April 25, 1969	Extension of R-30A in four (4) areas in the vicinity of Heritage Village.
April 25, 1969	Extension of B-3 in two (2) areas near Poverty Road and Wheeler Road in the vicinity of Heritage Village.
December 2, 1969	Lakeside Drive and Luna Trail Extension: R-60 to R-20; R-40 to R-30; R-60 to R-30.
March 17, 1971	M-2 to B-3 at Peter Road and Main Street.
May 10, 1971	R-40 to B-3, Main Street near Route #172.
September 10, 1971	R-30 to B-1, Route #67 at I-84.
December 13, 1972	R-30 to PDD #1, Main Street.
May 10, 1973	Adoption of Supplementary Map #4 - Southford: R-30 to B-2; R-30 and R-40 to B-2.
June 15, 1973	M-2 to R-60, Reservoir Road and Tuttle Road.
June 15, 1973	M-2 to R-60, along Reservoir Road.
June 15, 1973	R-60 to M-2, south of Tuttle Road.

June 15, 1974	R-30 to B-2, Main Street (Herman).
December 13, 1974	R-30 to B-1, Route #188 near Route #67.
January 5, 1976	Southbury Center Zoning Program.
April 14, 1976	Establishment of R-80; R-40 to R-60.
January 3, 1977	Modification of June 15, 1973 amendment along Reservoir Road, and south of Tuttle Road (by Court stipulation).
June 15, 1979	R-60 to R-30, Route #172 at Main Street.
July 25, 1980	B-3A to B-2B, Route #67 at Bullet Hill Brook.
December 24, 1981	R-60 to PDD #2 (Greenhouse Condominiums), Old Waterbury Road.
January 4, 1982	R-30A and R-60 to PDD #3 (Pomperaug Woods), East Hill Road.
November 26, 1982	R-30A and R-60 to PDD #4 (Heritage Crest), East Hill Road.
November 11, 1983	R-60 to PDD #5 (Far View Commons), Southford Road.
November 18, 1983	R-30 to PDD #6 (Pomperaug Commons), Heritage Road.
May 10, 1985	R-60 to R-60C: Southford Road, Kettletown Road and Bullet Hill Road.
June 28, 1985	Zoning Program for Southford Center: Southford District; B-1, B-2 and R-30 to B-1A; B-2 and R-30 to B-2B.

January 27, 1988	R-60 to R-30A, South Britain Road CT. Route 172 and discontinued East Hill Road (Luf et al. v. Town of Southbury).
July 8, 1988	Supplementary Map No. 4; Aquifer Protection Districts.
May 19, 1989	R-60 to PDD #7 (Old Field Estates), Main Street North and Old Field Hill Road.
September 17, 1990	B-3B to PDD #8 (Southbury I-84 Complex - Southbury Green), Main Street South.
March 29, 1991	Change legend reference to "Center District-Main Street South" and map code to "CD-MSS."
January 4, 1995	M-2 to R-60 (Tuttle Woods Estates), Tuttle and Judd roads.
November 17, 1995	B-2E to B-2F, Main Street South, southwest from Connecticut Route #172; B-2E to B-2C at Depot Hill Road and Bullet Hill Road (Pomperaug Office Park); B-2E to B-2B at the southeast corner of Oak Tree Road and Bullet Hill Road; B-3B to B-2E adjacent to westbound ramp of I-84 Exit 15 above Bullet Hill Brook.
February 12, 1998	R-30, R-60 to R-60C, 125-acre parcel located south of Interstate 84 between Ichabod Road and Lakeside Road.
August 20, 1998	B-3B to PDD #9, Kensington Green, 655 Main Street South.
January 28, 1999	B-3B to PDD #11 (Triangulum Associates - Heritage Bazaar), Heritage Road.
June 17, 1999	R-30 to PDD #15 (SRG Family LLC/Southhaven Associates - Medical Office Building), Main Street North and Old Waterbury Road.
April 27, 2000	M-2 and B-2 to B-3D; Old Waterbury Road and Judd Road.
June 21, 2001	R-60 to PDD #16 (Winding Brook Condominiums), Old Waterbury and Church Road.

October 17, 2002	PDD #11 (Heritage Bazaar) and B-3 to PDD #17 (Heritage Center), Heritage Road.
April 17, 2003	B-3D to R-60, Old Waterbury Road and Reservoir Road.
August 6, 2004	B-2B, B-3A, R-30 and portion PDD #15 (Medical Office Building) to PDD #18 (Southbury Plaza), Main Street North.
September 22, 2005	R-60 to PDD #19 (Willow Creek Farm LLC & Willow Creek Estates), corner of Kettletown Road and North Georges Hill Road
January 18, 2007	Southford Village District (SVD)
June 19, 2008	Supplementary Map No. 4 - Aquifer Protection District #2, added Southbury Training School Well Head Area
April 16, 2009	Supplementary Map No. 4 - Aquifer Protection District #2, added Heritage Village Road Well Head Area
April 17, 2014	R-60 and B-3B to PDD #20 (Southbury Riverview Cinema and Playhouse, Main Street South
October 31, 2014	R-60 and R-30A (Pierce Hollow Village) South Britain Road

Editor's note— Applications for the following Planned Development Districts were **DENIED** on December 12, 1999: PDD #10, 450 Heritage Road; PDD #12, 41 Community House Road; and PDD #14, 160 Main Street North & 96 Old Waterbury Road. The number 13 was never used.

Cross reference— Citation procedures and fines for zoning violations, § 10-3.

Footnotes:

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Editor's note— Printed in this Part are the zoning regulations of the Town of Southbury, Connecticut, originally adopted by the Southbury Zoning Commission on April 28, 1966 and made effective on April 30, 1966 at 9:00 a.m. The Regulations, including the Zoning Map, have been amended from time to time as indicated in the summary lists of amendments set out in this note. Effective September 12, 1973 and November 30, 1973, the Zoning Commission adopted a series of amendments to the Regulations, substantially changing certain Sections and the Schedules. As a result the Commission reassembled the text, encompassing all amendments and appropriate renumbering of sections and paragraphs, and on November 26, 1973 by resolution confirmed the recodification under the publication date of December 1, 1973. Effective January 5, 1976, the Zoning Commission adopted a comprehensive zoning program for the Southbury Center Area; effective April 14, 1976 amendments were adopted concerning residential lot sizes. These changes necessitated a reassembly and renumbering of the text of the Regulations. On June 2, 1976 the Zoning Commission by resolution confirmed a recodification under the publication date of June 2, 1976. Amendments to the text of the Regulations and to the zoning map were adopted with effective dates as indicated in the following tables:

Section 1. - General provisions.

1.1 *Jurisdiction:* Within the Town of Southbury, no land, building or other structure shall be used and no building or other structure shall be constructed, reconstructed, enlarged, extended, moved or structurally altered except in conformity with these Regulations. No lot or land shall be subdivided, sold, encumbered or conveyed so as to make said lot or land nonconforming or more nonconforming to these Regulations, to make any use, building or other structure nonconforming or more nonconforming, to reduce any setback, landscaping, open space or off-street parking and loading spaces to less than is required by these Regulations or to make any nonconforming setback, landscaping, open space or off-street parking and loading spaces more nonconforming.

1.2 *Permit and Certificate Required:* No building or other structure, or part thereof, shall be constructed, reconstructed, enlarged, extended, moved, or structurally altered until an APPLICATION for a ZONING PERMIT has been approved by the Zoning Enforcement Officer and a ZONING PERMIT therefor has been issued by him. No land, building or other structure, or part thereof, shall be used or occupied, or changed in use, until a CERTIFICATE OF ZONING COMPLIANCE therefor has been issued by the Zoning Enforcement Officer certifying conformity with these Regulations. No ZONING PERMIT and no CERTIFICATE OF ZONING COMPLIANCE, however, is required for a farm when no building or other structure is proposed; no such PERMIT or CERTIFICATE is required for continuation of an existing use of land, buildings or other structures.

1.3 *Nonconformity:* Any use, building or other structure or lot, which existed lawfully, whether by variance or otherwise, on the date these Regulations or any amendment hereto became effective, and fails to conform to one or more of the provisions of these Regulations or such amendment hereto, may be continued subject to the provisions and limitations of Section 13.

1.4 *Performance Standards:* The following performance standards shall apply to all nonresidential uses of land, buildings and other structures wherever located:

1.4.1 *Dust, Dirt, Fly Ash and Smoke:* No dust, dirt, fly ash or smoke shall be emitted into the air so as to endanger the public health and safety, to impair the safety, value and enjoyment of other property or to constitute a critical source of air pollution;

1.4.2 *Odors, Gases and Fumes:* No offensive odors or noxious, toxic or corrosive fumes or gases shall be emitted into the air;

1.4.3 *Noise:* With the exception of time signals and noise necessarily involved in the construction or demolition of buildings and other structures, no noise which is objectionable due to volume, intermittence, beat frequency or shrillness shall be transmitted outside the property where it originates.

1.4.4 *Wastes:* No offensive wastes shall be discharged into any river, stream or storm drain;

1.4.5 *Vibration:* With the exception of vibration necessarily involved in the construction or demolition of buildings and other structures, no vibration shall be transmitted outside the property where it originates; and

1.4.6 *Danger:* No material which is dangerous due to explosion, extreme fire hazard or radioactivity shall be used, stored or manufactured except in accordance with applicable codes and regulations of the Town of Southbury and State of Connecticut.

1.5 *Off-Street Parking and Loading:* Parking and loading spaces shall be provided off the street for any use of land, buildings and other structures in accordance with Section 9.

1.6 *Signs:* All signs shall be established in accordance with the requirements of Section 10.

1.7 *Definitions:* The words used in these Regulations shall have the meaning commonly attributed to them. Doubts as to their precise meaning shall be determined by the Zoning Commission in accordance with the purpose and intent of these Regulations. Certain words used in these Regulations are defined and explained as follows:

Accessory: Accessory uses that are customary with and incidental to business and professional offices may include the sale of goods or services rendered at retail when accessory and subordinate to a permitted use on the same premises subject to securing approval of a Special Exception for such use.

Antenna means a device used in communications which transmits or receives telecommunications or radio signals. Examples include panel, whip, and dish antennas.

Certified Crematory Operator: An individual formally trained and duly certified in the operation of a crematory.

Crematory: A building or portion of a building containing a furnace used to reduce a human body or pet body to ash.

Crematory authority: The legal entity, or authorized representative of the legal entity who conducts the cremation.

Cremation chamber or retort: The enclosed space within the crematory where the cremation process takes place.

Coverage by Buildings and Structures: The aggregate ground coverage by buildings and other structures is measured from the outer most edge of the building or structure, projected to nadir, but excluding any architectural projections of the type that are permitted to extend into the area required for setback from a street line, property line or Residential District Boundary Line and also excluding buildings and structures that are completely below the finished grade of the lot.

Customary Home Enterprise: The term "customary home enterprise" shall mean one or more of the following activities:

a. The preparation and sale of those products customarily produced in the home, garden or farm, such as home baking, needlework, fruits, produce and home preserves, provided that such products are created entirely on the premises.

b. The preparation and sale of the products of arts and crafts, such as painting and illustrating, woodcarving and cabinet making, ceramics, writing, sculpture, ornamental glass and metal working, provided that such products are created entirely on the premises.

c. A private workshop for the conduct of a skilled trade or personal service, such as the workshop of a plumber, electrician, carpenter, painter-paperhanger, watchmaker, hair dresser, appliance repairer or photographer, but expressly excluding motor vehicle repair or service and the use or repair of internal combustion engines at such workshop.

Daycare Facility: The term "daycare facility" shall include the following:

a. A "child daycare center" which offers or provides a program of supplementary care to 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;

b. A "group daycare home" which offers or provides a program of supplementary care to 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;

c. A "family daycare home" which consists of a private family home caring for not more than six (6) children, including the provider's own children not in school full time, where the children are cared for not less than three (3) nor more than twelve (12) hours during a twenty-four-hour period and where care is given on a regularly recurring basis except that care may be provided in excess of twelve (12) hours but not more than seventy-two (72) consecutive hours to accommodate a need for extended care or intermittent short-term overnight care. During the regular school year, a maximum of three (3) additional children who are in school full time, including the provider's own children, shall be permitted, except that if the provider has more than three (3) children who are in school full time, all of the provider's children shall be permitted.

d. A "adult daycare center" which offers or provides a program of supplementary care to related or unrelated adults outside their own homes on a regular basis for a part of the twenty-four (24) hours in one or more days of the week.

Daycare facility shall not include services which are (a) administered by a recognized public or private school, (b) recreation operations such as but not limited to clubs, church-related activities, scouting, camping or community youth programs or (c) informal arrangements among neighbors or relatives in their own dwellings.

Dwelling: A "dwelling" is a building containing one or more "dwelling units". One or more buildings may be considered to be a "dwelling" if designed for occupancy, and so occupied, by one (1) "family".

Dwelling Unit: A "dwelling unit" is a building or a part of a building designed for occupancy, and so occupied, by one (1) "family". Accommodations for transient lodging, and so occupied, in a motel or hotel shall not be considered to be a "dwelling unit".

Falconer means a person who engages in falconry as defined in Section 26-67d of the Connecticut General Statutes and holds a valid Connecticut falconry permit;

Falconry means "falconry" as defined in Section 26-67d of the Connecticut General Statutes;

Family: A "family" is a person, a group of related persons or a group of not more than six (6) persons who need not be so related, plus domestic servants or guests thereof, living as a single housekeeping unit maintaining a common household. A roomer or boarder shall not be considered a member of a "family" for the purpose of this definition.

Floor Area, Dwelling: In determining compliance with minimum floor area requirements for "dwellings" and "dwelling units" and compliance with maximum floor area requirements for an office in a "dwelling unit" or a home enterprise in a "dwelling unit", only finished livable floor area having a ceiling height of at least seven (7) feet shall be counted, excluding garages, terraces, bay windows, basements, cellars, utility rooms for heating apparatus, attics, open porches and enclosed porches not heated by a central heating system for the "dwelling", and hallways and other space designed for common use by occupants of two (2) or more "dwelling units". Measurements of floor area for any "dwelling" or "dwelling unit" shall be taken from the inside surfaces of exterior walls or partitions enclosing the floor area. Any floor other than a ground floor must have access thereto by a permanent inside stairway to be included in computing floor area.

Floor Area, Total: In determining the total or gross floor area of buildings and structures on a lot, measurements shall be taken to the outside surfaces of exterior walls enclosing the floor area.

Excluded from the determination of total floor area are basements or cellars used only for storage, supporting services and utility services that are ancillary to uses on other floors of the building as well as penthouses, on the roof of a building, enclosing elevator, heating, ventilating, air conditioning, solar access equipment and water storage tanks and equipment.

Grade, Finished: The final elevation of the ground level adjoining a building or structure at all exterior walls or surfaces after development. Finished grade shall be construed as that grading, excavation or filling which is incidental to construction of the building or structure on the site, and not grading, excavation or filling for the purposes of obtaining greater building or structure height.

Grade, Natural: The elevation of the ground level in its natural state, before construction, filling, excavation, or re-grading.

Height: In measuring the height of a building, or part thereof, or other structure to determine compliance with the maximum height provisions, measurement shall be taken from the average level of the highest roof of the building or part thereof and from the highest feature of a structure to a "ground elevation datum" consisting of the average elevation of the finished grade of the lot within ten (10) feet of and around the perimeter of the building, or such part thereof, or structure. A separate ground elevation datum is applicable to each building, or part thereof having a separate roof, and to each structure on a lot. When any two (2) buildings having different ground elevation datum are interconnected, such as by common areas, other floor area or other architectural features or structures, the ground elevation datum applicable to the interconnection feature or structure is the same as the building having the lower ground elevation datum. The provisions of these Regulations pertaining to height shall not apply to church steeples, ornamental towers, farm silos and chimneys.

Height of tower means the vertical distance measured in feet from the average existing level of the ground surrounding the tower and within ten (10) feet thereof to the topmost point of the tower including any antenna or other appurtenances. The existing elevation shall mean the actual or approved elevations of the property.

Historic Structure: The term "historic structure" includes historic building and means any structure or building that is in any of the following categories*:

a. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting requirements for individual listing on the National Register;

b. Certified or preliminarily determined by such Secretary of the Interior as contributing to the historical significance of a National Register historic district or a district preliminarily determined by the Secretary to qualify as a National Register historic district;

c. Listed individually on the Connecticut State Inventory of Historic Resources, Buildings and Structures, and/or

d. Listed individually as contributing to an historic district or as constituting an historic property, as established by ordinance of the Town of Southbury under the provisions of Chapter 97a of the Connecticut General Statutes.

*See Administrative Policy #3—Identification of Historic Structures and Archeological Sites.

Human crematory: For purposes of this Regulation means a building or structure containing one or more cremation chambers or retorts for the cremation of dead human bodies.

Junk Yard: The term "junk yard" shall be construed to include any "junk yard," "motor vehicle junk business" and "motor vehicle junk yard" as defined in the General Statutes of the State of Connecticut. The term shall also include any place of outside storage or deposit, whether in connection with a business or not, for two (2) or more motor vehicles which are no longer intended or in condition for legal use on the public highways and shall also include any place of outside storage

or deposit of used parts of motor vehicles and old metals, iron, glass, paper, cordage and other waste materials which on any lot have an aggregate bulk equal to one (1) automobile. In Residential Districts and Marine Business District #4, however, the term shall also include the outside storage of more than one (1) unregistered motor vehicle on any lot in such a manner as to be visible from any street or any other lot.

Kennel: A "kennel" means a pack or collection of more than three (3) dogs, age six (6) months or older, kept in a building, shelter or enclosure (including fencing and runs) located outside of the walls of a dwelling and owned by the owner of the premises. For the purpose of these regulations, any other keeping or ownership of more than three (3) dogs, outside the walls of a dwelling of the owner, such as the boarding, grooming, training, sale or exchange of dogs, whether for profit or not, is a business use and is not permitted in a residential zone.

Level of Service (LOS): The term "level of service" or "LOS" refers to the relative convenience of use and degree of congestion or delays for motor vehicle traffic on roadways and at intersections as defined in the *Southbury 2002 Plan of Conservation and Development.* LOS classifications range from "A" to "F" and are to be determined on any roadway or at any intersection by a qualified traffic engineer.

Lighting: See Paragraph 11.2 of Section 11.

Lot: A "lot" is defined as 1) a parcel of land meeting the requirements of these Regulations, 2) a parcel of land which is owned separately from any adjoining lot or lots as evidenced by deed or deeds recorded in the land records of the Town of Southbury or 3) a building lot shown on a subdivision map approved by the Southbury Planning Commission and filed in the land records of the Town of Southbury.

Lot - Interior: A permitted "interior lot" is a "lot" which lacks the frontage on a "street" as required by these Regulations but which meets the following standards for access:

a. In Residential Districts, each "interior lot" shall either contain a strip of land which is everywhere not less than 30 feet in width connecting to a "street" or shall have a frontage of 30 feet or more on an easement of access or private right-of-way which is everywhere not less than 30 feet in width connecting to a "street", provided that no more than two (2) lots may rely upon such easement or right-of-way for sole access; and

b. In other than Residential Districts, each "interior lot" shall have a frontage of 50 feet or more on an easement of access or private right-of-way which is everywhere not less than 50 feet in width connecting to a "street".

Lot Area and Shape: In determining compliance with minimum lot area and shape requirements of these Regulations, land subject to easements for drainage facilities and underground public utilities may be included, but no street or highway, easement of vehicular access, private right-of-way for vehicles or easement for above ground public utilities may be included. Area consisting of wetlands and water courses, including ponds and lakes, shall not be used a) for compliance with more than 15% of the minimum lot area requirement nor b) in R-30A Districts, for compliance with any of the specified minimum lot area and lot area per dwelling unit for dwellings containing two (2) or more dwelling units listed on Line A-3 of Schedule A of these Regulations. Land in a Zoning District having a higher lot area requirement shall not be used to satisfy a lot area requirement in a Zoning District having a lesser lot area requirement; land in a Residential District or Marine Business District #4 shall not be used to satisfy a lot area requirement in any other District.

Mount means the structure, building, or surface upon which antennas are mounted.

Nonconformity: See Paragraph 13.2 of Section 13.

Off-Street Parking and Loading Space: See Paragraph 9.2 of Section 9.

Pet crematory: For purposes of this Regulation means a building or structure containing one or more cremation chambers or retorts for the cremation of pets (meaning small companion animals such as dogs and cats but specifically excluding large or hooved animals such as cattle, horses, sheep, goat, swine or similar species commonly kept as livestock).

Raptors or *Raptors* for the purposes of these Regulations means any approved Raptor species identified in 26-67e-13 of the Regulations of Connecticut State Agencies, as amended.

Remains: The dead human body or pet body prior to cremation or the related cremated remains.

Restaurant: Any commercial establishment or premises that consists of or includes the service, or preparation and service, of food and/or beverage to the public in a ready-to-consume state for consumption on or off the premises; the term "restaurant" does not include the sale of food and/or beverage to the public in pre-packaged or bulk form as in a grocery or convenience store, nor sale by vending machine, but does include every commercial establishment or premises for which a restaurant permit is required under the ordinances of the Town of Southbury; each "restaurant" is classified as one (1) of the following:

Restaurant, Accessory Service: A "restaurant" within an enclosed building a) which restaurant is accessory and subordinate to another permitted use as specified in these Regulations and located in the same building with such use, b) the customer is located within the enclosed building when ordering food and/or beverage and the food and/or beverage is transferred to the customer within the enclosed building, c) the food and/or beverage is for consumption within the enclosed building or off the premises, and d) seating at tables or counters is provided within the enclosed building for at least 50% of the customers on the premises at any one time.

Restaurant; Table Service: A "restaurant" within an enclosed building where customers order food and/or beverage when seated at tables or counters and food and/or beverage are served to and consumed by such customers when they are seated at tables or counters. The following are also applicable to "table service restaurants;"

a. As much as 25% of the customer seats may be located outside the enclosed building;

b. "Table service restaurants" may include a customer self-service table or counter for food and/or beverage (cf. salad bar, buffet) as an adjunct to the ordering and consumption of food and/or beverage when seated at tables or counters; and

c. Table service restaurants may include orders for food and beverage by take-out service for consumption off the premises, whether or not the service was ordered by customers when seated at tables or counters, and under the following limitations:

   i. The take-out service is ordered within the enclosed building of the restaurant and the food and/or beverage are transferred to the customer within the enclosed building; and

   ii. Such take-out service is clearly incidental to the primary conduct of a "table service restaurant" as evidenced by ordered take-out service not exceeding in any 24-hour day, 10% of the total transactions or by customers carrying ordered take-out not exceeding 10% of the total customers on the premises in such 24-hour day.

Restaurant, General Service: A "restaurant" within an enclosed building where customers order and receive food and/or beverage and such customers consume food and/or beverage when seated at tables or counters. The following are also applicable to "general service establishments:"

a. Some or all food and/or beverage ordered may be served to customers when seated at tables or counters;

b. As much as 25% of the customer seats may be located outside the enclosed building;

c. Seating at tables or counters is provided for at least 75% of the customers on the premises at any one time; and

d. "General service restaurants" may include orders for food and beverage by take-out service for consumption off the premises when take-out service is ordered within the enclosed building and the food and/or beverage are transferred to the customer within the enclosed building.

Restaurant, Take-Out Food Service: A "restaurant" within an enclosed building where (a) the customer is located within the enclosed building when ordering food and/or beverage and the food and/or beverage are transferred to the customer within the enclosed building, and (b) food and beverage by take-out service is for consumption off the premises, but (c) the restaurant may include seating at tables or counters, and (d) as much as 25% of the customer seats may be located outside the enclosed building.

Rooms to Let: The "letting of rooms" may include table board or sharing of cooking facilities of the "dwelling unit" but shall not include the provision of separate cooking facilities in or for such rooms.

Sanitary Sewer System: A system of pipes, including lateral collection pipes, trunk lines or interceptor lines, connected to a sewage treatment plant that discharges treated effluent into a receiving stream.

Setbacks - Fences, Walls and Terraces: The provisions on setbacks in these Regulations shall not be construed to apply to fences or walls six (6) feet or less in height or to necessary retaining walls or to unroofed terraces or to temporary tents for noncommercial use.

Signs: See Paragraph 10.2 of Section 10.

Soil Erosion and Sediment Control Plan: See Town of Southbury Soil Erosion and Sediment Control Ordinance, including related definitions therein.

Story: A "story" is that portion of a building between the surface of any floor and the surface of the floor, ceiling or roof next above. Attics shall be considered a "story." A basement or cellar having a ceiling five (5) feet or more above the ground elevation datum for the building, as determined in the measurement of "height", shall be considered a "story."

Story, Half: A "half story" (½) is the highest most story of the building, having a stairway access located within the walls of the building and where all floor area having a ceiling height of seven (7) feet or more does not exceed 50% of the floor area of the story next below.

Street: A "street" shall mean any Town or State Highway, except limited access State Highway, or any street shown on a subdivision map approved by the Planning Commission and filed in the land records of the Town of Southbury.

Street Line: The term "street line" shall mean the right-of-way, easement or taking line of any public or private street, except limited access State Highway, or of any easement of access or private right-of-way 20 feet or more in width.

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

Tower means a structure that is intended to support equipment for receiving and/or transmitting electromagnetic waves. Design examples of towers include self-supporting lattice, guyed, and monopole.

Trailer: The term "trailer" shall include "mobile home" and shall be deemed to be any vehicle which is used, or is designed or intended to be used, for human habitation as sleeping or living quarters and

which is or may be mounted on wheels or may be propelled either by its own power or by another power-driven vehicle to which it may be attached or by which it may be carried.

Undertakers' Establishments shall mean: Funeral Service Business as defined under the Connecticut General Statutes.

Water Courses: The term "water courses" shall be construed to consist of water courses as defined in the Inland Wetlands and Water Courses Regulations of the Town of Southbury.

Wetlands: The term "wetlands" shall be construed to consist of wetlands as defined in the Inland Wetlands and Water Courses Regulations of the Town of Southbury.

Wireless communication facility means the antenna, telecommunications equipment, communication towers, monopoles and/or support structures and any building enclosures used together in conjunction with the provision of wireless communication services. These services may include, but are not limited to cellular communications, personal communication services, and paging.

1.8 *Earth Removal and Deposit:* The excavation or grading of earth, loam, topsoil, sand, gravel, clay or stone on any lot, and the deposit of such materials upon or removal from any lot, are permitted only in accordance with the requirements of Section 8.

1.9 *Minimum Access:* No ZONING PERMIT shall be issued for the construction, reconstruction, enlargement, extension, moving or structural alteration of a building or other structure unless such building or other structure is located on a lot having a frontage of 20 feet or more on a) a State Highway, other than a limited access State Highway, b) an accepted Town Highway or Street that is not closed for vehicular travel by the Board of Selectmen or c) a highway or street shown on a map, approved by the Southbury Planning Commission and filed in the Office of the Southbury Town Clerk, and either constructed in accordance with the requirements of said Commission or guaranteed to be so constructed by a bond in full force and effect, provided however that a ZONING PERMIT may be so issued under the access exceptions of Sections 3 and 4 of a certain ordinance of the Town of Southbury adopted effective July 17, 1972. Interior lots meeting the standards for access, specified in Par. 1.7, and connected to one of the aforesaid highways or streets are deemed to conform to the minimum access requirements of this paragraph.

(Ord. of 11-17-05, § 2; Ord of 3-22-07, § 2; Ord. of 11-9-11, § I; Ord. of 10-18-12(2), § I; Ord. of 5-1-15, § 2)

Section 2. - Districts and Map.

2.1 *Districts:* For the purpose of these Regulations, the Town of Southbury is hereby divided into the following classes of districts:

DISTRICT	MAP CODE
Residential R-20 District	R-20
Residential R-30 District	R-30
Residential R-30A District	R-30A
Residential R-40 District	R-40

Residential R-60 District	R-60
Residential R-80 District	R-80
Residential/Corporate Park R-60C District	R-60C
Business District #1A	B-1A
Business District #1B	B-1B
Business District #2	B-2
Business District #2A	B-2A
Business District #2B	B-2B
Business District #2C	B-2C
Business District #2D	B-2D
Business District #2E	B-2E
Business District #2F	B-2F
Designed Business District #3	B-3
Designed Business District #3A	B-3A
Designed Business District #3B	B-3B
Designed Business District #3C	B-3C
Designed Business District #3D	B-3D
Marine Business District #4	B-4

Industrial M-2 District	M-2
Industrial M-2A District	M-2A
Industrial M-5 District	M-5
Public Utility District	PUD
Flood Plain District	FP
Planned Development District	PDD#
Planned Development Unit	PDU#
Center District - Main Street South	CD-MSS
Center District - Village Green	CD-VG
Southford District	SD
Southford Village District	SVD
Aquifer Protection District	AP
Aquifer Protection District #1	AP-1
Aquifer Protection District #2	AP-2

2.1.1 *Flood Plain District:* The Flood Plain District is a class of district in addition to and overlapping one or more of the other districts. The boundaries of the Flood Plain District and the special requirements applicable therein are as specified in Section 5.

2.1.2 *Planned Development District:* Each Planned Development District is a class of district established in accordance with the provisions of Section 12.

2.1.3 *Center District - Main Street South:* The Center District - Main Street South (CD-MSS) is a class of district located in the Southbury Center Area and is in addition to and overlapping one or more other districts. The Center District - Main Street South delineates a section of the Town in which other districts, and uses and standards, are established in a coordinated manner to provide for the following:

a. The orderly use and development of land and buildings as the primary governmental, community service and retail and office service section of the Town, known as the Main Street South Center Area;

b. The monitoring and management of motor vehicle traffic generation and patterns so as to promote safety and a convenient level of roadway service; and

c. The development of a streetscape along Main Street South that enhances the function and character of the Main Street South Center Area as well as safety and convenience of travel.

2.1.4 *Center District - Village Green:* The Center District - Village Green is a class of district located in the Southbury Center Area and is in addition to and overlapping one or more other districts. The Center District - Village Green defines a section of Town in which other districts are established in a coordinated manner to promote the orderly use and development of land and buildings as the commercial and service focus at Heritage Village.

2.1.5 *Residential/Corporate Park R-60C District:* The R-60C District is a class of district located adjacent to or close-by an interchange of Interstate #84 and whereby buildings containing offices for the administration and operation of corporations, firms and organizations may be established on a lot of 100 acres or more in locations recommended in any plan of development adopted by the Planning Commission under Chapter 126 of the General Statutes of the State of Connecticut.

2.1.6 *Southford District:* The Southford District is a class of district located in the Southford section of the Town and is in addition to and overlapping one or more of the other districts. The Southford District defines the center of Southford where other districts are established in a coordinated manner to promote the orderly use and development of land and buildings as a limited, convenience - retail and commercial service location for nearby residential neighborhoods and economic development areas and in a manner supportive of the rural character of Southford.

2.1.6.a. *Southford Village District:* The Southford Village District is a class of district located in the Southford District section of town which is established under the authority granted by C.G.S. §8-2j. which contains the Special Standards and Design Criteria as referenced in Section 7.2.19 of these Regulations. These Standards supersede the existing Standards in the applicable zones.

2.1.7 *Aquifer Protection District:* The Aquifer Protection District is a class of district in addition to and overlapping one or more of the other districts. The boundaries of the Aquifer Protection District, including Aquifer Protection District #1 and Aquifer Protection District #2 and the special requirements applicable therein are as specified in Section 5A.

2.2 *Zoning Map:* The boundaries of the districts specified in Paragraph 2.1 are hereby established as shown on a map entitled "Zoning Map of the Town of Southbury, Connecticut," dated March 22, 1966, including any special maps and boundary descriptions supplementary thereto and any amendments thereof, which map is hereby declared to be a part of these Regulations and is hereinafter referred to as "Zoning Map".

2.2.1 *Interpretation of Map:* Where a question arises as to exact boundaries of a district, the Zoning Commission shall by resolution determine the location of a boundary, giving due consideration, among other factors, to the indicated location of the boundary on the Zoning Map, the scale of the Zoning Map and the expressed intent and purposes of these Regulations.

2.2.2 *Extension of Use:* Where the boundary of a district divides a lot, the existence of which lot is evidenced by deed or deeds recorded in the land records of the Town of Southbury on the effective date of these Regulations or on the effective date of any amendment of these Regulations establishing such boundary, the Board of Appeals may grant a SPECIAL EXCEPTION to authorize a use of land, buildings and other structures permitted in one district to be extended into the other district for a distance of not more than 20 feet in accordance with the provisions of Section 6.

(Ord. of 1-10-07, § II; Ord. of 6-19-08, §§ I, II)

Section 3. - Permitted uses by district.

3.1 *Schedule:* "Schedule A - Permitted Uses" is hereby declared to be a part of these Regulations. Land, buildings and other structures in a district shall be used for one or more of the uses specified in Schedule A as permitted in the district. Uses listed in Schedule A are permitted or prohibited in accordance with the following designation and procedure:

"P" means a use permitted in the district as a matter of right.

"E" means a use permitted in the district, subject to the securing of a SPECIAL EXCEPTION from the Board of Appeals as provided in Section 6.

"S" means a use permitted in the district, subject to compliance with the additional standards set forth in Section 7 and administrative approval of a SITE DEVELOPMENT PLAN by the Planning Commission as provided in Section 14.

"ES" means a use permitted in the district, subject to a) compliance with the additional standards set forth in Section 7 and administrative approval of a SITE DEVELOPMENT PLAN by the Planning Commission as provided in Section 14 and b) the securing of a SPECIAL EXCEPTION from the Planning Commission in connection with such SITE DEVELOPMENT PLAN as provided in Section 7.

"X" means a use prohibited in the district.

3.2 *Prohibited Uses:* It is understood that any use not included in Schedule A as a permitted use in a district is prohibited in such district. To assist in the interpretation of such permitted uses, the following uses, the list of which is not intended to be exhaustive, are specifically prohibited:

3.2.1 Amusement parks, race tracks, drive-in movies, miniature golf and golf driving ranges; junk yards, except those operated by the Town of Southbury by contract or otherwise as adjunct to a Town program of solid waste disposal.

3.2.2 Trailers, except in accordance with applicable ordinances of the Town of Southbury, provided however that no trailer shall be located in a Flood Plain District.

3.2.3 Ammonia, chlorine or bleaching powder manufacture; blastfurnace; creosote treatment and manufacture; fur manufacture; distillation of coal, petroleum, refuse, grain, wood or bones; explosive manufacture or storage; glue, size or gelatine manufacture; grain drying; commercial incineration; reduction, storage or dumping of slaughter house refuse, fats, garbage, dead animals or offal raw hides or skin storage, cleaning, curing, or tanning; soap manufacture from animal fats; sulphurous, sulphuric, nitric, picric, carbolic, or hydrochloric acid manufacture; or any similar use; The above shall not apply to crematories approved under these Regulations operating with all required governmental permits and approvals.

3.2.4 Motor vehicle service stations and/or repair garages including those serving trucks, when such stations and/or garages have a storage on the lot of more than 12,000 gallons of diesel fuel.

3.2.5 Sales and/or display of merchandise in or from any motor vehicle or any other vehicle which is or may be mounted on wheels and propelled either by its own power or by another power-driven vehicle to which it may be attached, whether such vehicle is located on a lot or within the street

lines of any public or private street, except such sales and/or display as may be specifically authorized by Town Ordinance; any outside storage, as defined in Par. 7.2.9, located within the street lines of any public or private street.

3.2.6 Motor vehicle washing facility (car wash), either self-service or with mechanical equipment, that is available to the public generally and is not an adjunct to a motor vehicle use listed on Line C-10 of Schedule A.

3.2.7 Drive-thru window service and take-out window service of food and/or beverage to customers outside an enclosed building in connection with any restaurant.

3.3 *Additional Standards:* The following are requirements applicable to particular uses listed on SCHEDULE A - PERMITTED USES and are supplementary to or in addition to requirements set forth elsewhere in these Regulations:

3.3.1 *Dwelling Unit - Office and Customary Home Enterprise:* A professional or business office and customary home enterprise in a dwelling unit, or a building accessory thereto, are activities conducted for gain and to which the public is invited or may visit in the conduct of the activity. Such uses shall conform to the following standards and are additional uses for which an APPLICATION for a ZONING PERMIT and a CERTIFICATE OF ZONING COMPLIANCE are required:

a. The person or persons conducting the office or home enterprise shall be a member of the family occupying the dwelling unit; there shall be no more than one (1) non-family member or non-resident person engaged in the office or home enterprise activity at any time.

b. The floor area used for such office or home enterprise shall not exceed an area equal to 25% of the floor area of the dwelling unit, as defined in Par. 1.7, or 600 square feet, whichever is less.

c. No finished consumer goods shall be acquired outside the dwelling unit for sale on the premises in connection with such office or home enterprise.

d. There shall be no evidence of any office or home enterprise outside the building in which it is located, except one (1) sign of the type permitted under Par. 10.4.1c and identifying only the name of the office or home enterprise and the activity conducted.

e. The office or home enterprise and the conduct thereof shall not impair the residential character of the premises nor impair the reasonable use, enjoyment and value of other residential property in the neighborhood.

f. The APPLICATION for a ZONING PERMIT shall be signed by the person or persons proposing to conduct the office or home enterprise and shall be accompanied by a detailed description of the proposed use and a disclosure statement concerning toxic or hazardous materials, as set forth in Par. 14.2.2a(vi). Each CERTIFICATE OF ZONING COMPLIANCE shall automatically terminate when the applicant no longer resides in the dwelling unit.

3.3.2 *Accessory Apartment:* An accessory apartment is a dwelling unit accessory and subordinate to a single detached dwelling for one (1) family. Such apartment shall conform to the following standards and is an additional use for which an APPLICATION for a ZONING PERMIT and a CERTIFICATE OF ZONING COMPLIANCE are required:

a. The single detached dwelling to which the apartment is accessory shall be located on a lot of 40,000 square feet or more, and either such dwelling or the apartment shall be occupied by an owner of the premises.

b. The apartment shall be located within, or in an addition to, the single detached dwelling and shall be provided with a kitchen and complete bathroom separate from such dwelling as well as with two means of egress including a separate outside door. The apartment shall be provided with two (2) off-street parking spaces in addition to the parking spaces required for the dwelling.

c. The single detached dwelling shall have no less than the minimum floor area as specified in Par. 4.6, and the accessory apartment shall have an additional minimum floor area of not less than 500 square feet but not greater than 60% of the floor area of the dwelling to which it is accessory. No accessory apartment shall be located in a basement or cellar unless such basement or cellar constitutes a story as defined in Par. 1.7.

d. The single detached dwelling and accessory apartment combination shall have a design that maintains the appearance of the premises as a single detached dwelling use. Outside doors for the apartment shall not be provided so that there are two (2) doors on the front facade of the dwelling unless the apartment is established by alteration of or addition to an existing dwelling having two (2) doors on the front facade, in which case one of the two (2) existing doors may be used for the apartment.

e. The APPLICATION for a ZONING PERMIT shall be accompanied by i) an affidavit of ownership signed by the owner of the premises and affirming intent that either such dwelling or apartment is to be occupied by an owner of the premises as the principal place of residence, ii) a certification from the Director of Health of the Town of Southbury that the water supply and sewage disposal systems serving the premises, either existing or any proposed construction or modification thereof, conform to current State Sanitary Code requirements and are adequate to serve both the single detached dwelling for one (1) family and the accessory apartment and iii) competent sketches, architectural drawings and/or photographs to show interior and exterior building plans including any alterations.

f. Issuance of a CERTIFICATE OF ZONING COMPLIANCE for an accessory apartment is conditioned upon requirement that i) in January of each odd numbered calendar year, the owner of the premises shall file with the Zoning Enforcement Officer a new affidavit of ownership of the premises and occupancy of either the dwelling or apartment by an owner as filed with the original APPLICATION for a ZONING PERMIT and ii) the CERTIFICATE OF ZONING COMPLIANCE automatically terminates when there is any change in ownership of the premises, provided however, that a new CERTIFICATE OF ZONING COMPLIANCE may be issued upon receipt of such affidavit from the new owner.

3.3.3 *Additional Standards:* A medical facility, where diagnosis imaging services and/or therapeutic radiology services are also provided by a mobile motor vehicle unit on the premises shall conform to the following standards:

a. The person or persons providing the diagnostic imaging services and/or therapeutic radiology services shall be employed by the medical facility or working under the direction and control of the medical facility on the premises.

b. 1. *Mobile Motor Vehicle permitted to operate on premises for three (3) days or less.* The following shall apply to a mobile motor vehicle unit on the premises that is providing diagnostic imaging services and/or therapeutic radiology services for three (3) days or less on the premises: Only one (1) mobile motor vehicle unit providing diagnostic imaging services and/or therapeutic radiology services shall be permitted on the premises. The unit shall not be stored on the premises and shall only be allowed to visit the premises for a period up to and not to exceed three (3) days per week. For purposes of this regulation, a week shall be measured from 12:00 p.m. Sunday to 12:00 p.m. of the following Sunday.

2. *Mobile Motor Vehicle Unit permitted to be stored and operated on the premises for seven (7) days.* The following shall apply to a mobile motor vehicle unit on the premises that is permitted to provide diagnostic imaging services and/or therapeutic radiology services for seven (7) days on the premises and the mobile motor unit is stored on the premises: Only one (1) mobile motor vehicle unit providing diagnostic imaging services and/or therapeutic radiology services shall be permitted on the premises. The mobile unit can be operated and stored on the premises for seven (7) days a week for a limited period of time not to exceed one (1) year, however, upon application submitted to the zoning enforcement officer, the Zoning Commission may

extend the permitted time period of operation if the commission determines that the circumstances and criteria related to the initial approval of operation have not changed. The mobile unit shall not be altered, changed, or reconfigured so as to take on the characteristics of a permanent structure. The purpose of this standard is to permit the operation and storage of a mobile diagnostic and/or therapeutic imaging unit in a fixed location for a limited period of time. Each medical facility seeking to provide diagnostic imaging services and/or therapeutic radiology services using a mobile unit has unique circumstances. Therefore each medical facility seeking to provide diagnostic imaging services and/or therapeutic radiology services for a full week through the use of a single mobile unit stored on the premises shall be carefully considered on an individual case by case basis taking into account potential detrimental effects to the public safety, property values, and the appearance of the community.

c. The mobile motor vehicle unit providing diagnostic imaging services and/or therapeutic radiology services shall be located on the premises at least fifty (50) feet from any public street that is adjacent to the premises, shall observe all other setbacks, and shall be reasonably and adequately screened and hidden in a manner that does not impair the character of the premises or any adjacent premises. The mobile motor vehicle unit shall not cause any noise which is objectionable due to volume, intermittence, beat, frequency, or shrillness to be transmitted outside the premises. The mobile motor vehicle unit shall not impair the reasonable use, enjoyment and value of other property in the neighborhood.

d. The mobile motor vehicle unit shall be located on the premises so as not to be a hazard to traffic or pedestrians, to obstruct any door, window, ventilation system or fire escape or exit or to cause any other hazard to the public health or safety.

e. The mobile motor vehicle unit shall be located on the premises in a sufficient and suitable area that does not interfere with any of the off-street parking areas as required by Section 9.4.6.

3.3.4 *Wildlife Rehabilitation:* Structures and lots used for wildlife rehabilitation shall conform to the following standards:

a. Accessory structure to include cages shall not exceed a total of one hundred thirty (130) square feet when located on lots of less than five (5) acres. Cages on lots of less than five (5) acres shall not exceed a height of eight (8) feet. Accessory structures to include cages shall not exceed a total of six hundred (600) square feet when located on lots of five (5) acres or larger. Cages on lots of five (5) acres or larger shall not exceed a height of fifteen (15) feet. Accessory structures and cages shall be located to the side or rear of the principal structure. Cages shall not be located within required setback areas.

b. All enclosures shall be designed and constructed to meet or exceed the standards established by the National Wildlife Rehabilitators Association. Cages shall be double walled with a minimum spacing of six (6) inches between walls. All cages shall be padlocked.

c. The wildlife rehabilitator must be an authorized "Wildlife Custodian" appointed by and subject to all pertinent regulations of the Connecticut Department of Environmental Protection, Bureau of Natural Resources, Wildlife Division and shall reside on the premises.

d. The Zoning Permit issued under this section shall require an annual inspection of the premises by the Zoning Enforcement Office to ensure compliance with all pertinent regulations.

(Ord. of 7-13-05, §§ 1, 2; Ord. of 5-1-15, § 1)

SCHEDULE A—PERMITTED USES—Cont'd.																										
	R-20	R-30	R-30A	R-40	R-60	R-80	R-60C	B-1A	B-1B	B-2	B-2A	B-2B	B-2C	B-2D	B-2E	B-2F	B-3	B-3A	B-3B	B-3C	B-3D	B-4	M-2	M-2A	M-5	PUD
PART A: RESIDENTIAL AND FARMING USES																										
A-1. A single detached dwelling for one (1) family and not more than one (1) such dwelling per lot.	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	P	P	P	P	P
A-1.1 One (1) apartment accessory to a single detached dwelling for one (1) family, subject to the additional standards of Par. 3.3.	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	P	P	P	P	P
A-2. Dwellings containing two (2) dwelling units, including conversion of an existing dwelling to	X	P	P	P	P	P	P	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

contain two (2) dwelling units, provided that the dwelling shall be located on a lot containing an area 1.75 times the minimum lot area specified on Line 1 of Schedule B, or 1.75 times the minimum lot area specified on Line 2 of Schedule B if the lot is an interior lot, and the dwelling has a minimum floor area of 1,800 square feet.																										
A-3. Dwellings containing two (2) or more dwelling units, subject to the following conditions:	X	X	ES	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
a. The dwelling shall be located on a lot of not less than five (5)																										

acres, and there shall be not less than 15,000 square feet of lot area for each dwelling unit; and																									
b. The dwelling shall be served by a sanitary sewer system* and a public or community water supply system, each approved by the Director of Health of the Town of Southbury and the Connecticut State Health Department.																									
*See Par. 1.7.16																									
A-3a. Dwellings containing two (2) or more dwelling units, owned by a Town agency or nonprofit corporation, and occupied	X	X	ES	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

by elderly and/or physically handicapped persons.																										
A-3b. Dwellings containing two (2) or more dwelling units located on the second floor of buildings used for purposes designated on Lines C-1.3, C-2.1, C-3, C-8.1 and C-14.	X	X	X	X	X	X	X	X	E S	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
A-4. A professional or business office in a dwelling unit, or a building accessory thereto, subject to the additional standards of Par. 3.3.	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	P	P	P	P	P
A-5. Customary home enterprises in a dwelling unit, or a building	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	P	P	P	P	P

accessory thereto, subject to the additional standards of Par. 3.3.																										
A-6. The letting of rooms and/or the furnishing of board in a dwelling unit to a total of not more than four (4) persons, subject to the following conditions:	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	P	P	P	P	P
a. The person or persons letting the rooms and/or furnishing board shall reside in the dwelling unit;																										
b. When rooms are let, the dwelling unit shall contain a total minimum floor area of 200 square feet times the number of																										

persons to whom rooms are let;																									
c. The letting of rooms shall not include the provision of cooking facilities for such rooms but may include sharing of the cooking facilities of the dwelling unit; and																									
d. No accessory building shall be used for letting of rooms or furnishing of board;																									
e. No such letting of a room or rooms is permitted on a lot which contains a Bed-and-Breakfast use as provided in Schedule A—																									

Permitted Uses, line A-11.																										
A-7. Farms, truck gardens, forestry and the keeping of livestock and poultry, except commercial piggeries and mink farms, provided that no livestock or poultry shall be kept on a lot of less than 40,000 square feet and any building or shelter in which livestock or poultry are kept is located not less than 50 feet from any property or street line, except that an aggregate of not more than 20 chickens or similar poultry may be kept on a smaller lot if kept in a building or enclosure	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	P	P	P	P	P

located not less than 30 feet from any property or street line.																										
A-7.1. Wildlife rehabilitation.	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	P	P	P	P	P
A-8. Stands for the display and sale of farm and truck garden and forestry produce grown on the premises, provided that such stand does not exceed 300 square feet in area.	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	P	P	P	P	P
A-8.1 Seasonal outdoor farmer's market may be permitted on town owned property, subject to a zoning permit, on a temporary basis as a common marketplace	X	P	X	X	P	P	P	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

for the sale of locally grown fresh produce and farm products provided no permanent structure is constructed.																										
A-9. Commercial nurseries and greenhouses.	X	X	X	X	X	X	X	ES	ES	ES	ES	X	ES	ES	ES	ES	ES	ES	ES	ES	X	X	X	X	X	X
A-9.1. Commercial nurseries, including greenhouses incidental thereto, provided that any building in connection therewith is located not less than 50 feet from any property or street line and that there is no sale of products on the premises other than those grown on the premises.	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	X	ES	ES	ES	ES	ES	ES	ES	ES	X	ES	ES	X	X	ES

A-10. Kennels; livery and boarding stables and riding academies.	E	E	E	E	E	E	E	X	ES	ES	ES	ES	ES	ES	ES	ES	X	ES	ES	ES	X	E	ES	ES	X	ES
A-11. Bed-and-breakfast transient lodging.	E	E	X	X	E	E	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
PART B: COMMUNITY FACILITIES AND SERVICE USES																										
B-1. Buildings, uses and facilities of the Town of Southbury.	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
B-2. Buildings, uses and facilities of the State of Connecticut and Federal Government.	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
B-3. Churches and places of worship; parish halls; schools; colleges; universities; educational, religious,	X	X	X	X	X	X	X	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	X	X	X	X	X

philanthropic, scientific, literary, historical and charitable institutions; and agricultural and horticultural societies.																										
B-3.1. The following uses when conducted by a nonprofit corporation and not as a business or for profit: churches and places of worship; parish halls; schools; colleges; universities; general hospitals; cemeteries; educational, religious, philanthropic, scientific, literary, historical and charitable institutions; and agricultural	E	E	E	E	E	E	E	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	E	X	X	X	X

and horticultural societies.																										
B-4. Membership clubs; lodges; and community houses.	E	E	E	E	E	E	E	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	X	E	X	X	X	X
B-5. A golf, tennis, swimming or similar club, whether conducted as a business or for profit or not.	E	E	E	E	E	E	E	X	X	X	X	X	X	X	X	X	X	X	X	X	X	E	E	X	X	X
B-6. Outdoor recreation facilities when not conducted as or in connection with a business or for profit.	ES	ES	ES	ES	ES	ES	ES	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
B-6.1. Outdoor athletic lighting with an illuminated play surface greater than three thousand (3,000) square	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES

feet or light fixture(s) mounted to a pole at a height greater than twelve (12) feet with a designation of "ES" in all zones.																										
B-7. Private hospitals, convalescent homes and sanitaria licensed by the State of Connecticut.	E	E	E	E	E	E	E	X	X	X	X	X	X	X	X	X	X	X	X	X	X	E	X	X	X	X
B-8. Public utility substations, telephone equipment buildings and maintenance and service facilities.	X	X	X	X	X	X	X	X	X	ES	X	X	X	X	ES	ES	X	X	X	X	X	E	X	ES	ES	ES
B-8.1. Public utility substations and telephone equipment buildings provided that there is no outside service yard or outside	E	E	E	E	E	E	E	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	X	E	ES	ES	ES	ES

storage of supplies.																										
B-9. Public utility and community water supply reservoirs, wells, towers, treatment facilities and pump stations and sewage treatment facilities.	E	E	E	E	E	E	E	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	X	E	ES	ES	ES	ES
B-10. Public utility plants and facilities for the generation of electric power.	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	ES
B-11. Child day care facility, licensed by the State of Connecticut.	E	E	E	E	E	E	E	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES
B-11.1. Adult day care facility, which have all appropriate state licenses if any.	X	X	E	E	E	E	E	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES
B-12. Boat houses, docks and launching	ES	ES	X	X	ES	ES	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	ES	X	X	X	X

ramps and facilities when owned and operated (a) by a bona fide membership club or neighborhood association, or (b) by a person, firm or corporation and not eligible otherwise to be established as a use accessory to a dwelling, and in either case when not conducted as a business nor open to the public generally. [See also Line C-21 of Schedule A in Item B and Line D-1d. in Item C]																										
B-13. Wireless communication facilities	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E
PART C: COMMERCIAL AND INDUSTRIAL																										

USES																									
C-1. Stores and other buildings and structures where goods are sold or service is rendered primarily at retail.	X	X	X	X	X	X	X	X	X	ES	X	X	X	X	X	X	X	ES	ES	X	X	X	X	X	X	X
C-1.1. Stores and other buildings and structures where goods are sold or service is rendered at retail when accessory and subordinate to a permitted use on the same premises.	X	X	X	X	X	X	X	NA	NA	ES	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	X	ES	ES	ES	X	X
NA means not applicable																											
C-1.2. Stores and other buildings and structures where goods are sold or service is rendered primarily at	X	X	X	X	X	X	X	ES	X	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	X	X	X	X	X	X

retail when the total floor area occupied by a single proprietorship does not exceed 15,000 square feet.																										
C-1.3. Stores and other buildings and structures where goods are sold or service is rendered primarily at retail when the total floor area occupied by a single proprietorship does not exceed 5,000 square feet.	X	X	X	X	X	X	X	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	X	X	X	X	X	X
C-2. Business and professional offices. (See Par. 1.7)	X	X	X	X	X	X	X	X	X	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	X	ES	X	ES	ES	ES	X
C-2.1. Business and professional offices when the total floor area occupied by a single proprietorship	X	X	X	X	X	X	X	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	X	ES	ES	ES	X

does not exceed 2,500 square feet.																										
C-2.2. Buildings containing offices for the administration and operation of corporations, firms and organizations.	X	X	X	X	X	X	ES	X	X	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	X	ES	ES	ES	X
C-3. Banks and other financial institutions.	X	X	X	X	X	X	X	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	X	ES	ES	X	X
C-4. Undertakers' establishments, human and pet crematories.	X	X	X	X	X	X	X	X	X	X	X	X	X	X	ES	X	X	X	X	X	X	X	X	X	X	X
C-4.1. Undertakers' establishments.	X	X	X	X	X	X	X	X	X	ES	ES	X	ES	ES	ES	ES	X	ES	ES	X	ES	X	X	X	X	X
C-4.2. Human crematories and pet crematories	X	X	X	X	X	X	X	X	X	X	X	X	X	X	ES	X	X	X	X	X	X	X	X	X	X	X
C-5. Indoor commercial theater for live performances	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	ES	ES	ES	X	X	X	X	X	X

and/or up to two (2) cinema screens, and only one (1) such theater per lot and located not less than one (1) mile radius from any other building containing such a theater.																										
C-6. Laundry, cleaning and dyeing plants.	X	X	X	X	X	X	X	X	X	ES	X	X	X	X	X	X	X	X	X	X	X	X	ES	ES	ES	X
C-6.1. Self-service cleaning establishments or cleaning agency, including clothes pressing and cleaning with noninflammable liquids; laundry agency or self-service laundry not using steam.	X	X	X	X	X	X	X	ES	ES	ES	ES	ES	ES	ES	ES	X	ES	ES	ES	ES	X	X	X	X	X	X
C-7. Hotels and motels.	X	X	X	X	X	X	X	X	X	ES	X	X	X	X	ES	ES	ES	ES	ES	X	X	X	X	X	X	X
C-8. Restaurants	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	E	X	X	X	X	X	X	X	X

and other food and beverage service establishments. (See Par. 1.7)																		S								
C-8.1. Table service restaurants.	X	X	X	X	X	X	X	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	X	ES	ES	X	X	X
C-8.2. General service restaurants.	X	X	X	X	X	X	X	X	X	X	ES	X	X	X	X	X	X	ES	X	ES	X	X	X	X	X	X
C-8.3. Take-out food service restaurants.	X	X	X	X	X	X	X	ES	ES	ES	ES	ES	X	X	X	X	ES	X	X	ES	X	X	X	X	X	X
C-8.4. Accessory service restaurants.	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	ES	X	X	X	X	X	X	X	X	X	X
C-9. Printing and publishing establishments.	X	X	X	X	X	X	X	X	X	X	X	X	X	X	ES	ES	X	X	X	X	X	X	ES	ES	ES	X
C-9.1. Printing and publishing establishments occupying not more than 5,000 square feet of floor area.	X	X	X	X	X	X	X	X	X	ES	ES	X	ES	ES	ES	ES	X	ES	X	X	X	X	ES	ES	ES	X

C-10. Motor vehicle and farm equipment service, sales and leasing facilities as follows.																										
C-10.1. Retail dealer's station for the sale of motor fuels, provided that no pump for the dispensing of such fuel on any lot shall be located within less than 1,000 feet of a pump for the dispensing of such fuel on any other lot.	X	X	X	X	X	X	X	ES	X	ES	X	ES	X	X	ES	ES	ES	X	X	X	X	X	X	X	X	X
C-10.2. Motor vehicle service facility or repairer's garage when either has a limited repairer's license issued by the State of Connecticut.	X	X	X	X	X	X	X	ES	X	ES	X	ES	X	X	ES	ES	ES	X	X	X	X	X	X	X	X	X

C-10.3. Motor vehicle service facility or repairer's garage, including automobile, truck, trailer, bus and farm equipment repairing, painting and upholstering, when either has a general repairer's license issued by the State of Connecticut.	X	X	X	X	X	X	X	ES	X	ES	X	ES	X	X	ES	ES	X	X	X	X	X	X	X	X	X	X
C-10.4. Motor vehicle service facility or repairer's garage when clearly accessory and subordinate to a permitted use on the same premises.	X	X	X	X	X	X	X	X	X	ES	X	X	X	X	X	X	X	X	X	X	X	X	ES	ES	ES	X
C-10.5. New or used motor vehicle dealer's establishment for the sale of automobiles, excluding	X	X	X	X	X	X	X	X	X	ES	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

trucks, trailers, buses and farm equipment.																									
C-10.6. Establishment for the rental or leasing of automobiles, excluding trucks, trailers, buses and farm equipment, and having facilities on the premises only for storage of automobiles without maintenance of such automobiles.	X	X	X	X	X	X	X	X	X	ES	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
C-11. Depot or stop for public service company passenger transportation by bus, limousine or other public service motor vehicle, including ticket counter and waiting room facilities	X	X	X	X	X	X	X	X	X	ES	X	X	X	X	ES	ES	ES	X	X	X	X	X	X	X	X	X

for passengers, provided that such use does not include facilities on the lot for storage, repair or maintenance of such vehicles.																									
C-11.1 Motor vehicle on livery service, as defined in the Connecticut General Statutes and licensed by the State of Connecticut, and expressly excluding vehicles classified as a taxicab or hacker service or classified as a motor bus, which use may include facilities on the lot for storage and cleaning of livery service motor vehicles but no	X	X	X	X	X	X	X	X	X	ES	X	X	X	X	ES	X	ES	X	X	X	X	ES	X	X	X	X

facilities on the lot for repair or maintenance of such motor vehicles.																										
C-12. Bowling alleys and billiard or pool halls.	X	X	X	X	X	X	X	X	X	ES	X	X	X	ES	ES	X	X	ES	X	X	X	X	X	X	X	X
C-13. Veterinary hospitals.	X	X	X	X	X	X	X	X	ES	ES	ES	ES	ES	X	X	ES	ES	X	ES	X	X	X	X	X	X	X
C-14. Medical and dental clinics.	X	X	X	X	X	X	X	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	ES	X	ES	ES	ES	X
C-14.1. Medical Facility including a mobile motor vehicle on the premises providing diagnostic imaging services and/or therapeutic radiology services, provided such accessory use is subordinate to the business of conducting a	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	ES	ES	X	X	X	X	X	X

medical facility on the premises. Subject to the additional standards set forth in Paragraph 3.3.3.																										
C-15. Research laboratories.	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	ES	ES	X	E	X	ES	ES	ES	ES
C-15.1. Research laboratories, provided there is no manufacture, processing or assembling of goods except as incidental to research.	X	X	X	X	X	X	X	X	X	ES	ES	ES	ES	ES	ES	ES	X	ES	ES	X	E	X	ES	ES	ES	ES
C-16. The manufacture, processing or assembling of goods.	X	X	X	X	X	X	X	X	X	X	X	X	X	X	ES	ES	X	X	X	X	X	X	ES	ES	ES	ES
C-16.1. The manufacture, processing or assembling of goods when accessory and subordinate to a permitted use being	X	X	X	X	X	X	X	ES	ES	ES	ES	ES	ES	ES	ES	ES	X	ES	ES	X	X	X	ES	ES	ES	ES

conducted on the same premises and when located within an enclosed building.																										
C-17. Warehousing and wholesale businesses.	X	X	X	X	X	X	X	X	X	ES	X	X	X	X	X	X	X	X	X	X	X	X	ES	ES	X	X
C-17.1. Warehousing and wholesale businesses when the total floor area occupied by a single proprietorship does not exceed 5,000 square feet.	X	X	X	X	X	X	X	X	X	ES	X	X	X	ES	ES	ES	X	X	X	X	X	X	ES	ES	X	X
C-18. Building contractors' businesses and storage yards.	X	X	X	X	X	X	X	ES	X	ES	X	X	X	X	ES	X	X	X	X	X	X	X	X	ES	X	X
C-19. Lumber and building materials businesses.	X	X	X	X	X	X	X	ES	X	ES	X	X	X	ES	ES	X	X	X	X	X	X	X	X	ES	X	X
C-20. Freight and materials and trucking businesses	X	X	X	X	X	X	X	X	X	ES	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

and terminals.																									
C-20.1. Freight and materials trucking businesses when accessory and subordinate to a permitted use on the same premises.	X	X	X	X	X	X	X	X	X	ES	X	X	X	X	ES	ES	X	X	X	X	X	X	ES	ES	ES	X
C-21. Boat houses, docks, launching ramps and facilities and marinas.	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	ES	X	X	X	X
C-22. Plants for the processing and distribution of milk and edible dairy products and the packaging and distribution of beverages.	X	X	X	X	X	X	X	X	X	ES	X	X	X	X	ES	ES	X	X	X	X	X	X	ES	ES	ES	X
C-23. Commercial storage, sale and distribution of fuel and bottled gas, excluding	X	X	X	X	X	X	X	X	X	ES	X	X	X	X	ES	ES	X	X	X	X	X	X	ES	ES	X	ES

tanks for petroleum products having a capacity in excess of 10,000 gallons.																										
C-24. Painting, woodworking, sheet metal, blacksmith, welding, tire recapping and machine shops.	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	ES	ES	ES	ES
C-24.1. Painting, woodworking, sheet metal, blacksmith, welding, tire recapping and machine shops when occupying not more than 5,000 square feet of floor area.	X	X	X	X	X	X	X	ES	X	ES	ES	X	ES	ES	ES	ES	X	X	X	X	X	X	ES	ES	ES	ES
C-25. Bulk storage of cement and petroleum products; concrete mixing plants.	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	ES	X	X	X

C-26. Signs as provided in Section 10.	P	P	P	P	P	P	P	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
C-27. Excavation, grading, deposit or removal of earth, loam, topsoil, sand, gravel, clay or quarry stone, including Soil Extraction operations, subject to the provisions of Section 8.	SEE SECTION 8																									
C-28. Commercial antennae and support buildings and facilities for outer space satellite telecommunications.	X	X	X	X	X	E	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	ES
PART D: ACCESSORY USES																										
D-1. Accessory uses customary with and incidental to any aforesaid	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

permitted use, subject to the securing of a special exception or administrative approval of a site plan if required for such permitted use and subject to the following additional standards and conditions applicable in Residential Districts:																									
a. The accessory use shall be located on the same lot with the permitted use to which it is accessory;																									
b. Accessory uses may include off-street parking spaces and private garages, except that no unregistered motor vehicle or parts of motor vehicles																									

shall be maintained on any lot unless located in an enclosed building;																									
c. An accessory off-street parking space outdoors or in a garage may be provided on any lot for only one (1) commercial vehicle, and such vehicle shall not exceed 10,000 pounds gross vehicle weight (weight empty plus rated load capacity), or for one (1) tractor for a highway tractor-trailer combination (excluding the trailer), provided however that off-street parking spaces for more than one (1) such commercial vehicle, and of																									

greater gross vehicle weight, may be provided on any lot containing one or more of the following:																									
i. A permitted farm, truck garden, commercial nursery or forestry operation;																									
ii. A Permitted Operation listed in Section 8, or a Soil Extraction Operation authorized under Section 8;																									
iii. A use or facility operated by the Town of Southbury, Regional School District No. 15, State of Connecticut or Federal																									

Government;																									
iv. A maintenance facility in support of dwellings containing two (2) or more dwelling units on the lot, or in support of a Special Exception use, if authorized under such Special Exception.																									
d. A use accessory to a dwelling may include a boat house, dock and/or launching ramp or facility for use by the occupants of the dwelling; and [See also Line B-12 in Item A and Line C-21 in Item B].																									
e. No land shall																									

be used for access to a use permitted only in a Business or Industrial District.																									
f. In residential zones, Falconers who hold a valid Connecticut falconry permit issued pursuant to Section 26-67e of the Connecticut General Statutes and a federal falconry permit pursuant to 50 CFR 21.28 and 21.29, may keep no more than three Raptors at any time on their premises as an accessory use provided that such birds are housed and maintained strictly according to state and federal laws																									

and regulations for the enjoyment of the occupants of the lot and providing the Raptors are not kept primarily for the purpose of sale or commercial endeavor.																									

(Ord. of 3-22-07, §§ 1, 2; Ord. of 7-19-07; Ord. of 6-19-08; Ord. of 12-10-08; Ord. of 11-9-11, § III; Ord. of 10-18-12(2), § II; Ord. of 9-11-13; Ord. of 5-1-15, § 3; Ord. of 5-9-15(1); Ord. of 12-9-15(1))

Section 4. - Area, location and bulk standards.

4.1 *Schedule B:* "Schedule B - Standards" is hereby declared to be a part of these Regulations.

4.2 *Lot Area, Shape and Frontage:* Each lot shall have the minimum area as specified in Schedule B. Each lot shall be of such shape that a square with a minimum dimension specified in Schedule B will fit on the lot, and in Residential Districts, except on permitted interior lots, some portion of such square shall lie within the area required for setback from a street line. Each lot, except permitted interior lots, shall have the frontage on a street specified in Schedule B. No interior lot shall be established in any Residential R-20 District.

4.2.1 *Exception—B-3A and M-5 Districts:* In Business Districts #B-3A and Industrial M-5 Districts, the Planning Commission, in connection with approval of a subdivision under the Subdivision Regulations of the Town of Southbury, may grant a Special Exception to permit establishment of lots having an area of as little as two (2) acres, a square on the lot having a minimum dimension of 200 feet and a minimum lot frontage of 175 feet when such lots have sole access from an interior street in the subdivision or a street other than Main Street South or a state highway.

4.2.2 *Exception - Open Space Reservation:* The area, shape and frontage requirements of Par. 4.2 shall not apply to a parcel of land that is reserved for park, playground, conservation or other open space purposes and is either owned by the Town of Southbury, State of Connecticut or a non-profit corporation or is shown as open space on a subdivision map approved by the Planning Commission, provided that the following conditions are met:

a. The parcel shall either contain a strip of land which is everywhere not less than 20 feet in width connecting to a street or shall have a frontage of 20 feet or more on an easement of access or private right-of-way which is everywhere not less than 20 feet in width connecting to a street; and

b. No building or other structure shall be constructed, reconstructed, enlarged, extended, moved or structurally altered on the parcel.

4.3 *Height:* No building or other structure shall exceed the number or stories and/or the maximum height, whichever is less, as specified in Schedule B.

4.3.1 *Exception - Particular Uses:* A greater or lesser maximum height may be specified in these Regulations for buildings and other structures established for particular uses authorized by grant of a SPECIAL EXCEPTION or approval of a SITE DEVELOPMENT PLAN.

4.4 *Setbacks:* No building or other structure shall extend within less than the minimum distances of a) the street line of Main Street, any State Highway or any other street, b) any property line or c) any Residential District boundary line as specified in Schedule B, except as follows:

4.4.1 *Signs:* Permitted signs, as specified in Section 10, may extend within lesser distances of a property or street line.

4.4.2 *Projections:* Pilasters, belt courses, sills, cornices, marquees, canopies, eaves and similar architectural features may project three (3) feet into the area required for setback from a property or street line; handicapped access ramps meeting standards of the Connecticut Basic Building Code may project at a distance into the area required for setback from a property or street line necessary to construct the ramp.

4.4.3 *Narrow Streets:* The required setback from a street line of a street having a width of less than 50 feet shall be increased by one-half of the difference between 50 feet and the actual width of the street.

4.4.4 *Farm Stands:* Permitted stands for the display and sale of farm and truck garden and forestry produce may extend to within 15 feet of any street line.

4.4.5 *B-2E, B-2F, B-3B, M-2A and M-5:* In Business Districts #2E and #2F, Designed Business District #3B and Industrial M-2A and M-5 Districts, buildings and other structures may extend into the area required for setback from the street line of Main Street South or any state highway, provided that the following conditions are met:

a. The buildings and other structures located within such setback area shall not have an aggregate lot coverage upon such setback area that exceed the percentage of lot coverage specified for the district in Schedule B; and

b. The buildings and other structures shall not extend nearer to such street line than one-half the setback specified in Schedule B.

4.4.6 *Common Walls:* Adjacent lots in Business Districts B-2A, B-2C and B-2D may, by mutual agreement between owners of such lots and filed in the Office of the Southbury Town Clerk, eliminate the required building setback from the common property line and establish a party wall on such line, when there is compliance with the State Basic Building Code and there is demonstration of permanent vehicular access to the rear of the buildings for fire protection purposes.

4.4.7 *Boat houses, docks, launching ramps and facilities and marinas; bulkheads:* No setback from a property line is required for a boat house, dock or launching ramp or facility, or the facilities of a marina for docking or launching boats, when the property line is along or in navigable waters, or the owner of the lot otherwise has rights of access to navigable waters, and elimination of the setback will enable boating use of navigable waters. The required setback from adjacent lots, however, shall be provided, and a boat house that is also used as a dwelling is not eligible for such setback exception. No setback from a property line is required for a bulkhead or seawall constructed along or in navigable waters.

4.5 *Coverage and Bulk:* The aggregate lot coverage of all buildings and other structures on any lot shall not exceed the percentage of the lot area as specified in Schedule B. The total floor area of all buildings and other structures on any lot, excluding basements, shall not exceed the percentage of the lot area as specified in Schedule B.

4.5.1 *Exception:* In Industrial M-5 Districts, the Planning Commission, in connection with approval of a SPECIAL EXCEPTION under Paragraph 4.2.1 and a subdivision under the Subdivision Regulations of the Town of Southbury, may grant a SPECIAL EXCEPTION to permit an increase in lot coverage to as much as 25% and/or an increase in floor area to as much as 50%, provided that the maximum permitted lot coverage and floor area is specified on the subdivision map and that the amount of increase in each is in inverse proportion to the amount by which the lot area is reduced under Paragraph 4.2.1.

4.6 *Minimum Floor Area, Dwelling:* Each one-story dwelling shall have a minimum floor area on the ground floor as specified in Schedule B. Each split-level dwelling shall have a minimum floor area on the upper two floors as specified in Schedule B. Each dwelling with two or more stories, other than split-level dwelling, shall have a minimum floor area on the ground floor and a total minimum floor area as specified in Schedule B. Each dwelling containing two (2) or more dwelling units shall also have a minimum floor area for each dwelling unit as specified in Schedule B.

4.7 *Setbacks/Nonconformities.* Any dwelling, including decks and porches attached thereto, located in an R-20 zone which is legally nonconforming with respect to the side yard requirement of said zone (line 8) may be enlarged and extended into the required side yard to the same extent as the existing dwelling. However, no such enlarged or extended dwelling shall be permitted when the resulting separation from a principal building on the adjacent lot would be less than 10 feet or the separation from the side property line would be less than 5 feet. This exception does not apply to accessory buildings or structures.

SCHEDULE B-STANDARDS		R-20	R-30	R-30A	R-40	R-60	R-80	R-60C	B-1A	B-1B	B-2	B-2A	B-2B	B-2C	B-2D	B-2E	B-2F	B-3	B-3A	B-3B	B-3C	B-3D	B-4	M-2	M-2A	M-5	PUD
1.	Minimum lot area (in sq. ft. or acres.)	20,000	30,000	30,000	40,000	60,000	80,000	60,000	40,000	60,000	40,000	40,000	40,000	40,000	40,000	40,000	80,000	40,000	5 Ac.	2 Ac.	40,000	2 Ac.	40,000	2 Ac.	2 Ac.	4 Ac.	5 Ac.
2.	Minimum lot are	—	45,000	45,000	60,000	90,000	120,000	90,000	40,000	60,000	40,000	40,000	40,000	40,000	40,000	40,000	80,000	40,000	5 Ac.	2 Ac.	40,000	2 Ac.	40,000	2 Ac.	2 Ac.	4 Ac.	5 Ac.

	a for interior lot (in sq. ft. or acres.)																									
3.	Minimum dimension of square on the lot	100′	125′	125′	150′	200′	200′	200′	150′	200′	150′	150′	150′	150′	150′	150′	200′	150′	200′	200′	150′	200,	150′	200′	200′	300′	300′
4.	Minimum lot frontage, except interior lots	90′	110′	110′	135′	175′	175′	175′	135′	175′	50′	135′	135′	135′	135′	135′	175′	135′	200′	175′	135′	175,	135′	50′	175′	300′	50′
5.	Maximum	3	3	3	3	3	3	3	2 ½	2 ½	3	3	3	3	3	3	2 ½	3	3	3	3	3	3	3	3	3	3

	number of stories for a building																										
6.	Maximum height of a building or structure	40’	40’	40’	40’	40’	40’	40’	30’	30’	40’	30’	30’	30’	30’	30’	35’	40’	40’	40’	30’	40’	40’	40’	40’	40’	40’
7.	Minimum set back from street line of — 7.1 Main	30’	40’	40’	50’	50’	50’	50’	50’	50’	20’	20’	20’	50’	20’	100’	100’	50’	100’	100’	50’	50’	50’	50’	100’	100’	50’

	Street South or any State Highway																										
	7.2 Any other street	30’	40’	40’	50’	50’	50’	50’	50’	50’	20’	20’	20’	50’	20’	20’	50’	50’	50’	50’	50’	50’	50’	50’	50’	50’	50’
8.	Minimum set back from property line	15’	20’	20’	25’	30’	30’	30’	20’	20’	10’	20’	10’	20’	10’	20’	25’	25’	25’	25’	25’	25’	25’	25’	25’	25’	50’
9.	Minimum set back from Resi	—	00	00	00	00	00	00	40’	40’	40’	40’	40’	40’	40’	40’	100’	50’	60’	50’	50’	100’	50’	50’	100’	100’	50’

	dential District boundary line																										
10.	Maximum lot coverage by buildings and structures as percent of lot area	20%	20%	20%	10%	10%	10%	10%	20%	20%	25%	15%	20%	15%	20%	20%	15%	10%	20%	10%	15%	20%	10%	25%	15%	15%	25%
11.	Maximum floor area as percen	40%	40%	40%	20%	20%	20%	20%	40%	20%	50%	30%	40%	30%	40%	40%	20%	20%	30%	20%	30%	40%	20%	50%	20%	20%	50%

	t of lot area																										
12.	Minimum floor area on ground floor for one-story dwelling (in sq. ft.)	900	900	900	900	900	900	900	900	900	900	900	900	900	900	900	900	900	900	900	900	NA	900	900	900	900	900
13.	Minimum floor area on upper two floo	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	NA	1,200	1,200	1,200	1,200	1,200

	rs for split-level dwelling (in sq. ft.)																										
14.	Minimum floor area for two or more story dwelling (in sq. ft.) Ground Floor	800	800	800	800	800	800	800	800	800	800	800	800	800	800	800	800	800	800	800	800	NA	800	800	800	800	800
	Tot	1,20	1,20	1,20	1,20	1,20	1,20	1,20	1,20	1,20	1,20	1,20	1,20	1,20	1,20	1,20	1,20	1,20	1,2	1,2	12		1,20	1,2	1,2	1,2	1,2

	al Flo or Are a	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0 0	0 0	00		0	0 0	0 0	0 0	0 0
1 5 .	Min imu m floo r are a for eac h dw elli ng unit (in sq. ft.)	50 0	50 0	50 0	50 0	50 0	50 0	50 0	50 0	50 0	50 0	50 0	50 0	50 0	50 0	50 0	50 0	50 0	5 0 0	5 0 0	50 0	NA	50 0	5 0 0	5 0 0	5 0 0	5 0 0

Note: See Sec. 4 for additional standards and exceptions.

Note: Any dwelling, including decks and porches attached thereto, located in an R-20 zone which is legally nonconforming with respect to the side yard requirement of said zone (line 8) may be enlarged and extended into the required side yard to the same extent as the existing dwelling. However, no such enlarged or extended building or structure shall be permitted when the resulting separation from a principal building on the adjacent lot would be less than 10 feet or the separation from the side property line would be less than 5 feet. This exception does not apply to accessory buildings or structures.

Section 5. - Flood plain district.

5.1 *Boundaries and Elevations:* The Flood Plain District consists of all of the special flood hazard areas within the Town of Southbury as identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for New Haven County, Connecticut, dated December 17, 2010, accompanying Flood Insurance Rate Maps (FIRM), dated December 17, 2010, and other supporting data applicable to the Town of Southbury, and any subsequent revisions thereto, are adopted by

reference and declared to be a part of this regulation. Since mapping is legally adopted by reference into this regulation it must take precedence when more restrictive until such time as a map amendment or map revision is obtained from FEMA. The special flood hazard areas are areas of the Town of Southbury where there is a one percent chance of flooding in any given year. The special flood hazard area includes any area shown on the FIRM as Zones A and AE, including areas designated as a floodway on a FIRM. Areas of special flood hazard are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location.

5.2 *Requirements:* The following requirements are applicable in the Flood Plain District and are in addition to requirements of these Regulations applicable in the underlying district:

5.2.1 Within the Flood Plain District, no building or other structure shall be constructed, moved or substantially improved and no development or new construction shall be made unless a Flood Hazard Area Permit therefor is obtained from the Building Official of the Town of Southbury in accordance with a certain ordinance entitled "Flood Damage Prevention and Control Ordinance, Town of Southbury, Connecticut." For the purpose of this requirement, certain terms are defined as follows:

a. "Substantial improvement" means any reconstruction, rehabilitation, additions or other improvements of a building or other structure, the cost of which cumulatively for the life of the building or structure, equals or exceeds 50% of the market value of the building or structure (as determined by the cost approach to value) before the "start of construction" of the improvement. This term includes buildings and other structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either of the following:

i. Any project for improvement of a building or structure to correct existing violations of state or town health, sanitary or safety code specifications which have been identified by such Building Official and which are the minimum necessary to assure safe living conditions; and

ii. An alteration of an historic structure, as defined in Par. 1.7, provided that the alteration will not preclude the structure's continued designation as an historic structure.

b. "Start of construction" includes "substantial improvement" and means the date the building permit, or ZONING PERMIT if no building permit was required, was issued, provided the "actual start" of construction, repair, reconstruction, rehabilitation, placement or other improvement was within 180 days of such building permit or ZONING PERMIT date. The "actual start" of "substantial improvement" means the first alteration of any wall, ceiling, floor or other structural part of a building or structure, whether or not that alteration affects the external dimensions of the building or structure.

c. "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the such market value of the building or structure before the damage occurred.

d. "Development" means any manmade change to improved or unimproved real estate, including but not limited to building or other structure, site development, excavation, grading, deposit or removal of earth materials, drilling operations, outside storage of equipment or materials or paving, other than normal maintenance and repair of roads and driveways.

e. "New construction" means buildings and other structures for which the "start of construction" occurred on or after April 4, 1980.*

* Effective date of original "Flood Plain Management Ordinance, Town of Southbury, Connecticut."

5.2.2 The maps and plans, including plan drawings and site plans, required under these Regulations to be submitted in connection with an APPLICATION for a ZONING PERMIT, including a SITE

DEVELOPMENT PLAN or SPECIAL EXCEPTION, and pertaining to a lot any portion of which is located in a Flood Plain District, shall show the following additional information:

a. The boundaries of the Flood Plain District;

b. Base flood elevations above mean sea level and floodway data;

c. The lowest floor elevation, including basement, above mean sea level for any existing, new or substantially improved buildings or structures; and

d. If the building or structure has been or will be floodproofed in accordance with such Ordinance, the elevation above mean sea level to which the building or structure was or is to be floodproofed.

5.2.3 In Business, Designed Business, Marine Business, Industrial and Public Utility Districts, no outside storage areas shall be located in the Flood Plain District unless adequate provision is made to prevent flotation of materials and equipment and to minimize flood damage within the Flood Plain District.

5.2.4 Within the Flood Plain District, any building or other structure that is to be constructed, moved or substantially improved shall have a lowest floor elevation including basement as specified in the "Flood Damage Prevention and Control Ordinance, Town of Southbury, Connecticut."

(Ord. of 10-13-10, §§ I, II)

Section 5A. - Aquifer protection district.

5.A.1. *General:* The Aquifer Protection District (AP) is a class of district in addition to and overlapping one or more of the other districts. The boundaries of the Aquifer Protection District encompasses all of the area consisting of stratified drift "aquifers" that are existing or designated as potential and important sources of public water supply, based on data established by the U.S. Geological Survey. The Aquifer Protection District #1 (AP-1) is a class of district within the AP District, and is also in addition to and overlapping one or more of the other districts, and encompasses all of the area consisting of the "primary recharge" and "secondary recharge" areas of stratified drift "aquifers" used or potentially used for major public and institutional water supplies. The Aquifer Protection District #2 (AP-2) is a class of district including existing AP Districts, in addition to and overlapping one or more of the other districts, and encompasses any area consisting of well fields, areas of contribution and recharge areas, identified on maps approved by the Commissioner of Environmental Protection pursuant to § 22a-354b to § 22a-354d of the Connecticut General Statutes, inclusive, within which land uses or activities shall be required to comply with regulations adopted by the Southbury Water Pollution Control Authority. The purpose of the AP, AP-1 and AP-2 Districts is to assure that the use of land, buildings and other structures and site development within the Districts are conducted in a manner that protects the public health and usability of the groundwater supply resource and avoids degradation of the quality of the water. The AP, AP-1 and AP-2 Districts are shown on "Supplementary Map No. 4: Aquifer Protection Districts Dated February 15, 1988, and are further identified as follows:

5A.1.1 The Aquifer Protection District (AP), delineated on Supplementary Map No. 4, consists of all of the coarse, medium and fine grained stratified drift "aquifers" mapped by the U. S. Geological Survey in the "Water Resources Inventory of Connecticut, Part 5, Lower Housatonic River Basin", 1974, and the boundary of the AP District is the contact delineating stratified drift from till and bedrock.

5A.1.2 The Aquifer Protection District #1 (AP-1), delineated on Supplementary Map No. 4, is located on both sides of a portion of the Pomperaug River and tributaries thereto, encompasses existing public water supply well fields and well fields for major institutions and is further identified on maps accompanying a report entitled "Guide to Ground Water and Aquifer Protection for Southbury", dated December, 1980, and prepared by the Central Nangatuck Valley Regional Planning Agency.

5.A.1.3. The Aquifer Protection District #2 (AP-2), delineated on Supplementary Map No. 4 is located in the Southbury Training School Area and the Heritage Village Road Area and encompasses existing well fields, areas of contribution and recharge areas, identified on maps approved by the Commissioner of Environmental Protection pursuant to § 22a-354b to § 22a-354d of the Connecticut General Statutes, inclusive, within which land uses or activities shall be required to comply with regulations adopted, pursuant to § 22a-354p of the Connecticut General Statutes, by the Southbury Water Pollution Control Authority.

5A.2 *Special Definitions:* Certain words in this Section are defined as follows:

5A.2.1 "Aquifer" means a geologic unit consisting of surficial deposits of stratified drift (sand and gravel) capable of yielding usable amounts of water.

5A.2.2 "Primary recharge area" means that area immediately overlying a stratified drift "aquifer" of higher transmissivity as well as adjacent areas of stratified drift that may not have sufficient thickness to be part of the "aquifer."

5A.2.3 "Secondary recharge area" means land adjacent to the "primary recharge area" from which groundwater moves down gradient into the "aquifer."

5A.3 *Permitted Uses:* Within the AP District, including the AP-1 District, land, buildings and other structures may be used for one or more of the uses permitted in the underlying district, but the following uses are specifically prohibited:

5A.3.1 Disposal of solid wastes to the ground in sanitary landfills or dumps.

5A.3.2 Septage lagoons and the disposal or spreading of septage on the ground.

5A.3.3 Any use which involves on any lot the manufacture, use, generation, storage, transportation, sale or disposal of toxic or hazardous materials, as defined in Par. 14.2.2a(vi), when any such materials are in containers having a capacity greater than five (5) gallons or otherwise are in bulk, and the storage or loading of road salt, provided however, that the following are applicable:

a. Such use may be authorized in that portion of the AP District outside the AP-1 District upon grant of a SPECIAL EXCEPTION by the Planning Commission after demonstration of compliance with the standards of Par. 1.4 and Par. 7.2.17 of these Regulations; and

b. The following are not included in the prohibition: fuel for on-site heating and intermittent power generation in accordance with the requirements of Par. 5A.4.2; motor fuels in fuel tanks of mechanical equipment, registered motor vehicles and unregistered farm vehicles; and agricultural fertilizers, pesticides and animal wastes which are used or stored in connection with a farm and when in compliance with best management practices recommended or established by the U.S.D.A. Soil Conservation Service and the Connecticut Department of Environmental Protection.

5A.4. *Permitted Uses:* Within the AP-2 District land, buildings and other structures may only be used for one or more uses which are in compliance with the town of Southbury "Protection Regulations Public Water Supply - Well Head Protection Areas" adopted by the Water Pollution Control Authority of the Town of Southbury pursuant to § 22a-354p of the Connecticut General Statutes.

5A.5 *Additional Requirements:* The following are additional requirements pertaining to the use of land, buildings and other structures and site development in the AP and AP-1 Districts:

5A.5.1 Change in Occupancy: In addition to the requirements of these Regulations concerning change in use, each change in nonresidential occupancy of a premises and each change in the person or persons conducting a professional or business office or a customary home enterprise in a dwelling unit, may be made only after a disclosure statement concerning toxic or hazardous materials, as set forth in Par. 14.2.2a(vi), has been submitted to the Zoning Enforcement Officer by the proposed occupant of the premises or the person or persons who will conduct the office or home enterprise. When the provisions of Par. 7.2.17 of Section 7 are applicable to the change in nonresidential occupancy of a premises, the proposed occupant shall submit a new

Statement of Use to the Zoning Enforcement Officer under Par. 14.2.2a and shall obtain a ZONING PERMIT and CERTIFICATE OF ZONING COMPLIANCE concerning compliance with the requirements of this Section and Par. 7.2.17.

5A.5.2 Fuel Storage: The following requirements are applicable to fuel storage facilities, both new and replacements, and a ZONING PERMIT therefor shall be obtained:

a. All fuel storage tanks of less than 600 gallon capacity shall be on an impervious surface, shall be located in the basement or on another floor of a building or in a below-ground, covered waterproof containment structure and, together with fill and transmission pipes, shall be accessible for visual or mechanical inspection. Such above-ground tanks shall have berms or other facilities for sufficient secondary containment of the entire capacity of the tank so as to preclude discharge to any drain and to the ground or a watercourse in the event of tank failure.

b. Fuel storage tanks of 600 gallon capacity or more shall be of double hull design or be located in a covered, water-proof containment structure, so as to provide secondary containment of the entire capacity of the tank and to preclude discharge to any drain and to the ground or a watercourse in the event of tank failure. Tank piping shall also be designed in conformance with the Rules of the State Fire Marshal, as authorized under Secs. 29-320 and 29-324 of the Connecticut General Statutes, and the standards and design guidelines of the Connecticut Department of Environmental Protection. Provision shall be made for containment and cleanup of spills at the point of delivery to and from the storage tank. Replacements for existing underground fuel storage tanks shall meet such double hull design and containment requirements and shall be provided with a leakage monitoring system approved by the Fire Marshal. A copy of the Fire Marshall's inspection and testing reports for each tank installation shall be filed with the Zoning Enforcement Officer.

5A.5.3 Runoff and Grading: Any nonresidential use that is subject to submission and approval of a SITE DEVELOPMENT PLAN, including SPECIAL EXCEPTIONS, and any excavation, grading or removal of earth materials that is subject to approval of a SOIL EXTRACTION PERMIT under the provisions of Section 8 of these Regulations, shall conform to the following in addition to other requirements of these Regulations:

a. The site plan shall identify all drains and drainage facilities and shall demonstrate how oil, grease, cleaning materials and other contaminants will be contained and not discharged to the aquifer.

b. Storm drainage shall be discharged with measures and a maintenance program for control of contaminant runoff to the aquifer from parking and other paved areas.

c. Excavation and grading for site development and under Section 8 shall be designed either with a finished elevation at least five (5) feet above the water table or with no reduction in elevation if already less than five (5) feet.

(Ord. of 6-19-08, §§ III—VI; Ord. of 4-8-09, §§ I, II)

Section 6. - Special exceptions.

6.1 *General:* In accordance with the procedures, standards and conditions hereinafter specified, the Board of Appeals may grant a SPECIAL EXCEPTION for the establishment of one or more of the uses for which a SPECIAL EXCEPTION must be secured from such Board as required by these Regulations. All requirements of this Section are in addition to other requirements applicable in the district in which the SPECIAL EXCEPTION use is to be located.

6.2 *Application:* Application for a SPECIAL EXCEPTION under this Section shall be submitted in writing to the Zoning Enforcement Officer together with an APPLICATION for a ZONING PERMIT. The Board of Appeals, upon written request by the applicant, may by resolution determine that the

required submission of all or part of the information specified in Par. 14.2.2(b) and 14.2.2(c) is not necessary in order to decide on the application and need not be submitted.

6.3 *Procedure:* Upon receipt, the Zoning Enforcement Officer shall transmit the application and accompanying maps, plans and documents to the Board of Appeals; he shall also transmit a copy thereof to the Planning Commission. Within 45 days after receipt of a copy of the application and maps, plans and documents, the Planning Commission shall report its recommendations to the Board of Appeals, particularly with regard to, but not necessarily limited to, a) compliance with the standards of Section 7 and b) conformity to any comprehensive plan of development adopted by the Planning Commission. The Board of Appeals may request the applicant to submit such additional information that it deems necessary in order to decide on the application. In acting on any application, the Board of Appeals shall hold a public hearing, shall decide thereon and shall give notice of its decision as required by law. Failure to submit additional information requested by the Board of Appeals shall be grounds for disapproval of the application.

6.4 *Approval:* After the public hearing, the Board of Appeals may approve the application to permit establishment of one or more of the uses for which a SPECIAL EXCEPTION must be secured if it shall find that the proposed use and the proposed buildings and structures will conform to the following GENERAL STANDARDS in addition to any SPECIAL STANDARDS for particular uses that may be hereinafter specified:

6.4.1 That the location, type, character and size of the use and of any building or other structure in connection therewith shall be in harmony with and conform to the appropriate and orderly development of the Town and the neighborhood and will not hinder or discourage the appropriate development and use of adjacent property or substantially or permanently impair the value thereof;

6.4.2 That the nature and location of the use and of any building or other structure in connection therewith shall be such that there will be adequate access to it for fire protection purposes;

6.4.3 That the streets serving the proposed use are adequate to carry prospective traffic, that provision is made for entering and leaving the property in such a manner that no undue hazard to traffic or undue traffic congestion is created and that adequate off-street parking and loading-facilities are provided.

6.4.4 That the lot on which the use is to be established is of sufficient size and adequate shape and dimension to permit conduct of the use and provision of buildings, other structures and facilities in such a manner that will not be detrimental to the neighborhood or adjacent property;

6.4.5 That the property will be suitably landscaped to protect the neighborhood and adjacent property; and

6.4.6 That the SPECIAL EXCEPTION use, site plan and architectural plan will be in conformance with the standards set forth in Section 7.

6.5 *Kennels and Stables:* Kennels, livery and boarding stables and riding academies shall also conform to the following special standards:

6.5.1 The use shall be located on a lot of not less than five (5) acres.

6.5.2 No building, shelter or enclosure for a kennel shall be located within less than 150 feet of any property or street line.

6.5.3 Any building in which livestock are kept shall be located not less than 50 feet from any property or street line.

6.5.4 The owner of the lot shall reside on the premises.

6.6 *Bed-and-Breakfast:* Bed-and-Breakfast transient lodging shall consist of a room or rooms for visitors in an existing dwelling or existing building accessory to a dwelling and shall also conform to the following special standards:

6.6.1 The dwelling shall be located on a lot in an historic district established by the Town of Southbury or designated by the U.S. Department of the Interior. The use, including any modification or additions to the dwelling or accessory building, shall preserve the architectural style and integrity of the dwelling or building, and any stairways for access to floors above ground level shall be located inside the dwelling or accessory building.

6.6.2 The owner of the lot shall reside on the premises.

6.6.3 In addition to off-street parking spaces required for other uses on the lot, one (1) off-street parking space shall be provided for each room for transient visitors, and such parking spaces shall be located as specified in Par. 9.3.5.

6.6.4 The dwelling or accessory building shall be found to be capable of accommodating such rooms for transient visitors based on interior arrangement, size, structural condition and mechanical equipment and there shall be no more than four (4) such rooms, (also see subpar. 6.6.7 below), each limited to double occupancy, on the lot. One (1) full bathroom shall be provided for each two (2) rooms for transient visitors.

6.6.5 The water supply system and sewage disposal system, existing or as proposed to be modified to serve the proposed use and other uses on the lot, shall be approved by the Pomperaug District Department of Health.

6.6.6 Occupancy of rooms for transient visitors by any person shall not exceed seven (7) consecutive days. Food service for occupants of such rooms shall be limited to breakfast only.

6.6.7 In determining the appropriate number of rooms to be permitted, the Zoning Board of Appeals shall be guided by the following:

a. In any of the districts listed in Schedule A, line A-11 where such Bed-and-Breakfast use may be permitted, (see also Par. 13.11 concerning nonconforming lots); a dwelling on a lot of at least 20,000 square feet may contain no more than two (2) such rooms or a dwelling on a lot of at least 30,000 square feet may contain no more than three (3) such rooms or a dwelling on a lot of 60,000 square feet or more may contain no more than four (4) such rooms.

b. The Zoning Board of Appeals may permit a deviation from the above standards to allow more or fewer rooms based upon, but not limited to, such factors as size of the lot, proximity of dwellings on other lots or across the street, provision for and layout of off-street parking, and provision of screening. In any event, there shall be no more than four (4) such rooms.

6.6.8 No such Bed-and-Breakfast use is permitted on a lot which contains a room or rooms to let as provided in Schedule A—Permitted Uses, line A-6.

6.7 *Golf, Tennis and Swimming Clubs:* Golf, tennis, swimming or similar clubs, whether conducted as a business or for profit or not, shall conform to the following special standards:

6.7.1 The club shall be located on a lot of at least five (5) acres if in a Residential District or at least two (2) acres if in an Industrial M-2 District, and no building shall be located within less than 75 feet of any street line or within less than 150 feet of any property line.

6.7.2 The furnishing of meals, refreshments, beverages and entertainment, shall be only incidental to the conduct of the club, and there shall be no furnishing of rooms except for accommodations for employees of the club.

6.8 *Day Care Facility:* A day care facility in Residential Districts shall also conform to the following SPECIAL STANDARDS:

6.8.1 The maximum number of children or adults to be cared for shall be specified and shall not exceed 16 unless the facility is an adjunct to a use permitted on Line B-1 or B-3.1 of Schedule A. To determine the appropriate number of children or adults permitted, the Zoning Board of Appeals shall consider the general standards of Par. 6.4, this Par. 6.8, and in particular the standards of Par. 6.8.5.

6.8.2 Water supply and sewage disposal systems serving the use, either existing or to be installed, shall be sufficient to accommodate the use as certified by the Town Director of Health.

6.8.3 There shall be one (1) off-street parking space for each staff person and consultative person expected to be on the premises at any one time, and one (1) off-street parking space for each six (6) children or adults accommodated.

6.8.4 There shall be safe and adequate provision for boarding and off-boarding children or adults from motor vehicles without hazards to pedestrians and traffic. Each daycare facility shall provide adequate parking, turning and drop off areas within the property to accommodate mini bus vehicles typically utilized for transportation of participants.

6.8.5 The use shall be located in a building and on a lot having such size, shape, landscaping, screening, outdoor space, parking, number of employees, hours and days of operation, and with due consideration for the proximity or other dwellings and uses to be in harmony with and conform to the character of the neighborhood and if applicable to preserve and maintain the use, enjoyment, and character and safety of a single-family dwelling neighborhood.

6.8.6 The principal owner of the daycare facility, if said facility is located in a residential zone, shall reside on the premises and such person shall be responsible for the daily operation of the facility. The principal owner of the daycare facility shall have credentials or experience as appropriate or relevant and their duties shall be defined in writing and made a part of the application process.

6.8.7 Adult Day Care Centers are prohibited from the R-20 and R30 zones.

6.8.8 Adult Day Care Centers in residential zones are limited to those following the social (non-medical) model of care for individuals who need supervision and activities but not extensive personal care and medical monitoring.

6.8.9 If a daycare facility is located in an existing residential building, the appearance of the building shall be preserved and no structural changes to the exterior shall be made except to provide suitable means of egress and handicap accessibility.

6.8.10 Each daycare facility shall establish a mission statement and program goals, one of which indicates, if an adult day care center, the model of service the facility provides.

6.8.11 The daycare facility shall meet all applicable standards of the building department and the fire marshal.

6.8.12 Each daycare facility shall provide 40 square feet of available activity space per participant, inside the center, not including offices, bathrooms, kitchens, closets, vestibules, and private living space, and a minimum outdoor recreation area of 50 square feet per participant outside the center, unless greater requirements are imposed by regulation of any other jurisdictional authority. The outdoor space shall afford adequate facilities such as decks, patios, playgrounds or level manicured lawn areas in a manner that allows participants safe access and enjoyment to outside.

6.8.13 Except as may otherwise be required by state or federal law, nothing herein shall allow or authorize the use of any daycare facility (i) as a public or private hospital, retreat, institution, community residence, house or place where a mentally ill person, or a person who is alcohol-dependent or drug-dependent, is received or detained, as a patient or for treatment or rehabilitation, or (ii) as a community residence, halfway house, or other state or federally regulated facility to which persons are or may be transferred from correctional facilities or institutions.

6.9 *Commercial Antennae in R-80:* In R-80 Districts, commercial antennae and support buildings and facilities for outer space satellite telecommunications, including off-street parking and loading spaces, and driveways in connection therewith, shall be located within 2,500 feet of the boundary of a Public Utility District (PUD) and within 1,000 feet of the existing and discontinued street line of River Road easterly of the Shepaug Dam, and no such antennae or support buildings or facilities shall extend within less than 50 feet of any property or street line.

6.10 *Wireless Communication Facilities:* The purpose of this section is to make provisions to permit the location of wireless communication facilities within the Town of Southbury while preserving the rural, scenic, and historic character of the community and protecting the public, neighborhoods, and minimizing the adverse visual and operational effects of wireless communication facilities. More specifically, the purposes are:

i. To accommodate the need for wireless communications towers and antennas while not unreasonably regulating their location and number;

ii. To encourage the joint use of any existing or new towers;

iii. To encourage creative design measures to minimize adverse visual effects through proper design, siting, and vegetative screening;

iv. To reduce the number of antennas and towers needed in the future; and

v. To coordinate and minimize the number of towers.

6.10.1 *Locational preferences:* The order of preference for siting the equipment associated with wireless communication facilities shall range from one (1) as the most preferred to six (6) as the least preferred as noted below:

1. On existing structures such as buildings, water towers, and utility poles.
2. On existing approved towers.
3. On new towers less than 60 feet in height located in commercial or industrial zones.
4. On new towers less than 60 feet in height located in residential zones.
5. On new towers 60 feet or greater in height located in commercial or industrial zones.
6. On new towers 60 feet or greater in height located in residential zones.

The use of municipal land, in compliance with the special standards that follow, is also encouraged where visual impact can be minimized and/or mitigated. Additionally, tower sites at higher elevations, which minimize the need for taller structures, are desirable.

In addition to these locational preferences, such facilities shall conform to the following Special Standards:

6.10.2 No tower shall be located within 200 feet of a residence.

6.10.3 No tower exceeding 60 feet in height shall be located within 1,000 feet of the boundary of an approved historic district.

6.10.4 Towers in a residential zone shall be of a monopole design unless otherwise approved by the Board.

6.10.5 When possible, towers shall be sited where their visible impact is least detrimental to areas that possess scenic qualities of local, regional, or statewide interests. Ridgelines, state forests, and state designated natural areas are examples of such areas.

6.10.6 No lights shall be mounted on towers unless required by the FAA. All strobe lighting shall be avoided if possible.

6.10.7 Antennas and towers not requiring special FAA painting or marking shall be a noncontrasting blue, gray, or black.

6.10.8 Towers may not be used to exhibit any signage or advertising.

6.10.9 Towers shall be designed in all respects to accommodate both the applicant's antennas and comparable antennas for at least five additional users. Unless waived by the Board, the tower shall be designed to allow for the future rearrangement of antenna and to accommodate antennas mounted at varying heights.

6.10.10 Towers shall be set back from all property lines a distance equal to their height plus 20 feet.

6.10.11 Antennas or equipment buildings/boxes mounted to or on buildings or structures shall to the greatest degree possible blend with the color and design of such structure/building. Antennas affixed to existing buildings or structures other than towers shall not be higher than 20 feet above the highest point of the existing structure.

6.10.12 Unless waived by the Board, antenna shall comply with the following:

i. All dish antenna shall be of a mesh design.

ii. Dish antennas shall not exceed two (2) feet in diameter in residential zones.

iii. Dish antennas shall not exceed six (6) feet in diameter in nonresidential zones.

iv. Directional or panel antennas shall not exceed six (6) feet in height or two (2) feet in width.

6.10.13 One accessory building may be permitted for a wireless communication facility site and it shall be not smaller than 600 square feet nor larger than 1,200 square feet in area. The building may be built in phases to accommodate additional users on the site. The Board may permit a larger building when the requirements of multiple users of the facility require it. The building shall have a gabled roof and be architecturally designed to blend into the neighborhood.

6.10.14 A fence of appropriate design eight (8) feet in height shall enclose the facility. The site shall be landscaped so as to screen the tower base and the fence. Screening shall consist of a staggered row of evergreen trees sufficient in number and size to result in a visual screen of ten (10) feet in height within two (2) years of planting. Existing vegetation may be used to implement the screening.

6.10.15 No proposed wireless communications facility shall be designed, located, or operated so as to interfere with existing or proposed public safety communications.

6.10.16 All applications within the flood plain district shall comply with the standards of Section 5 of these Regulations.

6.10.17 The design of the wireless communication facility shall comply with the FCC standards regulating non-ionizing electromagnetic emissions.

6.10.18 All utilities to serve the facility shall be installed underground unless otherwise approved by the Board.

6.10.19 Emergency backup generators, if utilized, shall comply with all state and local noise regulations.

6.10.20 In addition to complying with other application requirements of these regulations, all applications for wireless communication facilities shall include the following:

i. A map showing the extent of planned coverage within the town and adjacent communities, and the location and service area of the proposed facility. This map shall be accompanied by a site selection report containing the following: An inventory of existing facilities, towers and antenna sites within a reasonable distance (at least two (2) miles in all directions) from the proposed site outlining opportunities for shared use as an alternative to the proposed use. The applicant must demonstrate that the proposed tower, facility or antenna cannot be accommodated on an existing approved tower or facility.

ii. A statement containing a description of the siting criteria and the process by which other possible sites were considered and eliminated, including, but not limited to, real estate search areas, distance and bearing to other system sites, acceptable radio frequency signal strength levels and/or microwave interconnection path requirements. The applicant shall support this statement with the submission of a study comparing all potential host sites within an approximate one (1) mile radius of the subject site (areas where personal wireless service facilities are prohibited need not be considered). This study should include a description of the surrounding sites, and a discussion of the ability or inability to host a facility. The report shall demonstrate that the proposed location is the most appropriate

available site within a one (1) mile radius for the location of the wireless communication facility.

iii. A Visual Environmental Assessment Report which shall include:

a. An inventory of scenic vistas and the visual impact of this project on these and other areas of scenic quality. Areas of scenic quality shall include, but are not limited to, ridge lines, ponds, lake fronts, meadows, farmland, Connecticut State Forests, Connecticut Natural Area Preserves, National Area Inventory Sites, areas permanently preserved by land trusts, archeological sites, and any listed or eligible Historic sites on state or federal registers.

b. A sight line representation shall be shown from any public road within three hundred (300) feet and the closest facade of each residential building (viewpoint) within three hundred (300) feet to the highest point (visible point) of the regulated facility. Each sight line shall be depicted in profile, drawn at one inch equals forty feet (1" = 40'). The profiles shall show existing intervening trees and buildings.

c. A plan map of a circle of two (2) miles' radius from the facility site on which any visibility of the proposed tower from a public way shall be indicated.

d. An architectural rendering of the view of the tower from adjoining properties and roads.

e. Photographs of existing conditions in which each sight line shall be illustrated by an eight-inch by ten-inch (8" × 10") color photograph of what can currently be seen from any public road within three hundred (300) feet. (This requirement may be waived where trespass upon private property would be required to obtain it.)

f. Proposed after condition photographs in which each existing condition photograph shows the proposed facility superimposed on it to scale.

g. A view shed analysis also showing these photograph locations.

In connection with this report, the Board may require a field visit and the utilization of a balloon or other device to demonstrate the location, height, and probable visibility of the proposed tower.

iv. A report on compliance with the latest version of the ANSI standards and analyzed according to the requirements of the current version of the FCC Bulletin OST 65 or current revision or equivalent describing the impact on human health, if any prepared by an RF Engineer. The report shall indicate compliance with all applicable FCC Regulations and Guidelines.

v. The report of an independent consultant to ascertain the background levels of EMF radiation around the proposed facility and/or any repeater locations to be utilized by the applicant's plan. The independent consultant shall use such monitoring protocol or other protocol as may from time to time be federally mandated or generally accepted by experts in the field.

vi. A written irrevocable commitment to rent or lease available space for co-location on the tower at fair market prices and terms, without discrimination, to other carriers, subject to maximum structural or loading requirements or limitations due to electromagnetic interference.

vii. An environmental report addressing impacts to the site's resources to include the following:

a. Slopes, wetlands, watercourses, and other environmental characteristics of the site; and

b. Archaeological and/or historical resources.

6.10.21 Fees: The applicant shall pay any costs that the Board incurs for retaining one (1) or more qualified independent consultants to analyze and report on the application (including determining areas appropriate for facilities and towers, reviewing the structural integrity of the wireless service facility design, and compliance with FCC Regulations). These consultants shall each be qualified professionals with degrees and/or special expertise in one of the following:

1) Telecommunications engineering;

2) Structural engineering;

3) Monitoring of electromagnetic fields; and

4) Other disciplines as determined necessary by the Board.

6.10.22 Exempted wireless communication uses: The following wireless communication facilities uses are specifically exempted from this section: police, fire, ambulance and other emergency dispatch; amateur (ham) radio, citizens band radio, radio dispatch services for local businesses, Very Small Aperture Terminal (VSAT), and Television Receive Only (TVRO) under twenty-two (22) inches in diameter. No facility shall be considered exempt from this regulation for the reason that the proposed facility will or plans to share a tower or other structure with such exempt uses.

6.10.23 Removal: Annually reports shall be submitted to the ZEO documenting the continued operation of the facility. The service facility owner shall remove a wireless communication facility not in use for twelve (12) consecutive months. This removal shall occur within 90 days of the end of such twelve (12) month period. Upon removal, the site shall be restored to its previous appearance and where appropriate revegetated to blend with the surrounding area. The Board may require that an appropriate bond be submitted as surety at the time of approval of the application.

6.11 *Conditional Approval:* Approval of an application for a SPECIAL EXCEPTION under this Section shall constitute approval conditioned upon completion of the proposed development, in accordance with plans as approved, within a period of two (2) years after approval is given. Approval of the application shall become null and void in the event of failure to complete the proposed development within the two (2) year period. One (1) extension of such period for an additional period not to exceed one (1) year may be granted by the Board of Appeals after public hearing for good cause shown. All SPECIAL EXCEPTIONS may be granted subject to appropriate conditions and safeguards necessary to conserve the public health, safety, convenience, welfare and property values in the neighborhood.

6.12 *Revisions and Extension:* Any substantial revision of an approved SPECIAL EXCEPTION application and any reconstruction, enlargement, extension, moving or structural alteration of an approved SPECIAL EXCEPTION use or any building or structure in connection therewith shall require submission of a SPECIAL EXCEPTION application as for the original application.

(Ord. of 10-18-12(2), § II)

Section 7. - Special exception and site development plan standards.

7.1 *General:* The use of land, buildings and other structures that is subject to approval of a SPECIAL EXCEPTION AND SITE DEVELOPMENT PLAN by the Planning Commission, and the construction, reconstruction, enlargement, extension, moving or structural alteration of buildings and other structures in connection with such use, shall conform to the GENERAL STANDARDS and SPECIAL STANDARDS hereinafter specified. The provisions of this Section are in addition to other provisions of these Regulations applicable to the district in which the use is to be located.

7.2 *General Standards:* The following GENERAL STANDARDS shall apply to all uses permitted in a district subject to approval of a SPECIAL EXCEPTION and its accompanying SITE DEVELOPMENT PLAN:

7.2.1 *Plan of Development:* The SPECIAL EXCEPTION and its accompanying SITE DEVELOPMENT PLAN shall be in conformance with the purpose and intent of any plan of development, or supplement or amendment thereto, adopted by the Planning Commission under the provisions of Chapter 126 of the Connecticut General Statutes and pertaining to the area in which the use is to be located, particularly in regard to but not limited to the following:

a. The provision of streets; the provision of frontage roads for access; limitations on the location and number of access driveways; and maintenance of safety, convenience and Level of Service on streets, and avoidance of congestion;

b. The setback, location and bulk of buildings and structures; the appearance of buildings and structures from any street or highway, or from other lots;

c. The provision of curbs, sidewalks, street trees and pedestrian lighting in any existing or proposed street and on the lot;

d. The preservation of natural land form features, wetlands and watercourses;

e. The provision, location and character of landscaping;

f. The location, character and intensity of outdoor illumination; and

g. The extent, character, purpose and location of signs.

7.2.2 *Neighborhood:* The use of land, buildings and other structures, the location and bulk of buildings and other structures and the development of the lot shall be of a character as to harmonize with the neighborhood, to accomplish a transition in character between areas of unlike character, to protect property values and to preserve and enhance the appearance and beauty of the community.

7.2.3 *Access and Circulation:* Provision shall be made for vehicular access to the lot and circulation upon the lot in such a manner as to safeguard against hazards to traffic and pedestrians in the street and upon the lot, to avoid traffic congestion on any street and to provide safe and convenient circulation upon the lot. Access and circulation shall also conform to the following:

a. Where reasonable alternate access is available, the vehicular access to the lot shall be arranged to avoid traffic use of local residential streets situated in or bordered by Residential Districts.

b. Where a lot has frontage on two (2) or more streets, the access to the lot shall be provided to the lot across the frontage and to the street where there is lesser potential for traffic congestion and for hazards to traffic and pedestrians.

c. The street giving access to the lot shall have traffic carrying capacity and roadway improvements and traffic management facilities that are sufficient to accommodate the amount and types of traffic generated by the proposed use, taking into account access to existing uses along the street and existing traffic projected to the date of occupancy of the site. Roadway, traffic management and other deficiencies in the street giving access, which result in congestion or impairment of safety and convenience, may be remedied by the applicant if authorized by the owner of the street.

d. Where necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, provision shall be made for turning lanes, traffic directional islands, frontage road driveways and traffic controls within the street.

e. Access driveways shall be of a design and have sufficient capacity to avoid back up of entering vehicles within any street.

f. Driveways into the lot shall not exceed a grade of 10% and shall meet the street line and travelway of the street in such a manner as to conform to the standard cross section for the street as may be specified in any plan of development adopted by the Planning Commission or by Town Ordinance.

g. Where topographic and other conditions are reasonably usable, provision shall be made for circulation driveway connections to adjoining lots of similar existing or potential use i) when such driveway connection will facilitate fire protection services, as approved by the Town Fire Marshall and/or ii) when such driveway will enable the public to travel between two existing or potential uses, open to the public generally, without need to travel upon a street.

h. There shall be no more than one (1) driveway connection from any lot to any street, except that i) separate entrance and exit driveways may be provided where necessary to safeguard against hazards and to avoid congestion and ii) additional driveway connections may be provided, particularly for but not limited to large tracts and uses of extensive scope, if traffic flow in the street will be facilitated by the additional connection. Driveways shall not exceed 26 feet in width at the street line, or such lesser width as will be sufficient to accommodate the traffic to be generated, unless a greater width is required by Town Ordinance or by the State of Connecticut.

7.2.4 *Existing Streets:* Where the lot has frontage on an existing street, a proper provision shall be made for the grading and improvement of shoulders and sidewalk areas within the right-of-way of the street and for provision of curbs, sidewalks, street trees and pedestrian lighting, as approved by the Planning Commission and in accordance with the pattern of development along the street and the provisions of Par. 7.2.1. Where necessary to provide for suitable access or for a system of neighborhood circulation streets, provision shall also be made for appropriate continuation and improvement of streets terminating at the lot where the use is to be located.

7.2.5 *Parking and Loading:* Off-street parking and loading spaces shall be provided in accordance with the provisions of Section 9.

7.2.6 *Drainage:* Provision shall be made on the lot for the management of storm water, including collection and disposal thereof in the following manner:

a. To assure the usability of off-street parking and loading spaces;

b. To avoid hazards to pedestrians and vehicular traffic on the lot and in any street;

c. To avoid storm water flow across sidewalks and other pedestrian ways;

d. To protect water courses and wetlands from pollution, erosion and sedimentation;

e. To avoid an amount of discharge and time of concentration of flow beyond the capacity of downstream drainage channels; and

f. To avoid downstream flooding.

Provision shall be made for the protection or improvement of existing water courses, channels and other drainage systems, on the lot or downstream from the lot, as needed to accept the proposed drainage discharge, based on sound design criteria under good engineering practice and as approved by the Commission, taking into account the drainage requirements of the entire watershed in which the lot is located. Provision shall also be made on the SITE DEVELOPMENT PLAN for control of storm water runoff, erosion and sedimentation during construction.

7.2.7 *Wetlands and Water Courses:* The SITE DEVELOPMENT PLAN shall provide for protection of all wetlands and water courses, including flood plains, on the lot in their natural state, unless modification thereof is approved by the Planning Commission and authorized by the Southbury Inland Wetlands Agency.

7.2.8 *Sanitation:* Proper provision shall be made for the water supply, sewage disposal and solid waste control and disposal requirements of the proposed use. The following requirements shall be met:

a. When public water supply and/or sewage disposal systems are not to be used, the private systems shall be designed and constructed in accordance with the applicable State or

Town laws and the design shall be approved by the Director of Health of the Town of Southbury prior to the approval of a SPECIAL EXCEPTION and its accompanying SITE DEVELOPMENT PLAN.

b. When a public water supply system is to be used, the documentation of the adequacy of the system as specified in Para. 14.5.4. shall be provided to the Commission for the particular use, building or structure prior to the approval of the SPECIAL EXCEPTION and its accompanying SITE DEVELOPMENT PLAN.

c. Provision shall be made for the collection, storage and disposal of solid wastes accumulated in connection with the proposed use and for control of litter by means of receptacles, fences or other means approved by the Planning Commission.

7.2.9 *Outside Storage:* Outside storage (including any sales, storage and/or display of merchandise, supplies, wastes, machinery, equipment and other materials not in an enclosed building and any manufacture, processing or assembling of goods not in an enclosed building, but excluding the parking of registered motor vehicles, farm equipment and trailers in daily use) shall be located in areas of the lot as shown on the SITE DEVELOPMENT PLAN, and such outside storage areas shall be limited and screened in Business, Industrial and Public Utility Districts as follows:

a. No outside storage area shall extend into the area required for setback from a street line of Residential District boundary line.

b. In addition, in B-1B, B-2F, B-3, B-3A, B-3B, B-3C, B-4, M-2A, M-5 and PUD Districts, no outside storage area shall extend into the area required for setback from a property line.

c. Outside storage areas shall be limited in extent on any lot, either as a percent of the area of the lot or as a percent of the ground floor area of all buildings on the lot in accordance with the district where located, as follows:

District	% of Lot Area	% of Ground Floor Area of Buildings
B-1A	25%	—
B-1B	—	10%
B-2	50%	—
B-2A	10%	—
B-2B	25%	—
B-2C	—	10%
B-2D	25%	—

B-2E	25%	—
B-2F	—	10%
B-3	—	10%
B-3A	—	10%
B-3B	—	10%
B-3C	—	10%
B-3D	—	10%
B-4	25%	—
M-2	25%	—
M-2A	—	10%
M-5	—	10%
PUD	10%	—

d. All outside storage areas shall be enclosed, except for necessary access drives, by buildings and/or fences, walls, embankments or evergreen shrubs or trees so as to screen the storage area i) in B-1A, B-2, B-2A, B-2B, B-2C, B-2D and B-2E Districts, from view from any portion of a Residential District located within 200 feet of the lot and from Main Street or any State Highway and ii) in B-1B, B-2F, B-3, B-3A, B-3B, B-3C, B-3D, M-2, M-2A, M-5 and PUD Districts, from view from any other lot, from any street and from any portion of a Residential District located within 200 feet of the lot, provided that the Planning

Commission may determine that such enclosure is not necessary in connection with all or a portion of necessary and reasonable outside storage that is an adjunct to retail sales.

7.2.10 *Total Ground Coverage:* The total ground coverage by all buildings and other structures, outside storage areas, areas for off-street parking, loading and driveways and all paved areas on any lot, but excluding sidewalks and ornamental plazas and terraces, shall not exceed the percentage of the lot area specified as follows for each district:

District	% of Lot Area
R-20	50%
R-30	50%
R-30A	50%
R-40	30%
R-60	30%
R-80	30%
R-60C	30%
B-1A	60%
B-1B	50%
B-2	70%
B-2A	60%
B-2B	70%
B-2C	60%
B-2D	70%

B-2E	60%
B-2F	40%
B-3	30%
B-3A	30%
B-3B	30%
B-3C	60%
B-3D	40%
B-4	60%
M-2	70%
M-2A	40%
M-5	40%
PUD	40%

The following total ground coverage standards are also applicable:

a. In B-1A and B-1B Districts, the total ground coverage located within the area required for setback by buildings and other structures from the street line of any State Highway or any other street shall also not exceed the aforesaid percentage that is applicable to the entire lot.

b. In B-3, B-3A and B-3B Districts, such total ground coverage may be increased to as much as 50% on any lot when the Planning Commission finds that on the SITE DEVELOPMENT

PLAN a) the additional coverage is provided in units or areas set apart from other covered areas in an effective manner by natural or landscaped areas, b) the appearance of a continuum of paved area is avoided, c) provision is made for storm water detention on the lot and d) the additional coverage is not located in the area required for setback of buildings and other structures from Main Street or any State Highway. Such additional coverage shall not consist of coverage by buildings and other structures beyond the maximum lot coverage specified in Schedule B.

c. In B-2F, M-2A and M-5 Districts, such total ground coverage may be increased to as much as 50% on any lot when the Planning Commission finds, in connection with approval of a Site Development Plan, that the roadway system and intersections affected by traffic generated by uses located on the lot have sufficient capacity to accommodate the additional traffic generated by the proposed use and added total lot coverage while maintaining LOS C in such roadway system and intersections and accounting for the full development of CD-MSS. Such additional coverage shall not consist of coverage by buildings and other structures beyond the maximum lot coverage specified in Schedule B.

7.2.11 *Lighting:* Outside illumination shall conform to the requirements of Par. 7.2.1 and 7.2.2 and Section 11.

7.2.12 *Landscaping:* Landscaping shall be provided and permanently maintained on the lot to conform to the standards of Par. 7.2.1, 7.2.2 and 7.2.9 and to the following:

a. All portions of the lot not covered by buildings and other structures, outside storage areas, areas for off-street parking, loading and driveways and all paved areas shall be suitably landscaped with trees, shrubs, lawns or other suitable landscaping or, if not disturbed by filling, grading, excavation or other construction activity, may be left as natural terrain when having a location, size and shape that supports the landscaping plan for the lot.

b. In Business, Industrial and Public Utility Districts the area required for setback from a Residential District boundary line shall be suitably landscaped with evergreen shrubs or trees, or such evergreens in combination with embankments, fences and/or walks, so as to provide a transition from such Districts to the Residential District. Suitable natural terrain and existing evergreen trees and shrubs may be preserved, or augmented with new planting, to satisfy the landscaping requirement in the setback area from Residential Districts.

c. Off-street parking and loading areas shall be provided with landscaped planting islands within and/or border landscaping adjacent to the area in such a manner as to enhance the appearance of the area and avoid the appearance of a continuum of paving. Any parking area accommodating 20 or more cars shall i) be provided with not less than 10 square feet of interior landscaping within the paved portion of the parking area for each parking space, and ii) have a landscaped area not less than 10 feet in width along its perimeter except where the parking area is functionally integrated with a parking area on an adjoining lot. Not less than one (1) tree, of a species approved by the Planning Commission and at least three (3) inches caliper and 10 feet in height when planted, shall be provided for each 20 cars or fraction thereof within the interior landscaping and/or border landscaping. Trees and plantings in interior and border landscaped areas shall be located, installed and protected by curbs or other devices so as to prevent damage by normal parking and circulation activity and parking area maintenance.

d. All off-street loading docks located in B-2B, B-2E, B-2F, B-3, B-3A, B-3B, B-3C, M-2, M-2A and M-5 Districts and visible from Main Street, any State Highway or a Residential District shall be screened from view by means of fences, walls, embankments or evergreen shrubs or trees.

e. All plant and other landscaping materials shall be provided in accordance with good landscaping practice and shall be subject to the approval of the Planning Commission as part of the SITE DEVELOPMENT PLAN.

7.2.13 *Buildings and Structures:* Buildings and other structures shall have an exterior design, including finish and color, that conforms to Par. 7.2.1 and 7.2.2. The exterior walls of any building that are visible from any street or any other lot shall present a finished appearance by means of materials consistent with the design of the buildings as a whole. No mechanical equipment shall be located on the roof of a building if visible from any street or highway unless such equipment is housed or screened from view in a manner consistent with the architectural design of the building.

7.2.14 *Emergency Services:* Suitable provision shall be made on the lot for access to buildings and other structures by fire, police and other emergency services, and for fire hydrants where public water supply is available, in accordance with good fire protection practices.

7.2.15 *Signs:* The Planning Commission, in connection with review and approval of the SPECIAL EXCEPTION and its accompanying SITE DEVELOPMENT PLAN, may approve a plan and program for additional signs as follows:

a. Signs attached to buildings, having letters no taller than six (6) inches and designed to be read only by persons who are pedestrians on the lot, as such signs may be needed to identify the location of particular stores, offices or other occupancies.

b. Ground signs identifying and giving direction to individual offices, stores, services and occupancies of buildings on the lot and each such sign not exceeding 32 square feet in area, having letters and/or insignia or logos no larger than two (2) inches in height and designed to be read primarily by pedestrians and by persons operating motor vehicles when on the lot.

7.2.16 *Soil Erosion and Sediment Control:* Provision shall be made for soil erosion and sediment control in accordance with the standards of the Town of Southbury Soil Erosion and Sediment Control Ordinance.

7.2.17 *Toxic and Hazardous Materials and Wastes:* For any use involving the storage or use of toxic or hazardous materials, as defined in Par. 14.2.2a(vi), the applicant shall demonstrate that the toxic and hazardous materials and wastes shall be contained or managed in such a manner that these substances will not pollute or degrade the natural resources and environment of the Town, including surface and groundwater resources. At a minimum, the following information shall be presented by the applicant and requirements met:

a. The amount and composition of any toxic or hazardous materials that will be handled, stored, generated, treated or disposed of on the property.

b. Provisions for treatment, storage and/or disposal of any toxic or hazardous materials.

c. Distance to nearest natural resources (inland wetland or watercourse, other water body, water supply aquifer, public water supply watershed, top of slope or drainage system leading to any such resources) on or adjacent to the site.

d. Distance to any water supply well on adjacent lots and lots across the street from lot that is subject to the application.

e. In addition, the facilities for and activity of storage and loading of road salt shall be covered with a roof, or otherwise covered so that rain water does not leach the salt, and shall be located on an impervious surface where spillage is contained and from which runoff is either collected in an evaporative detention basin or is discharged to a surface watercourse with sufficient year-round flow to dilute the runoff.

7.2.18 *Historic Structures and Archeological Sites:* The following are applicable to SPECIAL EXCEPTION and SITE DEVELOPMENT PLAN submissions with regard to historic structures and archeological sites:*

a. When the lot for which a SPECIAL EXCEPTION and SITE DEVELOPMENT PLAN submission is made includes an historic structure, is adjacent to, across the street from, or is within the visual environs of a lot that includes an historic structure or is located in a

National Register Historic District or an Historic District established by ordinance of the Town of Southbury under the provisions of Chapter 97a of the Connecticut General Statutes, the submission shall provide the following:

i. Identification of the location of the historic structure and/or district; and either

ii. A description of measures to be undertaken to protect and conserve the historic structure; or

iii. If applicable, a copy of a certificate of appropriateness from the Town historic district commission having jurisdiction.

The Commission or Board having jurisdiction to act on the SPECIAL EXCEPTION and SITE DEVELOPMENT PLAN may request an impact assessment from the Town Historic District Commission having jurisdiction or, with reference to historic structures outside a Town Historic District, from the Southbury Historic Preservation Commission.

b. When the lot or portion thereof for which a SPECIAL EXCEPTION and SITE DEVELOPMENT PLAN submission is made has been identified by the State of Connecticut Archeologist or the State of Connecticut Historic Preservation Office as archeologically significant or contains a National Register Archeological Site, the submission shall provide the following:

i. Identification of the location of the archeological resource; and

ii. A description of the nature of the resource and measures to be undertaken to protect or conserve the resource.

In addition, when such lot or portion thereof is located within an area delineated on a map of sites in the Town of Southbury having likelihood of significant archeological resources as may be prepared by the Southbury Historic Preservation Commission and filed in the Office of the Southbury Town Clerk, the Commission or Board having jurisdiction to act on the SITE DEVELOPMENT PLAN may determine that an on-site archeological assessment by qualified professionals shall be conducted on the lot or appropriate portion thereof and made a part of the submission.

*See Administrative Policy #3—Identification of Historic Structures and Archeological Sites.

7.2.19 *Southford Village District (SVD).*

a. The Southford Village District includes all land designated on the Southbury Zoning Map as zones B-1A, B-1B and R-30 in the Southford district and as shown in Section 5 of the Southford 2006 Plan of Conservation and Development which maps are specifically incorporated herein and made a part of these regulations.

b. The Southford Village District is comprised of seven (7) Planning Areas which Areas and the Goals for their development are set forth in Sections 7.6 and 7.7 of the Southford 2006 Plan of Conservation and Development. All applications submitted to the Planning Commission for approval of a Special Exception and Site Development Plan shall be consistent with these goals.

c. Any proposed use of land, buildings and other structures in the designated SVD are subject to review and approval of a Special Exception and Site Development Plan by the Planning Commission, and the development standards, construction, reconstruction, enlargement, extension, moving or structural alteration of buildings and other structures in connection with such use, shall conform to the special SVD standards as contained herein and to the applicable General Standards and Special Standards in these Regulations and as hereinafter specified. The provisions of this Section are in addition to the other provisions of these Regulations applicable to the District in which the use is or is to be located. In addition, in the case of conflicting Regulations or Standards, the Regulations or Standard

which is found to be the most in keeping with the purposes, standards and criteria used for establishing the SVD as found in the 2006 Southford Plan of Conservation and Development shall control.

d. The Dimensional Standards which apply in Planning Areas 1-7 of the Southford 2006 Plan of Conservation and Development are attached hereto as Exhibit A and are specifically incorporated herein and made a part of these Regulations.

Exhibit A

Maximum Ground Coverage	Area 1	Area 2	Area 3
a. By any single bldg.	5,000 sq. ft.	5,000 sq. ft.	5,000 sq. ft.
b. By all buildings and other structures	20%	20%	15%
c. Total of all coverage	(50%)	(50%)	(50%)
Note: Max cov. also applies to street setback. See Special Planning Element 4.	May be increased to 55% if parking is at rear of building(s) and stormwater is managed on site.	May be increased to 55% if parking is at rear of building(s) and stormwater is managed on site.	May be increased to 55% if parking is at rear of building(s) and stormwater is managed on site.
Height	(35) feet**	(35) feet**	(35) feet**
Building Setback:			
a. From Route 67/188*	(20) feet*	(20) feet*	(20) feet*
b. Other street	(N/A)	(N/A)	(50) feet
c. Bus. Prop. Line	(15) feet	(15) feet	(15) feet
d. Res. Area	40 feet	40 feet	40 feet
Outside storage			
a. Unscreened	Not permitted	Not permitted	Not permitted

b. % of lot	(10)%	(10)%	(10)%
Min. lot size Zone B-1A	40,000 sq. ft	40,000 sq. ft.	40,000 sq. ft.
Uses:			
P = permitted			
X = excluded			
Dwellings w/acc apt	P	P	P
Bus/Prof. offices	P	P	P
Retail stores	P	P	P
Restaurants (sit dn.)	P	P	P
Trades shops	P	P	X
Auto service, repair	X	P	X
Auto sales	X	P	X
Lumber/building-materials yards	X	P	X
Contractors yard	X	P	X
Trucking terminals	X	X	X

Note: Special Planning Elements for the B-1A properties in the SVD are found on page 36 of the adopted 2006 POCD should be considered.

Note: Accessory apartments are to be incorporated into the building containing the principal use on the lot and not as stand alone dwelling units.

Note: * This is a "build to" line. Street facade of a proposed structure may not be setback farther than this distance, unless prevented by wetlands or watercourse constraints or unless a different location can be shown which better supports the recommendations of this Plan and the characteristics of the desired Village District.

Note: ** Building height to be measured from the average grade along the street front facade of the building measured at the "build to" line or the agreed upon front building line.

Maximum Ground Coverage	Area 4	Area 5	Area 6
a. By any single building	7,000 sq. ft.	7,000 sq. ft.	7,000 sq. ft.
b. By all buildings and other structures	30%	30%	30%
c. Total of all coverage Note: Max cov. also applies to street setback. See Special Planning Element 5.	May be increased to 35% if parking is at rear of building(s) and stormwater is managed on site.	May be increased to 35% if parking is at rear of building(s) and stormwater is managed on site.	May be increased to 35% if parking is at rear of building(s) and stormwater is managed on site.
Height	(35) feet**	(35) feet**	(35) feet**
Building Setback:			
a. Route 67/188*	(30) feet*	(30) feet*	(30) feet*
b. Other street	N/A	N/A	N/A
c. Bus. Prop. Line	(15) feet	(15) feet	(15) feet
d. Res. Area	40 feet	40 feet	40 feet
Outside storage			
a. Unscreened	Not permitted	Not permitted	Not permitted
b. % of lot	2%	2%	2%
Min. lot size			
Zone B-1B	60,000 sq. ft.	60,000 sq. ft.	60,000 sq. ft.

Uses:			
P = permitted			
X = excluded			
Dwellings w/acc apt	P	P	P
Bus/Prof. offices	P	P	P
Retail stores	P	P	P
Restaurant (sit dn.)	P	X	(East X: West P.)
Trades shops	X	X	X
Auto service, repair	X	X	X
Auto sales	X	X	X
Lumber/building-materials yards	X	X	X
Contractors yard	X	X	X
Trucking terminals	X	X	X

Note: Special Planning Elements for the B-1B properties in the SVD are found on pages 40—41 of the adopted 2006 POCD and should be considered.

Note: Accessory apartments are to be incorporated into the building containing the principal use on the lot, not as stand alone dwelling units.

Note: *This is a "build to" line. Street facade of proposed structure should not be set back farther than this distance unless prevented by wetlands or watercourse constraints or unless a different location can be shown which better supports the recommendations of this Plan and the characteristics of the desired Village District.

Note: ** Building height to be measured from the average grade along the street front facade of the building measured at the "build to" line or the agreed upon front building line.

AREA 7

Requirements for the R-30 residentially zoned properties included in the Southford Village District as shown in the adopted POCD shall remain as presently stated in these Regulations with the exception that the goals and standards for the established Village District shall be applied when considering plans for development or alteration of these properties.

7.3 *Special Standards:* The Planning Commission, in connection with the approval of a SITE DEVELOPMENT PLAN under these Regulations and after due notice and public hearing as required by law, may grant a SPECIAL EXCEPTION as follows:

7.3.1 *Stores in B-3A and B-3B:* Stores in B-3A and B-3B: As provided in Schedule A, the Planning Commission may grant a SPECIAL EXCEPTION and its accompanying SITE DEVELOPMENT PLAN in the B-3A and B-3B Districts authorizing stores and other buildings and structures, where goods are sold or service is rendered primarily at retail without limitation as to the total floor area occupied by a single proprietorship if the Commission shall find that the following standards are met:

a. The proposed use shall have a location and have a scope and intensity so as to generate traffic, with consideration for peak hours of travel, rate of turnover of parking space occupancy and seasonal variations in traffic, only to the extent that the street giving access to the lot has the capacity to accommodate, without undue hazards and congestion, the traffic generated by the use in addition to general traffic flow upon the street, taking into account existing and future projected general traffic flow; and

b. The building shall have an exterior appearance of occupancy by proprietorships of less than 15,000 square feet.

7.3.2 *Restaurants:* Restaurants [2] consisting of table service restaurants, general service restaurants, take-out food service restaurants and accessory service restaurants, are a use having special characteristics but which are permitted in specified Districts on Schedule A subject to securing approval of a SPECIAL EXCEPTION and its accompanying SITE DEVELOPMENT PLAN in order that particular matters of scope of the use, congregation of such uses and related features of traffic, parking, waste management, sewerage disposal and other factors may be addressed in each case for consistency with the comprehensive plan of zoning. Provision for restaurants and Districts therefore are intended primarily for local service, expressly excluding development of restaurants in a pattern around exits of Interstate #84 or to provide general services to I-84 traffic. The following standards are applicable to restaurant uses and the Planning Commission may grant a SPECIAL EXCEPTION and its accompanying SITE DEVELOPMENT PLAN for the particular classification of restaurant in specified Districts when the Commission finds that such standards are met:

a. The proposed use shall have a location and have a scope and intensity so as to generate traffic, with consideration for peak hours of travel, rate of turnover of parking space occupancy and seasonal variations in traffic, only to the extent that the street and its roadway geometry giving access to the lot has the capacity to accommodate, without undue hazards and congestion, the traffic generated by the use in addition to general traffic flow upon the street, taking into account existing and future projected general traffic flow and types of vehicles on the street and to be generated by the proposed use;

b. The use shall be provided with sufficient off-street parking spaces to meet the minimum standards of Section 9 and to accommodate types of vehicles, whether passenger vehicles, trucks, buses or public service company vehicles, of all customers on the premises of the restaurant at any one time and without adverse effects on parking spaces supporting other uses on the lot;

c. Appropriate traffic and parking management signs shall be provided on the lot, and the arrangement of parking spaces, access aisles, circulation driveways and signs on the lot shall account for the types of vehicles expected to be generated by the proposed use so as to avoid hazards and congestion;

d. Any general service restaurant shall be located in a building on the lot having a ground floor area of not less than 15,000 square feet used for any combination of uses permitted on Lines C-1, C-2, C-3, C-6, C-7, C-9.1, C-11 and C-14 of Schedule A, and (i) not more than 15% of the ground floor area of the building shall be used for one (1) general service restaurant, and (ii) there shall be not more than one (1) additional general service restaurant for each full 30,000 square feet of ground floor area of the building;

e. Any take-out food service restaurant shall occupy a floor area of either no more than 800 square feet or not more than 20% of the total floor area of the building, whichever is less, and there shall be no more than one (1) additional take-out food service restaurant for each full 15,000 square feet of ground floor area of the building;

f. No take-out food service restaurant shall have any entrance, public access, floor area, food and/or beverage preparation area or customer seating in common with a table service restaurant or general service restaurant.

g. An accessory service restaurant shall i) be located in a building having a ground floor area of not less than 3,500 square feet, ii) be accessory and subordinate to a use in the same building consisting of a depot or stop for public service company passenger transportation by bus or limousine and having a ticket counter and waiting room facilities for passengers, as identified on Line C-11 of Schedule A, and iii) shall occupy a floor area of either no more than 1,700 square feet or not more than 50% of the total ground floor area of the building, whichever is less, and in addition there shall be no more than one (1) such accessory service restaurant in the building and such restaurant and Line C-11 use shall be the sole occupancies of the ground floor of the building.

h. Where public sewage disposal systems are not available and in addition to the provisions of Par. 7.2.8a, there shall be demonstration that an adequate on-site sewage disposal system exists or will be provided to serve the restaurant use and the projected number and concentration of customers;

i. In addition to the provisions of Par. 7.2.8c, the restaurant use shall establish a program to control, manage and clean up on-site litter and other solid wastes generated by the use and to discourage litter in the Town from any take-out feature of the proposed use;

j. Grant of a SPECIAL EXCEPTION and its accompanying SITE DEVELOPMENT PLAN for a restaurant and issuance of a Certificate of Zoning Compliance therefor is conditioned upon requirement that the Certificate of Zoning Compliance automatically terminates when there is any change in ownership of the restaurant use or premises, provided however, that a new Certificate of Zoning Compliance for the restaurant use and premises may be issued upon demonstration that the use under the changed ownership will be in compliance with the requirements of the SPECIAL EXCEPTION as granted in these Regulations; and

k. Any restaurant lawfully existing on the effective date of this Par. 7.3.2. may continue even though the restaurant fails to conform to one or more provisions of this Par. 7.3.2. and/or no SPECIAL EXCEPTION therefor has been secured as provided herein, provided however, that (1) when there is any change in ownership of the restaurant use or premises, a Certificate of Zoning Compliance for such restaurant use or premises shall be obtained certifying the nature and extent of the lawful use, and (2) when there is any alteration, reconstruction, extension or enlargement of the existing lawful use or premises, a SPECIAL EXCEPTION and approval of its accompanying SITE DEVELOPMENT PLAN therefor shall be secured as provided herein.

7.3.3 *Nonconformity:* As provided in Par. 13.13., the Planning Commission may grant a SPECIAL EXCEPTION and approval of its accompanying SITE DEVELOPMENT PLAN authorizing construction, reconstruction, enlargement, extension, moving or structural alteration of buildings and structures on a lot having improvements which fail to conform to the standards of this Section and/or authorizing continuation, enlargement, extension, moving or construction of site improvements which fail so to conform if the Commission finds that the following standards are met:

a. The proposed construction shall result in a general improvement of the lot with regard to safe access, suitable drainage and adequate landscaping;

b. Nonconforming signs and lighting shall be brought into a conforming or more nearly conforming condition;

c. Adequate provision shall be made for landscaping in the area required for setback from a Residential District boundary line; and

d. There shall be no increase in the nonconformity of buildings and other structures and site improvements.

7.3.4 *Dwellings for Elderly and/or Handicapped Persons:* Dwellings for Elderly and/or Handicapped Persons: As provided in Schedule A, the Planning Commission may grant a SPECIAL EXCEPTION and approval of its accompanying SITE DEVELOPMENT PLAN in the R-30A District authorizing dwellings containing two (2) or more dwelling units, owned by a Town agency or non-profit corporation, and occupied by elderly and/or physically handicapped persons if the Commission shall find the following standards are met:

a. Such dwellings shall be owned by an agency of the Town of Southbury or by a non-profit corporation that is established under the law of the State of Connecticut for the purpose of owning, constructing and operating such dwellings. A copy of a management plan for such dwellings as well as a copy of the action of the Town creating such agency or the articles of incorporation, as applicable, shall be submitted with the application for a SPECIAL EXCEPTION and approval of its accompanying SITE DEVELOPMENT PLAN.

b. Such dwellings and dwelling units shall be designed and equipped specifically to meet the special needs of elderly and/or physically handicapped persons, and each dwelling unit shall be occupied by at least one (1) person who is either 62 years of age or older and or is physically handicapped.

c. Such dwellings shall contain not less than two (2) but not more than thirty (30) dwelling units, and no dwelling unit shall contain more than (2) bedrooms. Each one-bedroom dwelling unit shall contain not less than 400 square feet of enclosed floor space and each two-bedroom dwelling unit shall contain not less than 550 square feet of enclosed floor space.

d. Such dwellings shall be located on a lot of not less than five (5) acres. The total number of such dwelling units shall not exceed eight (8) per acre of lot area. All such dwellings shall be served by a public or community water supply system, approved by the Director of Health of the Town of Southbury and the Connecticut State Department of Health.

e. No such dwelling or building or structure accessory thereto, shall extend within less than 40 feet of any street line or property line, and no parking spaces or access aisles in connection therewith shall extend within 25 feet of any street line or within 15 feet of any property line.

f. The use may include accessory community rooms and facilities primarily for the use of the occupants of the dwellings, as well as utility and maintenance buildings and facilities necessary for support of the dwellings on the lot and a dwelling unit on the lot for the administrator of such dwellings.

7.3.5 *Dwellings over Stores in B-1B:* As provided in Schedule A, the Planning Commission may grant a SPECIAL EXCEPTION and approval of its accompanying SITE DEVELOPMENT PLAN in the B-1B District authorizing dwelling containing two (2) or more dwelling units located on the second floor of buildings used for purposes designated on Lines C-1.3., C-2.1., C-3, C-8.1, and C-14 of Schedule A if the Commission shall find that the following standards are met:

a. The dwelling units shall be located on the floor above a ground story occupied by such designated uses, and no other uses, and the dwelling unit may consist of one (1) or 1½ stories.

b. There shall be no more than six (6) such dwelling units in any building.

c. There shall be not less than 15,000 square feet of lot area for each dwelling unit, and the number of eligible dwelling units shall be reduced by one (1) for any other dwelling unit, such as a single detached dwelling for one (1) family or units in dwellings containing two (2) or more dwelling units, located on the lot.

d. Each dwelling unit shall contain no more than two (2) bedrooms. The dwelling units shall have at least one (1) fully enclosed access to the ground, and all access to the dwelling units shall be separate from access to any portion of the building used for nondwelling purposes. No dwelling unit shall be located on a floor below a floor occupied for nondwelling purposes.

e. The arrangement of the buildings and site development on the lot shall provide for i) a suitable landscaped outdoor living area or areas for use by occupants of the dwelling units, ii) off-street parking spaces reserved for use by such occupants and iii) parking, loading, driveways, building access, storage and solid waste disposal for the nonresidential uses in a manner that provides a suitable residential environment for such occupants.

7.3.6 *Outdoor Athletic Lighting:* As provided in Schedule A, the planning commission may grant a special exception and its accompanying site development plan authorizing the installation and operation of outdoor athletic lighting with an illuminated play surface greater than three thousand (3,000) square feet or light fixture(s) mounted to a pole at a height greater than twelve (12) feet if the commission shall find that the following additional standards are met:

a. The use shall be located to minimize the proliferation of lit fields in the town and concentrate lighting at sites which minimize the impact on adjacent properties.

b. The use shall not have an unduly negative impact on the surrounding residential areas. To ensure the use, enjoyment, value of property, and overall appearance and beauty of the community, other related issues such as noise, traffic, parking, availability of public sanitary facilities, debris and cleanup need to be addressed and can be the basis for denying an application.

c. Lights shall be shut off within thirty (30) minutes after the event has ended or 10:00 p.m., whichever is earlier, unless permitted on a temporary basis by the planning commission or their designee.

d. The board of selectmen shall act as the applicant for town owned fields.

e. Operations shall be the responsibility of the applicant or their designee. Operations responsibility includes maintenance, utilities, turning lights off at the end of the allowed time period, management of noise, traffic and parking, availability of public sanitary facilities, debris and cleanup.

f. The contact information of the person currently responsible for operations shall be filed with the planning department. Failure to maintain current contact information shall constitute grounds for revocation of special exception, following notice and opportunity to be heard before the commission.

g. Lighting intensity shall conform to the current standards set forth by the Illuminating Engineering Society of North America (IESNA) in RP-6, as amended; provided, however, that Class I and Class II Uses are prohibited. Where the class of play is Class III, a dual control shall be installed to limit illumination to Class IV levels when spectators are fewer than five hundred (500). The classes of play are defined below:

Class I (Prohibited)
Competition play at facilities with five thousand (5,000) or more fixed spectator seats (professional, colleges & universities, some semi-professional & large sports clubs).

Class II (Prohibited)
Games at facilities with over one thousand five hundred (1,500) fixed spectator seats (smaller

universities and colleges, some semi-pro, large amateur leagues, and high schools with large spectator facilities).

Class III (Permitted by Special Exception) Games at facilities with over five hundred (500) fixed spectator seats (sports clubs and amateur leagues, some high schools, and large professional training facilities with spectator sections).

Class IV (Preferred Lighting Intensity. Permitted by Special Exception) Competition or recreational play at facilities with five hundred (500) fixed spectator seats or less. Class IV Class of Play applies to games at which family and close friends of the players and staff are usually the majority of spectators (smaller amateur leagues, park and recreation department facilities, most little leagues, smaller high schools, elementary and middle schools, and social events).

The IESNA RP-6 standards in effect as of September 2011 are provided below for illustrative purposes:

ACTIVITY	CLASS III	CLASS IV
BASEBALL *	50/30 FC	30/20 FC
BASKETBALL	30 FC	20 FC
GOLF DRIVING RANGE HORIZONTAL (at grade) VERTICAL (at 183m (200yrds))	 20 FC 10 FC	 20 FC 10 FC
FOOTBALL	30 FC	20 FC
GOLF COURSE TEES (at grade) FAIRWAYS (at grade) GREENS (at grade)		 5 FC 3 FC 5 FC
ICE HOCKEY (at grade)	30 FC	20 FC
ROLLER HOCKEY (at grade)	30 FC	20 FC
SOCCER (OUTDOOR)	30 FC	20 FC
SOFTBALL *	50/30 FC	30/20
SWIMMING POOL (at water level)	 30 FC	 10 FC

DECK (at deck level)	10 FC	10 FC
TENNIS	50 FC	30 FC
TRACK & FIELD FIELD TRACK (at grade)	 30 FC 20 FC	 20 FC 20 FC
VOLLEYBALL	30 FC	20 FC

* Infield FC / Outfield FC

h. The planning commission shall have full discretion to approve poles of any height as they deem necessary to accomplish the goals of reducing light trespass and glare at abutting residential property lines.

i. Spill light at the nearest residential property line shall be no more than 0.05 horizontal foot-candles.

j. Lights are to be shielded, full cutoff, light fixtures, installed to minimize glare at residential property lines.

k. The preferred standard for lighting efficiency shall be not less than sixty (60) Lumens per electrical watt.

l. The color temperature or appearance for the use shall average 2700K or above (neutral white up to blue-white). Light sources that emit color temperatures in the yellow range (< 2700K) may be used in conjunction with higher color temperature light sources to meet this requirement.

m. In addition to complying with all other application requirements of these regulations, applications for special exception for outdoor athletic lighting shall include a photometric plan with the following:

• Lighting levels consistent with the current IESNA standards for the Class approved by the planning commission

• Lamp source (manufacturer, wattage, Lumens, technology employed, etc.)

• Diagram identifying the number and location of poles

• Aiming diagrams

• Number and location of poles

• Pole heights

• Kilowatts in the proposed system

• Fixture alignment, resistance to wind

• Spill light levels

- Source visibility pattern (i.e. map of where the light source can be seen)
- Candlepower cut sheets
- Lighting control system details

7.3.7 *Standards for joint occupation by certain businesses.* In a B-1A or B-2 Zone Stores as described in §3, Schedule A Permitted Uses, C-1; Retail dealers stations as described in §3, Schedule A Permitted Uses, C. 10-1; and Take-out food service restaurants as described in §3, Schedule A Permitted Uses, C.8.3. that wish to jointly occupy buildings which are permitted in a specified district may do so provided they comply with the following standards:

a. The proposed use shall have a location and have a scope of intensity so as to generate traffic, with consideration for peak hours of travel, rate of turnover of parking space occupancy and seasonal variations in traffic, only to the extend that the street and its roadway geometry giving access to the lot has the capacity to accommodate, without undue hazards and congestion, the traffic generated by the use in addition to general traffic flow upon the street, taking into account existing and future projected general traffic flow and types of vehicles on the street and to be generated by the proposed use;

b. The use shall be provided with sufficient off-street parking spaces to meet the minimum standards of Section 9 and to accommodate types of vehicles, whether passenger vehicles, trucks, buses or public service company vehicles, of all customers on the premises at any one time;

c. Appropriate traffic and parking management signs shall be provided on the lot, and the arrangement of parking spaces, access aisles, circulation driveways and signs on the lot shall account for the types of vehicles expected to be generated by the proposed uses so as to avoid hazards and congestion;

d. Where public sewage disposal systems are not available and in addition to the provisions of Par. 7.2.8a, there shall be demonstration that an adequate on-site sewage disposal system exists or will be provided to serve the restaurant use and the projected number and concentration of customers;

e. In addition to the provisions of Par. 7.2.8c, the restaurant use shall establish a program to control, manage and clean up on -site litter and other solid wastes generated by the use and to discourage litter in the Town from any take-out feature of the proposed use

f. The area, if any, occupied by the take-out food service restaurant shall occupy a ground floor area of either no more than 600 square feet or 40% of the total ground floor area of the building, whichever is less;

g. There shall be no more than one (1) take-out food service restaurant within the jointly occupied building.

h. If one of the joint occupants ceases to operate within the building the other occupants shall be permitted to remain provided the allocation of square footage between the businesses shall not be modified except as approved by the Commission and in compliance with the remaining provisions of this section.

7.4 *Special Standards:* The following SPECIAL STANDARDS, in addition to the GENERAL STANDARDS of Par. 7.2., are applicable to particular uses permitted in a district subject to the approval of a SPECIAL EXCEPTION and its accompanying SITE DEVELOPMENT PLAN by the Planning Commission:

7.4.1 *Corporate Offices in R-60C District:* In the R-60C District, buildings containing offices for the administration and operation of corporations, firms and organizations shall also conform to the following:

a. The use shall be located on a lot of not less than 100 acres, which lot shall be located entirely within the R-60C District.

b. The maximum floor area of all buildings and other structures on the lot shall not exceed 15% of the area of the lot.

c. Such office use may have accessory uses customary with and incidental thereto, including supporting utilities and utility storage facilities, maintenance facilities, storage for documents and property, computer facilities, mail room, personnel training facilities and the following for use solely by the occupants, employees and business visitors of the principal use: recreation facilities; food service; medical and other personal services; retail sales of convenience goods; and credit union.

d. Upon issuance of a ZONING PERMIT for the use, all other uses listed as permitted in the R-60C District are specifically prohibited on the lot.

e. The Statement of Use submitted under Par. l4.2.2a shall be accompanied by a traffic impact analysis report, prepared by a recognized traffic engineer, indicating for the use the expected average daily vehicular trips, peak hour volumes, access conditions to Interstate 84 and to the lot, distribution of traffic, types of vehicles expected, the effect upon the level of service on the streets giving access to the lot and significantly impacted by traffic generated by the use and the traffic volume and capacity requirements for the use and other traffic on such streets. The Site Plan submitted under Par. 14.2.2b shall include the proposed roadway, traffic management systems, drainage, utility, landscaping and other improvements located outside the lot and supporting or caused by the use.

f. No building or other structure, except permitted signs, shall extend within less than 400 feet of the street line of a State Highway (except a limited access State Highway) or any other street the centerline of which, or the side street line of which, is also, in whole or in part, the boundary of the R-60C District, within less than 100 feet of any other street line or a property line or within less than 250 feet of the boundary of the R-60C District, provided however that buildings and structures accessory to the use, each used for security services and each not exceeding 500 square feet in area, may extend to within 50 feet of the street line of a State Highway, any other street and the boundary of the R-60C District.

g. The use shall be served by a public water supply system approved by the Director of Health of Town of Southbury and the Connecticut State Health Department.

h. In addition to the requirements of Par. 7.2.6, substantially all stormwater that is collected in pipe and channel systems shall be routed through detention facilities that are designed to prevent any significant increase in the rate of runoff from the area served by such systems upon completion of the use and during a storm having a one percent chance of occurring in any given year.

i. No off-street parking space or access aisle in connection therewith shall extend within less than 200 feet of the street line of a State Highway or the R-60C District boundary line nor within less than 50 feet of any other street line or a property line, provided however that up to 10 off-street parking spaces and an access aisle in connection therewith, used in conjunction with a building used for security services, may extend to within 50 feet of the street line of a State Highway and the R-60C District boundary line and to within 50 feet of any other street line and property line.

j. No off-street loading space or access aisle in connection therewith shall be located in the area required for building setback from a street line, property line or the R-60C District boundary line.

k. Signs and lighting shall conform to the requirements applicable in Residential Districts and the R-60C District.

l. There shall be no outside storage in connection with the use.

m. In addition to the requirements of Par. 7.2.12a, c and d, the area required for setback of buildings and parking from a street line or the R-60C District boundary line shall be suitably landscaped with trees, shrubs and lawns, or shall contain natural terrain and existing trees,

which provide transition from buildings and paved areas to such lines. Off-street parking and loading areas shall be screened from view from any street and from any Residential District bordering the R-60C District by evergreen shrubs or trees or such evergreens in combination with embankments, fences, walls and natural terrain. The SITE DEVELOPMENT PLAN shall also include provision for suitable trees, shrubs, lawns and other landscaping of the lot and along roadways that are to be constructed or modified to implement the roadway and traffic system management improvements proposed under Par. 7.4.1e and approved by the Commission.

n. Any portion of a building may exceed the height of 40 feet specified on SCHEDULE B, but by not more than 5 feet, when the building setbacks as specified in Par. 7.4.1f for such portion are increased as specified in Par. 7.4.1p.

o. When the building setbacks as specified in Par. 7.4.1f are increased as specified in Par. 7.4.1p, elevator, heating, ventilating, air conditioning and solar access equipment and water storage tanks and equipment, screened as provided in Par. 7.2.13, and any penthouses enclosing some or all of same, located on the roof of a building, together not occupying more than a total of 50% of the area of the roof and not exceeding the height of the building by more than 20 feet, and parapets and antennae (except antennae for outer space satellite telecommunications) not exceeding the height of the building by more than 20 feet, may exceed the maximum height limitations of a building specified on SCHEDULE B as and if modified by Par. 7.4.1n.

p. The building setbacks as specified in Par. 7.4.1f applicable to any portion of a building shall be increased as to such portion by two (2) feet for each additional foot of building height permitted in accord with Par. 7.4.1n and for each foot of height of the highest of the several roof-top items specified in Par. 7.4.1o. Buildings and structures having the additional height permitted under Par. 7.4.1n and/or 7.4.1o shall have an exterior finish, and shall be located on the lot in relation to the topography and landscaping, so as to minimize the appearance of excessive bulk from lots outside the R-60C District, so as to avoid significant intrusion upon the horizon line as viewed from principal streets in the Town and so as to meet the criteria of Par. 7.2.2.

q. At all times, the maximum number of persons to be employed on the lot by the corporation, firm or organization shall be equal to or fewer than 11 employees for each one acre of the area of the lot.

r. The gross floor area in any building used primarily for such offices for administration and operation shall not exceed 250,000 square feet, provided, however, that two (2) or more separate buildings may be interconnected and the gross floor area in any one building used primarily for the accessory uses specified in Par. 7.4.1c may exceed 250,000 square feet but not more than 50,000 square feet.

7.4.2 Special Standards for the establishment of human crematories and pet crematories as follows:

a. The crematory will not cremate pets in a cremation chamber or retort used for the cremation of human remains.

b. The Crematory Authority and all assigned personnel will obey and operate in the pet crematory and human crematory in compliance with all laws, rules and regulations of any governmental authority with oversight or jurisdiction over the crematory, including without limitation, the requirements of the Connecticut Department of Health (DPH) and State Department of Energy and Environmental Protection's (DEEP) Bureau of Air Management (for retort emissions) which requires an air quality permit.

c. No human crematory or pet crematory shall be located within five hundred feet of any residential structure or land zoned for residential purposes not owned by the owner of the crematory.

d. The special exception application shall comply with the zoning approval requirements of G.S. § 19a-320 regarding public notice, hearing, decision, and application fees.

e. All operations shall be conducted by a Certified Crematory Operator inside the building and no remains, including residue, shall be disposed of on site.

f. Pet Crematories shall be limited to "pets" as defined in these Regulations.

g. Any one crematory facility shall have a maximum of 4 retort chambers, two with the capacity of 4 human bodies per day and 2 retorts dedicated to small pets.

(Ord. of 6-23-88, § D; Ord. of 1-10-07, § I; Ord. of 11-9-11, § IV; Ord. of 9-11-13; Ord. of 10-31-14; Ord. of 5-1-15, § 4; Ord. of 5-9-15(1); Ord. of 12-9-15(1))

Editor's note— Ord. of 9-11-13 set out provisions for use herein as § 7.3.6. At the editor's discretion and inasmuch as § 7.3.6 already existed, those provisions have been included as § 7.3.7.

Footnotes:

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See Par. 1.7 "Definitions."

Section 8. - Earth removal.

8.1 *General.* The excavation, grading, deposit or removal of earth, loam, topsoil, sand, gravel, clay or quarry stone is a use of land that is subject to the Zoning Regulations of the Town of Southbury, Connecticut and this Section 8. The only such use permitted in the Town is one (1) of the following:

a. The Permitted Operations listed in Par. 8.2, which are subject to the restrictions set forth therein and in Par. 8.3; or

b. Soil Extraction, which is subject to the procedures, standards and conditions of Par. 8.4 through Par. 8.12.

The provisions of Par. 8.4 through Par. 8.12 are adopted by the Zoning Commission of the Town of Southbury under the provisions of Sec. 7-148 of the General Statutes of the State of Connecticut. The Zoning Enforcement Officer shall have the responsibility and authority to enforce the provisions of Section 8. The provisions of Section 13 Nonconformity of the Zoning Regulations are not applicable to such Soil Extraction use. Any violation of this Section 8 is subject to the penalties and remedies specified in Sec. 8-12 of the General Statutes.

8.2 *Permitted Operations:* The following excavation, grading, deposit and removal operations, and no other, are Permitted Operations authorized under the Zoning Regulations:

8.2.1 *Site Development Plan, Special Exception, PDD:* Necessary excavation, grading, deposit or removal in connection with the use of land and buildings or the construction or alteration of buildings, other structures, outside storage areas, off-street parking or loading areas or other site improvements for which:

a. A SITE DEVELOPMENT PLAN has been approved by the Planning Commission as provided in Section 14 of these Regulations;

b. A SPECIAL EXCEPTION has been granted as provided in Sections 6 or 7 or Par. 12.4 of these Regulations; or

c. Detailed Plans within an adopted Planned Development District have been approved by the Zoning Commission as provided in Section 12 of these Regulations, and when these specifically include plans and authorization for such excavation, grading, deposit or

removal, a ZONING PERMIT for the use or construction has been issued and any required Building Permit has been issued by the Town of Southbury.

8.2.2 *Subdivisions and Streets:* Necessary excavation, grading, deposit or removal in connection with the construction of streets, drainage and other required improvements and/or changing of contours and grading of lots a) in an approved subdivision or resubdivision in accordance with construction plans and grading plans approved by the Planning Commission under the Subdivision Regulations of the Town of Southbury, Connecticut, b) in connection with the layout of a street as approved by the Planning Commission under Sec. 13a-71 of the General Statutes or c) the improvement of a highway to authorize issuance of a building permit under a certain Town Ordinance adopted effective July 17, 1972, and when any required Road Construction Permit for any of the above has been issued by the Board of Selectmen.

8.2.3 *Detached Dwellings.* Necessary excavation, grading, deposit or removal in connection with the construction or alteration of a single detached dwelling for one (1) or two (2) families, and buildings and structures accessory thereto, including the construction of driveways, sidewalks, walls, terraces, sewage disposal systems and other site improvements therefor, provided that all of the following conditions are met:

a. The buildings, structures and site improvements shall be shown on the plot plan specified in Par. 14.2.1;

b. There shall be no removal of any topsoil from the lot, provided however that topsoil excavated from under the location of buildings and structures and driveways, sidewalks, terraces and other paved areas may be removed from the lot only if the remainder of the lot has a topsoil cover of not less than six (6) inches and after written notice has been given to the Zoning Enforcement Officer prior to such removal; and

c. A ZONING PERMIT for such dwelling or accessory buildings or structures has been issued by the Zoning Enforcement Officer and any required Building Permit has been issued by the Town of Southbury.

8.2.4 *Public Uses.* Necessary excavation, grading, deposit or removal on land in public use and when in connection with public buildings, uses, facilities and services of the Town of Southbury, Regional School District No. 15, State of Connecticut or Federal Government.

8.2.5 *Incidental Operations.* Either of the following, after written notice of the operations has been given to the Zoning Enforcement Officer and he has determined that additional authorization is not otherwise required under the provisions of this Section 8:

a. On any lot, excavation, grading, deposit or removal of not more than 50 cubic yards of earth material, including sand, gravel, clay or quarry stone, but excluding loam and topsoil, in any calendar year; or

b. On any lot, excavation, grading, deposit or removal of earth material in connection with incidental and bona fide grading, landscaping, drainage or water course improvements for which issuance of a ZONING PERMIT or a Building Permit by the Town of Southbury is not required.

8.2.6 *Farming:* Necessary excavation, grading or deposit, expressly excluding removal, in connection with a bona fide farm, truck garden, forestry or livestock and poultry keeping use for which a ZONING PERMIT and a CERTIFICATE OF ZONING COMPLIANCE have been issued by the Zoning Enforcement Officer and when such excavation, grading or deposit is clearly in support of the raising of crops, forest products and/or livestock and poultry.

8.3 *Conditions for Permitted Operations:* The Permitted Operations listed in Par. 8.2 are subject to the following additional restrictions:

8.3.1 *Extent:* The extent of excavation, grading, deposit or removal shall be only that which is reasonably necessary to establish a permitted use of land and buildings or to construct permitted buildings, structures and site improvements.

8.3.2 *Flood Plain; Wetlands; and Other Permits:* The Permitted Operation shall not be located in a Flood Plain District unless specifically authorized under the provisions of Section 5 of these Regulations and shall not be located in a wetland or water course, or within 50 feet thereof, unless authorized under the Inland Wetlands and Water Courses Regulations of the Town of Southbury, Connecticut. A Permitted Operation that is an adjunct to construction for which a permit is otherwise required, such as but not limited to a driveway or sewage disposal system, may be commenced only after such permit has been issued.

8.3.3 *Stockpiles:* The grading and/or deposit of earth materials in connection with a Permitted Operation so as to create a stockpile shall be limited to the lot or site where the Permitted Operation is located or shall be a) located on a lot in a Business or Industrial District as an outside storage use and subject to the requirements of these Regulations or b) located otherwise on a lot where a stockpile is a permitted use under these Regulations.

8.3.4 *Duration of Permitted Operation:* The excavation, grading, deposit or removal authorized as a Permitted Operation under Par. 8.2.1 and 8.2.4 and for which a ZONING PERMIT has been issued shall be completed within the term of such ZONING PERMIT, and the Permitted Operations authorized under Par. 8.2.2 shall be completed within the time periods specified by the Planning Commission. Failure so to complete is a violation of these Regulations, and the excavation, grading, deposit or removal may be continued only if authorized as a Soil Extraction use under Par. 8.4 through 8.12 of this Section 8.

8.3.5 *Erosion and Sediment Control:* Permitted Operations, including the stockpiles provision of Par. 8.3.3, are subject to the provisions of the Town of Southbury Soil Erosion and Sediment Control Ordinance.

8.3.6 *Processing Equipment:* The on-site use of any processing equipment in connection with any of the above operations may be permitted as a special exception by the Commission exercising initial jurisdiction over the application. (For instance, the Planning Commission would regulate processing equipment used in conjunction with a subdivision; the Zoning Commission would regulate processing equipment used in conjunction with a PDD.) In permitting the use of such equipment, the Commission may subject such use to the following restrictions:

a. Unless otherwise permitted by the commission, hours of operation shall be 8:00 AM to 5:00 PM, Monday through Friday;

b. Limitations as to the duration of the operation;

c. Limitations as to the location of the equipment with respect to existing residences.

8.3.7 *Limitation on Excavated Material to be Removed from a Site:* Not more than 1,000 cubic yards of earth material shall be removed from a site in conjunction with the permitted operations listed in sections 8.2.1 through 8.2.4. The removal from a site of more than 1,000 cubic yards of material in conjunction with the permitted operations listed in sections 8.2.1 through 8.2.4 may be permitted as a special exception by the Commission exercising initial jurisdiction over the application. In acting upon the special exception application, the Commission shall consider the criteria contained in section 8.6 of these regulations.

8.4 *Soil Extraction Purpose and Intent:* Within the Town of Southbury there are deposits of sand and gravel which are suitable for use in new construction as the Town grows and for improvement of existing development and maintenance of roads and other facilities. In addition there are lots where earth materials may be extracted in such a manner as to improve a building site for future use or to create useful ponds, lakes and drainage facilities. These deposits and lots may be located in any zoning district and each has unique circumstances with regard to conditions such as size, type of earth material, access, visibility, drainage, safety and proximity to dwellings, community facilities and other uses. The purpose of this Section 8 is to enable the conduct of soil extraction as a temporary operation, generally for short periods of time and in locations and in a manner that protect the public health, safety, property values, water resources, and appearance of the community. It is, therefore, necessary to consider each soil extraction operation as an individual case, having potential

detrimental effects which may or may not be capable of avoidance or mitigation. These Regulations are intended to:

8.4.1 Regulate the location and manner of operation of soil extraction;

8.4.2 Prevent conditions detrimental to the public health, safety and general welfare, including but not limited to erosion, sedimentation, stagnant bodies of water, dangerous slopes and open pits, nuisances and permanent damage to the landscape;

8.4.3 Conserve and preserve wetlands, water courses, drainage systems, flood plains, the value of adjoining and surrounding properties and the usefulness of the site to be excavated;

8.4.4 Assure workmanlike conduct of soil extraction so as to minimize the duration of operations; and

8.4.5 Minimize or eliminate deleterious effects on adjacent or nearby property and impairment of the use and enjoyment thereof.

8.5 Regulation; Permitted and Prohibited Extraction: Within the Town of Southbury, no Soil Extraction shall be conducted until an APPLICATION for a SPECIAL EXCEPTION FOR SOIL EXTRACTION has been submitted to and approved by the Zoning Commission. In acting on any APPLICATION the Zoning Commission shall follow the procedures and be guided by the criteria, standards and administrative requirements hereinafter specified. An APPLICATION for a SOIL EXTRACTION PERMIT may be approved only for the following:

The excavation and removal of sand, gravel and stone suitable for construction work, when:

a. Such excavation and removal are not located in a Flood Plain District; and

b. The preparation or improvement of a building site in accordance with a plan for the site; and

c. The construction of ponds, lakes, drainage ways and storm water detention facilities.

Soil Extraction for the following is specifically prohibited: topsoil removal or stripping; conduct of borrow pits for fill; and stone quarry operations, except incidental rock removal in connection with restoration of a Soil Extraction site.

8.6 *Criteria for Evaluation of Applications:* Each APPLICATION for a SOIL EXTRACTION PERMIT is subject to review by the Zoning Commission under the following criteria:

8.6.1 *Appropriateness of Location:* The compatibility of the proposed Soil Extraction with the neighborhood, including but not limited to factors of property values, noise levels, traffic, dust, odor, appearance and the use and enjoyment of adjacent and nearby development, both existing and permitted under the Zoning Regulations.

8.6.2 *Conformance:* Conformance to the recommendations of any plan of development or supplement thereto adopted by the Planning Commission and to the purpose and intent of the comprehensive plan of zoning for the Town and the applicable zoning district.

8.6.3 *Safety:* Accessibility for soil extraction vehicles and equipment and emergency services; potential for hazards for pedestrian and vehicular traffic; and potential for damage to roads, bridges, culverts or other public utilities and facilities,

8.6.4 *Historic and Scenic:* Potential for destroying, defacing or impairing areas of historic interest or scenic landmarks; potential for alteration of the essential character of a neighborhood.

8.7 *Minimum Standards Site:* The following are minimum standards applicable to each Soil Extraction site, provided however that the Zoning Commission may impose additional or more strict standards based on the criteria set forth in Par. 8.6 and in order to carry out the purpose and intent set forth in Par. 8.4.

8.7.1 *Size of Site:* While there is no minimum or maximum size of site for a Soil Extraction operation, the size shall have a compatible relationship to existing development and the neighborhood and

shall also be compatible with ability to complete the operation within the period of time set by the Commission.

8.7.2 *Access:* Streets giving access to the operation shall be capable of accommodating truck and equipment travel with minimal hazards to traffic and pedestrians and nuisance to nearby properties and the neighborhood.

8.7.3 *Reuse:* The proposed slopes and drainage and shape of the site shall provide for the reasonable reuse of the lot for purposes permitted under the Zoning Regulations as a matter of right in the District where the lot is located. The depth of excavation shall be limited to depth that soils investigations indicate that excavation can reasonably be made in accordance with the standards of this Section 8.

8.7.4 *Setback and Slopes:* No excavation, grading, deposit or removal, including stockpiles, shall occur within 50 feet of an abutting property line, unless written approval from the adjoining owner is received by the Zoning Commission, but may occur at the approximate grade of and within 50 feet of an abutting street line. Otherwise, finished slopes shall not exceed 25% grade or such lesser slope necessary for soil stability, safety and reasonable reuse and development on the lot.

8.7.5 *Property Values:* The Soil Extraction operation shall not permanently impair the value of property in the neighborhood.

8.7.6 *Transition:* Where the Soil Extraction operation may be in close proximity to existing uses or may impair scenic views or the essential character of a neighborhood, provision shall be made for adequate transition adjacent to the operations area such as by landscaping, earth berms or fences.

8.8 *Minimum Standards Operations:* The following are minimum operating standards applicable to each Soil Extraction operation, provided however that the Zoning Commission may impose additional or more strict standards based on the criteria set forth in Par. 8.6 and in order to carry out the purpose and intent set forth in Par. 8.4.

8.8.1 *Hours of Operation:* The hours of operation shall be limited to weekdays between 8:00 a.m. and 5:00 p.m., unless a greater or lesser period for operations is specified by the Zoning Commission as appropriate under the particular circumstances of the site. The operation may be conducted during additional hours when necessary to obtain sand during snow or ice weather conditions or to obtain materials during other emergencies.

8.8.2 *Nuisances:* Proper provision shall be made for control of wind blown dust from excavation areas, soil stockpiles and travelways and for control of wind erosion. Equipment and machinery shall be of a type and maintained in good operating conditions so as to minimize noise, vibration and air pollution.

8.8.3 *Spillage:* Provision shall be made to prevent spillage of debris and earth materials on streets giving access to the site. It is the responsibility of the applicant promptly to clean up any spillage that has occurred.

8.8.4 *Processing:* No processing machinery shall be erected or maintained on the lot within less than 150 feet of any property or street line or within less than 300 feet of an existing dwelling or other principal building on any other lot. Such machinery may be used only for processing materials excavated on the lot and shall be removed from the lot upon termination of the SOIL EXTRACTION PERMIT.

8.8.5 *Fencing:* Any vehicular access drive to the operations area shall have a gate or other suitable closure, maintained in a locked condition when the operation is not in progress.

8.8.6 *Drainage:* The Soil Extraction operation shall not result in sharp declivities, pits or depressions or soil erosion, drainage or sewerage problems. At all stages of the work, proper drainage shall be provided to avoid stagnant water, soil erosion problems, excessive runoff, silting of wetlands and water courses and damage to property, streets or drainage facilities.

8.8.7 *Lateral Support:* Adequate provision shall be made for lateral support and stabilization of banks and slopes both during and upon completion of the operation. The open face of any bank being excavated (the lift) shall not exceed 15 feet in height. When excavation operations are suspended for a period of two (2) weeks or more, banks and slopes shall be adjusted to the natural angle of repose for the material or shall be fenced.

8.8.8 *Supervision:* It is the responsibility of the applicant, or his authorized agent, to supervise the use and operation of the Soil Extraction site, to see that hazards to persons and damage to property and streets are avoided and to as sure conformance to the requirements of the SOIL EXTRACTION PERMIT.

8.8.9 *Restoration:* Upon completion of the work authorized, the area of excavated or otherwise disturbed ground shall be prepared or restored as follows:

a. Such area shall be evenly graded to slopes as specified in Par. 8.7.4. In addition, the area shall be evenly graded with sufficient slopes to as sure adequate drainage of the area, so that stagnant pools of water will be avoided;

b. Adequate drainways of gradual slope shall be provided to assure drainage;

c. There shall be no excavation, grading, deposit or removal below an elevation of seven (7) feet above any ledge, unless otherwise approved by the Zoning Commission as suitable for reasonable reuse of the site;

d. All loose boulders shall be buried or removed from the lot, and any debris properly disposed of;

e. The top layer of any arable soil, to the extent available or to a depth of 12 inches, whichever is greater, shall be retained on the lot and stabilized, and upon completion shall be spread over the entire area with any large stones removed. The area shall then be seeded with a perennial grass and maintained until the ground shall be completely stabilized with a dense cover of grass and there exists no danger of erosion, but this provision shall not apply to the area of ponds nor to exposed areas of ledge existing to the work; and

f. In addition to seeding and as deemed necessary by the Zoning Commission sufficient trees and shrubs as to provide transition to any adjacent residential property and to hasten the return to a natural appearance to the lot.

8.9 *Application:* Application for a SPECIAL EXCEPTION for a SOIL EXTRACTION PERMIT shall be submitted in writing to the Zoning Enforcement Officer together with an APPLICATION for a ZONING PERMIT. The application shall also be accompanied by an application fee as specified in Par. 14.8 and by maps, plans and documents, prepared by and bearing the seal of a land surveyor or professional engineer, licensed as such by the State of Connecticut; plans for drainage, control of erosion and sedimentation and stabilization of soils as well as certification of the results of soils tests shall be prepared by and bear the seal of such professional engineer. The following shall be submitted:

8.9.1 *Soils Investigation:* The results of soils investigations by means of deep test pits, borings or other appropriate methods, indicating a) the nature of the material to be excavated, graded or deposited, b) the qualification of the earth material for excavation under Par. 8.5a, if applicable, c) the reasonable expectation of depth to groundwater and bed rock and d) potential erodibility.

8.9.2 *Program:* A written program of how the operation is to be conducted, including the sequence for site preparation, stockpiling, drainage and erosion and sedimentation controls, period for operations, and site restoration.

8.9.3 *Maps and Plans:* Showing the following:

a. The location and exterior limits of the area to be excavated or graded;

b. Property lines and streets adjoining the lot and the names of owners of property adjoining the lot;

c. Existing contour lines on the lot to be excavated or graded, drawn to a scale of not less than 50 feet to the inch and with a contour interval not exceeding two (2) feet;

d. Proposed contour lines within the area to be excavated or graded, drawn to a scale of not less than 50 feet to the inch and with a contour interval either not exceeding five (5) feet on uniform grades, in excess of 10% between breaks in grade, and otherwise not exceeding two (2) feet;

e. Existing and proposed drainage on the lot, including any drainageways, conduits and diversion structures, and existing water courses and wetlands on or within 200 feet of the lot;

f. Proposed vehicular access to the lot and the closure, and any proposed work roadways;

g. Locations for topsoil storage and for any stockpiling of excavated materials;

h. A Soil Erosion and Sediment Control Plan meeting the requirements of the Town of Southbury Soil Erosion and Sediment Control Ordinance;

i. Any proposed fences or landscaping features to be maintained during or upon completion of the operation;

j. The location on the lot of any wooded areas, individual specimen trees, rock outcrops and existing and proposed buildings and structures;

k. An estimate of the number of cubic yards of material to be excavated, graded, deposited or removed;

l. The location of soils tests, including any deep test pits and borings; the boundaries and classification codes of soil types under the National Cooperative Soils Survey of the soil Conservation Service, U.S. Department of Agriculture;

m. A site plan for any Soil Extraction operation designed to prepare or improve a building site or for construction of ponds, lakes, drainage ways and storm water detention facilities, which site plan shall include the flood plain boundary and elevation data as specified in Par. 5.2.3; and

n. Measures and specifications for restoration of the site and establishment of ground cover.

8.10 *Procedure:* Upon submission by the applicant, the Zoning Enforcement Officer shall transmit the APPLICATION for a SPECIAL EXCEPTION for a SOIL EXTRACTION PERMIT and accompanying maps, plans and documents to the Southbury Zoning Commission. The Zoning Commission shall review and act upon the APPLICATION as follows:

8.10.1 *Review:* The Zoning Commission shall review the APPLICATION for completeness and may at any stage during the proceedings request the applicant to submit such additional information the Commission deems necessary in order to decide on the APPLICATION.

8.10.2 and 8.10.3. Reserved.

Editor's note— At the request of the Town sections 8.10.2 and 8.10.3 were deleted from the Zoning Regulations and designated as Appendix A to the Zoning Regulations.

8.11 *Administrative Requirements:* The administrative requirements hereinafter specified are applicable to any APPLICATION for a SOIL EXTRACTION PERMIT approved by the Zoning Commission. The requirements specified in Par. 8.11.1 through 8.11.5 shall be met prior to issuance of such PERMIT.

8.11.1 *Insurance:* The applicant shall obtain and maintain liability insurance with a limit of not less than $300,000.00 as to personal injury and $50,000.00 as to property damage and shall furnish a certificate of insurance to the Zoning Enforcement Officer. In the event of cancellation of such insurance, the applicant or the insurer shall promptly notify the Zoning Enforcement Officer, who

shall suspend the PERMIT and issue a STOP WORK ORDER; such Officer shall withdraw such ORDER and reinstate the PERMIT when a new certificate of insurance has been received.

8.11.2 *Bond:* The applicant shall file with the Zoning Enforcement Officer a cash, savings account or surety bond, in form acceptable to the Town Counsel, in such amount as the Zoning Commission deems sufficient to insure the faithful performance of the work in accordance with the provisions of this Section, taking into account no less than failure or default with regard to provision of drainage and erosion and sedimentation control measures, regrading of the site, removal of debris and provision of top soil and seeding. The Zoning Commission shall require a portion of such bond to be a cash bond, in order to assure readily available funds to remedy any emergency condition that is a hazard to the public health or safety.

8.11.3 *Inspection Fee:* The applicant shall pay an inspection fee as specified in Par. 14.8 of these Regulations.

8.11.4 *Other Permits:* The applicant shall file with the Zoning Enforcement Officer a copy of any Driveway Permit, Wetlands Permit and any other permit required for the operation by the Town of Southbury or State of Connecticut. The applicant shall also obtain a ZONING PERMIT for the Soil Extraction operation, and the Soil Erosion and Sediment Control Plan for the operation shall be certified as provided in the Town of Southbury Soil Erosion and Sediment Control Ordinance.

8.11.5 *Staking:* The location and exterior limits of the area to be affected by the operation shall be staked out at 50-foot intervals by a land surveyor or engineer, licensed to practice in the State of Connecticut, and a convenient bench mark shall be established at the area of operations and identified for the Zoning Enforcement Officer. Such stakes and benchmark shall be maintained throughout the period for which the operation is authorized and until the operation has been inspected by the Zoning Enforcement Officer and found completed in accordance with plans as approved.

8.11.6 *Inspections:* The Planning Commission, Zoning Commission and Zoning Enforcement Officer, or their authorized agents, shall at all times have reasonable access to the Soil Extraction site for the purpose of inspection and determination of compliance with these Regulations. When the Zoning Commission deems that normal inspection procedures may be insufficient to determine compliance, such as due to the large scope of the operation and/or a short time period for completion, the Commission may require the applicant to submit periodic reports, prepared by and bearing the seal of a land surveyor or engineer, showing the status and progress of the work such as by means of contours or cross sections and certification of available earth material to restore the site to elevations no lower than approved.

8.11.7 *Time Limits:* The SOIL EXTRACTION PERMIT for a site shall be valid for a period determined by the Zoning Commission as appropriate, based on the criteria set forth in Par. 8.6 and in order to carry out the purpose and intent set forth in Par. 8.4. In no event shall such period exceed two (2) years, but, upon application submitted to the Zoning Enforcement Officer, the commission may extend the time period for not to exceed two (2) years if the commission determines that the circumstances and criteria under which the PERMIT was originally approved continue to be in effect and if there exists no violation of the terms of the PERMIT. Otherwise, the commission may extend the time period only to remedy a violation or to achieve restoration of the site in as short a period of time as practicable, or an operation may be conducted at the site only under a new APPLICATION. An application for extension of the time period should be submitted to the Zoning Enforcement Officer at least 65 days before the expiration of the PERMIT if the applicant intends to maintain continuity of the operation.

8.11.8 *Orders:* The Zoning Enforcement Officer is authorized to issue STOP WORK ORDERS and orders to remedy any conditions found in violation of this Section 8 in the same manner as provided in Par. 14.7 of these Regulations. The Zoning Enforcement Officer shall issue a STOP WORK ORDER for all or part of an operation that is incapable of being carried out in accordance with the PERMIT and the standards of this Section 8, such as due to unforeseen soil, ledge rock or groundwater conditions.

8.11.9 *Return of Bond:* Upon completion of the Soil Extraction operation in accordance with the terms of a SOIL EXTRACTION PERMIT and after any area of the lot required to be seeded has grown in a second growing season a dense cover of grass as required under Par. 8.8.9, the applicant may request the Zoning Commission to return the bond filed as provided in Par. 8.11.2. Such request shall be accompanied by a map of the operation site, prepared by and bearing the seal of a land surveyor or engineer, showing the finished contours in the same manner as required in Par. 8.9.3d and the required drainage or other improvements, if any. If the Zoning Commission is satisfied that the work has been completed as required by the PERMIT, the bond shall be returned to the applicant, but otherwise the bond shall remain in full force and effect.

8.11.10 *Revision of Permit:* Written application may be submitted to the Zoning Enforcement Officer for revision of a SOIL EXTRACTION PERMIT that has been issued. Such application shall be transmitted by the Zoning Enforcement Officer to the Southbury Zoning Commission. If the application results in lesser excavation, grading, deposit or removal than approved, the Commission, after consideration of the criteria set forth in Par. 8.6 and the purpose and intent set forth in Par. 8.4, may by resolution approve a revision that conforms to the standards of this Section 8; such application may occur at the time of request for return of bond under Par. 8.11.9. If the application results in additional area affected by the operation or additional quantity of earth material to be excavated, graded, deposited or removed, the application shall be reviewed and acted upon in the same manner as the original APPLICATION as specified in Par. 8.10; if approved, the application fee and inspection fee for any added extent of operations shall be applicable and the required bond shall be increased, but the time period for completion shall remain unchanged.

8.12 *Town Operations:* For Soil Extraction operations conducted solely by or on behalf of the Town of Southbury for the municipal purposes of the Town, the following requirements of this Section 8 are not applicable: The application fee requirements of Par. 8.9; Par. 8.11.1 (insurance certificate); Par. 8.11.2 (bond); and Par. 8.11.3 (inspection fee). Such Soil Extraction operation shall meet all other requirements of this Section 8.

8.13 *Existing Operations:* Existing excavation, grading, deposit or removal operations authorized under a TEMPORARY SOIL EXTRACTION PERMIT granted by the Southbury Planning Commission prior to the effective date of this paragraph may be continued for the period of time specified under such TEMPORARY SOIL EXTRACTION PERMIT and in accordance with the plans and requirements specified therein. Upon expiration of such period, the operation shall be completed and discontinued or may be resumed only under a SPECIAL EXCEPTION as provided in this Section 8.

Section 9. - Off-street parking and loading.

9.1 *General:* All off-street parking spaces shall conform to the standards hereinafter specified. For any permitted use hereafter established, parking spaces and loading spaces shall be provided off the street for each use of land, buildings and other structures in accordance with the standards hereinafter specified. Any use already existing shall conform to these standards to the extent that it conforms at the time of adoption of these Regulations. Off-street parking and loading spaces required to be provided by this Section shall be permanently maintained and made available for occupancy in connection with and for the full duration of the use of land, buildings and other structures for which such spaces are herein required. If any existing use of land, building or other structures is changed to a use requiring additional off-street parking and loading spaces to comply with this Section, the additional spaces shall be provided for the new use in accordance with the standards hereinafter specified. Any existing use which does not conform to the standards of this Section shall not be changed to a use which would need additional off-street parking and loading spaces to comply with the standards herein unless off-street parking and loading spaces are provided for such new use as required by this Section.

9.2 *Definitions:* For the purpose of this Section, a parking space and a loading space are defined as follows:

9.2.1 *Parking Space:* A space of such shape as to contain a rectangle having the following minimum dimensions and having vertical clearance, access and slope as to accommodate one (1) automobile as follows:

a. 9.0' by 18.0' to accommodate an automobile 18' in length.

b. 8.0' by 15.0' to accommodate an automobile 15' in length, when authorized under Par. 9.8.3.

c. 15.0' by 18.0' to accommodate an automobile 18.0' in length and reserved for use by physically handicapped persons, which width may be reduced to 12.0' when the space is at the end of a row of spaces or is one of two or more such reserved spaces side by side in a row.

9.2.2 *Loading Space:* A space of such shape as to contain a rectangle not less than 12 feet in width and 40 feet in length and having a vertical clearance of not less than 15 feet and such access and slope as to accommodate a truck having an overall length of 40 feet.

9.3 *Design and Construction Standards:* All off-street parking and loading spaces shall be designed and constructed in accordance with the following standards:

9.3.1 *Turning:* Each parking space shall be provided with adequate area for approach, turning and exit of an automobile having an overall length of 18 feet without need to use any part of a public street right-of-way, except that this provision shall not apply to spaces provided in connection with a dwelling containing one (1) or two (2) dwelling units when the sole driveway access to such spaces does not connect to a State Highway. No loading space, including any truck loading bay, ramp or dock, shall be designed or arranged in a manner that a truck must use any part of a public street right-of-way to enter, back into and/or exit from such space.

9.3.2 *Improvement:* All off-street parking and loading spaces shall be suitably improved, graded, stabilized and maintained so as to cause no nuisance or danger from dust or from storm water flow onto any public street right-of-way. Except for necessary driveway entrances, and except for parking spaces provided in connection with a dwelling for one (1) or two (2) families, all off-street parking and loading spaces located within 20 feet of any street line shall be separated from such street line by a curb, a fence or wall or an embankment and shall be provided with the curb, fence, wall or embankment in such a manner that cars will not overhang the street line.

9.3.3 *Layout:* All off-street parking areas shall be provided with parking stalls of suitable angle, width and length and with access aisles of sufficient width and suitable alignment to such stalls as to allow safe and convenient use of each required parking space. Provision shall be made for safe and convenient use of parking spaces and for circulation within parking areas as follows:

a. By provision of suitable circulation driveways giving access to parking aisles and stalls;

b. By provision for safe pedestrian circulation within parking areas;

c. By providing for channelized traffic flow within parking areas; and

d. By suitable markings, curbs, and islands, fences or other devices to encourage proper and efficient use of each parking space.

All off-street loading spaces shall be provided with a suitable angle of approach and sufficient width and length to accommodate the types of trucks expected to use the space. No loading space shall be arranged in such a manner as, when the space is in use, to block use of required parking spaces or traffic circulation within parking areas.

9.3.4 *Location - Loading:* No off-street loading space or access aisles in connection therewith shall be located in the area required for setback from a street line or Residential District boundary line; in Business District #1B, Designed Business Districts #3, 3A, 3B, and 3C and Industrial M-2A and M-5 Districts, no such space shall be located in the area required for setback from a property line.

9.3.5 *Location—Parking:* Except when authorized under Par. 9.8.6, all off-street parking spaces shall be located outdoors on the ground level grade of the lot, or in the case of parking spaces provided in connection with dwelling units, on an extension of such grade in a garage. No parking space or access aisle in connection therewith shall extend within less than the following distances of a street line, property line or Residential District boundary line:

	Street Line	Property Line	Residential Boundary
B-1A	10′	—	40′
B-1B	25′	10′	40′
B-2	10′	—	40′
B-2A	10′	—	40′
B-2B	10′	—	40′
B-2C	10′	—	40′
B-2D	10′	—	40′
B-2E	25′	—	40′
B-2F	25′	10′	40′
B-3	25′	10′	50′
B-3A	50′	10′	100′
B-3B	50′	10′	50′
B-3C	50′	10′	50′
B-3D	50′	—	100′

B-4	10′	—	50′
M-2	25′	—	50′
M-2A	25′	10′	50′
M-5	50′	25′	100′
PUD	50′	25′	50′

In Residential Districts and Residential/Corporate Park R-60C Districts, parking spaces and access aisles in connection therewith, except spaces and aisles provided in connection with a dwelling containing one (1) or two (2) dwelling units, shall have the same setback from a street line and property line as specified for buildings and other structures on Schedule B of these Regulations. In any District, an access aisle that is a driveway to a street or to another lot and has no parking spaces adjacent to it may cross the area required for setback.

9.4 *Number of Parking Spaces:* It is the purpose and intent of this Section to assure that off-street parking spaces are provided to accommodate the automobiles of all persons normally using or visiting a use, building or other structure at any one time. Off-street parking spaces shall be provided in numbers at least as follows and on the same lot with the use, unless a greater number is determined necessary in connection with a SITE DEVELOPMENT PLAN submission:

Use Classification	Standard
9.4.1 Dwellings (1 and 2 dwelling units).	2 spaces for each dwelling unit.
9.4.2 Dwellings (3 or more dwelling units).	1.5 spaces for each dwelling unit.
9.4.3 Professional or business office in a dwelling unit.	3 spaces (in addition to spaces required for the dwelling unit).
9.4.4 Churches, places of worship, theaters, assembly halls, stadium or undertaker's establishment.	1 space for each 3 seats.
9.4.5 Hospitals, convalescent homes,	1 space for each 2 beds.

sanitaria and rooms to let in dwelling.	
9.4.6 Retail stores, business and professional offices, banks and other financial institutions, medical and dental clinics and veterinary hospitals as follows:	
a. For such uses when in sum having a total gross floor area of 10,000 square feet or less on any lot.	1 space for each 150 square feet of gross floor area.
b. For medical and dental offices and clinics when in sum having a total gross floor area greater than 10,000 square feet on any lot.	1 space for each 175 square feet of gross floor area.
c. For such uses other than as specified in Par. 9.4.6b and when having a total gross floor area of more than 10,000 square feet on any lot.	1 space for each 200 square feet of gross floor area.
9.4.7 Motor vehicle service stations and repair garages.	10 spaces, or 5 spaces for each garage bay, whichever is greater.
9.4.8 Hotels and motels.	1 space for each guest room plus 1 space for each employee.
9.4.9 Restaurants, taverns, bars and banquet and catering halls.	The greater of 1 space for each 40 square feet of patron floor area or 1 space for each 2.5 patron seats or 1 space for each 2.5 persons rated capacity of the gross floor area as determined by the Southbury Fire Marshal under the Connecticut Fire Safety Code.
9.4.10 Warehouses, wholesale businesses, trucking terminals, contractor's businesses and establishments for the manufacture, processing or assembling of goods.	1 space for each employee or 1 space for each 500 square feet of total floor area, whichever is greater.
9.4.11 Office buildings and research	3.25 spaces for each 1,000 square feet of total floor area,

laboratories, containing more than 50,000 square feet of floor area on the lot and occupied by a single proprietorship.	excluding basements used only for storage, supporting services and utility systems that are ancillary to the use on other floors of the building, or 1 space for each employee, whichever is less.
9.4.12 Bowling alleys.	5 spaces for each alley.
9.4.13 *Other Uses:* Sufficient parking spaces shall be provided in connection with any use not listed in Par. 9.4.1 through 9.4.12 to preserve the purpose and intent of this Section.	

9.5 *Handicapped Accessible Parking Spaces:* Of the total number of off-street parking spaces provided on a lot in connection with a use listed in Par. 9.4.4 through 9.4.12, the following number of spaces shall be level and reserved for use by physically handicapped persons by identification with above-grade signs displaying the international symbol of accessibility for the physically handicapped and containing the words "Handicapped Parking State Permit Required":

Total Parking Spaces in Lot	Required Number of Accessible Spaces
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of total

over 1000	20 plus 1 for each 100 over 1000

9.6 *Classification of Uses:* Whenever two (2) or more use classifications listed in Par. 9.4 may be applicable to a use of land, buildings or other structures, the standard requiring the larger number of parking spaces shall apply. Where separate parts of a building or structure are used for different use classifications, such as but not limited to offices and manufacturing/warehouses or retail stores, business offices and medical offices, the number of required spaces shall be the sum of the number of spaces required for each type of use.

9.7 *Loading Space Standards:* Each building, other than a dwelling or a farm building, having a ground floor area in excess of 4,000 square feet, shall have one (1) off-street loading space for each 40,000 square feet of gross floor area or fraction thereof, excluding basements.

9.8 *Modification of Standards:* The Planning Commission, in connection with the approval of a SITE DEVELOPMENT PLAN under these Regulations and after due notice and public hearing as required by law, may grant a SPECIAL EXCEPTION authorizing modification of off-street parking and/or loading standards as follows:

9.8.1 *Number:* The Planning Commission may authorize off-street parking and/or loading spaces less in number than specified in Par. 9.4 and 9.5 if the Planning Commission determines that the following standards and conditions are met:

a. The number of spaces provided on the SITE DEVELOPMENT PLAN are sufficient to accommodate the vehicles of all persons using and visiting the particular use or occupancy of land, buildings or other structures specified in the APPLICATION for a ZONING PERMIT;

b. There is sufficient and suitable area on the lot to provide the full number of spaces specified in Par. 9.4 and 9.5; and

c. The SPECIAL EXCEPTION shall be applicable only to the particular use or occupancy of land, buildings or other structures specified in the APPLICATION, and such SPECIAL EXCEPTION and any CERTIFICATE OF ZONING COMPLIANCE issued for the use shall become null and void in the event that such use or occupancy is changed to another use or occupancy.

9.8.2 *Alternate Location:* The Planning Commission may authorize some or all of the parking spaces required in connection with a use specified in Par. 9.4.4 to be located on another lot, not more than 500 feet in a direct line from lot on which the use or building is located, upon demonstration of the following to the satisfaction of the Commission:

a. That such off-street parking spaces have a sufficiently convenient location to serve the proposed use or building;

b. That there is evidence confirming the permanency of such off-site parking spaces for the duration of the use or building;

c. That there is sufficient safety for pedestrians using the lot and that there are sufficient safeguards against congestion in any street; and

d. That the appearance and character of the off-site parking area will be in accord with the standards of Par. 7.2.2, 7.2.10 and 7.2.12.

9.8.3 *Small Automobiles:* The Planning Commission may authorize a reasonable number of off-street parking spaces required in connection with a use specified in Par. 9.4.10 and 9.4.11 to conform to the dimension specified in Par. 9.2.1b when the following standards and conditions are met:

a. The use shall consist of a single proprietorship and the number of off-street parking spaces required is 100 or more; and

b. There is sufficient and suitable area on the lot to provide the full number of off-street parking spaces to conform to the dimensions specified in Par. 9.2.1a.

9.8.4 *Joint Use of Adjacent Parking Area:* The Planning Commission may authorize joint parking areas to be established and used in common by the owners of adjacent lots in order to provide the total number of off-street parking spaces required for each owner. Evidence confirming the permanency of jointly-provided spaces shall be demonstrated by the applicant to the satisfaction of the Commission.

9.8.5 *Shared Parking Ratio:* The Planning Commission may authorize a particular number of parking spaces on the lot to be counted for compliance with the required number of spaces for more than one (1) use or occupancy on the same lot when the Commission determines that a) such spaces will be occupied by cars of persons using or visiting two (2) or more such uses or occupancies on the same trip to the parking space, and/or b) such spaces will serve uses or occupancies having substantially different hours or days of operation. Shared parking ratios may also be authorized for joint use of adjacent parking areas under Par. 9.8.4 and parking spaces having an alternate location under Par. 9.8.2.

9.8.6 *Limited Structure Parking:* The Planning Commission may authorize offstreet parking spaces to be located in an enclosed basement of a building or on an extension of the ground level grade of the lot within an enclosed building or under a building, upon demonstration to the satisfaction of the Commission that a) there is sufficient and suitable area on the lot to provide the full number of required spaces as if located outdoors on the ground level grade of the lot in accordance with all standards of these Regulations, and b) such limited structure parking spaces do not enable construction of an amount of floor area on the lot that is greater than the amount that would be eligible with conforming parking spaces located outdoors on the ground level grade of the lot. Structure parking spaces on the roof of a building or on a structure above the ground level grade of the lot are prohibited.

Section 10. - Signs.

10.1 *Purpose:* The purpose of these sign regulations is to provide standards for the size, height, location, lighting style, color and general composition of signs to preserve the character of the Town of Southbury; to provide for fair and equal treatment of all sign users; to promote an effective balance between the need to protect health, welfare, safety and property values and the need for businesses and individuals to communicate with the public and to ensure that the constitutional right of free speech is protected.

10.2 *General Requirements and Standards applicable to all districts:* Except as provided in these regulations, no sign shall be installed, constructed, enlarged, extended, moved or structurally altered except in conformance with these Regulations.

In order to use any sign described in this section, the sign user must obtain an applicable permit as specified within these regulations by filing an application and payment of the appropriate fee.

The Zoning Enforcement Official shall, from time to time review the fee schedule and make recommendations to the Zoning Commission and the Board of Selectmen for any proposed fee changes.

The Zoning Enforcement Official shall issue a sign policy package that may contain illustrative graphics for the purposes of clarification of these regulations, as well as permit applications and administrative clarifications for implementation of these regulations.

10.3 *Definitions:*

Agriculture: The science or practice of farming, including cultivation of the soil for the growing of crops and the rearing of animals.

Banner Signs: Any sign constructed of flexible material, including a pennant that is mounted on a pole, rope, wire, or similar material or is mounted on a building.

Billboard: A freestanding sign that advertises events, products, services or businesses at locations other than where the sign is located; or any sign having a sign area of greater than seventy five (75) square feet.

Building Signs: Any sign on any surface that may be attached to the front, rear or side wall of any building, or any sign painted directly on or part of any such wall.

Business Signs: Any sign that directs attention to, or has a message relating to a business or commercial enterprise.

Canopy/Awning Signs: Any sign that is part of or attached to an awning, canopy, or other similar protective cover over a door, entrance, window or outdoor service area.

Commercial Districts: References in this Section 10 to "Commercial Districts" shall include the following: R60C, B1A, B1B, B-2, B2A, B2B, B2C, B2D, B2E, B2F, B3, B3A, B3B, B3C, B3D, B4, M2, M2A, M5, PUD, and PDD.

Commercial Signs: Any signs associated with commercial or business enterprises.

Construction/Repair Signs: Any temporary sign pertaining to the construction and/or the repair of property which may indicate the names of owners, design professionals, contractors, financial supporters or others having a role or interest with respect to the structure or project.

Directional Signs: Any signs on private premises intended exclusively for warning, traffic flow and informational purposes.

Dynamic Signs: Any electronic, illuminated sign whose appearance may be changed more than once per day including, but not limited to electronic messages, animation, video, and moving, flashing, scrolling, intermittent, flickering, and /or sequential images.

Farm Stand: A business meant for the sole purpose of selling a food or other agricultural items that are primarily grown on site or produced locally. Items for sale may include but are not limited to crops, honey, dairy products, meat, poultry and eggs but does not include the sale of live animals.

Freestanding Signs: Any sign supported by uprights or braces that are placed on or anchored in the ground, and independent from any building, fence, vehicle or other support.

Hanging or Projecting Signs: Any sign attached to or projecting from any wall or building, or that is suspended from a freestanding pole or frame.

Height (maximum): A sign's highest point measured at the natural undisturbed grade at the base of the sign or from the above the grade level approved-in connection with any site development plan.

Illuminated Signs: Any sign that is illuminated by any kind of artificial light source.

Lawn Signs: Any temporary sign pinned or staked to the ground.

Motif Signs: Any building feature, including roof or other special illumination, special colors or effects, or building or roof lines which serve to identify the use or occupancy of any building or site through a recognized motif or symbol.

Moving Signs: Any signs, or any portion of any sign, which is not fixed or stationary, or which is capable of any movement.

Non-Commercial Signs: Any sign associated with any governmental unit, nonprofit IRS 501(c) (3) organization, or charitable organization that meets the requirements of Section 21a-190d of the Connecticut General Statutes.

Nonconforming Signs: Any sign identified under Section 13.9 of these Regulations.

Off Premise Signs: Any sign which directs attention to a business, community, service or activity which is sold offered or conducted elsewhere other than upon the premises where such sign is located.

Pedestrian Signs: Any sign worn, held or carried that is not part of a usual item of clothing.

Portable/Sandwich Board Signs: Any freestanding temporary sign that stands on its own supports, that is meant solely for short term advertisement of a business or special event.

Real Estate Signs: Any sign pertaining to the development, construction, sales, lease, rental, repair or improvement of buildings or property, marketing, "open house" or directional sign.

Residential Districts: References in this Section 10 to "Residential Districts" shall include the following: R20, R30, R30A, R40, R60, R60C, and R80.

Roof signs: Any sign located on the roof of any building, on the slope of a mansard façade, on the building's parapet, or above the eave of any roof, canopy, or mansard façade or the wall face to which it is attached.

Setback: The distance from the nearest property line or street line.

Sign: The term sign shall include every sign, billboard, illustration, insignia, logo, picture, or icon, lettering, display, banner, pennant, flag, emblem, trademark, brand, figure, symbol, design, crest, seal, or other device, however made, displayed, painted, illuminated, supported or attached , including any display, representation, illustration, or insignia used to advertise or promote the interests of any person or business or cause when placed in view of the general public either a) located outdoors, or b) located indoors and intended to be viewed from outside the building. Similarly, any natural object, such as a tree, stone, or the earth itself, which is painted or arranged so as to represent or display any of the aforesaid graphic representations.

Sign Area: The smallest rectangle or circle which encompasses the single plane of a sign in square feet, including all aspects of the sign such as lettering, symbols, logos and design framing and borders. Any sign may be double faced, and only one (1) face shall be counted in determining conformity to sign area limitations when only one (1) face is visible at a time.

Sign Attachment: Any temporary or permanent object attached to a sign that is not considered part of the sign, e.g. lighting, balloons, flags, banners, speakers.

Sign Illumination (illuminated sign): The direct or indirect lighting of a sign either by adjacent or attached lamp post, floodlight, internal structural light; by any lighting technology, including incandescent, light emitting diode (LED) or fluorescent light whether powered by electric service via wired connection, photovoltaic power or any other means.

Sign Intent: The purpose for which the sign is to be used.

Sign Location: The point or points on the site or in or on any building or structure, where a sign is installed, mounted, or otherwise visible.

Sign Material: The material of which the sign and all supporting structures are constructed.

Sky Signs: Any sign suspended in the air by means of a balloon or other lighter-than air device.

Street Line: Shall have the meaning set forth in section 1.7 of the Southbury Zoning Regulations.

Subdivision/Development Name Signs: A permanent sign identifying the subdivision or other residential development.

Supporting Structures: Poles, posts or any other object that is used to keep a sign in place.

Temporary Sign: Any sign that is used or displayed for a specific or limited period of time.

Vehicular Signs: Any visual message or advertisement painted or placed on, or affixed to, a vehicle, parked trailer or other parked device capable of being towed.

Window Signs: Any sign attached or mounted within one (1) foot of a window, whose design or intent is to be visible from the exterior.

10.4 *Prohibited Signs*

10.4.1 *The following signs are prohibited in all districts:*

1. Dynamic signs, moving signs and flashing signs, except for athletic scoreboards, all gas station price displays, Automatic Teller Machines (ATM), and digital time and temperature. (see Sections 10.6.6 and Section 11 of the Zoning Regulations)
2. Sky signs.
3. Exposed light sources of any technology except gas station price signs, sport scoreboards, and signs whose lighting complies with Section 11 of these Regulations.
4. Signs which have letters taller than fifteen (15) inches, and any insignia, logo, icon or picture larger than four (4) square feet; home occupation signs in residential districts having letters taller than five (5) inches.
5. Any sign capable of being read or viewed primarily from Interstate 84.
6. Billboards.
7. Signs attached to a tree, other than specified in Section 10.7.3, fence, utility pole or traffic sign. This section shall not apply to signs on shopping carts providing that such signs do not exceed one hundred (100) square inches in area and the letters on the sign are not larger than one-half inch in size; or fencing around municipal sports facilities approved by the Planning Commission.
8. Roof signs.
9. Any vehicular or other signs on wheels, when repeatedly parked or displayed in a manner that may be in public view and not used for transportation purposes which is customary for said vehicle.
10. Banner signs over or across public roadways except temporary banner signs when explicitly authorized by the Board of Selectmen.
11. Sign attachments except small decorative attachments.
12. Motif Signs.
13. Signs located on town or state property, except as authorized.
14. Pedestrian signs.

10.5 *Permit Exempt Signs:* The following signs are authorized without a zoning permit provided that they comply with all other applicable provisions of these regulations and with the specific standards noted below:

1. Any flag bearing the insignia, logo or icon of any governmental unit, nonprofit IRS 501(c)(3) organization, or charitable organization that meets the requirements of Section 21a-190d of the

Connecticut General Statutes, provided said flag does not exceed sixty (60) square feet; provided, and no more than three (3) flags are be displayed per lot.

2. Interior signs contained solely within a building for internal use and not be situated in proximity to a window such that the sign is visible and legible from more than fifty (50) feet from the outside of the building.

3. Historical signs, memorial plaques or monuments, building markers, historical plaques and similar items displayed for noncommercial purposes.

4. Signs associated with agricultural sales including farm markets, as follows: One non-illuminated sign not exceeding twelve (12) square feet, provided the sign is located at the stand or market site, and up to three (3) off site directional signs, no larger than four (4) square feet each, provided that all signs are utilized only when products are available for sale.

5. Window signs not exceeding twenty five (25) percent of each façade glass storefront elevation.

6. All temporary signs except as specified in Section 10.8

7. Barber poles and clocks with no markings other than numeric and manufacturer (clock maker).

10.6 *Permanent Signs in Commercial Districts:* Signs listed in this section are subject to approval as part of a site development plan issued by the appropriate agency, and a subsequent zoning permit issued by the zoning official.

10.6.1 *Freestanding Signs:* Each commercial lot is permitted to have one freestanding sign conforming to the following requirements:

• No larger than forty eight (48) square feet in area not including the area required for inclusion of street names and numbers.

• No larger than eight (8) feet in any dimension.

10.6.2 Any freestanding sign not attached to a building shall not exceed ten (10) feet in height. For building signs, see Sections 10.6.4 and 10.6.5 below.

10.6.3 Any freestanding sign shall not extend within twenty (20) feet of any street line or property line. The Commission may, as a, site plan approval or modification, allow the reduction of this setback to no less than five (5) feet. In granting a site plan approval or modification, the Commission may, in its discretion, impose conditions including but not limited to, conditions relating to parking, site access, visibility, and landscaping.

10.6.4 A single building sign attached to one selected wall (primary view wall) conforming to the following requirements is permitted for each commercial lot:

• No larger than thirty two (32) square feet in area.

• No larger than eight (8) feet in any dimension.

For lots containing multiple businesses, each business may have:

• One (1) building sign having no more than five (5) square feet of sign area for each five hundred (500) square feet of total floor area occupied by such business, but in no event exceeding thirty five (35) square feet in area

An additional sign may be permitted for a business that faces two streets, and for a business that has rear parking and a rear public entrance. Such additional building signs having no more than five (5) square feet of sign area for each five hundred (500) square feet of total floor area occupied by such business, but in no event exceeding twenty five (25) square feet in area;

There shall be no more than three (3) building signs per business;

No building sign for a business located on the first floor of a building shall be mounted above the ceiling height of such first floor; signs located above the first floor ceiling height shall be for business occupying floors above the first floor of such building.

10.6.5 The Planning Commission or Zoning Board of Appeals may, as a part of a site development plan, or the Zoning Commission as a Planned Development District, allow additional building, canopy, or awning sign areas per business where:

• The property owner submits a unified sign plan which will be binding on all occupants of the lot, and which creates a uniform pattern of signs in terms of color scheme, mounting location (such as a sign band), illumination type, dimensional shape , and character or;

• Where a commercial property or development contains or proposes to contain more than one driveway or entrance and demonstrate the need for additional entrance signs.

In no event shall the size of any individual building sign exceed fifty (50%) percent more than would otherwise be allowed under Section 10.6.4 above.

10.6.6 Illumination: Commercial district signs may be illuminated in accordance with the intensity and spillover requirements of Section Eleven (11) of these Regulations.

10.6.7 Businesses that have separate delivery access may utilize one identifying sign on or adjacent to the access which does not exceed thirty six (36) square inches in size.

10.7 *Permanent Signs in Residential Districts:* The following signs listed in this section are subject to approval as part of a site plan approval issued by the appropriate agency, and a subsequent zoning permit issued by the zoning official.

10.7.1 *Non Commercial Signs:* One freestanding sign and one building sign located on the subject property not exceeding twenty four (24) square feet, nor six (6) feet in any dimension, nor five (5) feet in height (if a freestanding sign). Illumination of signs shall conform to applicable lighting standards in Section 11 of these Regulations. A freestanding sign may not be located within any municipal right of way.

10.7.2 *Subdivision/ Development Sign:* One sign, not illuminated, not exceeding twelve (12) square feet in sign area, nor six (6) feet on any side, with a sign height not exceeding 6 feet. The sign shall be no closer than ten (10) feet from the street line or property line.

The following signs are permitted without a zoning permit as long as they conform to the specifications contained herein.

10.7.3 *Personal/Office and Customary Home Enterprise:* One sign not exceeding two (2) square feet on the subject lot or residence. The highest point of a freestanding sign shall not exceed five (5) feet in height. Freestanding signs shall not be illuminated.

10.7.4 Posted Property Marker Signs not exceeding two (2) square feet in sign area; not illuminated.

10.8 *Temporary Signs:* Temporary signs are allowed, provided that the signs conform to the following requirements. There shall be a permit required to display a sign in the commercial districts, however no permit is required for display of signs in the residential districts.

10.8.1 All temporary signs are limited to display for a total of thirty (30) days per calendar quarter with the first such quarter to begin in January of each year.

10.8.2 All temporary signs are limited to an area of twelve (12) square feet in size and six (6) feet in any dimension.

10.8.2 The Zoning Commission shall determine the type of permit and applicable fees charged to obtain a temporary sign permit.

10.8.4 *Temporary Signs in Commercial Districts:* No more than one (1) sign is allowed per business on the property where the business is located.

10.8.5 *Temporary Signs in Residential Districts:* Only lawn signs are permitted in residential districts, and no more than two (2) signs are permitted on any property at one time.

10.8.6 *Traffic Safety:* The Zoning Enforcement Officer may limit permits or deny placement of temporary signs for any particular location to avoid congestion, impaired sight lines, clutter and distraction, based upon his or her discretion.

10.8.7 *Durable Material:* Temporary signs shall be constructed of durable material and shall not be attached to trees, traffic signs or utility poles.

10.8.8 *Location of Temporary Signs:* Commercial temporary signs must be located on private property, and cannot be located within the town right of way. Non-commercial temporary signs can be located within the public rights of way. No temporary signs of any kind may be placed within the rights of way adjacent to municipal town or Regional School District #15 Board of Education property except as sponsored by the Town of Southbury. The Zoning Enforcement Officer or designee may remove signs placed in violation of this section.

10.8.9 *Real Estate Signs:* Each property that is advertised for sale or lease may utilize one free standing sign not exceeding an area of six (6) square feet that must be removed no longer than two (2) weeks after closing or rental. Real estate "open house" signs not exceeding an area of four (4) square feet are permitted as long as they are displayed up to forty eight (48) hours prior to the beginning of the open house and removed within two (2) hours of the completion of the open house.

10.8.10 *Construction/Repair Signs:* One freestanding sign with a maximum area of nine (9) square feet and no more than three (3) feet on any side for a maximum overall height of five (5) feet with no illumination. A construction sign may be installed upon the issuance of a Building Permit and must be removed within fourteen (14) days of the issuance of a Certificate of Occupancy or completion of the project. A construction/ repair sign may not be located in any public right of way.

10.10 *Supporting Structures:*

10.10.1 *Supporting Structure Extensions:* No supporting structures or architectural feature of a sign shall extend one and a half (1.5) feet above the top edge of any sign or one and a half (1.5) feet beyond the side edge of any sign, provided however, that the Planning Commission or Zoning Board of Appeals, as a part of a site development plan, or the Zoning Commission as a Planned Development District may approve larger supporting structures or architectural features if it finds that such plan conforms to the requirements of Section 7.2.1 of the zoning regulations.

10.11 *Special Exceptions and Site Development Plans:*

10.11.1 The provisions for signs which may be imposed in connection with a special exception or approval of a site development plan are in addition to the provisions of this section. All proposed signs for sites and buildings shall be submitted in connection with and at the time of any application, and any modification to approved signs, other than message (content), shall require an application in accordance with these regulations.

(Ord. of 10-9-13)

Section 11. - Lighting.

11.1 *Purpose* : The purpose of these lighting regulations is to provide specific standards that promote adequate, energy efficient, non-intrusive lighting as required for public safety while reducing and eliminating adverse effects (such as light pollution, light trespass, glare, and sky glow, consistent with the goals of the International Dark-Sky Association) from on-site illumination upon the use, value, and enjoyment of nearby properties and the community in general. These regulations seek to promote an environment free from elements that may jeopardize the health or welfare of the general public or degrade the quality of life in this town and neighboring towns.

Editor's note— Ord. of 11-9-11, § II, replaced §§ 11.1—11.3.3 in their entirety. Former §§ 11.1—11.3.3 pertained to similar information and carried no history note.

11.2 *Definitions:*

11.2.1 *Candela:* The power emitted by a light source in a particular direction.

11.2.2 *Dynamic Sign:* An electronic, illuminated sign whose display, text, message, or illumination may be changed more than once per day including, but not limited to electronic messages, animation, video, and moving, flashing, scrolling, intermittent, flickering, or sequential images.

11.2.3 *Foot-candle:* A unit of illumination, equal to the illumination of a surface, one (1) square foot in area, on which there is a luminous flux of one (1) Lumens uniformly distributed, or equal to the illumination of a surface all points of which are at a distance of one (1) foot from a uniform point source of one (1) Candela; equal to approximately 10.7639 lux. Abbreviated fc.

11.2.4 *Foot-lambert:* A unit of Luminance equal to 1/Π Candela per square foot or 3.4262591 Candelas per square meter (nits). It describes the amount of light that passes through or is emitted from a particular area.

11.2.5 *Full Cutoff:* See fully shielded.

11.2.6 *Fully Shielded:* A light fixture constructed in such a manner that all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the fixture, is projected below the horizontal plane. See Section 11.10 for examples.

11.2.7 *Glare:* Light produced by a bright source within the visual field that is sufficiently brighter than the level to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility.

11.2.8 *High Intensity and High Contrast Lighting:* For the purpose of this regulation, the term high intensity and high contrast lighting refers to any lighting source that produces text, symbols, shapes, or images resulting in a visual effect that is perceived by the eye as intense or distracting, and may include incandescent, vapor/gas discharge, LED, LCD, plasma, holographic, lasers, or any other technology that produces a high contrast with light from ambient sources or high intensity effect.

11.2.9 *Light Fixture:* Complete lighting unit, consisting of one (1) or more lamps (bulbs or tubes that emit light), along with the socket and other parts that hold the lamp in place and protect it, wiring that connects the lamp to a power source, and a reflector that helps direct and distribute the light.

11.2.10 *Light Trespass:* Light being transmitted across property boundaries, onto property not containing the originating light source. See Section 11.4.5.

11.2.11 *Lumen:* A measure of the amount of light emitted by lamps.

11.2.12 *Luminaire:* See light fixture.

11.2.13 *Luminance:* The intensity of light reflected or emitted from a unit area of surface, such as a sign face — measured in Nits.

11.2.14 *Luminous Tube:* A transparent or translucent tube filled with a gas or gas mixture (including neon, argon, mercury, or other gasses), caused to emit light by the passage of an electric current, and commonly bent into various forms for use as decoration or signs, such as a neon tube. Does not include common fluorescent tubes or compact fluorescent lamps.

11.2.15 *Nit:* A unit of Luminance equal to one (1) Candela per square meter.

11.2.16. *Outdoor Athletic Lighting:* The illumination of any area, outside of a fully enclosed building, in order to facilitate the conduct of a sport, recreational activity, athletic event, competition, or other outdoor event. Outdoor athletic lighting shall include, but not be limited to, the illumination of tennis courts; miniature golf; tennis courts; football, soccer, baseball, lacrosse, field hockey,

track, or other fields; golf driving ranges; equestrian rinks; pitch and putt courses; ice skating or hockey rinks; and all similar uses. Outdoor athletic lighting shall include such activities regardless of sponsorship of the event or ownership of the property.

11.2.17 *Searchlight:* A lighting assembly designed to direct the output of a contained lamp in a specific tightly focused direction (a beam) with a reflector located external to the lamp, and with a swiveled or gimbaled mount to allow the assembly to be easily redirected. Such lights are used commonly to sweep the sky for advertisement purposes.

11.2.18 *Temporary Lighting:* Lighting which will not be used for more than one (1) seven (7) day period within a calendar year with not more than one (1) seven (7) day extension. Temporary lighting is intended for uses which by their nature are of a limited duration (e.g. civic events, construction projects, etc.). See Section 11.7.

11.2.19 *Temporary Transitional Athletic Lighting:* Temporary lighting on property owned by the town or Regional School District 15 which has been authorized by the zoning enforcement official and the board of selectmen for a contiguous period of not more than ninety (90) days for illumination of outdoor athletic activities.

11.2.20 *Trans illuminated Sign:* A translucent sign that is internally illuminated by a light source or sources that are not externally visible.

11.2.21 *Uniformity (Horizontal):* The ratio of maximum vs. minimum Luminance over an area.

11.3 *Standards for All Districts:*

11.3.1 *Applicability:* The standards set forth in this Section 11.3 shall apply to all new or significantly updated or modified lighting or illuminated signs, except as provided in Section 11.7 below

11.3.2 *Glare:* All outdoor illumination shall be provided and maintained in a manner that safeguards against glare off the property.

11.3.3 *Shielding:* All outdoor light fixtures with an initial output greater than or equal to one thousand four hundred (1,400) Lumens (typical output of a sixty (60) watt incandescent lamp) shall be full cutoff, and except as provided in 11.3.6 shall be installed and maintained in such a manner as to be horizontal to the ground so that the cutoff characteristics of the fixture are maintained. The goal is to minimize or eliminate visibility of the light source at the property boundary to the extent practical. All outdoor lighting light fixtures with an initial output less than one thousand four hundred (1,400) Lumens are exempt from this shielding requirement.

11.3.4 *Efficiency:* The preferred standard for lighting efficiency shall be not less than sixty (60) Lumens per electrical watt.

11.3.5 *Unintentional Luminous Sources:* Light emanating from inside a building shall comply with the requirements for light trespass at the property boundary as set forth herein for the applicable Zoning District.

11.3.6 *Architectural Lighting:* Illumination of buildings, flagpoles, signs, architectural, and landscape features shall conform to the following:

a. Light fixtures shall be shielded, such as by visors or baffles, to control spillage of light beyond the outside edge of the object intended to be illuminated.

b. Light fixtures shall be aimed only at the targeted architectural features and not be aimed across streets, driveways, parking spaces, or sidewalks.

c. Illumination of objects other than signs shall not result in the Luminance of the illuminated object exceeding five (5) foot-candles in a Residential District or ten (10) foot-candles in a Business District, Industrial District, PUD, or PDD. For maximum illumination of signs, see Sections 11.4.10.c. and 11.5.4.

11.3.7 *Prohibited Lighting:* The following types of lights are prohibited in all Districts:

a. Strips of light intended to outline or highlight a structure, whether composed of linear light tubes or a sequence of individual illumination sources except as provided in Section 11.7.

b. Light sources that oscillate or vary in intensity or color to the degree that the modulation is perceptible to the human eye.

c. Lasers.

d. Luminous tube lights.

e. Searchlights.

f. Light sources that emit color temperatures in the yellow range (< 2700K) such as sodium vapor lights or in the blue range (> 6500K).

g. Illumination of entire buildings. Building illumination shall be limited to security lighting and lighting of specific architectural features pursuant to Section 11.3.6.

h. Electronic sign boards (i.e. digital billboards), dynamic signs, and signs containing visible high intensity and high contrast lighting other than provided for in Section 10 or Section 11.6.3.

i. Commencing two (2) years from the effective date of this revised Section 11, Temporary Transitional Athletic Lighting as defined in 11.2.18.

11.4 *Commercial and Industrial Standards:*

11.4.1 *Applicability:* The standards set forth in this Section 11.4 shall apply in all Business and Manufacturing Zones, Planned Development Districts, Planned Development Units, Public Utility Districts, and Special Exception Uses in a Residential Zone. Additionally, any commercial or industrial use that is located in a Residential Zone that submits an application for a change to the site will be subject to the more stringent requirements of Sections 11.4 or 11.5. The standards defined herein shall apply to all exterior lighting as well as lighting that is located within a building or structure and which illuminates the exterior.

Exemptions: The following uses are exempt from the standards of this Section 11.4.:

a. Pre-existing, nonconforming lighting installations may be maintained unless the modifications listed below occur and are deemed substantial in the judgment of the planning commission:

i. Replacement, modification, relocation, or addition to light fixtures.

ii. Addition to or relocation of lighting poles.

iii. Change in light source intensity.

iv. Change of use of the site.

v. Replacement, modification, relocation, or addition to buildings on the site.

vi. Change in parking lot layout or on-site traffic flow.

When a substantial modification occurs, the entire outdoor lighting installation on the site shall be subject to this Section 11.4. Where modifications are proposed which the commission does not consider to be substantial, it may require or permit lighting which more nearly complies with this Section 11.4, even if such lighting does not fully comply with this section.

b. Lighting subject to Section 11.6, Outdoor Athletic Facility Standards, shall not be subject to this Section 11.4.

c. Lighting specified in Section 11.7.

11.4.2 *General Standards and Guidance:* The commercial and industrial lighting standards set forth herein have been developed to minimize illumination while providing safe and efficient entry onto, travel within, and exit from the site. Lighting sources shall be fully shielded and shall not impart an illumination footprint on-site nor off-site greater than the values defined herein.

Lighting sources within a site shall generally consist of a uniform color, intensity, and technology.

11.4.3 *Source, Footprint and Intensity:* The following standards for minimum and maximum exterior illumination shall be based on the activity at each site. Foot-candles shall be measured at finished grade level. When more than one (1) activity type (as specified below) is proposed, the illumination level for each activity type shall be between the specified minimum and maximum levels.

Activity Type	Average Illumination Levels per Grid Cell (Ft-Candle)		
	Minimum	Maximum	Notes
Parking Lots, Driveways, and Security Lights	0.5	2.5	
Walkways and Building Entrances	3.0	10.0	
Gas Station Pumps	2.0	10.0	Applies to the area located within 10 feet of the outside edge of the canopy. Areas beyond 10 feet outside the canopy shall meet the illumination standards defined for Parking Lots.
ATMs	2.0	5.0	Applies to the area located within 10 feet of the ATM machine face or outside edge of canopy, whichever is greater. Areas beyond 10 feet outside the canopy shall meet the illumination standards defined for Parking Lots.
Loading Docks	2.0	10.0	Must be time-limited and automatically controlled such that the lighting source is off after activity on or near the dock has been completed.

11.4.4 *Vertical Distribution and Cutoff:* No upward lighting is permitted except as provided in 11.3.6. Details of such proposed lighting shall be submitted to the planning commission for review and approval.

11.4.5 *Light Trespass* : No more than 0.05 foot-candles is permitted at any property boundary within or abutting a residential zone; no more than two and one-half (2.5) foot-candles permitted at the property boundary where abutting sites have contiguous parking lots and driveways; and no more than one-half (0.5) foot-candles is permitted at any other property boundary. Illuminance generated from a single Luminaire placed at the intersection of a vehicular driveway and public roadway accessing the site is allowed to use the centerline of the public roadway as the site boundary for a length of two (2) times the driveway width centered at the centerline of the driveway.

11.4.6 *Location of Lights* : Exterior lighting shall be subject to the following restrictions:

a. Lighting on buildings shall not be mounted on canopy fascias or rooftops. All light fixtures shall be mounted under or below the canopy. Light fixtures within canopies shall be downward facing and mounted flush or recessed.

b. Light fixtures shall be located not more than twenty-five (25) feet above the finished grade if supported by or attached to a pole or other structure.

11.4.7 *Hours of Primary Illumination:* Outdoor lighting shall be automatically shut off or reduced to not more than the minimum level as defined in 11.4.3 within one (1) hour after the hours of activity (as defined in the statement of use for the site) have ended. Lighting that illuminates a loading dock must be equipped with the capability to automatically reduce or turn off the lighting sources (via motion detection or similar technology) when not in use. Details of the lighting controls shall be presented to the planning commission for review and approval.

11.4.8 *Unintentional Luminous Sources:* Large expanses of internally illuminated windows or wall openings visible from the property boundary are to be avoided. Buildings with a window-wall ratio greater than thirty-five (35) percent on walls that are visible from the property boundary shall be automatically shut off within one (1) hour after the hours of activity (as defined in the statement of use for the site) have ended.

11.4.9 *Interior Lights* : Any interior light fixture with initial output great than one thousand four hundred (1,400) Lumens and mounted such that any part of the light fixture is lower than the upper edge of a window, wall opening, or exterior door must be fully shielded.

11.4.10 *Trans illuminated and Floodlighted Signs:* Trans illuminated and floodlighted signs shall not exceed the following maximum brightness standards measured at any point on the surface of the sign:

a. Luminous plastic or glass letter signs in which the symbols or lettering are internally illuminated shall not exceed forty (40) foot-lamberts. Such signs are preferred over those in 11.4.10.b.

b. Luminous background silhouette signs with opaque letters shall not exceed twenty (20) foot-lamberts.

c. Floodlighted signs shall not exceed twenty (20) foot-lamberts, and shall conform to Section 11.3.6.

11.4.11 *High Intensity and High Contrast Lighting Signs:* Except as provided in Section 10, signs that use visible high intensity and high contrast lighting sources are not permitted in commercial zones. The intention of this regulation is to prohibit signs that are visually distracting or result in glare. Such signs shall comply with the provisions of Section 10 and the following standards:

a. Two (2) levels of brightness shall be provided and shall be automatically adjusted for day and night conditions. The preferred technique is a photocell sensor that changes the source brightness for day/night conditions. Timer-based control is an acceptable alternative if the day/night transition is adjusted for seasonal changes. Specific proposal for the day/night change technique shall be defined in the applicant's application.

b. The maximum brightness shall not exceed one thousand (1,000) ft.-lamberts for day mode, and shall not exceed one hundred twenty (120) ft.-lamberts for the night mode.

c. High intensity and high contrast lighting can emit spectrally pure colors, and in view of the fact that certain colors such as the green portion of the spectrum are perceived as less distracting, the applicant may propose an alternative standard that may exceed the brightness limits defined in paragraph 11.4.11.b. Application for any sign that proposes to exceed paragraph 11.4.11.b limits must be presented to the planning commission and must be accompanied by an actual model sign that emits the same color spectrum and brightness as the proposed sign. Text size/font and sign area must approximate the final proposed sign. The model sign must be able to operate in day and night mode and will be made available to the commission for evaluation. Such application must include the CIE Color Coordinates, as established by the International Commission on Illumination, of the proposed sign. Should the commission determine that the sign does not produce distracting or excessive brightness due to the color coordinates; the commission may approve the alternative. Intensity and CIE coordinates shall be documented in the application.

d. The applicant shall provide a written certification from the sign manufacturer that day and night time light intensity and color coordinates have been factory pre-set not to exceed the Luminance limits and to not allow changes to the color coordinates, and that these settings are protected from end-user modification by password-protected software or other method as deemed appropriate by the planning commission or their designee.

11.4.12 *Data Submission:* Certification from a qualified lighting professional shall be provided to the planning commission, stating that the lighting plan complies with the standards of this section. A computer-generated print-out of the illuminated area in grid plan view using five (5) foot grid spacing is the preferred format and shall depict the average light level at each grid point. Iso-contours may be provided as a less desirable format. Cut sheets with light source distribution curves for all proposed lighting sources shall be provided as part of the application. All lighting sources includes, but is not limited to, architectural lighting, building- and pole-mounted light fixtures, and illuminated signs. Exact model, type, and intensity of each illumination source (i.e.; lamp element or elements) installed in each lighting fixture shall be specified. Lighting analyses will take into account the effect of aging and will use the illumination values predicted at ninety (90) percent of lamp life.

After installation a qualified lighting professional shall measure the resultant light intensity, and the applicant shall submit documentation that the lighting complies with these regulations. The applicant may request that the planning commission or a designated representative conduct a site visit in lieu of the certification if the applicant believes that the lighting is in conformance with these regulations. The planning commission reserves the right to require as-built measurements following a site inspection.

11.4.13 *Performance Bonds:* No certificate of zoning compliance or certificate of occupancy shall be issued until the improvements required by this regulation and as depicted in the applicant's lighting plan are completed as certified by the authorized land use official, or until their completion has been guaranteed by the posting of a performance bond from a banking institution of sufficient amount to cover the estimated cost of materials and labor, as approved by the zoning enforcement officer. Such performance bonds shall be in the form of cash, passbook assignment, letters of credit, or, if required by Connecticut General Statues, surety bonds. The form of the surety bond shall be to the satisfaction of the commission's legal counsel.

11.5 *Residential Standards:*

11.5.1 *Applicability:* The standards set forth in this Section 11.5 shall apply to properties located in Residential Zones except for those uses subject to Sections 11.4 or 11.6. Any commercial or industrial use that is located in a Residential Zone that submits an application for a change to the site will be subject to the more stringent requirements of Sections 11.4 or 11.5.

Exemptions: The following uses are exempt from the standards of this Section 11.5:

a. Pre-existing, nonconforming lighting installations may be maintained unless the modifications listed below occur and are deemed substantial in the judgment of the planning commission:

i. Replacement, modification, relocation, or addition to light fixtures.

ii. Addition to or relocation of lighting poles.

iii. Change in light source intensity.

iv. Change of use of the site.

v. Replacement, modification, relocation, or addition to buildings on the site.

vi. Change in parking lot layout or on-site traffic flow.

When a substantial modification occurs, the entire outdoor lighting installation on the site shall be subject to this Section 11.5. Where modifications are proposed which the Commission does not consider to be substantial, it may require or permit lighting which more nearly complies with this Section 11.5, even if such lighting does not fully comply with this Section 11.5.

b. Lighting subject to Section 11.6, Outdoor Athletic Facility Standards, shall not be subject to this Section 11.5.

c. Lighting specified in Section 11.7.

11.5.2 *Light Trespass:* No more than 0.05 foot-candles is permitted at any property boundary.

11.5.3 *Location of Lights:* Light fixtures mounted to free standing poles shall be installed at a height of twelve (12) feet or less.

11.5.4 *Floodlighted Signs:* Floodlighted signs shall not exceed ten (10) foot-lamberts at any point in the sign, and shall conform to Section 11.3.6.

11.5.5 *Trans illuminated and High Intensity and High Contrast Lighting Signs:* Trans illuminated signs and signs that use visible high intensity and high contrast lighting sources are not permitted in Residential Zones.

11.6 *Outdoor Athletic Facility Standards:*

11.6.1 *Applicability.* This Section 11.6 shall apply to all outdoor athletic lighting as defined in these regulations, regardless of zoning designation.

Exemptions: The following uses are exempt from the standards of this Section 11.6.:

a. Pre-existing, nonconforming lighting installations may be maintained unless the modifications listed below occur and are deemed substantial in the judgment of the planning commission:

i. Replacement, modification, relocation, or addition to light fixtures.

ii. Addition to or relocation of lighting poles.

iii. Change in light source intensity.

iv. Change of use of the site.

When a substantial modification occurs, the entire outdoor athletic lighting installation on the site shall be subject to this Section 11.6; however, the commission may permit lighting which more nearly complies with this Section 11.6, even if such lighting does not fully comply with this section.

b. Lighting specified in Section 11.7.

11.6.2 *Permitted Use:* Outdoor athletic lighting with an illuminated play surface of three thousand (3,000) square feet or less and no light fixture(s) mounted to a pole at a height greater than twelve (12) feet are considered an ancillary use and are permitted as of right, subject to the provisions of Section 11.3. Outdoor athletic lighting with an illuminated play surface greater than

three thousand (3,000) square feet or light fixture(s) mounted to a pole at a height greater than twelve (12) feet is prohibited unless a special exception is approved by the planning commission pursuant to Sections 7.2 and 7.3.6.

11.6.3 *High Intensity and High Contrast Lighting Scoreboards:* Scoreboards comprised of visible high intensity and high contrast lighting sources are permitted for the display of only information directly related to the current athletic activity (such as team names, play time remaining, scores, timeouts, etc.) subject to the provisions of Section 10 and further subject to the following standards:

a. Scoreboards must be turned off thirty (30) minutes after an athletic event.

b. Two (2) levels of brightness shall be provided and shall be automatically adjusted for day and night conditions. The preferred technique is a photocell sensor that changes the source brightness for day/night conditions. Timer-based control is an acceptable alternative if the day/night transition is adjusted for seasonal changes. Specific proposal for the day/night change technique shall be defined in the applicant's application.

c. The maximum brightness shall not exceed one thousand (1,000) ft.-lamberts for day mode, and shall not exceed one hundred twenty (120) ft.-lamberts for the night mode.

d. The applicant shall provide a written certification from the sign manufacturer that day and night time light intensity and color coordinates have been factory pre-set not to exceed the Luminance limits and to not allow changes to the color coordinates, and that these settings are protected from end-user modification by password-protected software or other method as deemed appropriate by the planning commission or their designee.

11.6.4 *Hours of Operation:* Lights shall be shut off within thirty (30) minutes after the event has ended or 10:00 p.m., whichever is earlier; however, operation past 10:00 p.m. may be permitted for special occasions by the zoning enforcement officer if he/she deems such extended operation to be in the greater public interest.

11.7 *Exemptions:* The following uses are exempt from the lighting requirements of these regulations:

a. Temporary lighting as defined in 11.2.17.

b. Temporary transitional athletic lighting, as defined in 11.2.18, for a period commencing on the effective date of this revised Section 11 and terminating two (2) years thereafter.

c. Lighting required by federal regulations (cell towers, etc.).

d. Emergency lighting no greater than required by CT Fire Safety Code, or other applicable public safety regulations or codes.

e. Subdued, decorative light strings that do not vary in intensity or color such as C-7, C-9, or mini-lights (including LEDs) rated at less than three (3) Volts/string may be used to accent landscaping, trees, or ornamental features of a structure, but not to the extent of drawing attention to the use or site for commercial purposes, nor to attract attention from passing motorists or pedestrians.

f. Light strings on property owned by the town, including public highway rights of way of the town or the state.

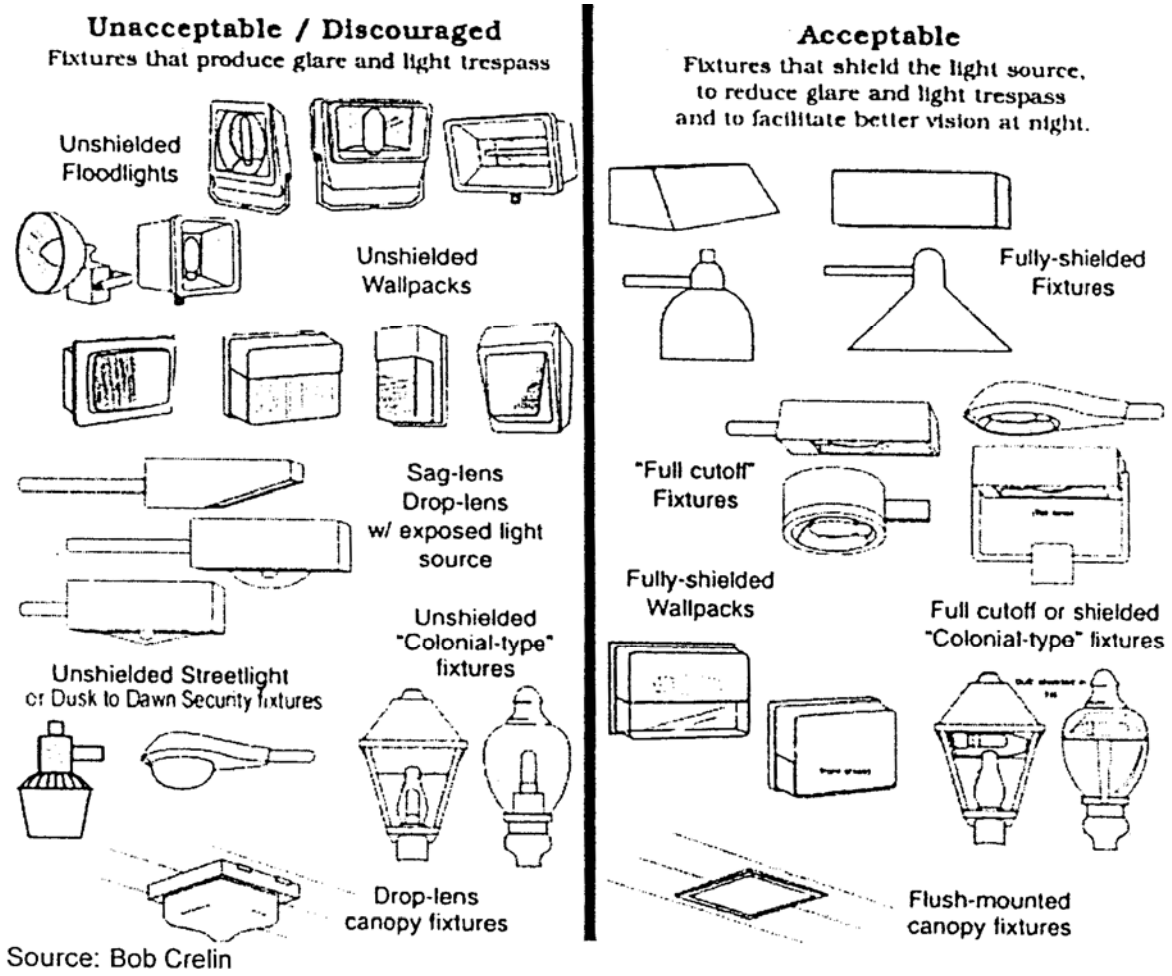
g. Submerged pool lighting.

11.8 *Severability:* If any of the provisions of this Section 11 or the application thereof is held invalid, such invalidity shall not affect other provisions or applications of this section which can be given effect, and to this end, the provisions of this Section 11 are declared to be severable.

11.9 *Law Governing Conflicts:* Where any provision of federal, state, county, or town law or ordinance conflicts with any provision of the Section 11, the most restrictive shall govern unless otherwise required by law.

(Ord. of 11-9-11, § II)

11.10 *Examples of Light Fixtures*



(Ord. of 11-9-11, § II)

Section 12. - Planned Development.

12.1 *Purpose:* A "Planned Development", consisting of a Planned Development District (PDD) established by the Zoning Commission or a Planned Development Unit (PDU) approved by the Planning Commission, may be authorized in accordance with the procedure, standards and conditions hereinafter specified and only for one or more of the following purposes and under the criteria specified therefor:

12.1.1 To permit the division of a tract or parcel of land in a Residential R-80, R-60, R-40 or R-30 District into three (3) or more parts or lots for the purpose of sale or building development for "Cluster Residences" in accordance with Technical Supplement 1 of the adopted Plan of Conservation and Development for the Town of Southbury Connecticut, for the purpose of conserving scenic areas, views and vistas observed from certain public streets, conserving special natural environments and historic sites and/or conserving active, productive farmland; and/or 12.1.2 To permit, on a lot in a Residential R-80, R-60, R-40 or R-30 District or M-2 District a "Multi-Family Dwelling Group" or Groups in accordance with Technical Supplement 2 of the adopted Plan of Conservation and Development for the Town of Southbury, Connecticut,

for the purpose of establishing alternative dwelling accommodations consisting of dwellings containing, two (2) or more dwelling units not restricted for occupancy by age of occupant, and otherwise for the following purposes which may include the purposes of Par. 12.1.1 and 12.1.2:

12.1.3 To permit a tract of land of considerable size to be improved and developed with a use of land, buildings and other structures and site development that constitute an integrated and harmonious design unit, consistent with the character of the Town, the orderly development of the neighborhood, the purposes of these Regulations and the adopted Plan of Conservation and Development for the Town of Southbury, Connecticut;

12.1.4 To permit, on a lot, a use of land, buildings and other structures, and related site development, not permitted on Schedule A within the existing zoning district where the lot is located but which would be beneficial to and consistent with the orderly development of the Town and the neighborhood and consistent with the purposes of these Regulations and said Plan of Conservation and Development; and/or

12.1.5 To permit, on a lot, the design and construction of buildings and other structures, and site development, in connection with a use permitted on Schedule A within the existing zoning district where the lot is located and that by virtue of their location, orientation, structure, texture, materials, landscaping or other features would be consistent with the character of the Town and the neighborhood and with the purposes of these Regulations and said Plan of Conservation and Development and would demonstrate unusual design merit.

When, in connection with any and all of the purposes specified in Par. 12.1.1 through 12.1.5, a) the tract, parcel or lot is of sufficient size to accommodate the Planned Development, b) an existing zoning district listed in Par. 2.1 could not be appropriately established to accomplish such purpose or would authorize uses and impose standards that preclude or would not adequately assure accomplishment of such purpose, and c) the Planned Development is specifically consistent with particular elements of, or is otherwise not inconsistent with, such adopted Plan of Conservation and Development.

12.2 *Units and Districts:* A Planned Development consisting of Cluster Residences (Par. 12.1.1) located on a lot of 10 acres or less, or a Multi-Family Dwelling Group (Par. 12.1.2) located on a lot of five (5) acres or less, or otherwise pertaining to a purpose specified in Par. 12.1.4 or 12.1.5 and located on a lot of five (5) acres or less, shall be considered a Planned Development Unit (PDU) and shall conform to the procedures, standards and conditions of Par. 12.3 and 12.4. Planned Developments, when located on a lot larger than specified for a PDU, shall be considered a Planned Development District (PDD) and shall conform to the procedures, standards and conditions of Par. 12.3 and 12.5.

12.3 *Special Submission Requirements:* Requests for approval of a Planned Development for one or more of the purposes specified in Par. 12.1 shall be submitted in writing and shall be accompanied by the following:

12.3.1 *Report:* A written report explaining the purpose of the Planned Development under this Section and how the Planned Development meets the criteria specified in Par. 12.1, including but not limited to consistency with the adopted Comprehensive Plan of Development for the Town of Southbury, Connecticut; ten (10) copies shall be submitted.

12.3.2 *PDU Site Plan:* For a Planned Development Unit (PDU), six (6) copies of the following shall be submitted as applicable:

a. For Cluster Residences (Par. 12.1.1) when the development consists solely of single detached dwellings for one (1) family or otherwise constitutes a subdivision subject to the Subdivision Regulations of the Town of Southbury, Connecticut, a "site development plan" as specified in such Regulations;

b. For Cluster Residences (Par. 12.1.1) or the portion thereof, that include dwellings containing two (2) or more dwelling units and for Multi-Family Dwelling Groups (Par. 12.1.2), a SITE DEVELOPMENT PLAN meeting the requirements of Par. 14.2.2; or

c. For a purpose specified in Par. 12.1.4 or 12.1.5, a SITE DEVELOPMENT PLAN meeting the requirements of Par. 14.2.2.

12.3.3 *PDD Regulation:* For a Planned Development District (PDD), a written regulation to be applicable within the proposed District, in form suitable for adoption as an amendment to these Regulations, containing no less than the following:

a. A suitable boundary description and survey map of the District, and any land use areas or subdistricts within the District;

b. The precise uses of land, buildings and other structures to be permitted;

c. Standards for the area, location and bulk of buildings and other structures, and the area, shape and frontage of lots;

d. Site development and building standards;

e. Procedures for administrative review and approval of detailed plans and specifications for the Planned Development;

f. Citation of the "General Plans" that are to be applicable within the District; and

g. Any other regulatory provisions necessary to carry out the purpose of the District, including citation of other provisions of these Regulations that are to be applicable within the District; 20 copies shall be submitted.

12.3.4 *PDD General Plans:* For a Planned Development District (PDD), six (6) copies of a "General Plan" for the entire District, consisting of the following shall be submitted as applicable:

a. For Cluster Residences (Par. 12.1.1) when the development constitutes a subdivision subject to the Subdivision Regulations of the Town of Southbury, Connecticut, a "site development plan" as specified in such Regulations; or

b. For Cluster Residences (Par. 12.1.1), or the portion thereof, that include dwellings containing two (2) or more dwelling units, for Multi-Family Dwelling Groups (Par. 12.1.2), or for a PDD under Par. 12.1.3, 12.1.4 and/or 12.1.5, site plans, architectural plans and other drawings as relevant and in sufficient detail to illustrate the existing topography and the character, function and location of uses, buildings, structures, streets, driveways, parking and loading facilities, outside storage areas, contours, wetlands, water courses, drainage, sewage disposal, water supply and landscaping, which General Plans may but need not necessarily show the degree of detail required for a SITE DEVELOPMENT PLAN and issuance of a ZONING PERMIT.

12.3.5 *PDD Petition Map:* For a Planned Development District (PDD), a petition map as specified in Par. 15.1.2; six (6) copies shall be submitted.

12.3.6 *Fee:* An application or petition fee as specified in Par. 14.8.

12.4 *PDU Procedure:* Request for a Planned Development Unit (PDU) is an application for approval of a SPECIAL EXCEPTION and may be granted by the Planning Commission only after due notice and public hearing as required by law. In approving an application the Planning Commission shall find that the applicable purposes and criteria of Par. 12.1. will be met in addition to the General Standards of 7.2. and the special standards of Par. 12.6.; otherwise the application shall be disapproved. If a Planned Development Unit is approved by the Planning Commission, the Planned Development authorized thereby is deemed to be permitted by these Regulations.

12.5 *PDD Procedure:* Request for a Planned Development District (PDD) constitutes a petition for legislative action to amend these Regulation in accordance with Section 15. The petition shall be submitted to the Zoning Commission and shall be signed by the owner or owners of all lots within the proposed District; provided, however, that the District may also include existing street, highway and utility rights-of-way not owned by the petitioner. Upon receipt, the Zoning Commission shall refer the petition to the Planning Commission and shall hold a public hearing

and act thereon in the same manner as required for amendment of these Regulations. The following requirements are also applicable:

12.5.1 *Findings:* A PDD may be adopted by the Zoning Commission only upon finding that proposed District and Planned Development meet the applicable purposes and criteria of Par. 12. an special standards of Par. 12.6 and that the District is in accordance with the comprehensive plan of zoning for the Town and consistent with the adopted Comprehensive Plan of Development for the Town of Southbury, Connecticut.

12.5.2 *Detailed Plans:* The use, buildings, structures and site development authorized by a PDD are permitted subject to administrative approval of Detailed Plans therefor as follows:

a. When a Cluster Residence development under the purposes specified in Par. 12.1.1 constitutes a subdivision subject to the Subdivision Regulations of the Town of Southbury, Connecticut, the Detailed Plans shall include a RECORD SUBDIVISION MAP, and all of the plans required therefor, approved by the Planning Commission under such Regulations; and

b. When the Planned Development is a Cluster Residence development that includes dwellings containing two (2) or more dwelling units (Par.12.1.1) or is a Multi-Family Dwelling Group (Par 12.1.2), or otherwise pertains to a purpose specified under Par. 12.1.3, 12.1.4 and/or 12.1.5, the Detailed Plans shall be submitted to the Zoning Enforcement Officer together with an APPLICATION for a ZONING PERMIT and shall include no less than the information required for SITE DEVELOPMENT PLANS under Par. 14.2.2 of these Regulations. Detailed Plans may be submitted for approval in sections or stages. The Zoning Commission shall act on the Detailed Plans in the same manner as specified for Planning Commission approval of SITE DEVELOPMENT PLANS under Par. 14.4.1 and 14.1.2; provided, however, that the following additional requirements are applicable:

i. The Zoning Commission, in reviewing and approving Detailed Plans, shall refer a copy of such Plans to the Planning Commission, and, within 45 days of the referral, the Planning Commission shall report its recommendations to the Zoning Commission concerning compliance with the standards of Section 7 of the Regulations and consistency with the adopted Comprehensive Plan of Development. Subsequent modifications to approved detailed plans need not be referred to the planning commission so long as the fundamental character of the approved detailed plans, as determined by the zoning commission, is not changed.

ii. The Detailed Plans, as determined by the Zoning Commission, shall conform to the PDD Regulation, shall be consistent with the General Plans that are a part of such Regulations and shall conform to the standards of Section 7 as those standards may be modified by such PDD Regulation; and

iii. If the Planned Development constitutes a subdivision as provided in Par. 12.5.2a, eligibility to submit such Detailed Plans for approval occurs only after the RECORD SUBDIVISION MAP has been approved by the Planning Commission under Subdivision Regulations.

12.5.3 *Adoption of PDD:* The Planned Development District (PDD) may be adopted by the Zoning Commission with modifications deemed necessary by the Commission to maintain the purposes of these Regulations. Notice of adoption shall be given in the same manner as required for amendment of these Regulations. Any adopted PDD shall be shown on the Zoning Map with its own PDD number and with a reference to Town records where the District provisions may be seen.

12.5.4 *Time Limits:* The Zoning Commission, in connection with adoption of a Planned Development District, may specify time period within which APPLICATION for a ZONING PERMIT and submission of Detailed Plans shall be made, construction shall commence and/or the Planned Development shall be completed and a Certificate of Zoning

Compliance therefor obtained; if not so specified, the Planned Development shall be completed and a Certificate of Zoning Compliance therefor obtained within five (5) years from the effective date of the District. The Zoning Commission may extend such time periods after the public hearing for good cause shown. In the event of failure to meet such time periods, as the same may be extended, the Zoning Commission is deemed authorized by the owner to the tract or lot to amend these Regulations and the Zoning Map, deleting the Planned Development District and establishing in its place the previous or another zoning district.

12.6 *PDU and PDD Special Standards:* The following special standards are applicable to a Planned Development whether authorized as a Planned Development District or a Planned Development Unit:

12.6.1 *Cluster Residence Development* shall conform to the criteria of such Technical Supplement #1, and without limiting the generality thereof, the following in particular:

a. The number of dwelling units shall not exceed the number that could be established as the sum of single detached dwellings for one (1) family on approvable building lots in the District where proposed; and

b. From and after the effective date of this Par. 12.6.1b, the sum of the number of dwelling units in dwellings containing two (2) or more dwelling units authorized in Cluster Residence developments in the Town shall not exceed 285.

12.6.2 *Multi-Family Dwelling Groups* shall conform to the criteria of such Technical Supplement #2, and without limiting the generality thereof, the following in particular:

a. The lot on which dwellings containing two (2) or more dwelling units are located shall contain not less than 15,000 square feet of lot per area per dwelling unit, exclusive of all wetlands, water bodies, flood plains and land having a slope in excess of 25% grade;

b. From and after the effective date of this Par. 12.6.2b, the sum of the number of dwelling units in dwellings containing two (2) or more dwelling units authorized in such Multi-Family Dwelling Groups in the Town shall not exceed 285, minus such number as may be authorized in Residential R-30A Districts after such date, and no more than 40% of the 285 dwelling units, shall be authorized in each of the five (5) year periods commencing with October 1 of 1987, 1992 and 1997; and

c. The request for a Planned Development for a Multi-Family Dwelling Group shall demonstrate that, in planning the Dwelling Group, consideration has been given to alternative housing opportunities for a variety of types of families and individuals, including features of family size, income and age of occupant, that may reside in the Town.

12.6.3 *Other Residential:* When the Planned Development, or portion thereof, under the purposes of Par. 12.1.3, 12.1.4 and/or 12.1.5 includes subdivision of land to create lots for single-family detached dwellings and/or establishment of dwellings containing two (2) or more dwelling units, the special standards of Par. 12.6.1 and 12.6.2 shall be applicable to such lots and dwellings.

12.7 *Existing Planned Development:* Existing Planned Developments, whether approved under a Planned Development District or as a Planned Development Unit prior to November 1, 2002, may be continued subject to all of the requirements of SECTION 12 - PLANNED DEVELOPMENT as it existed on that date as well as the applicable Planned Development District regulations and the conditions imposed and stipulations made in connection with a Planned Development Unit, and such existing Planned Developments may be modified in accordance with the procedures, standards and conditions specified in SECTION 12 prior to such date.

(Ord. of 11-9-11)

Section 13. - Nonconformity.

13.1 *Intent:* It is the intent of these Regulations that nonconformities are not to be expanded, that they should be changed to conformity as quickly as the fair interests of the parties permit and that the existence of any existing nonconformity shall not in itself be considered grounds for the issuance of a variance for any other property.

13.2 *Definitions:* A nonconforming use, building or other structure, or lot is one which existed lawfully, whether by variance or otherwise, on the date these Regulations or any amendment hereto became effective, and which fails to conform to one or more of the provisions of these Regulations or such amendment hereto. No nonconforming use, building or other structure, or lot shall be deemed to have existed on the effective date of these Regulations unless 1) it was actually in being on a continuous basis on such date, and 2) if such nonconformity is a use, such use had not been discontinued within the meaning of Paragraph 13.4. For the purposes of Paragraph 13.3 "actual construction" is hereby defined to include no less than the placing of construction materials in a permanent position and fastened to the earth in a permanent manner.

13.3 *Change in Plans:* Nothing in these Regulations shall be deemed to require a change in the plans, construction or designated use of any building or other structure for which either 1) any required Building Permit shall have been issued prior to promulgation of these Regulations or 2) application for a ZONING PERMIT has been approved and any required Building Permit shall have been issued subsequent to promulgation of these Regulations and, in each case, on which actual construction was lawfully begun in good faith prior to such date and diligently prosecuted to completion within two (2) years following such date.

13.4 *Discontinuance:* No nonconforming use of land, building or other structure which shall have been discontinued with intent to abandon said use for a continuous period of one (1) year shall thereafter be resumed or be replaced by any other nonconforming use.

13.5 *Repair:* Nothing in this Section shall be deemed to prohibit work on any nonconforming building or other structure when required by law to protect the public health or safety and when ordered by the Fire Marshal or Director of Health, provided that such work does not increase the nonconformity. Nothing in this Section shall be deemed to prohibit work on ordinary repair and maintenance of a nonconforming building or other structure or replacement of existing materials with similar materials.

13.6 *Enlargement:* No nonconforming use of land shall be enlarged, extended or altered, and no building or other structure or part thereof devoted to a nonconforming use shall be enlarged, extended, constructed, reconstructed or structurally altered, except where the result of such changes is to reduce or eliminate the nonconformity. No nonconforming use of a building or other structure shall be extended to occupy land outside such building or other structure or space in another building or other structure. No nonconforming building or structure shall be enlarged, extended, constructed, reconstructed or altered, if the result would be an increase in nonconformity, except that any dwelling, including decks and porches attached thereto, located in an R-20 zone which is legally nonconforming with respect to the side yard requirement of said zone (schedule B, line 8) may be enlarged and extended into the required side yard to the same extent as the existing dwelling. However, no such enlarged or extended building or structure shall be permitted when the resulting separation from a principal building on the adjacent lot would be less than ten (10) feet or the separation from the side property line would be less than five (5) feet. This exception does not apply to accessory buildings or structures.

13.7 *Moving:* No nonconforming use of land shall be moved to another part of a lot or outside the lot, and no nonconforming use of a building or other structure shall be moved or extended to any part of the building or other structure not manifestly arranged and designed for such use at the time the use became nonconforming, and no building or other structure containing a nonconforming use shall be moved, unless the result of any such move is to end the nonconformity. No nonconforming building or structure shall be moved unless the result of such moving is to reduce or eliminate its nonconformity.

13.8 *Change:* No nonconforming use of land, buildings or other structure shall be changed to any use which is substantially different in nature and purpose from the former nonconforming use except such uses as are permitted as of right in the district in which they are to be located. No

nonconforming use of land, building or other structure if once changed to conform or to more nearly conform to these Regulations shall thereafter be changed so as to be less conforming again. No nonconforming building or structure if once changed to conform or to more nearly conform to these Regulations shall thereafter be changed so as to be less conforming again.

13.9 *Signs:* Signs of a size or type not permitted in the district in which they are situated, or which are improperly located or illuminated, or nonconforming in any other way, shall be considered nonconforming structures under this Section, and any increase in size, illumination, or flashing of such signs shall be deemed to be an enlargement or extension producing an increase in nonconformity.

13.10 *Casualty:* If any nonconforming building or other structure or any building or structure containing a nonconforming use shall be destroyed by fire or other casualty, the building or other structure may be reconstructed or repaired and the same nonconforming use resumed, provided that such reconstruction is started within a period of one (1) year from such casualty and diligently prosecuted to completion. In the event of failure to start such reconstruction or repair within a period of one (1) year from casualty and to complete the same within 18 months from such casualty, or within such additional period, not exceeding six (6) months, as the Zoning Commission may grant upon written application made to it, the right under this paragraph to reconstruct or repair such building or other structure and the right to resume such nonconforming use shall be lost and terminated.

13.11 *Lots:* A lot, as defined in Section 1, which fails to conform to the area, shape or frontage requirements of these Regulations may be used and a building or other structure constructed, reconstructed, enlarged, extended, moved or structurally altered thereon, subject to all of the following standards and conditions:

13.11.1 The lot shall conform to the minimum access requirements of Par. 1.9.

13.11.2 The owner of the lot shall not own sufficient contiguous land which when combined with the lot would make a conforming lot or more nearly conforming lot, provided however, that a nonconforming lot shown on a subdivision map approved by the Southbury Planning Commission subsequent to January 18, 1966 and filed in the Office of the Southbury Town Clerk and having no more than 15% of the area of such lot consisting of wetlands and watercourses may be used as a lot separate from such contiguous land.

13.11.3 The use, building or other structure on the lot shall conform to all other requirements of these Regulations.

13.11.4 If used for a dwelling, the lot shall contain a minimum area of 10,000 square feet and the dwelling shall be served by a public or community water supply system or, if not so served, the lot shall contain a minimum area of 20,000 square feet, provided however, that any existing dwelling on a nonconforming lot may be enlarged, extended or structurally altered and permitted accessory buildings and uses may be added to the lot without need to comply with the aforesaid minimum lot area requirements.

13.12 *Title:* No change of title, possession or right of possession shall be deemed to affect right to continue a nonconforming use, building or other structure.

13.13 *Site Development:* Site development, including landscaping and all other features of site and building development that are subject to the standards of Section 7 - Site Development Plan Standards, which fail to conform to the requirements of these Regulations under Section 7 shall be deemed a nonconformity. No use for which a SITE DEVELOPMENT PLAN is required to be submitted under Par. 14.2 and Section 7 shall be enlarged, extended, changed or moved, no building or other structure for which such PLAN is required shall be enlarged, extended, moved or reconstructed and no site development shall be enlarged, extended, moved or reconstructed unless such nonconformity is eliminated, provided that the Planning Commission, in accordance with the provisions of Par. 7.3 of Section 7, may grant a SPECIAL EXCEPTION authorizing continuation or reduction of the nonconformity. Any use, building or other structure existing on September 9, 1970 and to which Section 7 is applicable shall not be deemed nonconforming solely for the reason that a SITE DEVELOPMENT PLAN therefor has not been approved under these Regulations.

Section 14. - Administration.

14.1 *Zoning Enforcement Officer:* The Zoning Commission shall appoint a Zoning Enforcement Officer who shall have the responsibility and authority to enforce the provisions of these Regulations. The Commission may appoint deputy enforcement officers to assist and act for him. No ZONING PERMIT, CERTIFICATE OF ZONING COMPLIANCE, [or] other zoning enforcement document shall be issued unless signed or countersigned by the Zoning Enforcement Officer or such deputy zoning enforcement officer.

14.2 *Application:* APPLICATION for a ZONING PERMIT shall be submitted to the Zoning Enforcement Officer prior to construction, reconstruction, extension, enlargement, moving or structural alteration of any building or other structure and prior to the use or occupancy of any land, building or other structure. The APPLICATION shall be accompanied by fees as specified in Par. 14.8 and, for proposed buildings, structures and improvements having a value of more than $500.00, shall also be accompanied by the following:

14.2.1 *Plot Plan:* A plot plan in duplicate, drawn to scale, showing all of the following information, both existing and proposed:

a. The area of the lot, and the dimensions, radii and angles or bearings of all lot lines;

b. The height, dimension, use, floor area, ground coverage and location of all buildings and other structures;

c. The location, area and dimension of off-street parking and loading spaces, any barriers required in connection therewith and the means of access to such spaces;

d. The location of any existing or proposed on-site sewage disposal system and water supply well;

e. Signs and other facilities and improvements that are subject to the provisions of these Regulations;

f. In the Flood Plain District, the flood plain boundary and elevation data as specified in Par. 5.2.3;

g. Provision for soil erosion and sediment control in accordance with the Town of Southbury Soil Erosion and Sediment Control Ordinance unless a separate Soil Erosion and Sediment Control Plan is submitted under Par. 14.2.2; and,

h. Such additional information as may be necessary to determine compliance with the provisions of these Regulations.

For proposed construction involving only interior alterations, or alterations with no enlargement or extension of the building or structure, the Zoning Enforcement Officer may waive the required submission of a plot plan. The Zoning Enforcement Officer may require the applicant to present a plot plan that is prepared and certified by either a land surveyor or engineer, licensed to practice in the State of Connecticut, if deemed necessary to determine compliance with these Regulations. Plot plans accompanying APPLICATIONS which pertain to a nonconforming building or structure or a nonconforming lot shall be prepared and certified by either a land surveyor or engineer, licensed to practice in the State of Connecticut, unless such requirement is waived by the Zoning Enforcement Officer.

14.2.2 *Site Development Plan:* For uses permitted in a district subject to securing of a SPECIAL EXCEPTION and its accompanying SITE DEVELOPMENT PLAN, the following shall be submitted with the Application for a Zoning Permit and may be substituted for the plot plan specified in Par. 14.2.1. if it provides all of the information required for a plot plan:

a. *Statement of Use:* A written statement, signed by the applicant, and by the owner if different from the applicant, describing the following in sufficient detail to determine compliance with the provisions of these Regulations, including the use provisions of

Section 3, and to establish the plan and site development program basis for review of the SITE DEVELOPMENT PLAN submission; four (4) copies shall be submitted:

i. A declaration as to the nature and extent of the proposed use or occupancy;

ii. Provision to be made for the following: water supply, and the annual average daily demand; sewage disposal; solid and liquid waste disposal; drainage; and other utilities;

iii. The number of persons to be employed at, occupy and/or visit the premises on a daily basis, including the parking and loading requirements for the use;

iv. An estimate of the type of vehicular traffic and number of vehicle trips to be generated on a daily basis and at peak hour;

v. The equipment or other methods to be established to comply with the performance standards of Par. 1.4; and

vi. Disclosure of any toxic or hazardous materials to be used, stored or processed in connection with the proposed use or occupancy as identified in the U.S. Environmental Protection Agency list of priority pollutants, Sec. 3001 of the Resource Conservation and Recovery Act (40 CFR Part 261) or the State of Connecticut Hazardous Waste Regulations with disclosure shall include a description of how such materials are to be managed and a report on the status of permits and approvals required from Federal, State and Town agencies having jurisdiction.

b. *Site Plan:* A site plan, drawn to a scale of not less than 50 feet to the inch, showing all of the following information, both existing and proposed, as applicable to the particular APPLICATION, prepared by a professional engineer, architect or landscape architect licensed to practice in the State of Connecticut; four (4) copies shall be submitted:

i. Property lines of the lot, and any lines delineating a portion of the lot to be used under the APPLICATION;

ii. Existing contours and proposed grading contours at an interval not exceeding two (2) feet, or equivalent ground elevations, based on Mean Sea Level, including identification of a bench mark at the site;

iii. Buildings, structures, retaining walls, fences and barriers;

iv. Signs and outdoor illumination facilities, and the specifications therefor;

v. The rights-of-way of streets adjoining or serving the lot;

vi. Street pavement, driveways, curbs and sidewalks, and the specifications therefor, and traffic control devices;

vii. Off-street parking and loading spaces, and access aisles and turning areas therefor;

viii. Outside storage areas and provision for solid waste storage and disposal, and the screening therefor;

ix. All other paved areas, and underground storage facilities;

x. Water courses, water bodies and inland wetlands, and the boundaries of U.S. Soil Conservation Service soil types;

xi. Storm drainage, sewage disposal and water supply facilities, and the soil tests locations and results, and the engineering computations therefor;

xii. Docks and bulkheads;

xiii. In a Flood Plain District, the flood plain boundary and the base flood and floor elevation data as specified in Par. 5.2.3, based on the datum specified in Par. 14.2.2b(ii) above;

xiv. Landscaping, including trees, shrubs, lawn, seeding, fences, screening and other landscape features, and the specifications therefor, as well as lines delimiting any natural terrain not to be disturbed;

xv. A schedule specifying the area of the lot, the amount of floor area, building ground coverage and total coverage by building and paving in square feet and as a percent of the lot, and the basis for computation of required off-street parking and loading spaces; and

xvi. A location map showing the lot in relation to streets and properties in the neighborhood, as well as the north point, name and seal of the preparer of the plan, date of preparation and all revision dates, including identification of the item revised.

c. *Architectural Plans:* Architectural plans of all proposed buildings and structures, and signs and outdoor illumination facilities unless otherwise provided in connection with the site plan, as applicable to the particular APPLICATION, which plans may be preliminary in form but shall include exterior elevation drawings, floor plans and perspective drawings in sufficient detail to indicate the exterior building materials, color, height, bulk, stories, roof line, ornamentation and general character and the interior uses of the floor area, all prepared, except for drawings for signs, by an architect or professional engineer licensed to practice in the State of Connecticut; four (4) copies shall be submitted.

d. *Soil Erosion and Sediment Control Plan:* A Soil Erosion and Sediment Control Plan in accordance with the Town of Southbury Soil Erosion and Sediment Control Ordinance; four (4) copies shall be submitted.

e. *Traffic Impact Report:* For SITE DEVELOPMENT PLANS involving 50 or more new parking spaces or proposed uses projected to generate either more than 200 vehicles trips per day or more than 100 vehicle trips per day per 1,000 square feet of floor area, a traffic impact report, prepared by a recognized traffic engineer, indicating the expected average daily vehicular trips and peak hour volumes to be generated by all of the uses on the lot and the access conditions at the lot, distribution of such traffic to be generated, types of vehicles expected, effect upon the Level of Service on the street giving access to the lot and at nearby intersections and recommended access and street improvements to avoid congestion and provide safe and convenient access, taking into account the site generated trips and the traffic on the street and at nearby intersections projected to the date of occupancy of the site.

f. *Historic and Archeological Site Submission:* When applicable, the historic and archeological site submission specified in Par. 7.2.18, which submission may be combined with other elements of the Site Development Plan; four (4) copies shall be submitted.

14.2.3 *Other Applications:* For uses permitted in a district, subject to the securing of a SPECIAL EXCEPTION under these Regulations, the APPLICATION shall be accompanied by an application for such SPECIAL EXCEPTION and the related maps, plans and documents required therefor by these Regulations.

14.2.4 *Additional Information:* When requested by the Zoning Enforcement Officer, the APPLICATION shall also be accompanied by other plans, drawings, data and documents necessary for him to determine compliance with the provisions of these Regulations.

14.3 *Referral:* When an APPLICATION for a ZONING PERMIT may be approved only after approval of a SPECIAL EXCEPTION, SITE DEVELOPMENT PLAN or other action by the Board of Appeals or the Planning Commission, the APPLICATION and accompanying maps, plans and documents shall be referred by the Zoning Enforcement Officer to such Board or Commission and to the Zoning Commission upon receipt.

14.4 *Approval of Site Development Plans:* The following procedures, standards and conditions shall be applicable to the approval of SITE DEVELOPMENT PLANS by the Planning Commission:

14.4.1 *Additional Information:* The Commission may request the applicant to submit such additional information that it deems necessary in order to decide on the SITE DEVELOPMENT PLAN, including but not limited to a) detailed plans for storm drainage, sewage disposal and water supply facilities, b) storm drainage computations and c) the results of seepage tests, borings and other soils tests and d) details and specifications for elements of the PLAN. The Commission, upon written request by the applicant, may by resolution a) determine that the required submission of all or part of the information specified in Par. 14.2.2(b) and 14.2.2(c) is not necessary in order to decide on the PLAN and need not be submitted or b) determine that such information is deferred for submission and decision at a later date.

14.4.2 *Action:* Within 65 days after receipt of a complete SITE DEVELOPMENT PLAN and APPLICATION by the Commission, it shall either approve, approve subject to modifications or disapprove the PLAN. The applicant may consent in writing to one extension of such period, provided the total period of any such extension shall not exceed one (1) 65 day period, or the applicant may withdraw the PLAN and APPLICATION. A SITE DEVELOPMENT PLAN may be approved subject to modifications or disapproved only if it fails to conform to the requirements set forth in these Regulations. A decision to disapprove or modify a PLAN shall set forth the reasons for such disapproval or modification. The Commission shall transmit a copy of its action to the Zoning Enforcement Officer. Within 15 days after such action, the Commission shall also send a copy thereof to the applicant by certified mail. In the event of failure of the Commission to act within the 65 day period, or as such period may be extended, the Zoning Enforcement Officer shall enforce the provisions of these Regulations.

14.4.3 *Standards:* The SITE DEVELOPMENT PLAN shall be approved by the Commission when the Commission determines that the PLAN conforms to all of the requirements of these Regulations and to the standards for SITE DEVELOPMENT PLANS specified in Section 7.

14.4.4 *Expiration:* The action of the Commission approving a SITE DEVELOPMENT PLAN, or approving it subject to modifications, shall automatically expire 12 months from the date of such action unless a ZONING PERMIT authorizing the PLAN has been issued by the Zoning Enforcement Officer.

14.5 *Approval and Issuance:* The Zoning Enforcement Officer shall issue a ZONING PERMIT to authorize the construction, reconstruction, extension, enlargement, moving or structural alteration of a building or other structure and shall issue a CERTIFICATE OF ZONING COMPLIANCE for the use or occupancy of any land, building or other structure when he determines that all of the requirements of these Regulations have been met. No ZONING PERMIT and no CERTIFICATE shall be considered issued unless signed by the Zoning Enforcement Officer or his Deputy. Within 10 days after notification by the applicant that the premises are ready for occupancy, the Zoning Enforcement Officer shall issue or deny a CERTIFICATE. One (1) copy of the plot plan shall be returned by the Zoning Enforcement Officer to the applicant. The following additional requirements shall apply to the issuance of ZONING PERMITS and CERTIFICATES:

14.5.1 *Staking:* No ZONING PERMIT shall be issued by the Zoning Enforcement Officer for any new construction until the applicant has accurately placed stakes or markers on the lot indicating the location of proposed construction. The Zoning Enforcement Officer may require the applicant to place stakes or markers on the lot indicating the location of lot lines. The Zoning Enforcement Officer may require the placement of stakes or markers to be made and certified by either a land surveyor or engineer, licensed to practice in the State of Connecticut.

14.5.2 *Measurements and Certifications:* If deemed necessary to determine compliance with these Regulations and before issuance of a CERTIFICATE OF ZONING COMPLIANCE, the Zoning Enforcement Officer shall require the applicant to furnish measurements of any construction features subject to the requirements of these Regulations, including setback distances, which measurements shall be prepared and certified by a land surveyor licensed to practice in the State of Connecticut. The Zoning Enforcement Officer may require the applicant to present a lot plan, or a SITE DEVELOPMENT PLAN if applicable, certified by a land surveyor or engineer licensed to practice in the State of Connecticut, showing the construction as built.

14.5.3 *On-Site Water Supply and Sewage Disposal:* Where a proposed use or a proposed building or other structure involves the installation, extension, relocation or reconstruction of an on-site sewage disposal or water supply system, no ZONING PERMIT shall be issued until plans for such system have been approved by the Director of Health or his authorized agent; no CERTIFICATE OF ZONING COMPLIANCE shall be issued until such system has been completed and approved by the Director of Health or his authorized agent or until the use or building or structure has been provided with connections to a public sanitary sewer and/or public water supply system.

14.5.4 *Adequacy of Public Water Supply:* Where a proposed use, building or other structure involves the installation, construction, expansion or extension of a public water supply system, including connection to such system, and the projected annual average daily usage demand for water for the use is 10,000 gallons per day or more or the use consists of 35 or more dwelling units or buildings and structures having 50,000 square feet or more of floor area, no ZONING PERMIT shall be issued until the Zoning Enforcement Officer is in receipt of a) documentation establishing that the Connecticut Department of Health Services, where required by the Connecticut General Statutes and/or Regulations of Connecticut State Agencies, has approved such installation, construction, expansion or extension, or connection, and b) documentation establishing that such public water supply system will have an adequate supply for its present users, the proposed use, building or structure and all future users for whom water from the system has been committed. Adequacy of the public water supply and documentation therefore shall consist of the following:

a. The public water supply system is deemed to have an adequate supply if, within State permits to divert ground or surface water for the system, the system can produce a safe daily yield that exceeds the annual average daily demand of its existing and prospective customers for whom water from the system has been committed, including the proposed use, building or structure, by at least 15%.

b. Such documentation shall include a report stating the annual average daily demand of the proposed use, building or structure as well as the following information pertaining to the public water supply system for the calendar year preceding the date of request for ZONING PERMIT or, if more recent information has been provided to any agency of the State of Connecticut or is otherwise publicly available, then such information; maximum daily water diversion authorized by applicable permits issued by the Connecticut Department of Environmental Protection; safe daily yield, total annual average daily demand for existing customers connected to the system and, total estimated annual average daily demand for prospective customers for whom water from the system has been committed as of the date of the request for Zoning Permit.

c. For purposes of this Par. 14.5.4, safe daily yield shall mean the least of the system's safe daily yield based on an 18-hour pumping day, safe daily yield based on a 24- hour pumping day with the largest well out of service or safe daily yield as defined by the Regulations of Connecticut State Agencies.

The aforesaid documentation may be provided to the Zoning Enforcement Officer by the applicant, the owner of the public water supply system, an agency of the Town or the Pomperaug District Department of Health, and shall include those portions of the most recent reports submitted by the public water supply system to any agency of the State of Connecticut which contain any of the information required by this Par. 14.5.4. The provisions of this Par. 14.5.4 are applicable to approval of ZONING PERMITS after the effective date of this Paragraph.

14.5.5 *Soil Erosion and Sediment Control:* When a Soil Erosion and Sediment Control Plan is required by these Regulations, or by the Town of Southbury Soil Erosion and Sediment Control Ordinance, in connection with a proposed use, building or other structure or site development, no ZONING PERMIT therefor shall be issued until the Control Plan has been certified in accordance with such Ordinance and no CERTIFICATE OF ZONING COMPLIANCE therefor

shall be issued until the soil erosion and sediment control measures have been completed in accordance with the certified Control Plan.

14.5.6 *Conditions:* Any maps, plans, documents, statements and stipulations submitted to and approved by the Board of Appeals or Planning Commission in con- nection with any action of such Board or Commission under these Regulations, and any conditions of approval attached by the Board or Commission, shall be conditions for issuance of a ZONING PERMIT and a CERTIFICATE OF ZONING COMPLIANCE by the Zoning Enforcement Officer.

14.5.7 *Temporary Certificate:* Upon certification by the applicant that the public health and safety will not be impaired and that there will be compliance with all other laws pertaining to health and safety, the Zoning Enforcement Officer may issue a TEMPORARY CERTIFICATE OF ZONING COMPLIANCE having a duration of not more than six (6) months and renewable only for one additional six (6) month period, for the temporary use of land, buildings and other structures in the process of improvement and completion in accordance with an approved ZONING PERMIT. If any off-street parking and loading, driveways, drainage, sewage disposal, sidewalks, landscaping or similar site improvements, in connection with a use for which a SITE DEVELOPMENT PLAN has been approved or SPECIAL EXCEPTION granted, are incomplete, the Zoning Enforcement Officer may issue such TEMPORARY CERTIFICATE OF ZONING COMPLIANCE only after the applicant has filed with him a cash or savings account bond, in such amount as he deems sufficient to insure the faithful completion of such site improvements and in form acceptable to the Town Counsel.

14.5.8 *Other Permits:* Issuance of a ZONING PERMIT or issuance of a CERTIFICATE shall not be construed to constitute compliance with any other regulation, ordinance or law nor to relieve the applicant from responsibility to obtain any permit thereunder. The Zoning Enforcement Officer may at his discretion withhold issuance of a ZONING PERMIT or CERTIFICATE until any such permit has been approved and obtained by the applicant.

14.5.9 *Time Limits:* Any ZONING PERMIT issued under these Regulations shall expire 12 months from the date of issuance a) unless a valid Building permit for the use, construction and site development authorized by the ZONING PERMIT is in effect or otherwise b) the Zoning Enforcement Officer renews the ZONING PERMIT, for periods not to exceed 12 months, when he determines that the use, building and/or site development authorized by the ZONING PERMIT is in conformity with these Regulations and any amendments thereof made subsequent to the date of original issuance of the ZONING PERMIT.

14.6 *Inspections:* The Zoning Enforcement Officer is authorized to inspect or cause to be inspected any building, structure or premises to determine compliance with these Regulations. No ZONING PERMIT and no CERTIFICATE OF ZONING COMPLIANCE, shall be issued until the Zoning Enforcement Officer has inspected the building, structure or premises involved to determine that the use and/or the building or other structure conform to these Regulations.

14.7 *Orders:* The Zoning Enforcement Officer is authorized to issue a STOP WORK ORDER if the use of land, buildings and other structures or the construction, reconstruction, extension, enlargement, moving or structural alteration of a building or other structure are not being carried out in compliance with these Regulations; he shall with draw such ORDER when there is compliance with these Regulations. The Zoning Enforcement Officer is authorized to order in writing the remedying of any condition found to be in violation of these Regulations.

14.8 *Fees.* Fees for applications, certificates, inspections, requests and petitions under the Regulations shall be paid to the Town of Southbury in accordance with a certain ordinance entitled "Fee Schedule Ordinance" adopted by the Town of Southbury and as the same may be amended from time to time.

14.9 *Records:* The Zoning Enforcement Officer shall keep records of all fees, all APPLICATIONS, ZONING PERMITS and CERTIFICATES, all identifiable complaints of any violation of these Regulations, all inspections made under these Regulations and all notices of violation served by him and the action taken thereon.

14.10 *Rules, Policy and Procedure:* The Zoning Commission may from time to time by resolution adopt administrative rules, policies and procedures for the enforcement of these Regulations.

14.11 *Board of Appeals (General):* The Board of Appeals shall have all of the powers and duties prescribed by these Regulations and by the General Statutes of the State of Connecticut. In exercising its authority, the Board of Appeals may adopt necessary rules and procedures and shall adhere to the following:

14.11.1 Where a use of land, buildings or other structures is prohibited in a district but is permitted in another district subject to administrative approval of a SITE DEVELOPMENT PLAN by the Planning Commission under these Regulations, a variance to permit such use may be granted only subject to submission and approval of a SITE DEVELOPMENT PLAN by the Planning Commission.

14.11.2 Where a use of land, buildings or other structures is permitted in a district subject to administrative approval of a SITE DEVELOPMENT PLAN by the Planning Commission, a variance in connection with such use may be granted only subject to submission and approval of a SITE DEVELOPMENT PLAN by the Planning Commission.

14.11.3 No variance shall be granted which would permit a use of land, buildings or other structures prohibited in all districts in the Town.

14.12 *Board of Appeals (Flood Plain District):* These Regulations impose special requirements applicable in the Flood Plain District and, under Section 5, incorporate requirements of the "Flood Damage Prevention and Control Ordinance of the Town of Southbury, Connecticut." The Board of Appeals shall hear and decide appeals and requests for variances from the Flood Plain District requirements and such Ordinance. Such Board shall have the following duties:

14.12.1 To hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Building Official in the enforcement and administration of such Ordinance;

14.12.2 To issue variances from the standards of Section 5 and such Ordinance, under the general considerations set forth and the conditions for variance specified in Sec. 6-15 of such Ordinance;

14.12.3 To issue variances for the repair or rehabilitation of historic structures upon a determination that i) the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure, and ii) the variance is the minimum necessary to preserve the historic character and design of the structure.

Any person or persons severally or jointly aggrieved by any decision of the Board of Appeals acting under this Paragraph 14.12, or any person owning land which abuts or is within a radius of 100 feet of any portion of the land involved in any decision of said Board, or any officer, board or commission of the Town of Southbury, having jurisdiction or responsibility over flood hazards in the Town, may take an appeal to the Superior Court of the county or judicial district in which such municipality is located in the same manner as provided under the provisions of Section 8-8 of the General Statutes of the State of Connecticut.

(Ord. of 6-13-90)

Section 15. - Amendments.

15.1 These Regulations, including the Zoning Map which is a part hereof, may be amended by the Zoning Commission on its own initiative or when initiated by a petition. Any amendment may be adopted only after due notice and public hearing as prescribed by the General Statutes of the State of Connecticut. Any petition for amendment shall be accompanied by the following:

15.1.1 For petitions concerning the text of these Regulations, 12 copies of the existing and proposed text shall be submitted.

15.1.2 For petitions concerning the Zoning Map, two (2) copies of a map shall be submitted, drawn to a scale of not less than 200 feet to the inch, covering the area of the proposed change and all area in the Town within 500 feet of the proposed change, and showing for such area the existing and proposed zoning district boundary lines, the existing property lines and the names of the current property owners as indicated in the Southbury Assessor's records.

15.1.3 A petition fee as specified in Section 14.

Section 16. - Penalties.

16.1 Any person, firm or corporation who shall violate any provision of these Regulations shall be subject to penalties in accordance with the General Statutes of the State of Connecticut.

Section 17. - Continuity, validity and effective date.

17.1 In any instance under these Regulations where approval or other action by any board, commission, agency or official is required and such board, commission, agency or office shall cease to exist, such approval or other action shall be the responsibility of the Zoning Commission.

17.2 If the General Statutes of the State of Connecticut shall be amended so that any provision of these Regulations is in conflict with such amendment, such conflicting provision of these Regulations shall be considered superseded by the requirements of the General Statutes without formal amendment of these Regulations.

17.3 The invalidity of any section, paragraph or provision of these Regulations shall not invalidate any other section, paragraph or provision hereof.

17.4 These Regulations, and any amendment or change hereto, shall be in full force and effect from the date established by the Zoning Commission in accordance with the General Statutes of the State of Connecticut.

ADMINISTRATIVE POLICY #1 accompanying the Zoning Regulations of the Town of Southbury, Connecticut.

CERTIFICATION OF MAPS AND PLANS; FILE COPIES

A. *General:* As specified in the Zoning Regulations, certain plot plans, site plans and architectural plans are required to be prepared and/or certified by a land surveyor, professional engineer, architect or landscape architect licensed to practice in the State of Connecticut, and copies of plans are required to be submitted. It is the purpose of this Administrative Policy #1 to assure uniformity in certifications and to obtain copies of maps and plans in a form that will be a permanent record for zoning administration.

B. *Accuracy of Survey:* Plot plans, other plans and land surveys identified in Par. 8.9.3, 14.2.1, 14.2.2b, 14.5.1 and 14.5.2 shall be prepared with an accuracy meeting or exceeding standards for a "Class A-2" type of survey specified in the "Code of Recommended Practice for Standards of Accuracy of Surveys and Maps", approved by the State Board of Registration for Professional Engineers and Land Surveyors.

C. *Seals:* Any plot plan, site plan or architectural plan, required under the Zoning Regulations to be submitted to the Town and to be prepared by a land surveyor, engineer, architect and/or landscape architect, shall bear the Connecticut seal of the preparer, certifying the accuracy of survey or identifying responsibility for plans, as applicable, in accordance with law.

D. *Copies for File:* Applicants for a Zoning Permit or Certificate of Zoning Compliance and petitioners requesting amendment of the Zoning Map shall make timely presentation of a copy of maps and plans, printed on good quality polyester film .003 thick or better, as follows:

D-1. Of the site plan required under Par. 14.2.2b, when approved by the Southbury Planning Commission under Par. 14.4.2 or the Zoning Board of Appeals under Par. 6.4, and showing modifications specified by such Commission or Board to be made;

D-2. Of the site plan when required to be certified under Par. 14.5.2, showing the site development as built;

D-3. Of the General Plans, required under Par. 12.3.4, that are part of a Planned Development District adopted by the Zoning Commission, on sheets 36" × 24", 24" × 18" or 18" × 12" for filing with the Town Clerk;

D-4. Of the site plan portion of Detailed Plans approved by the Zoning Commission under Par. 12.5.2, and showing all modifications specified by the Zoning Commission to be made.

Adopted by the Southbury Zoning Commission on January 14, 1987 under the provisions of Par. 14.10 Rules, Policy and Procedure of the Zoning Regulations.

ADMINISTRATIVE POLICY #2 accompanying the Zoning Regulations of the Town of Southbury, Connecticut.

PLAN OF DEVELOPMENT

A. *General:* Provisions of the Zoning Regulations refer to a "plan of development" and "Comprehensive Plan of Development", or supplement or amendment thereto, adopted by the Southbury Planning Commission under the provisions of Chapter 126 of the Connecticut General Statutes. Reference to such plan is made as a guide for administration of the Zoning Regulations, particularly with regard to site development plan standards under Section 7 and the consideration of planned development under Section 12. It is the purpose of this Administrative Policy #2 to affirm the plan documents intended to be used as such a guide.

B. *Documents:* The "plan of development" documents, adopted by the Southbury Planning Commission after notice and public hearing, are identified as follows and are on file in the Office of the Southbury Town Clerk:

B-1. "Southbury 2012 Plan of Conservation and Development" adopted effective December 31, 2012, and which contains guides, inter alia, for the location, character and extent of land use, for circulation, for Level of Service for traffic and for centers and historic sites as well as criteria for cluster residences and multi-family dwelling groups.

Editor's note— As a part of Supp. No. 28, at the direction of the town, B-1. was amended to read as set out herein.

B-2. "Comprehensive Plan of Development for the Town of Southbury, Connecticut: Southbury Center Plan", adopted May 24, 1994, effective June 10, 1994.

B-3. "Southford 2006 Plan of Conservation & Development" adopted April 28,1966, revised June 30, 2006, effective September 30, 2006.

B-4. "Streetscape Plan for Main Street South", adopted October 30, 1990, effective November 15, 1990.

B-5. "Exit 16 Strongtown", adopted March 17, 1998, effective April 18, 1998.

[Adopted by the Southbury Zoning Commission on March 13, 1991, under the provisions of Par. 14.10 Rules, Policy and Procedure of the Zoning Regulations.]

ADMINISTRATIVE POLICY #3 accompanying the Zoning Regulations of the Town of Southbury, Connecticut.

IDENTIFICATION OF HISTORIC STRUCTURES AND ARCHEOLOGICAL SITES

A. *General:* Provisions of the Zoning Regulations refer to "historic structures" and "archeological sites" and also reference National Register historic districts and historic districts established by ordinance of the Town of Southbury under the provisions of chapter 97a of the Connecticut General Statutes. In

referring to historic structures, archeological sites and historic districts, the Zoning Regulations invoke certain criteria for review of SITE DEVELOPMENT PLANS and for grant of variances for repair or rehabilitation of historic structures in the Flood Plain District. See definition of "historic structures" in Zoning Regulations.

B. *Identification of Map:* To assist the public in identification of the historic structures, archeological sites and historic districts defined or referred to in the Zoning Regulations, a map entitled "Historic and Archeological Resources - Location Map", dated December 20, 1993, scale 1" = 1000' original size, is prepared and maintained by the Southbury Town Historian and/or Southbury Historic Preservation Commission, showing the approximate location of such structures, districts and sites in the town. Under this Administrative Policy #3, a copy of such map, certified or approved by the Southbury Town Historian or Southbury Historic Preservation Commission, shall be on file in the office of the town clerk for public inspection. For the convenience of the public, a copy of the map is also intended to be available for public inspection in the office of the Southbury Zoning Commission and/or the Planning Office in Town Hall. The map may be revised or updated from time to time by the Southbury Town Historian and/or Southbury Historic Preservation Commission, and a copy of the revised or updated map is to be so certified or approved, filed in the office of the town clerk and made available to the public in an expeditious manner.

C. *Documentation:* The formal basis for identification and determination of location of historic structures, archeological sites and historic districts, and the lot or land where situated, is as follows:

C-1. For National Register historic structures, sites and districts and archeological sites, in research documentation maintained in the National Register of Historic Places and in determinations and listings by the U. S. Secretary of the Interior;

C-2. In research documentation for the Connecticut State Inventory of Historic Resources—Buildings and Structures with regard to historic structures;

C-3. In local research documentation by the Town of Southbury with regard to establishment of historic districts or designation of historic properties; and

C-4. For additional archeological sites, in research documentation by the State of Connecticut Archeologist and/or the State of Connecticut Historic Preservation Office, including the Connecticut State Inventory of Historic Resources—Archeological Sites, and/or research documentation by the Southbury Historic Preservation Commission.

Copies of documentation are typically maintained by the Southbury Town Historian and/or Southbury Historic Preservation Commission and in whole or in part may also be available for public inspection in the Office of the Southbury Town Clerk, the Zoning Commission or the Planning Office. Beyond available documentation, further research of property records may sometimes be appropriate.

D. *Effective Date:* For the purposes of the Zoning Regulations:

D-1. National Register historic structures, sites and districts and archeological sites are deemed to be identified and in effect upon formal listing, certification or preliminary determination by the U. S. Secretary of the Interior. Other historic structures, sites and districts are deemed to be identified and in effect upon formal listing in the Connecticut State Inventory of Historic Resources—Buildings and Structures and/or upon Town formal identification under chapter 97a of the Connecticut General Statutes.

D-2. Additional archeological sites are deemed to be identified and in effect a) upon formal listing or certification by the State of Connecticut Archeologist or State of Connecticut Historic Preservation Office as archeologically significant, and/or b) upon formal identification by the Southbury Historic Preservation Commission as having likelihood of significant archeologic resources, and c) in either case when suitably identified boundaries for the archeological site are acknowledged and accepted by resolution of the Southbury Zoning Commission.

APPENDIX A

PUBLIC HEARING AND DECISION

1. *Public Hearing.*

Within 65 days after receipt of the APPLICATION, the Commission shall hold a public hearing thereon and shall complete the hearing within 35 days after such hearing commences. Notice of the public hearing shall be given by publication in a newspaper of general circulation in the Town at least twice at intervals of not less than two (2) days the first not more than 15 days, nor less than 10 days, and the last not less than two (2) days prior to the date of such hearing and by sending a copy thereof by certified mail to the applicant. For the purpose of this paragraph, the APPLICATION shall be considered received on the day of the next regularly scheduled meeting of the Commission following the day of submission to the Zoning Enforcement Officer, or 35 days after such submission, whichever is sooner, unless the Commission by resolution accepts the APPLICATION at an earlier meeting.

2. *Decision.*

The Commission shall decide on the APPLICATION, as provided in Par. 8.5, within 65 days after completion of the hearing. Notice of the decision of the Commission shall be published in a newspaper having a substantial circulation in the Town and shall be addressed by certified mail to the applicant within 15 days after such decision is rendered. d