

Section 4.0 AREA AND SETBACK REQUIREMENTS

4.1 General Area and Setback Requirements

- 4.1.1 All measurements are minimums unless otherwise noted.
- 4.1.2 Area and setback regulations for multi-family developments are in Section 6.8.
- 4.1.3 Regulations governing distances from electric transmission lines are in Section 7.1.
- 4.1.4 Yards are to be unoccupied by structures except as follows: (Rev. 12/19/98)
 - A. Flag poles, fences, mail boxes, newspaper tubes, basketball poles, children's playsets, and other minor structures which are of a strictly ornamental or recreational nature;
 - B. Septic systems and wells; and
 - C. as provided for elsewhere in these regulation
- 4.1.5 All buildings containing one or more dwelling units shall be on a lot abutting a street.
- 4.1.6 A corner lot shall comply with the setback requirements for two front yards and two side yards.
- 4.1.7 For residential buildings, decks, porches, steps, ramps and similar structures may extend to within 5 feet of any property line provided:
 - A. The deck, porch, step, ramp, or similar structure is not covered by a roof; and
 - B. The deck, porch, step, ramp, or similar structure is at least 5 feet from an accessory structure.
- 4.1.8 For one, two and three family residences, the total area in the required front yard setback used for either parking or covered by impervious surface shall not exceed 50% of the required front yard setback area.
- 4.1.9 Where an existing building is in violation of front, side, or rear yard setbacks or buffer and the applicant has requested an expansion of the building, the Commission may, by special exception, allow a reduction of the setback and/or buffer for such building expansion to the lesser of:
 - A. twenty percent of the required setback or buffer; or
 - B. the setback of the existing building.
- 4.1.10 Where an existing use exceeds the maximum impervious surface ratio and a property owner purchases additional contiguous property to expand the use, the maximum impervious surface area on the expanded parcel shall be the sum of:
 - A. the impervious surface area of the original parcel; and
 - B. the maximum impervious surface area allowed on the additional parcel.

4.1.11 **Legally Non-Conforming Lots**

- A. In the R-WP, R-60, R-40, and R-25 zoning districts, a single family dwelling may be constructed or expanded on a lot that is legally non-conforming in terms of area or lot width provided:
 - a. the lot is less than 25,000 square feet in area; and
 - b. the building conforms to the height, setback and building coverage requirements of an R-15 zoning district.
- B. In the R-15, R-15s, R-10 and R-10s zoning districts, a single family dwelling may be constructed or expanded on a lot that is legally non-conforming in terms of area or lot width provided:
 - a. the lot is less than 10,000 square feet in area; and
 - b. the building conforms to the height, setback and building coverage requirements of an R-6 zoning district.

4.2 **R-WP Zone**

For one dwelling unit on a lot:

Lot size: 87,000 sq. ft. excluding inland wetlands if lot is unsewered

65,000 sq. ft. excluding inland wetlands if lot is sewerred

Lot Width: 200 ft.

Front Yard Setback: 50 ft.

Side Yard Setback: 25 ft. on each side

Rear Yard Setback: 100 ft.

Maximum Height: 35 ft.

Maximum Impervious Surface Ratio: 0.3 for any use

Maximum Building Coverage Ratio: 0.1 for any use

Each lot shall contain a minimum “net buildable” area that has within it a 30,000 square foot rectangle or square area of contiguous land, the shortest being 150 feet and containing

- No ledge rock within 4 feet of the natural ground surface encountered during septic testing in conformance with the Connecticut Public Health Code.
- No inland wetland soils or watercourses
- No land within the areas of special flood hazard as identified by the Federal Emergency Management Agency.
- No naturally occurring slopes exceeding 25% in grade.
- No utility or access easements and rights of way, no conservation easements, and other easements for public or private facilities. (Rev. 2/1/06)

4.3 **R-60 Zone**

For all uses:

Lot Size: 60,000 sq. ft.

Lot Width: 200 ft.

Front Yard Setback: 50 ft.

Side Yard Setback: 25 ft. on each side

Rear Yard Setback: 100 ft.

Maximum Height: 35 ft. (con't)

Maximum Impervious Surface Ratio: 0.3 for non-residential uses only

Maximum Building Coverage Ratio: 0.1

Each lot shall contain a minimum “net buildable area” that has within it a 30,000 square foot rectangle or square area of contiguous land, the shortest being 150 feet and containing:

- No ledge rock within 4 feet of the natural ground surface encountered during septic testing in conformance with the Connecticut Public Health Code.
- No inland wetlands soils or watercourses.
- No land within the areas of special flood hazard as identified by the Federal Emergency Management Agency.
- No naturally occurring slopes exceeding 25% in grade.
- No utility or access easements and rights of way, no conservation easements, and other easements for public or private facilities. (Rev. 2/1/06)

4.4 R-40 Zone

For all uses:

Lot Size: 40,000 sq. ft.

Lot width: 150 ft.

Front Yard Setback: 50 ft.

Side Yard Setback: 25 ft. on each side

Rear Yard Setback: 75 ft.

Maximum Height: 35 ft.

Maximum Impervious Surface Ratio: 0.3 for non-residential uses only

Maximum Building Coverage Ratio: 0.1

Each lot shall contain a minimum “net buildable area” that has within it a 30,000 square foot rectangle or square area of contiguous land, the shortest being 150 feet and containing:

- No ledge rock within 4 feet of the natural ground surface encountered during septic testing in conformance with the Connecticut Public Health Code.
- No inland Wetlands soils or watercourses.
- No land within the areas of special flood hazard as identified by the Federal Emergency Management Agency.
- No naturally occurring slopes exceeding 25% in grade.
- No utility or access easements and rights of way, no conservation easements, and other easements for public or private facilities. (Rev. 2/1/06)

4.5 R-25 Zone

4.5.1 For one dwelling unit on a lot:

Lot Size: 25,000 sq. ft.

Lot Width: 125 ft.

Front Yard Setback: 30 ft.

Side Yard Setback: 25 ft. on each side

Rear Yard Setback: 50 ft.

Maximum Height: 35 ft.

Maximum Building Coverage Ratio: 0.20

4.5.2 For two dwelling units on a lot:
Lot Size: 37,500 sq. ft.
Lot Width: 175 ft.
Front Yard Setback: 30 ft.
Side Yard Setback: 25 ft. on each side
Rear Yard Setback: 50 ft.
Maximum Height: 35 ft.
Maximum Building Coverage Ratio: 0.20

4.5.3 For all other uses:
Lot Size: 25,000 sq. ft.
Lot Width: 125 ft.
Front Yard Setback: 30 ft.
Side Yard Setback: 25 ft. on each side
Rear Yard Setback: 50 ft.
Maximum Height: 35 ft.
Maximum Impervious Surface Ratio: 0.3

4.6 R-15 Zone

4.6.1 For one dwelling unit on a lot:
Lot Size: 15,000 sq. ft.
Lot Width: 100 ft.
Front Yard Setback: 25 ft.
Side Yard Setback: 15 ft. on each side
Rear Yard Setback: 50 ft.
Maximum Height: 35 ft.
Maximum Building Coverage Ratio: 0.25

4.6.2 For two dwelling units on a lot:
Lot Size: 22,500 sq. ft.
Lot Width: 150 ft.
Front Yard Setback: 25 ft.
Side Yard Setback: 15 ft. on each side
Rear Yard Setback: 50 ft.
Maximum Height: 35 ft.
Maximum Building Coverage Ratio: 0.25

4.6.3 For all other uses:
Lot Size: 22,500 sq. ft.
Lot Width: 150 ft.
Front Yard Setback: 25 ft.
Side Yard Setback: 15 ft. on each side
Rear Yard Setback: 50 ft.
Maximum Height: 35 ft.
Maximum Impervious Surface Ratio: 0.3

4.7 R-15s Zone

- 4.7.1 For one dwelling unit on a lot:
Lot Size: 15,000 sq. ft.
Lot Width: 100 ft.
Front Yard Setback: 25 ft.
Side Yard Setback: 15 ft. on each side
Rear Yard Setback: 50 ft.
Maximum Height: 35 ft.
Maximum Building Coverage Ratio: 0.25
- 4.7.2 For all other uses except Bed and Breakfast facilities:
Lot Size: 30,000 sq. ft.
Lot Width: 150 ft.
Front Yard Setback: 25 ft.
Side Yard Setback: 15 ft. on each side
Rear Yard Setback: 50 ft.
Maximum Height: 35 ft.
Maximum Impervious Surface Ratio: .3
- 4.7.3 For Bed and Breakfast facilities per **Section 6.10**: (Rev. 10/22/09)
Lot Size: 22,500 sq. ft.
Lot Width: 145 ft.
Front Yard Setback: 25 ft.
Side Yard Setback: 15 ft. on each side
Rear Yard Setback: 50 ft.
Maximum Height: 35 ft.
Maximum Impervious Surface Ratio: 0.3

4.8 R-10

- 4.8.1 For one dwelling unit on a lot:
Lot Size: 10,000 sq. ft.
Lot Width: 80 ft.
Front Yard Setback: 25 ft.
Side Yard Setback: minimum 8 ft. one side; total of both sides - 20 ft.
Rear Yard Setback: 40 ft.
Maximum Height: 35 ft.
Maximum Building Coverage Ratio: 0.3
- 4.8.2 For two dwelling units on a lot:
Lot Size: 15,000 sq. ft.
Lot Width: 120 ft.
Front Yard Setback: 25 ft.
Side Yard Setback: minimum 8 ft. one side; total of both sides - 20 ft.
Rear Yard Setback: 50 ft.
Maximum Height: 35 ft.
Maximum Building Coverage Ratio: 0.3

- 4.8.3 For all other uses:
Lot Size: 15,000 sq. ft.
Lot Width: 120 ft.
Front Yard Setback: 25 ft.
Side Yard Setback: minimum 8 ft. one side; total for both sides - 20 ft.
Rear Yard Setback: 50 ft.
Maximum Height: 35 ft.
Maximum Impervious Surface Ratio: 0.3

4.9 R-10s

- 4.9.1 For one dwelling unit on a lot:
Lot Size: 10,000 sq. ft.
Lot Width: 80 ft.
Front Yard Setback: 25 ft.
Side Yard Setback: minimum of 8 ft. on one side; total of both sides - 20 ft.
Rear Yard Setback: 40 ft.
Maximum Height: 35 ft.
Maximum Building Coverage Ratio: 0.3
- 4.9.2 For all other uses except Bed and Breakfast Facilities:
Lot Size: 15,000 sq. ft.
Lot Width: 120 ft.
Front Yard Setback: 25 ft.
Side Yard Setback: 15 ft.
Rear Yard Setback: 50 ft.
Maximum Height: 35 ft.
Maximum Impervious Surface Ratio: 0.3
- 4.9.2 For Bed and Breakfast Facilities per Section 6.10.1(B):
Lot Size: 22,500 sq. ft.
Lot Width: 145 ft.
Front Yard Setback: 25 ft.
Side Yard Setback: minimum of 8 ft. on one side; total of both sides - 20 ft.
Rear Yard Setback: 50 ft.
Maximum Height: 35 ft.
Maximum Impervious Surface Ratio: 0.3
(2/11/12)

4.10 R-6

- 4.10.1 For one dwelling unit on a lot and for one principal dwelling unit and one accessory apartment on a lot:

Lot Size: 6,000 sq. ft.

Lot Width: 60 ft.

Front Yard Setback: 25 ft.

Side Yard Setback: minimum of 8 ft. on one side; total of both sides - 20 ft.

Rear Yard Setback: 30 ft.

Maximum Height: 60 ft.

Maximum Building Coverage Ratio: 0.4

- 4.10.2 For all other uses:

Lot Size: 7,500 sq. ft.

Lot width: 75 ft.

Front Yard Setback: 25 ft.

Side Yard Setback: minimum of 8 ft. on one side; total of both sides - 20 ft.

Rear Yard Setback: 30 ft.

Maximum Height: 60 ft.

Maximum Impervious Surface Ratio: 0.5

4.11 Downtown District (Eff. 12/16/10)

- 4.11.1 For buildings and uses: *(revised 6-19-19)*

Lot Size: no minimum area

Lot Width: no minimum

Front Yard Setback: none

Side yard Setback: 20 ft. only if adjacent to a residential zone

Rear Yard Setback: 20 ft. only if adjacent to a residential zone

Maximum Height: 60 ft.

- 4.11.2 *(eliminated 6-19-19)*

4.12 Local Business

- 4.12.1 For non-residential buildings and uses:

Lot Size: 10,000 sq. ft.

Lot Width: 80 ft.

Front Yard Setback: 10 ft.

Side yard Setback: 25 ft. only if adjacent to a residential zone

Rear Yard Setback: 25 ft. only if adjacent to a residential zone

Maximum Height: 50 ft.

Maximum Impervious Surface Ratio: 0.75

- 4.12.2 For building with one or more dwelling units:

Requirements are the same as for residential buildings in the R-6 zone

4.13 Industrial

Lot Size: 10,000 sq. ft.

Lot Width: 80 ft.

Front Yard Setback: 10 ft.

Side Yard Setback: 25 ft. only if adjacent to a residential zone

Rear Yard Setback: 25 ft. only if adjacent to a residential zone

Maximum Height: 60 ft.

Maximum Impervious Surface Ratio: 0.75

4.14 Industrial Park

Lot Size: 40,000 sq. ft.

Lot Width: 150 ft.

Front Yard Setback: 25 ft. or 75 ft. if adjacent to or across the street from a residential zone *Note the Commission may reduce this setback by Special Exception to not less than 50 feet. (Effective 8-22-02)

Side Yard Setback: 25 ft. or 75 ft. if adjacent to or across the street from a residential zone *Note the Commission may reduce this setback by Special Exception to not less than 50 feet. (Effective 8-22-02)

Rear Yard Setback: 50 ft. or 75 ft. if adjacent to or across the street from a residential zone *Note the Commission may reduce this setback by Special Exception to not less than 50 feet. (Effective 8-22-02)

Maximum Height: 60 ft.

Maximum Impervious Surface Ratio: 0.65

4.15 INCENTIVE HOUSING OVERLAY ZONE (IH) (EFF. 1/31/11)

4.15.1 Purpose.

- A. The Incentive Housing Overlay Zone (IH) is adopted pursuant to the authority of Connecticut General Statutes Chapter 124b. Its purpose is to encourage affordable housing in both residential and business districts that have the transportation connections, nearby access to amenities and services, and infrastructure necessary to support concentrations of development.
- B. The IH seeks to avoid sprawl and traffic congestion by encouraging a more vibrant residential component to business or mixed use areas to sustain a lifestyle in which residents can walk or use public transportation to reach jobs, services, and recreational or cultural opportunities.
- C. It is a further purpose that the IH enable development and reuse of existing, historic or underutilized buildings or properties in Torrington that may otherwise be lost to progress.

4.15.2 General Requirements.

- A. Any such zone shall be in compliance with the locational requirements of Connecticut General Statutes Chapter 124b.
- B. Subzones.

1. The Commission may designate subzones within an overall IH in which different types of uses may be permitted, as in the case of a mixed-use incentive housing development.
2. Each IH may consist of one or more subzones, which may overlay each other as well as the underlying district. Within any IH, there may be any or all of three (3) subzones, designated as:
 - a. Townhouse TH Subzone,
 - b. Multi-family MF Subzone, or
 - c. Mixed-use MU Subzone.

4.15.3 Bulk Requirements

- A. The following Bulk Requirements shall apply when an IHZ project is proposed. The requirements in the Underlying Zone (UZ) remain in effect when noted UZ.

SUBZONE	MAXIMUM			
	IMPERVIOUS SURFACE RATIO	BUILDING COVERAGE RATIO	DENSITY (UNITS PER ACRE)	HEIGHT
IH-TH	UZ	UZ	15	UZ
IH-MF	UZ +10%	UZ	30	UZ
IH-MU	UZ +5%	UZ +10%	40	UZ

NOTES:

- 1 The Minimum density may be reduced to 15 units per acre for portions of the site developed as Townhouse units.
- B. Density.
 1. Density is calculated by the number of units allowed per area.
 2. Where an incentive housing development contains a mix of the above dwelling types, the land occupied by non-residential uses will be included in the residential density calculation. The residential densities will be calculated by apportioning the total acreage of the incentive housing development in the same proportion that each type of housing bears to the total number of dwelling units.

3. For any incentive housing development to be developed in phases each phase will comply with the minimum residential densities and the incentive housing restrictions set forth in this section.
 4. Public Applicant. In the case of an incentive housing development proposed by a public applicant, the residential densities will be in accordance with a waiver as may be granted by the Secretary of the Office of Policy and Management in accordance with Connecticut General Statutes Section 8-13n(b)(3).
- C. Buffers.
1. From Rear Property Line.
 - a. Where the underlying district is a residential district, no less than ten (10) feet.
 - b. Where the underlying district is business or industrial district, in accordance with the underlying district.
 - c. For non-residential uses, in accordance with the underlying district.
 2. From Other Property Line.
 - a. Where the underlying district is a residential district, no less than ten (10) feet.
 - b. Where the underlying district is a business or industrial district, in accordance with the underlying district.
 3. For non-resident uses, in accordance with the underlying district.
- D. Minor Accessory Buildings or Structures.
- a. For residential uses, same as for principal buildings or structures, above.
 - b. For non-residential uses, in accordance with the underlying district.

4.15.4 Principal Uses and Activities.

- A. Prior to the approval of any application for Certificate of Zoning Compliance for any Incentive Housing Development that includes any principal or accessory use permitted under this Section; a Site Plan will be submitted to and approved by the Commission in accordance with **Section 8.4**. In considering an incentive housing development, the Commission will find that any application for an incentive housing development will comply with the provisions of this Section, as well as the Site Plan Objectives and, for uses requiring a Special Exception, the General Standards for Special Exception Uses in **Section 8.2**.
- B. Any principal use as permitted in the underlying district and subject to the requirements and approval procedures as may be applicable to the uses. When proposed in conjunction with an Incentive Housing Overlay Zone use, the following modifications to the underlying zone shall apply:

HOUSING TYPES	IH-TH	IH-MF	IH-MU
1.10 Single Family, Detached	N	N	N
1.15 Affordable Housing, Single Family Detached	N	N	N
1.20 Two Family	N	N	N
1.25 Primary Residence plus Accessory Apartment	N	N	N
1.27 Three Family Residence	N	N	N
1.28 Townhouse (NEW)	P	P	P
1.30 Multi-Family Residence	N	P	P
1.31 Residential Use and Dormitory Use for Educational programs, 2 nd and 3 rd floors	N	N	P
1.35 Active Adult Housing	N	N	N
1.39 Affordable Housing Multi-family Residence	N	N	N
1.40 Nursing Home	SE	SE	SE
1.50 Congregate Care Facilities	SE	SE	SE
1.55 Elderly Retirement Housing & Assisted Living	N	N	N

N = Not Permitted
 P = Permitted
 SE = Special Exception required

BUSINESS USES	IH-TH	IH-MF	IH-MU
3.12 Retail stores with Drive Through Windows	N	N	SE
4.15 Banks with Drive-In Windows	N	N	SE
8.10 Motor Vehicle Sales or Rental; Mobile Homes Sales or Rental	N	N	N
8.20 Service & Sales with Installation of Motor Vehicle Parts or Accessories (e.g. tires, mufflers)	N	N	N
8.30 Motor Vehicle Repair or Service	N	N	N
8.40 Sales of Gasoline	N	N	N
8.50 Car Wash	N	N	N
8.60 Motor Vehicle Painting & Body work	N	N	N
11.00 Junk Yard, Scrap Materials Salvage Yards, Recycling Center and Automobile Graveyards	N	N	N
13.00 Excavating, Mining & Quarrying	N	N	N
19.00 Manufacturing, Processing, Creating, Repairing, Renovating, Painting, Cleaning or Assembling of Goods, Merchandise or Equipments	N	N	N

N = Not Permitted
P = Permitted
SE = Special Exception required

C. Mixed Uses.

1. For any incentive housing development in a mixed-use subzone, the Commission may allow by Special Exception the inclusion of uses otherwise permitted by Site Plan or Special Exception in the underlying district provided that the minimum residential densities are met for the total incentive housing development.

2. In any mixed-use incentive housing development, at least 50 percent of the gross floor area of the first story will be non-residential uses. Bulk requirements for stand-alone non-residential uses in an incentive housing development will be in accordance with the requirements of the underlying district.
- D. Special Exceptions.
Prior to the approval of any application for Certificate of Zoning Compliance for any incentive housing development that includes any principal or accessory use permitted by Special Exception under this Section, an application for Special Exception use, including a Site Plan, will be submitted to and approved by the Commission.

4.15.5 Accessory Uses.

Any accessory use as permitted in the underlying district and subject to the requirements and approval procedures as may be applicable to the uses.

4.15.6 Incentive Housing Restriction.

- A. For an incentive housing development proposed by a private applicant at least 20 percent of the dwelling units will be rented or conveyed subject to an incentive housing restriction requiring that, for at least 30 years after the initial occupancy of the development, the dwelling units will be sold or rented at, or below, prices that will preserve the units as housing for which persons pay 30 percent or less of their annual income, where the income is less than or equal to 80 percent or less of the median income. In determining compliance with this paragraph, the Commission will utilize regulations or guidelines published by the Connecticut Office of Policy and Management, or any other successor agency designated in accordance with Connecticut General Statutes Sections 8-13m to 8-13x.
- B. Public Applicant for Incentive Housing Development. For an incentive housing development proposed by a public applicant, 100 percent of the dwelling units will be rented or conveyed subject to an incentive housing restriction requiring that for at least 30 years after the initial occupancy of the development, the dwelling units may be sold or rented at, or below, prices that will preserve the units as housing for which persons pay 30 percent or less of their annual income, where the income is less than or equal to 80 percent or less of the median income. In determining compliance with this paragraph, the Commission will utilize regulations or guidelines published by the Connecticut Office of Policy and Management or any other successor agency designated in accordance with Connecticut General Statutes Sections 8-13m. to 8-13x.

4.15.7 Submission of Affordability Plan.

Each applicant for an incentive housing development will provide an affordability plan that will detail the administration, monitoring and enforcement of the dwelling units to be sold or rented at below-market rates as described above. The plan will include proposed deed restrictions or covenants, lease agreements, common interest ownership documents, bylaws, rules and regulations, sample income calculations, and any other information as

the Commission may require to establish compliance with this Section and Connecticut General Statutes Sections 8-13m. to 8-13x.

4.15.8 Designation of Administering Agency.

The applicant will indicate the name, address and other contact information for the agency that will administer the sale or rental of dwelling unit: that are subject to the below-market sale or rental in accordance with this Section.

4.15.9 Approval of IH Zone or Subzones.

- A. In considering each subzone, or any IH Zone as a whole, the Commission will find that any application for an Incentive Housing Overlay Zone or subzone will comply with the provisions of this Section and the Connecticut General Statutes Chapter 124b.
- B. In establishing a subzone, the Commission will have the discretion to exclude one (1) or more uses that would otherwise be permitted in an incentive housing development in that subzone, including uses permitted in the underlying district, which exclusions, if any, will be stated in the resolution creating or amending the subzone and will become part of the text describing the Incentive Housing Overlay Zone.

4.15.10 Design Standards.

- A. Applicable Standards. Incentive Housing Development applications shall apply the design criteria identified in the “Torrington Design Review Guidelines – Downtown Historic Area.” In adopting the design criteria of “*Torrington Design Review Guidelines – Downtown Historic Area*” the Commission has considered design standards that:
 - 1. ensure that development is complementary to adjacent or neighboring buildings or structures and consistent with the housing plan provided for in Connecticut General Statutes Section 8-13p, and
 - 2. address the scale or proportions of buildings; site coverage; alignment, width or grade of streets or sidewalks; type or location of infrastructure; location of building or garage entrances; off-street parking; protection of significant natural site features; location or design of open spaces; signage; or setbacks or buffering from adjacent properties; provided that the applications of such standards will not unreasonably impair the economic or physical feasibility of constructing housing at the minimum densities and with the required incentive housing restriction set forth in this Section.

4.15.11 Application Processing For Incentive Housing Developments.

- A. Incentive Housing Development Proposed within an Existing Incentive Housing Overlay Zone. For incentive housing developments involving land already designated as an Incentive Housing Overlay Zone on the *Torrington Zone Map*, applicants shall submit a site plan application in accordance with **Section 8.4** of these regulations.

1. The Commission shall conduct a public hearing in accordance with the timeframe requirements in Section 8-7d(b) of the Connecticut General Statutes.
 2. The Commission shall forward the application to Architectural Review Committee for review, in accordance with **Section 8.5** of these regulations.
- B. Application to Expand an Existing Incentive Housing Overlay Zone, or Establish a New Incentive Housing Overlay Zone. For projects involving land not designated as an Incentive Housing Zone on the Torrington Zoning Map, applicants shall submit a zoning map amendment application in accordance with **Section 8.7** of these regulations. Upon approval of the zoning map amendment, the applicant may seek approval in accordance with subsection A above.

4.15.12 Decision Considerations.

- A. Approval of an incentive housing development. The Commission may waive any standards that would unreasonably impair the economic or physical feasibility of constructing dwellings at minimum densities or with required incentive housing restrictions set forth in this Section. The Commission will approve an incentive housing development subject only to conditions necessary to:
1. ensure substantial compliance of any proposed development with the requirements of this Section, the design standards of these regulations and, if applicable, the subdivision regulations; or
 2. to mitigate any extraordinary adverse impacts of development on nearby properties.
- B. Denial of an incentive housing development application. An application may be denied only on the grounds:
1. the development does not meet the requirements set forth in this Section;
 2. the applicant failed to submit information or fees required by the regulations and necessary for an adequate and timely review of the design or potential impacts of the development; or
 3. it is not possible to adequately mitigate significant adverse project impacts on nearby properties by means of conditions acceptable to the applicant.

4.15.13 Method of Ownership.

- A. Dwelling units. Dwelling units may be offered for sale or for rental in individual, public, cooperative or condominium ownership. Documentation as to management, organization and incorporation of applicable ownership associations shall be submitted to the Commission at the time of filing of the application for incentive housing development.
- B. Methods of Open Space Reservation. All open space or supporting facilities and systems will be in compliance with applicable law and provide for maintenance, liability, financing or rights of access and use by residents of the incentive housing development as is acceptable to the Commission. Open space areas required will be permanently reserved for the designated use by means acceptable to and approved by the Commission, such as, but not limited to:

1. Deeded to the Town. Where open space areas are to be conveyed to the Town, the applicant will convey them at the stage and in the condition agreed upon in connection with the processing and approval of the subdivision.
 2. Deeded to a non-profit organization acceptable to the Commission. Such nonprofit organization will be a private non-profit, non-stock corporation that has as its purpose the preservation of open space land. The deed to such organization will contain language satisfactory to the Commission requiring that the land be held in perpetuity as open space land for the use of the public. If open space is to be conveyed to a non-profit organization, the Commission may require that a copy of the organization's Certificate of Incorporation be submitted for its review. The deed to the organization will contain the provision that in event of the dissolution of the corporation, the property will be conveyed to the Town, or subject to the approval of the Commission, to another non-profit corporation. The Commission will have the right to reject any proposal for the transfer of open space land to a private non-profit organization if the Commission determines that such conveyance would not be in the best interest of the Town.
 3. Held in corporate ownership by owners of lots within the development. Open space may be conveyed by warranty deed to a homeowner's association within the development upon such terms and conditions as specified by the Commission. When tracts are conveyed in this manner, a copy of the by-laws of the homeowners' association will be submitted as a part of the application for the IHZ Development. Membership in such corporation will be mandatory for all lot owners within the development. Each deed conveyance to lot owners will include the membership stipulation, the beneficial right in use of the open land or all other pertinent restrictions, and will be recorded in the Torrington Land Records. Wording on each deed will state that such open land is reserved for use only as open space in perpetuity.
 4. Perpetual easement. Where the right of use, interest or privilege, short of fee ownership in the open space owned by another, is obtained by the City or acceptable non-profit organization, a deed stipulating that the owner transfers development rights to, and open space or scenic easements over, the land will be required, the fee owner will retain the fee tide to the premises and all incidents of fee ownership, except the right to construct any structure, sign, fence or other improvement, or to alter the contours. Minimum lot requirements cannot be satisfied by use of land dedicated to open space.
- C. Conditions of Open Space Conveyance. Title to the open space land will be unencumbered and will be transferred at a time approved by the Commission, and in any case, not later than the time at which title to the streets in the development is accepted by the town.

- D. Deed Guarantees. Regardless of the method employed, the instrument of the open space conveyance must include provisions suitable to the Commission and its Legal Counsel for guaranteeing the following:
1. Continuity of proper maintenance for those portions of the common open space land requiring maintenance;
 2. When appropriate, the availability of funds required for such maintenance; and
 3. Recovering of loss sustained by casualty, condemnation or otherwise.

Section 4.16 Alternate Incarceration, Medical Marijuana Dispensary Overlay Zone (AM Zone) (Amended 4/2/13)

4.16.1 Purpose

The purpose of the Alternate Incarceration, Medical Marijuana Dispensary Overlay Zone (AM Zone) is to provide an overlay zone (floating zone) where alternate incarceration facilities and medical marijuana dispensaries can be located. The overlay zone will provide conditions and safeguards to protect the public health, safety and welfare of the citizens of Torrington. The overlay zone will guide the development of new alternate incarceration facilities and medical marijuana dispensaries in Torrington. The intent is to minimize the impact of such development on neighbors and abutters in adjacent more restrictive zones while at the same time recognizing the important services these facilities may provide to the residents of Torrington.

4.16.2 Applicability

This overlay zone may not be applied to any lots located in the Downtown District (DD Zone), R-6, R10, R-10S, R-15, R-15S, R-25 Zone, R-40, R-60 or R-WP Zones.

4.16.3 Permitted Uses

The following uses shall be permitted within the overlay zone:

- A. Alternate Incarceration Facilities.
- B. A Medical Marijuana Dispensary licensed by the State of Connecticut.

4.16.4 Changes in Use, Enlargement or Expansion

No changes in the approved use, enlargement, expansion of existing structures, or construction of an additional structure shall be permitted on the premises unless: a) approved by the Planning and Zoning Commission under this section or; b) subsequently as a Special Exception approval. Any application submitted for initial approval, and any change in the approved use, enlargement or expansion for which approval is sought, shall include a statement of the square footage of space to be utilized, the proposed uses of the property in specific terms, and the number of clients to be served and the type of services to be provided. Any approval shall be conditioned upon the information provided in this statement.

4.16.5 Yard and Height, Maximum Impervious Surface Ratio Requirements

Lot width, front yard, side yard, rear yard, maximum height and maximum impervious

surface ratio shall be the same as the requirements for the underlying zone.

4.16.6 Building and Site Requirements

- A. All site plans shall be approved by the Planning and Zoning Commission and shall be submitted simultaneously with the application to apply for the AM Zone;
- B. Any improvements to the exterior of existing buildings and all new buildings shall be reviewed by the Architectural Review Committee in accordance with Section 8.5 of the Zoning Regulations. A report of such review from the Architectural Review Committee must be submitted before any approval can be issued;
- C. The location of the facility shall be compatible with the neighborhood in terms of traffic, noise, illumination and number of patients/clients served. The facility shall be compatible with its setting in terms of scale, materials and design;
- D. In addition to the landscaping requirements contained in Section 5.11 of the Zoning Regulations, the Planning and Zoning Commission may require additional buffering from adjoining uses including but not limited to landscape plantings, fences and earthen berms; and
- E. The Planning and Zoning Commission may impose such additional conditions and modifications as it finds necessary to protect the public health, safety and welfare.

4.16.7 Lighting and Signage

- A. Exterior lighting shall be in accordance with Section 5.17 of the Zoning Regulations.
- B. In the AM Zone one free standing sign at a maximum height of 5 feet and maximum sign area of 20 sq ft shall be allowed.

END OF SECTION 4