

## Section 5.0 SUPPLEMENTARY REGULATIONS

### 5.1 Accessory Apartments (Rev 11/2/21)

Accessory apartments are permitted in all Zones that allow a single family-detached dwelling provided all of the following conditions are met:

- 5.1.1 The accessory apartment shall have a minimum net floor area of 400 square feet and a maximum net floor area for of not less than thirty per cent of the net floor area of the principal dwelling, or one thousand square feet, whichever is less.
- 5.1.2 The accessory apartment is attached to or located within the proposed or existing principal dwelling, or detached from the proposed or existing principal dwelling and located on the same lot as such dwelling.
- 5.1.3 Only one accessory apartment and one principal dwelling unit are permitted on a lot.
- 5.1.4 The accessory apartment shall conform to all front, side and rear yard setbacks applicable to a single family dwelling unit.
- 5.1.5 One parking space is required on the property for the accessory apartment.

### 5.2. Accessory Buildings and Accessory Structures (Rev. 8/2/99)

#### 5.2.1 One, Two and Three Family Residences

On lots with one, two, or three dwelling units, accessory structures and accessory buildings, except for those located on farms or those buildings used for private stables, shall conform to the following requirements.

- A. **Lot Size:** Up to and including 10,000 sq. ft.  
**Maximum Building/Structure Size:** 600 sq. ft. or 75% of footprint of dwelling unit (including attached garage) whichever is less.  
**Maximum Height:** 20 feet  
**Setbacks:** Front: Applicable to zone where property is located (Sec. 4.0)  
Side: 5 ft.  
Rear: 5 ft.  
**Maximum number of accessory structures:** 2
- B. **Lot Size:** Greater than 10,000 sq. ft. up to and including 40,000 sq. ft.  
**Maximum Building/Structure Size:** 600 sq. ft. or 75% of footprint of dwelling unit (including attached garage) whichever is less.  
**Maximum Height:** 20 feet  
**Setbacks:** Front: Applicable to zone where property is located (Sec. 4.0)  
Side: 10 ft.

Rear: 10 ft.

**Maximum number of accessory structures: 2**

- C. **Lot Size:** Greater than 40,000 sq. ft. up to and including 60,000 sq. ft.:  
**Maximum Building/Structure Size:** 900 sq. ft. or 75% of footprint of dwelling unit (including attached garage) whichever is less.

**Maximum Height:** 20 feet

For structures up to 200 sq. ft. in size:

**Setbacks:** Front: Applicable to zone where property is located (Sec. 4.0)

Side: 10 ft.

Rear: 10 ft.

For structures greater than 200 sq. ft. in size:

**Setbacks:** Front: Applicable to zone where property is located (Sec. 4.0)

Side: 25 feet

Rear: 25 feet

**Maximum number of accessory structures: 2**

- D. **Lot Size:** Greater than 60,000 sq. ft.:  
**Maximum building/structure size:** 100% of footprint of dwelling unit (including attached garage).

**Maximum Height:** 35 ft.

For structures up to 200 sq. ft. in size or up to and including 20 feet in height:

**Setbacks:** Front: applicable to zone where property is located (Sec. 4.0)

Side: 10 ft.

Rear: 10 ft.

For structures greater than 200 sq. ft. in size or greater than 20 feet in height:

**Setbacks:** Front: Applicable to zone where property is located (Sec.4.0)

Side: 25 ft.

Rear: 50 ft.

**Maximum number of accessory structures: N/A**

- E. Accessory buildings or structures shall be located at least ten (10) feet from the principle structure and shall not be attached to the dwelling by a roofed structure.
- F. The size, placement and number of accessory buildings or structures shall also be regulated by building coverage and impervious surface coverage ratios specified in **Section 4.0** of these regulations.

#### 5.2.2 Accessory Structures - Multi-Family Residences

On lots used for multi-family residences, accessory buildings and accessory structures shall conform to the following requirements.

- A. No accessory building or accessory structure shall be placed within the buffer required by **Section 6.8**.

- B. The accessory building or accessory structure shall meet the same front yard setback requirements as required for the multi-family residence (see **Section 6.8**)
- C. The accessory building or accessory structure shall be at least ten feet from the dwelling units and shall not be attached to the dwelling units.
- D. No more than one accessory building per two dwelling units shall be allowed on a lot.
- E. The gross floor area of the accessory building(s) shall not exceed 25% of the gross floor area of the dwelling unit(s).
- F. The maximum height of an accessory building or structure shall be 20 feet. (Rev. 8/2/99)

### 5.2.3 **Accessory Structures - Non-Residential Uses**

For non-residential uses, accessory buildings and accessory structures shall conform to the following requirements:

- A. In an R-6 zone, accessory buildings and accessory structures shall meet the requirements for one, two or three dwelling unit(s) as described in **Section 5.2.1** above.
- B. In all zoning districts other than R-6, accessory buildings and accessory structures shall meet the same front yard, side yard and rear yard setbacks as required for the principal building. No accessory building or accessory structure shall be placed within, or overhang, the landscaped buffer required in **Section 5.11**.

### 5.2.4 **Farms**

For farms, accessory buildings and accessory structures shall conform to the following requirements.

- A. No accessory building or accessory structure used to shelter animals shall be placed within 100 feet of a property boundary.
- B. All accessory buildings and accessory structures used for the operation of the farm, except those used to shelter animals, shall conform to the same front, side, and rear yard setback requirements as required for the principal building.

#### 5.2.4.1 **Farm Brewery** (Effective 9-22-16)

Farm Brewery shall conform to the following requirements:

- 1. A farm brewery shall sell only the beer it manufactures.
- 2. A farm brewery shall grow on the premises of the farm brewery or on property under the same ownership and control of said permittee or leased by the farm brewery, an average annual crop equal to not less than twenty-five per cent, within 3 years of approval as a farm brewery, of the fermentable or non-fermentable harvest used in the manufacture of the farm brewery permittee's beer.

3. A farm brewery shall be limited to manufacturing up to 100,000 gallons of beer per year.
4. No buildings used in conjunction with the farm brewery shall be placed less than 100 feet from property boundary.
5. There shall be no limitation on the hours of operation of the manufacturing process, however the hours of operation for the consumption of alcohol by the public as well as the area open to the public for sales of related items shall be determined by the Commission with each application in consideration with the compatibility with the surrounding neighborhood.
6. The following may occur at the farm brewery's main premises:
  - A. promotional events and guided farm tours;
  - B. sales and shipments of beer directly to consumers;
  - C. retail sales of beer for off-premises consumption;
  - D. sale of novelty items related to the brewery and farm;
  - E. accessory food sales related to beer tasting;
  - F. a tasting room for on-premises consumption;
  - G. sales or shipments to retailers if permitted by law.

#### 5.2.5 Private Stables

Private stables for horses are permitted on lots with one, two and three family residences provided all of the following conditions are met. Must first meet 'farm' requirement as stated in definitions **Section 2.0**.

- A. The lot contains a minimum of 3 acres to meet farm requirement. To calculate the number of horses permitted: 60,000 sq. ft. for first horse, 20,000 sq. ft. for each additional horse. Horses less than 6 months old are not included in this calculation.
- B. The stable for the horses are at least 100 feet from any property line and at least ten feet from any other building or structure.
- C. No waste material from the horse or the barn is to be stored within 100 feet of any property line. In addition, no waste material from the horse or barn shall be stored within 100 feet of a wetland or watercourse (rev. 2/1/06)

#### 5.2.6 Retail as an Accessory Use (Effective 1/11/96)

In the Industrial and Industrial Park zones, retail uses are allowed as an accessory use provided all of the following conditions are met:

- A. The retail use is clearly incidental and subordinate to the principal use. The principal use and the retail use shall be owned by the same individual, partnership or corporation.
- B. The products sold on a retail basis shall be made on, or distributed on a wholesale basis from, the property.
- C. The floor area of the retail use shall occupy the lesser of 500 square feet or 10% of the floor area of the building in which the retail use is located. By special exception, the Commission may allow the floor area of the retail

use to increase to the lesser of 1,000 square feet or 20% of the building's floor area.

- D. There shall be no additional signage allowed for the retail use.
- E. There shall be no outside display of the products sold at retail.
- F. Parking requirements for the retail use shall be calculated on the basis of the principal use.
- G. The parking on the property must meet the minimum parking requirements for the principal use.

### **5.3 Alcoholic Beverages** *(Repealed effective 5/30/10)*

### **5.4 Front Yard Setback Exception**

#### **5.4.1. Front Yard Setbacks**

In R-6, R-10, R-10s, R-15 and R-15s zoning districts, the front yard setback for a building may be reduced to the average of the front yard setbacks of the existing buildings on lots abutting each side of the lot in question provided all the following conditions are met:

- A. There are existing buildings on both abutting lots.
- B. The reduction in front yard setback is for a new building on a vacant lot.
- C. The front yard setback is not reduced to less than ten feet.

This reduction in front yard setback shall not apply to additions to existing buildings.

### **5.5 Commercial & Industrial Restricted**

No additional Commercial and Industrial Restricted (C.I.R.) zoning districts shall be allowed. The C.I.R. districts in existence at the time of the passage of this regulation shall remain. Any change to the development plans approved as part of the adoption of a C.I.R. district shall be brought before the Planning and Zoning Commission. Any change must conform to the C.I.R. regulations in effect at the time of the C.I.R. district's adoption. If the Commission determines the changes are significant, the Commission shall require the applicant to apply for approval of the changes. The application for the changes to the development plans shall be subject to the regulations that apply for a change to the zoning map.

### **5.6 Conservation Subdivisions** (Rev. 12/9/04)

#### **5.6.1 Purpose**

The purpose of this section is:

- A. Allow for greater flexibility & creativity in the design of residential subdivisions provided that the overall density of the development is no greater than what would be normally allowed in that zone;
- B. Encourage permanent preservation & protection of open space, greenway connections, scenic vistas, agricultural lands, forest lands, water quality and other cultural, historical or natural resources, which has an overall effect of increasing land values;
- C. Facilitate the construction of streets, utilities, building sites and public services in a more economical and efficient manner with reduced maintenance costs;
- D. Provide wildlife corridors connecting open spaces and protecting wildlife habitat;
- E. Provide land for active recreation where needed.
- F. Reduce demand for public-funded green space and providing means for expanding public trails and greenways.
- G. To encourage low impact development and design. (Rev. 2/1/06 and 12-16-10)

#### 5.6.2 **Zone Districts** (rev. 12-16-10)

- A. Conservation subdivisions are the required design for subdivisions in the R-10, R-10s, R-15, R-15s, R-25, R-40, R-60 and R-WP zoning districts, unless a waiver is granted in accordance with **Section 5.6.2.B**.
- B. The Planning and Zoning Commission may waive this requirement upon written request from the applicant where:
  - 1. In its sole discretions, the Commission finds that the applicant has demonstrated that a Conservation Subdivision will not achieve the purposed identified in **Section 5.6.1**.
  - 2. The project involves an Estate Lot Development in accordance with **Section 5.8** of these regulations.

#### 5.6.3 **Minimum Lot Requirements** (rev. 12-16-10)

Residential District	Minimum Lot Sizes in Cluster	Area Requirements
R-WP	60,000 sf/unsewered	R-60
R-WP	40,000 sf/sewered	R-40
R-60	40,000 sq. ft.	R-40
R-40	Not applicable.	R-15
R-25	Not applicable	R-10
R-15	Not applicable	R-6
R-15s	Not applicable	R-6
R-10	Not applicable	R-6
R-10s	Not applicable	R-6

#### 5.6.4 (Deleted 12-16-10)

#### 5.6.5 Maximum Number of Lots (rev. 12-16-10)

- A. The Maximum number of lots shall be determined by using a density yield formula. The requirements in the following table are the density factors for each zone:

Zone							
	RWP	RWP(sewer)	R60	R40	R25	R15/15s	R10/10s
Density Factor (lots per acre)	0.32	0.42	0.47	0.69	1.35	1.69	2.47

The Density Factor is multiplied by the lot size (area determined by a Class A-2 Survey prepared by a Connecticut-licensed land surveyor), after areas classified as Inland Wetlands and Watercourses in CGS 22a-36 to 22a-45 ([www.cga.ct.gov/2009/pub/Chap440.htm](http://www.cga.ct.gov/2009/pub/Chap440.htm)), as identified by a Certified Soil Scientist and steep slopes (slopes greater than 25 percent) have been subtracted.

Development Yield Formula: **(LS-IWW – SS) x DF = Number of Lots**

LS = Lot Size (as determined by a Class A-2 Survey)

IWW = Inland Wetlands and Watercourses

SS = Steep Slopes

DF = Density Factor for the zone

- B. On sites not served by public sewer, soil suitability for individual septic systems shall be documented in a written certified statement by a Connecticut licensed Professional Engineer or the Torrington Area Health District.
- C. On sites not served by public water, site suitability for private wells shall be documented in a written certified statement by the Torrington Area Health District.
- D. Lot Design Considerations. The following design elements are required:
1. No Flag Lots are allowed. Each lot shall have sufficient frontage to provide a front yard along the street for the entire length of the structure.
  2. Each driveway shall have proper sightlines.
  3. Lots with on-site septic systems: Each lot needs to provide ample land area for a code-complying system, reserve system and well radius. The well radius may extend over property lines in the following instances: Over permanently protected open space, or over a town owned right-of-way.

#### **5.6.6 Minimum Open Space**

- A. The minimum acreage of open space shall be 50% of the gross acreage of land to be subdivided.
- B. The open space required by the Subdivision Regulations shall be counted towards meeting the minimum open space required in Section A above.

#### **5.6.7 Open Space**

The location and configuration of the open space shall be subject to the approval of the Commission. The purposes include, but are not limited to, protection of historic features, protection of scenic vistas, provision of areas for active recreation, buffering of adjacent properties, protection of natural areas and protection of farmland.

To the extent practicable, the open space shall be contiguous and useable. Fragmentation of open space should be minimized so that resource areas are not divided into numerous small parcels located in various areas of the development, unless the conservation feature in linear or unless such configuration is necessary to connect with other streams or trails. Open Space shall be consistent with the Torrington Open Space Plan and/or Torrington Plan of Conservation and Development. (Rev. 2/1/06)

#### **5.6.8 Disposition of Open Space**

The method of preservation and disposition of the open space shall be subject to the approval of the Commission. The methods used may include, but are not limited to, the following:

- A. establishment of a neighborhood, or homeowners, association to own and maintain the land for the open space purposes intended;
- B. transfer of the land to a not for profit organization or similar entity to own and maintain the land for the open space purposes;
- C. transfer of the land to the City of Torrington; or
- D. endow maintenance of usable public open space, developed as part of the subdivision.

#### **5.6.9 Adjoining Properties**

To ensure compatibility with existing residential subdivisions, the Commission may require that proposed lots adjacent to, or across the street from, residentially zoned areas conform to the zoning district. The Commission may also require a buffer to separate the conservation subdivision from adjoining properties.

#### **5.6.10 Site Planning Procedures**

Plans prepared under the Conservation Subdivision section shall meet the provisions, procedures and design standards of the Torrington Zoning Regulations unless otherwise stated. Elements of the Conservation Subdivision process are:

- A. **Pre-Application Conference:** Before submitting an application for a conservation subdivision, the subdivider shall schedule a meeting introducing the applicant to the City staff to review the Zoning Regulations, procedures for approval including submittal requirements and design standards. This meeting is to facilitate better communication between the City and the subdivider thereby saving time and creating a better subdivision for all parties. For the meeting, the subdivider is to prepare preliminary mapping including an Existing Resources and Site Analysis Map along with a Preliminary Development Sketch Plan.

1. **Existing Resources and Site Analysis Map** - a review and analysis of the site's unique or sensitive natural areas including:
  - a. Hydrological characteristics, including surface water bodies, floodplains, groundwater recharge and discharge areas, wetlands, vernal pools, natural and manmade swales, watershed divides, drainage ways and steep slopes (25%).
  - b. Land cover on site (pasture, woodland etc.) and specimen trees with a caliper greater than 24 inches dbh. Include comments on health and condition of vegetation and identify any stands of invasive plants.
  - c. List current and past uses with the location of all buildings and structures on the land, cultivated areas, waste sites and history of waste disposal practices, paved areas, and all encumbrances such as easements or covenants.
  - d. Known critical habitat areas for rare, threatened or endangered species.
  - e. Scenic views into and out of the property.
  - f. Unique geological resources such as rock outcrops and glacial features.
  - g. Cultural resources including a brief description of the historic character of buildings, structures, old roads and historically important landscape and archeological features. Locate fences, stone walls and other existing landscape elements.

After all existing elements are inventoried; indicate areas of development and areas to be conserved. In the absence of sewer availability provide indicate soils suitable for septic systems. Any adjacent properties with protected open space should be identified.

This map may be done as an overlay to aerial photographs or topographic survey (contours at 2' min) to a scale of 1"=100'

min. and should be prepared by a landscape architect or other qualified professional such as an environmental consultant, environmental engineer, or physical planner.

2. **Concept Development Sketch Plan** - Sets out the overall concept for the proposed subdivision showing areas of proposed development and areas of conservation. The Sketch should be done as an overlay to the Existing Resources and Site Analysis Map. This plan may be hand-drawn but in sufficient detail to examine and review conditions. Home sites are to be positioned to take maximum advantage of the existing landforms, solar orientation, scenic views etc. Indicate number and type of units' proposed (single family, multi-family etc.) The Concept Development Sketch Plan should complement the Existing Resources and Site Analysis Map and when used as an overlay to the Existing Resources and Site Analysis Map will clearly show how well, or how poorly, the proposed layout avoids areas of the site prioritized for conservation. Calculations regarding the maximum number of permitted lots pursuant to **Section 5.6.5** should be submitted along with the Concept Development Sketch Plan.
3. **Site Walk** - The Commission may request a site walk during the application process. The **Existing Resources and Site Analysis Map** and the **Concept Development Sketch Plan** will be used for orientation.

- B. **Application:** After the pre-application conference, the applicant can make any necessary changes to the preliminary design and develop the proposed subdivision plans. The City staff can meet as needed to review any changes to the overall design. Drawing requirements and application requirements are outlined in detail on the subdivision/resubdivision application.

## 5.7 Flag Lots

In R-15, R-15s, R-25, R-40, R-60 and R-WP zoning districts, the Planning and Zoning Commission may approve as part of a subdivision, or by special exception when no subdivision is required, the use of an access way to serve a lot which does not comply with the minimum lot width requirements provided all the following conditions are met. Flag lots are not permitted in conservation subdivisions. (Eff. 12/9/04)

- 5.7.1 In R-15, R-15s, R-25 and R-40 districts, the minimum lot size, excluding the area of the accessway, shall be 40,000 square feet.

- 5.7.2 In R-60 districts, the minimum lot size, excluding the area of the accessway, shall be 60,000 square feet.
- 5.7.3 In R-WP districts, the minimum lot size, excluding both the area of the accessway and the area covered by inland wetlands, shall be 87,000 square feet.
- 5.7.4 A flag lot shall be used for no more than one dwelling unit.
- 5.7.5 The lot line to which the accessway leads shall be considered the front lot line of the flag lot.
- 5.7.6 In the R-15 and R-15s zones, the front yard setback shall be a minimum of 50 feet.
- 5.7.7 The accessway shall be a minimum of 20 feet wide. The Planning and Zoning Commission, however, may require additional width to accommodate the construction, safe operation, and maintenance of the driveway within the accessway.
- 5.7.8 The driveway from the street to the dwelling unit shall not exceed 1,200 feet in length with the following exception. The Commission may allow an increase in the 1,200 feet driveway length, if, after consultation with the Fire Chief, the Commission determines that any increased driveway length will not result in undue problems in providing fire and other emergency services to the dwelling unit. (Effective 7/28/97)
- 5.7.9 The maximum grade of the driveway shall not exceed 12%.
- 5.7.10 The minimum width of the driveway shall be 12 feet. For driveways longer than 200 feet, pull-off areas to allow two vehicles to pass on the driveway may be required by the Commission. Driveways shall be designed to provide for proper drainage and to accommodate fire and other emergency vehicles. All driveway curves shall contain a minimum radius of 60 feet. Driveways should be designed for onsite infiltration so to drain via sheet flow and not contribute stormwater runoff to the street. (Rev. 2/1/06)
- 5.7.12 No more than two accessways shall lie contiguous to one another. Contiguous accessways shall be separated from other individual or contiguous accessways by a lot which conforms to the minimum lot width requirements of the zone in which it is located.
- 5.7.13 No flag lot served by an accessway shall be placed directly behind another flag lot served by an accessway.

- 5.7.14 The owner of an flag lot must own the accessway in fee simple. However, in the case of contiguous accessways, the Planning and Zoning Commission may permit the use of a common shared driveway provided that the width of such driveway is divided between the two accessways, the responsibility for maintenance is equally shared, and the rights to pass and repass shall be granted to each of the two owners using the common driveway.
- 5.7.15 The Planning and Zoning Commission may require the provision of a landscape buffer along the accessway to protect existing homes from glare and noise.
- 5.7.16 The Planning and Zoning Commission may require a site plan, driveway plan and profile, drainage plan and a map of surrounding properties in order to aid the Commission in determining compliance with this regulation.
- 5.7.17 To provide directions for emergency vehicles, the address of each flag lot shall be identified by a numbered post or mailbox located at the connecting City street.

**5.8 Five estate lots served by common driveway (Eff. 12/09/04)**

The Planning and Zoning Commission may approve as part of a subdivision by Special Exception the use of a common driveway to serve not more than five estate lots in the R-60 and R-WP Zoning districts provided that:

- A. The lots shall be double the size of the minimum lot size requirements in the R-60 and R-WP Zones.
- B. Refer to City of Torrington Standards, Specifications, Rules & Regulations. A common driveway shall only be built in situations where a new road could be built and the driveway then could be constructed in lieu of a public roadway that meets the requirements of the Engineering Department's City of Torrington Standards, Specifications, Rules & Regulations. The area of the common driveway shall be a minimum of 50 feet in width at all points with frontage on a public street. For construction requirements refer to the Engineering Department's City of Torrington Standards, Specifications, Rules & Regulations. The design and layout shall provide safe access for emergency services and shall be referred to the Police and Fire Departments for their review and comment. (Rev. 2/1/06)
- C. A common driveway shall be under joint ownership of the lots it serves. The owners of lots on the common driveway shall share in the maintenance costs of the driveway unless and until the common driveway is improved, at no cost to the City of Torrington, to the requirements of a local street as specified in the current Subdivision regulations and City Road Ordinance. Applicants shall provide the Commission with copies of proposed deed or covenant that shall identify common driveway

ownership and maintenance responsibilities. The Commission shall be assured that the ownership responsibility for maintenance, improvements and liability associated with the common driveway shall remain private unless and until the common driveway is upgraded and accepted as a City Street at no cost to the City. The deed or covenant shall be submitted for review and acceptance of the Corporation Counsel. The approved deed or covenant shall be filed with the City Clerk with the final subdivision map.

## **5.9 Height Exceptions**

5.9.1 The following are exempt from the height limitations in **Section 4.0**:

- A. Chimneys, church spires, elevator shafts, water towers and similar structural appendages not intended for occupancy or storage;
- B. Flagpoles and similar devices;
- C. Heating and air conditioning equipment, solar collectors, and similar equipment, fixtures, and devices;
- D. Towers, 70 feet or less in height, for non-commercial radio transmission provided the distance from the base of the tower to the closest property line is less than the height of the tower.  
(Rev. 12/19/98)

5.9.2 The following structures may exceed the height limitations in **Section 4.0** provided a special exception is obtained:

- A. Places of worship, schools, water storage tanks, hospitals or buildings owned by the City of Torrington; (rev.12/19/98)
- B. Barns, silos, or other structures used for agricultural purposes on a farm;
- C. Equipment or structures used for excavations.

## **5.10 Home Occupations**

5.10.1 Homes occupations are permitted as an accessory use to a dwelling unit provided all of

the following conditions are met:

- A. Only full time residents of the dwelling unit are permitted to work in the home occupation.
- B. A home occupation shall be clearly incidental to the use of the dwelling unit for residential purposes. No more than five hundred square feet of floor area or 25% of the dwelling unit's floor area - whichever is less - shall be used for the home occupation.
- C. The home occupation shall be carried out entirely within the dwelling unit.
- D. Detached garages and other accessory buildings shall not be used for the home occupation with the exception of the storage of one commercial

- vehicle not to exceed twenty (20) feet in length. Detached garages and other accessory buildings shall not be used for storage or display.
- E. No outside storage or display of materials or products is allowed.
  - F. No toxic, explosive, flammable, combustible, corrosive, or otherwise hazardous materials shall be allowed when used in amounts and types not associated with normal household use.
  - G. No equipment or processes shall be used in a home occupation which creates noise, vibration, glare, fumes or odors detectable to the normal senses from off the property.
  - H. The residential appearance of the dwelling unit shall be maintained. No evidence of the home occupation, other than a permitted sign, shall be visible from the exterior of the dwelling unit. No separate entrance shall be used or created exclusively for the use of the home occupation.

## **5.11 Landscaping Requirements**

### **5.11.1 Purpose and Intent**

- A. The purpose of this regulation is to provide minimum standards for landscaping and buffer zones in order to reduce the negative impacts between incompatible land uses; ameliorate the blighted appearance of parking areas; conserve and stabilize property values and otherwise insure the creation of an attractive and harmonious environment. To the extent practical, landscape areas shall serve multiple benefits for a site, including aesthetic, visual mitigation and storm water management. (Rev. 2/1/06)
- B. The landscaping requirements contained in the following sections are the minimum required. An applicant, however, may submit to the Commission an alternative landscaping plan with greater flexibility in layout provided the alternative plan has at least the minimum number of trees and shrubs as required by these regulations. The Commission may approve the alternate landscaping plan if, in the opinion of the Commission, the plan meets the intent of these regulations.

### **5.11.2 General Requirements**

- A. At the time of planting, all required deciduous trees shall have a minimum caliper of 2.5 inches measured according to American Association of Nurserymen standards. All deciduous trees shall be shade trees and have a minimum branching height of five feet. The Commission, however, may allow the substitution of ornamental trees with a 2.5 inch caliper. A variation of .25 inches in caliper is allowed. The use of invasive or potentially invasive plants, as defined by the Connecticut Invasive Plants Council shall be prohibited. The use of Connecticut or New England native species only is encouraged. Invasive plants shall be removed in

areas where predevelopment vegetation is being left in place. (Rev. 2/1/06)

- B. At the time of planting, all required non-deciduous trees shall have a minimum height of 8 feet.
- C. At the time of planting, all required shrubs shall have a minimum height of 18 inches.
- D. No required tree shall be planted on a slope that exceeds 33% (3:1).
- E. All required trees, shrubs, landscaped islands and other buffer areas must be protected from vehicular damage by curbing, railing, landscape timbers or other suitable substitute.
- F. All required trees, shrubs and landscaped areas shall be maintained in good order by the property owner. It is the responsibility of the property owner to replace any required vegetation which may be lost for any reason.
- G. Specimen trees and significant trees are regulated by **Section 5.16**.
- H. The landscape requirements noted in this section are minimums. Additional landscaping is encouraged.
- I. For changes of use, accessory structures, and additions to existing buildings, the Commission may limit the amount of expenditures on landscaping required by Section 5.11 to a maximum of 5% of project's final estimated cost. The applicant shall present to the Commission a planting plan and cost estimates for the project and the plantings. Both the planting plan and the estimates must be satisfactory to the Commission.
- J. Existing Vegetation and Site Features. Existing plant materials may be used to meet all or part of the landscaping regulations and, to the extent possible, existing trees and unique site features, such as stone walls, shall be saved.
  - 1. Existing trees in good condition over 18 inches in caliper shall be preserved unless approved for removal by the Commission. The commission may waive landscaping standards when existing larger trees (18 inches in caliper and larger) are preserved as part of the site design and development.
  - 2. All trees to be saved, either as proposed by the applicant or as required by the Commission, shall be clearly identified for protection.
  - 3. All unique site features (such as stone walls) to be saved, either as proposed by the applicant or as required by the Commission, shall be clearly identified for protection.
  - 4. For resources to be protected:
    - a. The protection zone shall be defined by a recognized arborist (for trees), by the drip line of the tree canopy (for trees), or as otherwise recommended by the applicant or approved by the Commission.
    - b. The protection zone shall be clearly delineated on the site

plan.

- c. The Commission may require the posting of a bond to ensure protection of significant trees and other unique resources identified for preservation.
- d. Snow fence or orange plastic fencing shall be erected around the perimeter of the protection zone prior to construction.
- e. The fence around the perimeter of the protection zone shall be securely staked and shall be posted with "no trespassing" signs to prevent encroachment within the protected area.
- f. No activity (construction, traffic, storage, etc.) shall be permitted within the protection zone as delineated on the site plan and approved by the Commission.
- g. The protective fencing shall remain in place until all construction work has been completed and the ground has been stabilized.
- h. Attention shall be paid to drainage issues (erosion control, storm water drainage, cement truck cleaning, etc.) in and near the protection zone so that the viability of the trees and other unique site features within the protection zone is not adversely affected.
- i. Tree protection must be provided if pavement is within three (3) feet of the tree

K. Site lighting shall be designed to not interfere with the landscaping features.

### **5.11.3 Landscaping Requirements for Front Yards**

The following minimum requirements shall apply to the entire surface of front yards of all lots when an expansion, addition, change of use or new construction occurs except in those front yard areas currently covered by an impervious surface. In the Industrial Park zone, however, the minimum requirements shall apply only to the first twenty feet of the front yard setback. No landscaping requirements shall apply to one, two or three family residences. No dumpsters shall be permitted in the required front yard setback. Driveways and sidewalks may run perpendicular - approximations expected - to the required landscaped area.

#### **A. Front Yards Except Downtown District Zones**

The required front yard setback area of lots outside the Downtown District Zone shall be surfaced with either lawn, evergreen ground cover or other suitable vegetative cover. This required front yard setback area - with the exception of one, two, and three family residences - shall also contain the following:

- 1. One deciduous tree is required for every forty lineal feet - or portion thereof - of front yard. Alternatively, one non-deciduous tree may be

planted for every twenty lineal feet - or portion thereof - of front yard. Deciduous trees, however, must account for at least 50 per cent of all the required trees. Trees shall be planted between thirty and fifty feet apart.

2. Five shrubs are required for every forty lineal feet - or portion thereof - of front yard.
3. Where a front yard faces a residential zone, the Commission may require that all or part of the required front yard setback area be planted with one non-deciduous tree for every eight lineal feet of front yard. These non-deciduous trees are to be planted no more than eight feet off-center. These trees are in lieu of those required in section a above.
4. Where the number of spaces in a single parking area exceeds fifty spaces and this parking area abuts a required front yard setback, the Commission may require:
  - a. The setback be increased by an additional 10 feet in width; and/or
  - b. A berm with an average height of four feet as measured from the lot line to the edge of the parking lot is constructed. The intent is to screen the parking lot from view.
5. Existing vegetation, if comparable, may be used to satisfy all or part of the requirements in sections a, b and c above. Note that the removal of specimen trees and significant trees is regulated by **Section 5.16**.

**B. Downtown District Zone**

A ten-foot wide landscaped area shall be provided between all parking areas and the street frontage. The Commission may, however, allow this landscaped area to be reduced to a minimum of five feet. This required landscaped area shall be surfaced with lawn, evergreen ground cover or other suitable vegetative cover. It shall also contain the following.

1. One deciduous tree is required for every forty lineal feet - or portion thereof - of front yard. Alternatively, one non-deciduous tree may be planted for every twenty lineal feet - or portion thereof - of front yard. Deciduous trees, however, must account for at least 50 per cent of all the required trees. Trees shall be planted between thirty and fifty feet apart.
2. Five shrubs are required for every forty lineal feet - or portion thereof - of front yard.
3. Existing vegetation may be used to satisfy the requirements in subsections a and b provided comparable vegetation exists. Note that the removal of specimen trees and significant trees is regulated by **Section 5.16**.

#### 5.11.4 Landscape Requirements for Parking Areas

- A. The following minimum requirements shall apply to:
- All new parking areas; and
  - All rearrangements of existing parking areas with more than fifty parking spaces if the rearrangement effects more than 20% of the existing spaces.

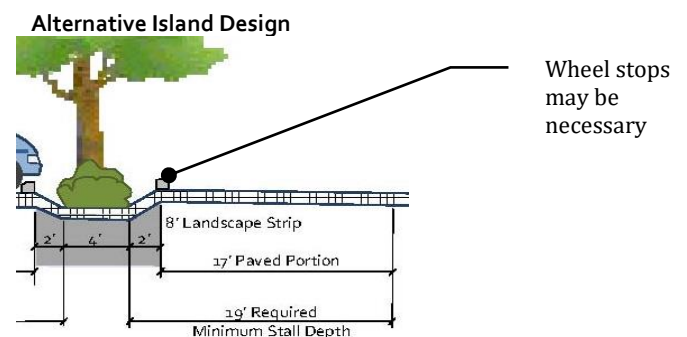
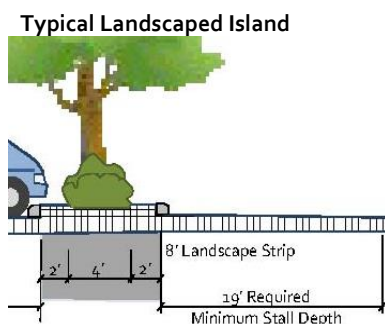
B. **Lots with 15 or More Parking Spaces**

Any lot which contains a parking area having more than fifteen parking spaces shall have a landscaped island at each end of each row of parking spaces and an intermediate island after fifteen parking spaces. However, landscaped islands shall not be required between a parking space and a building wall if the building wall is within 15 feet of the parking space. Landscaped islands shall be a minimum of 18 feet in length and nine feet in width. Each landscaped island shall contain a deciduous tree. A non-deciduous tree may be substituted in cases where its location does not interfere with sight distances within the parking lot or the landscaped area is part of the stormwater management system.

C. **Lots with 50 or More Parking Spaces** (Rev. 12-16-10)

Where a lot contains a parking area having 50 or more parking spaces, the landscaped islands required by **Section 5.13** may be combined into planting clusters or rows provided the following requirements are met.

- Planting clusters shall be located adjacent to, or within, the parking area.
- Planting clusters shall be evenly distributed throughout the parking area with no more than 160 feet separating each cluster.
- An individual planting cluster shall have minimum dimensions of nine feet by 18 feet.
- The total area of the planting clusters shall be greater than or equal to the area of the required landscape islands.
- The planting cluster shall have at least the same number of trees as the required landscaped islands.
- The planting clusters shall not count towards meeting any other landscaping requirements.



#### 5.11.5 Buffer Requirements (Rev. 12/19/98)

##### A. General Requirements

1. The following minimum buffer requirements shall apply to:
  - a. All new construction;
  - b. Additions resulting in a total increase of more than 15% in the gross floor area existing on the effective date of this regulation; and
  - c. The expansion of parking, loading, and storage areas by more than 15% of the impervious surface existing on the effective date of this regulation.
2. Buffers shall not contain buildings, structures, parking, storage areas, dumpsters, signs, impervious surfaces, or other such uses.
3. Buffers shall be located to provide the maximum visual buffer between adjoining uses.
4. Where the number of spaces in a single parking area exceeds fifty spaces and this parking area abuts a required buffer, the Commission may require:
  - a. The buffer be increased by an additional 10 feet in width; and/or
  - b. A berm with an average height of four feet as measured from the lot line to the edge of the parking lot is to be constructed. The intent is to screen the parking lot from view.
5. Existing vegetation may be used to satisfy the buffer requirements provided equivalent visual protection is provided and the buffer is a minimum of fifteen feet wide. Non-deciduous trees and shrubs shall be added to supplement the existing vegetation if the Commission determines it is necessary to provide a year round visual buffer. Note that the removal of specimen trees and significant trees is regulated by **Section 5.16**.
6. Stormwater Structure Landscaping.  
Stormwater management systems shall be visually compatible with the surrounding landscape and should have sufficient vegetation to screen adjacent properties. Where appropriate, Low Impact Development/Design stormwater solutions shall be utilized. Basin landscaping shall provide for stormwater quality remediation.

##### B. Buffer Requirements - Specific (Rev. 8-22-02)

The purpose of the buffer area is to:

1. Provide visual screening for buildings, parking areas, loading areas, outside storage areas and ground fixed mechanical equipment to protect property values and enhance the appearance of the community;
2. To reduce surface water runoff and minimize soil erosion through the natural filtering and renovation capability of landscaped areas;

3. To minimize environmental nuisances such as glare and noise.

This regulation is intended to be a flexible, performance based regulation that allows the applicant to demonstrate to the Commission that the buffer area proposed provides the proper physical separation and visual screening between the proposed use and the adjacent to or across the street residential zone.

Within the buffer area the applicant shall provide screening for parking areas, loading areas, outside storage areas and ground fixed mechanical equipment. Acceptable screening materials may include, existing vegetation on the property, where the existing vegetation is of a nature that it will effectively screen the use from the view of adjoining properties, earthen berms, solid fences or walls, trees and evergreen plantings of such species, height and spacing, that in the judgment of the Commission will effectively screen the use. The applicant may propose any combination of the above screening materials. The screening shall be effective year round. The placement, width and design of the screening portion of the buffer shall be approved by the Commission.

In addition to the required landscaping plan per **Sections 5.11 and 8.4.3 I**, the applicant shall supply sectional drawings and photographs which demonstrate through use of existing topography, existing vegetation and or screening materials above, the proposed plan provides the proper physical separation and visual screening between the proposed use and adjacent to or across the street residential zones. (See example illustrations in figure 1 below.)

The location of the proposed screening shall be located to provide the maximum visual buffer between adjoining uses. If existing woodlands are located within the required buffer area, the applicant is encouraged to preserve these woodlands and supplement with non-deciduous trees, berm, solid fence or wall to provide the required year round screening.

The Commission may require additional landscaping or more mature plantings where unusual conditions dictate more extensive screening or for noise abatement purposes to reduce depreciation of adjacent residential properties in a residential zone. At the request of the applicant, the Commission may determine that the requirement for a landscaped buffer area is not necessary along a property line adjoining a permanently protected open space or some other similar situation where property values or community appearance would not be adversely affected.

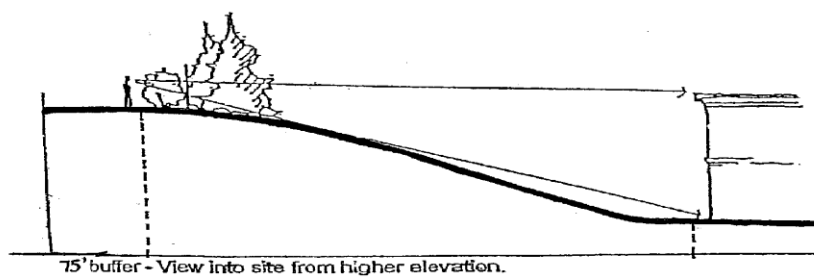
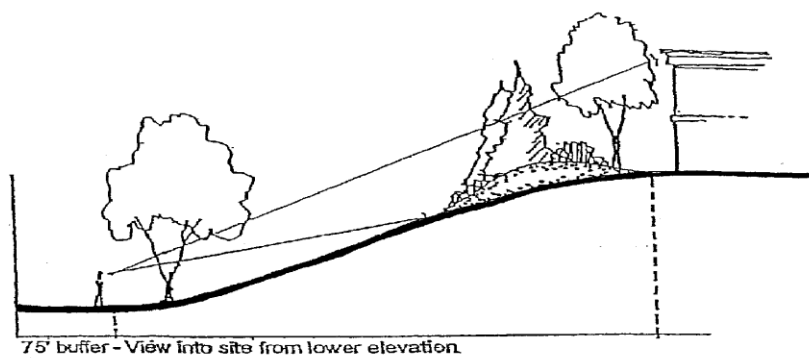
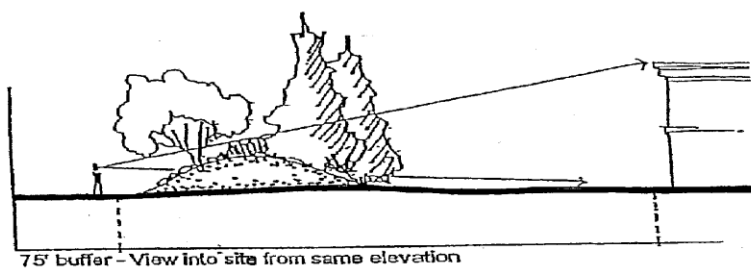
Buffer areas shall not contain buildings, accessory structures, parking, storage areas, dumpsters, impervious surfaces except as noted below.

The Commission may allow certain improvements to encroach within the buffer areas such as storm systems, detention/retention basins, underground utilities including sanitary lines, access drives for emergency vehicles, inter-lot connector drives, utility boxes, sidewalks and the like. Where possible encroachments in the buffer area will traverse the buffer area in such a manner so that the view is not continuous through the buffer.

Note: The buffer requirements are in addition to the landscaping requirements of **Section 5.11** for front yards and parking areas. The removal of specimen trees and significant trees is regulated by **Section 5.16**.

- C. Buffer Requirements Local Business and Industrial Zone. All yards which are adjacent to a residential zone shall contain a twenty-five foot wide buffer.
- D. Buffer Requirements Industrial Park Zone  
All yards which are adjacent to or across the street from a residential zone shall contain a seventy-five foot wide buffer. The Commission may by special exception permit reduce this required buffer to not less than the required building setbacks. The Commission will consider the adjacent uses, existing topography and/or exiting vegetation in evaluating reduction of the required buffer.
- E. Buffer Requirements Residential Zones  
Uses permitted by special exception in a residential zone shall be separated by a landscaped buffer. The landscaped buffer area shall be designed to screen parking areas and special exception uses from adjoining residential properties.

Figure 1



#### **5.11.6 Enforcement (Rev. 8/2/99)**

In the case where a certificate of zoning compliance or a certificate of occupancy is requested beyond the planting season, at the request of the applicant, the Zoning Enforcement Officer, or his/her designee may accept a performance bond. The plantings covered by the performance bond shall be completed within eight months from the date of the certificate of zoning compliance or the certificate of occupancy. Such bond shall be a certified check, a passbook, an irrevocable letter of credit, or a bond from a company licensed in the State of Connecticut. The bond shall be in a form approved by the Corporation Counsel payable to the City of Torrington and in an amount of the estimated total cost of all plant materials and installation costs. Such bond shall be made conditional upon the applicant complying with the provisions of this regulation.

### **5.12 Non-Conforming Uses (rev. 12/19/98)**

#### **5.12.1 Continuation**

Non-conforming uses and structures may be continued provided the uses and structures lawfully existed at the time these regulations, or amendments to these regulations, became effective. The volume, intensity, or frequency of use of a non-conforming property may be increased provided the increase is only a change in the degree of activity rather than a change in the kind of activity. If a non-conforming use is changed to a use permitted by right or by special exception the property may not revert to a nonconforming use.

#### **5.12.2 Repairs**

Minor repairs to, and routine maintenance of, a property where non-conforming uses and structures exist are permitted and encouraged.

#### **5.12.3 Structures with Non-Conforming Uses**

- A. One expansion of a structure - other than a one or two family residence - with non-conforming uses is permitted provided:
  - 1. the expansion is no greater than 10% of the structure's gross floor area or 10% of the structure's cubic volume whichever is less;
  - 2. all other applicable zoning regulations are observed; and
  - 3. a special exception is obtained.
- B. The expansion of parking lots, outside storage areas, and other uses on a lot with a structure containing a non-conforming use is permitted provided:
  - 1. the expansion is the minimum necessary to support the non-conforming structure;
  - 2. all other applicable zoning regulations are observed; and
  - 3. a special exception is obtained.

- C. The expansion of one and two family residences is permitted provided the expanded section does not violate the applicable height or yard setback regulations.

#### 5.12.4 Changes in Use of Existing Structures

If the intended change in use is to another principal use that is also nonconforming, the change is permissible provided:

- A. the intended change will not require more parking than the existing non-conforming use;
- B. both the intended use and the existing non-conforming use would be permissible by right in the same zoning district; and
- C. site plan approval is obtained.

#### 5.12.5 Non-conforming Use of Land

A legally non-conforming use of land not involving a structure may be continued. The area covered by the non-conforming use may not be increased.

#### 5.12.6 Non-Conforming Structures

A structure which conforms to the use regulations but which does not conform to yard setbacks, area, parking, landscaping, or other zoning regulations may be expanded provided:

- A. the expanded section of the structure conforms to all applicable regulations; and
- B. no other non-conforming situation is created or increased by the expansion.

#### 5.12.7 Casualty

Any non-conforming structure or use which is damaged by fire or other natural disaster may be restored and used as before provided a zoning permit is issued for the restoration. Neither the floor area nor the cubic volume of a non-conforming structure may be expanded. A non-conforming use of land may occupy no greater area than before the calamity. (*revised 6-19-19*)

### 5.13 Parking

#### 5.13.1 General Requirements (rev. 12-16-10)

- A. Off-street parking facilities shall be provided for all buildings or uses on-site at the time of the erection, alteration or enlargement of any building or change of use of premises except in the D.D. – Downtown District Zone and; (*revised 6-19-19*)
  - 1. where such erection, alteration, enlargement or change of use would require no increase in the amount of parking spaces required under **Section 5.13.4**;
  - 2. (*eliminated 6-19-19*)

- B. Off-street parking facilities shall be on the same lot with the use or building it is intended to serve except as follows:
1. All of the required off-street parking spaces are within 300 feet of unobstructed walking distance of the public building entrance to which the parking is intended to serve or, in the case of no building, to the pedestrian entrance into the property; and a special exception is obtained. The Commission may increase the distance to a maximum of 500 when it finds that spaces will be used to satisfy employee parking requirements and that no residential zoned neighborhood will be impacted by the increased distance.
  2. All or part of the required off-street parking may be within the street right of way provided:
    - a. all the parking spaces are within 300 feet of unobstructed walking distance to the public building entrance to which the parking is intended to serve or in the case of no building, to the pedestrian entrance into the property; and
    - b. a special exception is obtained.
    - c. The Commission may increase the distance to a maximum of 500 when it finds that spaces will be used to satisfy employee parking requirements and that no residential zoned neighborhood will be impacted by the increased distance (no on-street parking spaces are in a residential neighborhood).
- C. *(eliminated 6-19-19)*
- D. Shared use of off-street parking facilities is permitted provided that the area of such facilities shall be not less than the sum of the requirements of the various uses computed in accordance with the number of spaces required in **Section 5.13.4** or as reduced by the Commission.
- E. The need for off-street parking shall be weighed against the potential impact of stormwater from impervious surfaces required for off-street parking. Parking lots shall be designed to minimize the impacts from stormwater resulting from impervious surfaces techniques, such as Low Impact Development/Design shall be explored when construction of new parking areas are proposed. In addition, the use of existing native vegetation is a design goal.

#### 5.13.2 Minimum Standards for Parking Facilities

- A. The minimum standards for parking facilities contained in this section shall apply to the following.
1. All proposed parking facilities and driveways on lots where none previously existed.
  2. All proposed portions of enlarged existing parking facilities.

3. All existing driveways of enlarged existing parking facilities with the exception that the sight distance standards contained in **Section 5.13.2.H** of this regulation shall not apply to existing driveways serving one, two, and three family residences. However, where the existing sight distance of a driveway serving a one, two, or three family residence is less than that required in **Section 5.13.2.H** such sight distance must be increased where the improvement involves the reasonable clearing or removal of vegetation as required by the City Engineer.

**B. Parking Spaces and Stacking Spaces** (Rev. 12/19/98)

1. Each parking space shall be not less than nine feet in width and eighteen feet in length and rectangular in shape.
2. Each stacking space shall be not less than nine feet in width and eighteen feet in length and rectangular in shape.
3. Parking spaces, stacking spaces and loading spaces shall not overlap or interfere with aisles or driveways.

**C. Aisle Widths**

1. The aisle width for one-way travel shall be a minimum of:
  - a. twelve (12) feet for parallel parking;
  - b. twelve (12) feet thirty (30) degree angle parking;
  - c. twelve (12) feet for forty-five (45) degree angle parking;
  - d. eighteen (18) feet for sixty (60) degree angle parking;
  - e. twenty feet (20) for ninety (90) degree parking for two and three family houses;
  - f. twenty four feet for ninety (90) degree parking for all other uses.
2. The aisle width for two way travel shall be a minimum of:
  - a. ten feet for one, two and three family houses;
  - b. twenty four (24) feet for all other uses.
3. Aisle widths shall be kept to the minimum required unless the applicant can demonstrate to the Commission that the additional width is necessary for the safe movement of traffic.

**D. Driveway Widths** (rev. 12/19/98 and 12-16-10)

1. The driveway width for one-way travel from the right-of-way line shall be a minimum of ten (10) feet except for one, two, and three family residences.
2. The driveway width for two way travel shall be a minimum of:
  - a. ten (10) feet for one, two, and three family houses;
  - b. twenty-two (22) feet for all other uses.
3. For driveways serving seven or fewer parking spaces, the Commission may allow the driveway to be reduced to a minimum of twelve feet. In making this determination, the Commission shall

consider the amount of anticipated traffic, the length of the driveway, the type of activity on the property, and the character of the surrounding properties.

4. Driveway widths shall be kept to the minimum required unless the applicant can demonstrate to the Commission that the additional width is necessary for the safe movement of traffic.

**E. Circulation**

All parking areas shall provide adequate means for the maneuvering of vehicles in and out of parking spaces, adequate sight distance throughout the parking area and an adequately controlled circulation pattern including where necessary the provision of traffic islands and curbing in order to insure the safety of motorists and pedestrians. Traffic islands shall be designed and situated so as to provide a turning radius of sufficient size to permit vehicles to navigate the turn into a parking space or into the proper lane of a driveway or street.

**F. Sidewalks in Parking Areas**

1. Parking areas with more than fifty (50) spaces shall contain sidewalks:
  - a. Within such parking areas;
  - b. Between all buildings on the site; and
  - c. From the buildings to the public street, if sidewalks exist on the street and if required by the Commission.
2. No parking space shall be more than 120 feet from a sidewalk. The Commission may waive this requirement if the installation of sidewalks will conflict with overall Low Impact Design Objectives identified in **Section 5.13.1C** above. (Rev. 12-16-10)
3. Sidewalks shall be a minimum of 4 feet wide.
4. Sidewalks shall be protected from overhanging vehicles by wheel blocks, bollards, raising the sidewalks a minimum of five inches, or similar means.

**G. Parking Space, Aisle, and Driveway Grades**

1. The minimum grade for all driveways, aisles, and parking spaces shall be one percent (1%).
2. The maximum grade for all driveways and aisles shall not exceed 12%.
3. A proposed driveway providing access from a street to seven (7) or more parking spaces shall have a maximum grade of six percent (6%) for the first forty (40) feet in from the existing edge of the street's pavement.
4. The maximum grade along the cross slope of driveway or aisle shall be six percent (6%).

5. The maximum grade along the length of each parking space shall be six percent (6%).
6. The maximum grade along the width of each parking space shall be six percent (6%).

**H. Sight Distances**

Each driveway which connects a street with a parking area shall possess the minimum sight distance in accordance with the following:

1. Driveways serving parking areas with between 1 and 100 spaces.

$$\frac{\text{85th Percentile Speed of Intersecting Road}}{\text{Minimum Sight Distance in All Directions}} =$$

<u>25 mph</u>	<u>30 mph</u>	<u>35 mph</u>	<u>40 mph</u>	<u>45 mph</u>
150 ft.	200 ft.	250 ft.	275 ft.	315 ft.

2. Driveways serving parking areas with more than 100 spaces

$$\frac{\text{85th Percentile Speed of Intersecting Road}}{\text{Minimum Sight Distance in All Directions}} =$$

<u>25 mph</u>	<u>30 mph</u>	<u>35 mph</u>	<u>40 mph</u>	<u>45 mph</u>
250 ft.	300 ft.	350 ft.	400 ft.	450 ft.

- I. Each parking space shall have free access to an aisle or driveway except that on lots with one, two or three family residences or in multi-family developments parking spaces may be placed one behind the other provided that both spaces are assigned by lease or by similar legal agreement to the identical dwelling unit.
- J. Parking spaces within multiple family developments and for business and industrial uses shall be clearly marked. Directional travel signs shall be provided to distinguish between driveways and aisles for one and two way travel.
- K. Parking facilities shall be for transient parking of registered motor vehicles only. They shall not be used for sales, dead storage, repair work, dismantling or servicing of any kind except as permitted for garages and service stations.
- L. No parking shall be permitted in the required front yard except for the following:
  1. One, two and three family residences;
  2. The parking front yard setback in an Industrial Park Zone shall be twenty (20) feet.
- M. No parking within the R.R.C. and C.I.R. Zones shall be permitted with fifty (50) feet of a residential zone boundary.

- N. The angle of intersection between a driveway and the street shall be as close to ninety (90) degrees as possible. In no case shall the acute angle of intersection between a driveway and the street be less than seventy five (75) degrees. The curb radii at the intersection of a driveway and a street shall be commensurate with the type and volume of vehicular traffic anticipated to use such driveway.
- O. Except in the case of one, two, or three family residences no parking space shall have direct access to a public street. Except in the case of one, two and three family residences, vehicles shall not be permitted to back out onto a public street.
- P. When in the opinion of the Commission after consultation with the City Engineer and the local Traffic Authority, existing and anticipated traffic volumes and anticipated driveway queuing would result in driveway congestion, multiple outbound lanes for separate turning movements shall be provided. Such outbound turning lanes shall be eleven (11) feet in width.
- Q. All parking areas in an Industrial Park Zone, Local Business Zone or Downtown District Zone shall be paved. The Commission may allow an alternative surface as part of a Low Impact Development/Design solution, provided the alternative material has been approved for use by the City Engineer. (rev. 12-16-10)
- R. All regular parking spaces except those in an Industrial Park Zone, Local Business Zone or a Downtown District Zone shall, at a minimum, be treated with a rolled gravel surface. For one, two or three family residences, the rolled gravel surface shall have a minimum depth of 3 inches. For all other uses, the minimum depth shall be 6 inches. The Commission may allow an alternative surface as part of a Low Impact Development/Design solution, provided the alternative material has been approved for use by the City Engineer. (rev. 12-16-10)
- S. All handicapped parking spaces shall be paved.

#### **5.13.3 Access and Sidewalk Requirements**

- A. The access and driveway requirements contained in this section apply to the following:
  - a. All proposed driveways;
  - b. Existing driveways serving proposed or enlarged parking facilities.
- B. One-way and two-way driveways which service seven (7) or fewer parking spaces shall be located a minimum of fifty (50) feet from a street intersection, as measured from the center line of such driveway to the extension of the intersecting curbs.
- C. One-way and two-way driveways which service more than seven (7) parking spaces shall be located a minimum of one hundred (100) feet from a street intersection, as measured from the center line of such driveway to the extension of intersecting curbs.

- D. Where a lot contains frontage on more than one public street the Commission, after consultation with the City Engineer and the local Traffic Authority, may require that access to parking areas containing seven (7) or more parking spaces be provided from the street having less traffic volume.
- E. Multiple driveways must be approved by the Commission, after consultation with the City Engineer and the local Traffic Authority. Multiple driveways to one lot shall only be permitted where the applicant can demonstrate that such driveway entrances are necessary for fire protection or the safe and efficient movement of vehicular traffic on site and that the presence and location of said driveways do not interfere with the normal movement or queuing of traffic on the intersecting street.
- F. Driveways shall be designed to have sufficient capacity to accommodate the anticipated number of queuing vehicles and to prevent conflicts between such queuing and any parking spaces.
- G. Driveways having access to a State Highway shall be jointly approved by the State Department of Transportation and the Commission, after consultation with the City Engineer and the local Traffic Authority, except in the case of driveways serving one, two and three family residences.
- H. Except in the case of driveways serving one, two or three family residences, the Commission, after consultation with the City Engineer and local Traffic Authority, may require:
  - 1. Up to one hundred fifty (150) feet of separation distance between two-way driveways;
  - 2. Up to seventy-five (75) feet of separation distance between one-way driveways;
  - 3. Up to one hundred fifty (150) feet of separation distance between a one-way driveway and a two-way driveway. The separation distances may be required whether or not the driveways are located on a single lot or on separate lots. The separation distances shall be measured from the center line of the driveway.
- I. All driveways and aisles in an Industrial Park Zone, Local Business Zone or Downtown District zone shall be paved.
- J. All driveways and aisles except in a Industrial Park Zone, Local Business Zone or Downtown District Zone shall, at a minimum, be treated with a rolled gravel surface. For one, two or three family residences, the rolled gravel surface shall have a minimum depth of 3 inches. For all other uses, the minimum depth shall be 6 inches. In addition, driveways for all uses shall be paved for a minimum of ten feet from the edge of pavement of the intersecting street.
- K. Where a lot has frontage on a State Highway and the abutting lots have sidewalks, the Commission, after consultation with the City Engineer, and the local Traffic Authority may, in conjunction with the State Department of

Transportation, require the installation of a sidewalk with a minimum width of five (5) feet. The exact location of the sidewalk shall be determined by the above mentioned parties.

- L. Where a lot has frontage on a city street, the Commission, after consultation with the City Engineer and local Traffic Authority may require the installation of a sidewalk with a minimum width of five (5) feet. The exact location of the sidewalk shall be determined by the above mentioned parties.
- M. Access management is an approach that seeks to manage driveways and intersections on state highways and other major roads in Torrington to maximize roadway capacity and reduce congestion. Provisions for immediate or future driveway connections to adjoining lots of similar existing or potential uses shall be made when such driveway connections will facilitate efficient emergency response and/or when such connections will enable the public to travel between lots without the need to travel upon a street. The property owners' right to use and the obligation to maintain common driveways shall be assured by a written dedication and/or agreement to be recorded in the Torrington Land Records. Where street geometry, traffic volumes or traffic patterns warrant, the Commission may: (eff. 5/17/07)
  - 1. Limit the number of driveways that provide access to a lot from the street.
  - 2. Designate the location of any street access.
  - 3. Require the use and/or provision of a common driveway with an adjoining lot, an access easement to an adjoining lot for shared access, and limit access to a major street and require access from a minor street.
  - 4. As part of an application approval, the Commission may require an applicant or owner to:
    - a. Establish mutual driveway or other easements to provide a single point of access for two or more abutting lots in a location acceptable to the Commission.
    - b. File such easements on the land records in favor of the abutting lot owners and/or the City of Torrington as shall be acceptable to the Commission and the Corporation Counsel, and/or
    - c. Utilize a mutual driveway or other easement that exists on an abutting lot in lieu of having a separate curb cut onto a road or street.
  - 5. Parking spaces lost or abandoned to an interconnect may be exempted from the minimum parking requirements by the Commission.
  - 6. Owners shall have the right and may allow their Tenants (which may include the owners) to advertise on both free standing signs, approved in accordance with **Section 5.15.4** of the Regulations, and incidental directional signs located on a lot that has a common driveway and/or a shared access easement with the owner's lot.

#### 5.13.4 Required number of Off-Street Parking Spaces

- A. Off-street parking facilities as required by **Section 5.13.1** shall contain the minimum number of parking spaces as described in Table 1 below. Where more than one land use occupies a lot, the total number of parking spaces required shall be cumulative.

**Table 1** (Rev. 6/19/19)

USE CODE	USE	PARKING REQUIREMENT	
		MINIMUM SPACES	MAXIMUM SPACES
<b>1.00</b>	<b>Residential Uses</b>		
1.10	Single Family, Detached	2 per dwelling unit	
1.15	Affordable Housing: Single Family Detached	2 per dwelling unit	
1.20	Two Family Residence	2 per dwelling unit	
1.25	Two Family: Primary Residence + Accessory Apartment	3	
1.27	Three Family Residence	6	
1.30	Multi-Family Dwellings	2 per dwelling unit for units with 2 or more bedrooms, OR	
		1.5 per dwelling unit for one bedroom units, OR	
		1 per unit for efficiency units <i>except in the D.D. – Downtown District</i>	
		In addition to the above, 1 visitor space for every 4 units except in the D.D. Downtown District	
1.39	Affordable Housing: Multi-Family Housing	2 per dwelling unit for units with 2 or more bedrooms, OR	
		1.5 per dwelling unit for one bedroom units OR	
		1 per unit for efficiency units	
		PLUS 1 visitor space for every 4 units except in the <i>D.D. – Downtown District. No parking minimum/maximum for parking for new multifamily dwellings in D.D. District</i>	
1.40	Nursing Homes	1 for every 3 beds	
1.50	Congregate Care Facilities	1 for every 3 beds	
1.55	Elderly Retirement Housing & Assisted Living Facility	1.00 per independent living unit	
		1.00 spaces per 3 bedrooms for assisted living units	
1.65	Boarding House with less than 3 boarders	1 per bedroom	
1.66	Boarding House with more than 2 boarders & less than 15 boarders	1 per bedroom	
1.67	Boarding House with 15 or more boarders	1 per 3 bedrooms	
1.80	Care Facilities	1 per 3 residents	
1.90	Mobile Home Park & Recreational Vehicle Park	2 spaces per home site	

USE CODE	USE	PARKING REQUIREMENT	
		MINIMUM SPACES	MAXIMUM SPACES
<b>2.00</b>	<b>Educational, Cultural, Religious, Child Care, Philanthropic, Social &amp; Fraternal Uses</b>		
2.05	Elementary Schools -Grades K-8	1.1 per employee OR 1 per 5 seats in the auditorium whichever is greater	
2.08	Secondary, Trade, & Vocational Schools	1 per 6 students PLUS 1 per employee OR 1 per 5 seats in the auditorium, whichever is greater	
2.09	Colleges & Universities	1.5 spaces per 2 students	
2.10	Churches, Synagogues & Other Places of Worship including associated residential units for religious personnel & other associated buildings	1 per 5 seats in the portion of the building used for services PLUS spaces for any residential uses as determined in accordance with the parking requirements set forth for residential uses.	
2.15	Libraries & Museums	1 per 500 SF of GFA	1 per 300 SF of GFA
2.20	Social & Fraternal Clubs, Union Halls	1 per 300 SF of GFA	
2.30	Child Day Care Center	1 space per 6 children at maximum capacity	
2.40	Group Day Care Center	No requirements	
2.50	Family Day Care Home	No requirements	
2.60	Hospital	1.5 per bed	
2.70	Adult Day Care	1 per 6 individuals at maximum capacity	
<b>3.00</b>	<b>Sales &amp; Rental of Goods, Merchandise or Equipment - no storage or display of goods outside fully enclosed building</b>		
3.10	Retail Stores, <20,000 GFA	1 per 350 SF of GFA	1 per 250 SF of GFA
3.11	Retail Stores, ≥20,000 GFA	1 per 500 SF of GFA	1 per 350 SF of GFA
3.15	Bakeries – Retail	1 per 350 SF of GFA	1 per 250 SF of GFA
<b>4.00</b>	<b>Personal Services</b>		
4.10	Banks	1 per 500 SF of GFA	1 per 300 SF of GFA
4.20	Funeral Home	1 per 3 seats	
4.30	Beauty Parlor	1 per 350 SF of GFA	
4.40	Dry Cleaners	1 per 500 SF of GFA	1 per 350 SF of GFA
4.50	Barber Shop	1 per 500 SF of GFA	
4.60	Gymnasiums & Physical Fitness Centers	1 per 500 SF of GFA	1 per 200 SF of GFA
4.70	Tailor Shops	1 per 500 SF of GFA	1 per 350 SF of GFA
4.80	Shoe Repair Shops	1 per 500 SF of GFA	1 per 350 SF of GFA
4.90	Hotels and Motels	1.2 per room	1.5 per room
4.95	Bed and Breakfast	1.2 per room	1.5 space per room
<b>79   Page</b>			
4.99	Other Personal Services	1 per 500 SF of GFA	1 per 350 SF of GFA

USE CODE	USE	PARKING REQUIREMENT	
		MINIMUM SPACES	MAXIMUM SPACES
<b>5.00</b>	<b>Offices - Operations designed to attract and serve customers &amp; clients on the premises</b>		
5.10	Attorneys	1 per 500 SF of GFA	1 per 200 SF of GFA
5.20	Physicians	1 per 400 SF of GFA	1 per 100 SF of GFA
5.30	Nurse Practitioners	1 per 400 SF of GFA	1 per 100 SF of GFA
5.40	Insurance Agents	1 per 500 SF of GFA	1 per 200 SF of GFA
5.50	Stock Brokers	1 per 500 SF of GFA	1 per 200 SF of GFA
5.60	Real Estate Agents	1 per 500 SF of GFA	1 per 200 SF of GFA
5.70	Accountants	1 per 500 SF of GFA	1 per 200 SF of GFA
5.80	Other Offices	1 per 500 SF of GFA	1 per 200 SF of GFA
5.90	Radio & TV Stations	1 per 500 SF of GFA	1 per 200 SF of GFA
<b>6.00</b>	<b>Recreation, Amusement &amp; Entertainment</b>		
6.10	Activity conducted entirely within a building	1 per 200 SF of GFA	
6.15	Bowling alleys, skating rinks, indoor tennis, squash & racquetball courts, pool & billiard halls	1 per 200 SF of GFA	
6.18	Theaters for Movies & Plays	1 per 4 seats.	
6.20	Activity conducted primarily outside enclosed building	1 per 3 persons at outdoor facility's maximum capacity PLUS 1 space per 200 SF of GFA of buildings	
6.22	Golf & Country Clubs	1 per 3 persons at outdoor facility's maximum capacity PLUS 1 space per 200 SF of GFA of buildings	
6.24	Tennis & Swim Clubs	1 per 3 persons at outdoor facility's maximum capacity PLUS 1 space per 200 SF of GFA of buildings	
6.26	Golf Drive Ranges, Miniature Golf Courses, Skateboard Parks, Water Slides & similar uses	1 per 3 persons at outdoor facility's maximum capacity PLUS 1 space per 200 SF of GFA of buildings	
6.27	Golf Courses	1 per 3 persons at outdoor facility's maximum capacity PLUS 1 space per 200 SF of GFA of buildings	
6.28	Automobile & Motorcycle Racing Tracks	1 per 3 seats	
6.29	Other Outdoor Activities	1 per 3 persons at outdoor facility's maximum capacity PLUS 1 per 200 SF of GFA of buildings	

USE CODE	USE	PARKING REQUIREMENT	
		MINIMUM SPACES	MAXIMUM SPACES
7.00	Restaurants, Bars, & Night Clubs		
7.10	Restaurant with no substantial carry-out or delivery service, no drive in service, no service or consumption outside fully enclosed building	4 per 10 seats	
7.20	Restaurant with no substantial carry-out or delivery service, no drive in service, no service and consumption allowed outside fully enclosed building	4 per 10 seats	
7.30	Restaurant with carry-out & delivery service allowed, consumption outside fully enclosed structure	1 per 350 SF of GFA PLUS 4 per 10 seats located outside the structure	
7.40	Carry out & delivery service, drive-in service or consumption	1 per 350 SF of GFA PLUS 6 stacking spaces per drive-in window PLUS 4 per 10 seats located outside the structure	
7.50	Restaurants, including taverns & other places licensed to sell alcoholic beverages	1 per 350 SF of GFA PLUS 4 per 10 seats located outside the structure	
8.00	Automobile Establishments		
8.10	Motor Vehicle Sales or Rental; Mobile Home Sales or Rental	1 per 1,000 SF of GFA	
8.20	Service & Sales with Installation of Motor Vehicle Parts or Accessories (e.g. tires, mufflers)	1 per 500 SF of GFA PLUS 2 per garage bay	
8.30	Motor Vehicle Repair or Service	3 per garage bay	
8.40	Sales of Gasoline	1 per 250 SF of GFA	
8.50	Car Wash	6 per fixed stall equipped for washing, drying, etc. Parking spaces need not be stalls but may be waiting space in driveway	
8.60	Motor Vehicle Painting & Body Work	1 per 1,000 SF of GFA	
9.00	Parking & Storage		
9.10	Automobile Garages or Parking Lot which is the Principle use on the Lot	1 allowed per vehicle	
9.20.A	Warehouses Where All Storage is within a Completely Enclosed Structure	1 per 2,000 SF of GFA	
9.20.B	Self- service storage warehouse	1 per 10 compartments	
9.30/9.31	Warehouse Where Storage is Inside or Outside a Completely Enclosed Structure	1 per 2,000 SF of area used for storage	
9.40	Parking of Vehicles or Storage of Equipment Outside Enclosed Structure where Parking or Storage is more than a minor or incidental Use of the Lot. (e.g. Storage of Construction Equipment)	1 allowed per vehicle	

USE CODE	USE	PARKING REQUIREMENT	
		MINIMUM SPACES	MAXIMUM SPACES
10.00	Services & Business Related to Animals		
10.10	Veterinarian	1 per 350 SF of GFA	1 per 250 SF of GFA
10.20	Kennel	1 per 1,000 SF of GFA	1 per 350 SF of GFA
10.30	Public Stables	1 per 3 persons at facility's maximum capacity	
11.00	Junk Yards, Scrap Materials Salvage Yards, Recycling Centers & Automobile Graveyards	1 per 1,000 SF of GFA	
12.00	Agricultural Operations		
12.10	Farms	1 per employee at maximum shift	
12.20	Farmer's Roadside Stand	1 per 250 SF of GFA	
12.30	Commercial Greenhouses	1 per 250 SF of GFA	
13.00	Excavating, Mining & Quarrying	1 per employee at maximum shift	
14.00	Cemetery & Crematorium	1 per employee at maximum shift	
16.00	Bus Station & Train Station	1 per 200 SF of GFA	
18.00	Building & Uses of the City of Torrington	Refer to comparable use	
19.00	Manufacturing, Processing, Creating, Repairing, Renovating, Painting, Cleaning or Assembling of Goods, Merchandise or Equipment	1 per 650 SF of GFA; the Commission may, by special exception, allow a maximum of 50% reduction in the amount of required parking, provided that the applicant can demonstrate that the required parking is not needed and that there is sufficient space on the lot to accommodate the required parking in the future	
19.05	Print Shops, Sign Painters, Photocopying Centers, Newspaper Production	1 per 350 SF of GFA	1 per 250 SF of GFA
20.00	Utility Companies & Energy Production	1 per employee	
21.00	Temporary Outdoor Uses - Carnivals, Fairs, Auctions	1 per 1,000 SF of area used	

GFA = Gross Floor Area  
SF = Square Feet

- B. The Commission may allow by Special Exception approval an increase in the maximum parking spaces required in 5.13.4 Table 1 or a decrease in the minimum parking spaces required. *(revised 6-19-19)*
- C. Waiver of Immediate Installation. With respect to the installation of parking spaces required by this Section, the Commission may, upon request by any property owner or other applicant, waive the immediate

installation a portion of the requirement number of parking spaces upon the following conditions.

- 1.. That the parking plan submitted to the Commission s how the layout for the full parking requirement and identify a “reserve area” – the parking spaces for which waiver of immediate installation is requested (no structure may be built on the reserve area).
1. That the Commission will find the reduced number of parking proposed to be installed will adequately serve the proposed development.
2. That the owner file with the Commission and note on the parking plan an agreement obligating the owner, his heirs or successors and assigns to install such remaining parking spaces within six (6) months after the date of any request by the Commission to do so; and that the agreement herein before referred to be incorporated by reference as a covenant in any Special Exception, the parking for which is affected by this subparagraph, and shall be so recited in the document evidencing such Special Exception recorded on the land records.

#### D. Handicapped Parking

1. Except for one, two and three family residences, handicapped parking spaces shall be provided in addition to the spaces required in **Section 5.13.4.**
2. Handicapped parking spaces shall be as near as possible to a building entrance or walkway they are intended to service (Effective 8-17-01)
3. Handicapped Parking to comply with PA 04-237. Each handicapped parking space shall be 15 feet wide including 5 feet of cross hatch. Each handicapped van parking space shall be 16 feet wide including 8 feet of cross hatch located on the right side of the vehicular approach to the space. Handicapped parking spaces shall be identified by the above grade signs with white lettering on a blue background bearing the words “HANDICAPPED PARKING PERMIT REQUIRED” and “VIOLATORS WILL BE FINED” in addition to the International Symbol of Accessibility. The height of the signs shall have an 8 foot clearance from the installation surface to the bottom of the sign to conform to the Federal Manual on Uniform Traffic Control Devices (MUTCD). When such a sign is replaced, repaired or erected it shall indicate the minimum fine for a violation as imposed by the City. (Rev. 2/1/06)
4. Each handicapped parking space shall have a surface with a gradient not more than one unit vertical to 50 units horizontal (1:50), 2% maximum slope. Accessible parking spaces for vans used by persons with disabilities shall have a height of 114 inches (9.5 feet), at the space and along the vehicular route thereto and

shall have an access aisle of 96 inches (8 feet) in width minimum.  
(Effective 8-17-01)

5. The minimum number of handicapped spaces shall be as follows:  
(Effective 08-17-01)

TOTAL NON-HANDICAPPED PARKING SPACES	REQUIRED NUMBER OF HANDICAPPED SPACES (Including Van Spaces)	REQUIRED NUMBER OF HANDICAPPED VAN SPACES
Up to 25	1	1
26 to 50	2	1
51 to 75	3	1
76 to 100	4	1
101 to 150	5	1
151 to 200	6	1
201 to 300	7	1
301 to 400	8	1
401 to 500	9	2
501 to 1000	2% of total	For every 8 or fraction of 8 handicapped accessible parking spaces, at least one shall be a van accessible parking space
over 1000	20 Plus 1 for each 100 spaces over 1000	For every 8 or fraction of 8 handicapped accessible parking spaces, at least one shall be a van accessible parking space

#### E. Bicycle Parking.

Bicycle parking facilities should be provided as part of new multi-family developments of four (4) dwelling units or more, new retail, office and institutional developments greater than 10,000 square feet, all transit transfer stations and park-and-ride lots.

1. Bicycle parking requirements should apply to all new construction, changes of use, or substantial improvement.
2. When provided, bicycle parking spaces shall:
  - a. provide a convenient place to lock a bicycle, and shall be at least six (6) feet long, two (2) feet wide, and shall provide at least seven (7) feet of vertical clearance, unless a bicycle locker is provided;
  - b. be capable of locking the bicycle and supporting the bicycle in an upright position and be securely anchored to a supporting surface.
  - c. Bicycle parking shall not interfere with pedestrian circulation and shall be separated from automobile parking.

3. For any use where bicycle parking is required, if the vehicular parking is covered or partly covered the bicycle parking will be covered at the same ratio.
4. Bicycle racks shall be located at each main building entrance, and placed in an area that is highly visible.

#### 5.13.5 Off-Street Loading Requirements

- A. Off-street loading spaces shall be provided at the time of the erection, alteration, or enlargement of any building or change of use of such building except in the case of a change of use of an existing building within the Downtown District Zone.
- B. All off-street loading spaces shall be on the same lot with the buildings they are intended to serve.
- C. All off-street loading spaces shall be adjacent to the buildings they are intended to serve.
- D. Loading spaces shall be a minimum of ten (10) in width and thirty-five (35) feet in length and rectangular in shape.
- E. In providing the loading spaces, adequate provision shall be made for turning radius, back up area, and access.
- F. The minimum required number of off street loading spaces is as follows:

Use Code	Use	Gross Floor Area (in square feet)	Number of Spaces
1.40	Nursing Homes	10,000 - 100,000 each additional 100,000	1 1
1.50	Congregate Care Facilities	10,000 - 100,000 each additional 100,000	1 1
2.00	Educational, Cultural, Religious, Child Care, etc.	10,000 - 100,000 each additional 100,000	1 1
3.00	Retail Uses	10,000 - 40,000 each additional 40,000	1 1
4.00	Personal Services	15,000 - 100,000 each additional 100,000	1 1
5.00	Professional Offices	15,000 - 100,000 each additional 100,000	1 1
6.10	Recreation, Activity Conducted Entirely within Building	10,000 - 100,000 each additional 100,000	1 1
7.00	Restaurant, Bars, & Night Clubs	10,000 - 25,000 each additional 25,000	1 1
9.20	Warehouse except Self Storage	5,000 - 40,000 each additional 40,000	1 1
9.30	Warehouse	5,000 - 40,000	1

	each additional 40,000	1
19.00 Manufacturing	5,000 - 40,000	1
	each additional 40,000	1

#### 5.14 Restricted Residential Community

No additional Restricted Residential Community (R.R.C.) zoning districts shall be allowed. The R.R.C. districts in existence at the time of the passage of this regulation shall remain. Any proposed change in the development plans approved as part of the adoption of a R.R.C. district shall be brought before the Planning and Zoning Commission. Any such change shall conform to the R.R.C. regulations in effect at the time of the R.R.C. district's adoption. If the Commission determines the changes are significant, the Commission shall require the applicant to apply for approval of the changes. The application for the changes to the development plans shall be subject to the regulations that apply for a change to the zoning map.

#### 5.15 Signs (eff. 3/31/11)

##### 5.15.1 Purpose:

The City of Torrington understands the needs of its citizens to communicate and convey messages regarding their businesses, beliefs or events. These regulations attempt to manage those needs and balance them with the City's overall need to maintain its character, ensure the safety of its citizens and create visual harmony within the community.

The purpose of a sign is to provide information about various services and goods, as well as communicate messages that are fundamental to the welfare of the public (e.g. traffic signs). Because of possible harmful impacts, signs must be regulated to:

1. Prevent hazards to automobile and pedestrian traffic by regulating size, height, location and number of signs.
2. Ensure clarity and legible content.
3. Complement the overall character of the City of Torrington.
4. Support both businesses and community by making services and goods easily accessible.

##### 5.15.2 Definitions:

**Banner** – Any sign of lightweight fabric or similar flexible material that is securely mounted to a building or structure. Banners must be securely mounted and cannot be mounted by rope, string or other method of tie that would allow the banner to flap or come loose. A banner shall count in the calculation of maximum sign total for a property whether used for temporary purposes or not.

Billboard - A very large board erected by the roadside or attached to a building, used for displaying advertisements. It can be permanent or mobile. No new billboards are permitted.

Canopy Sign – A sign that is part of or attached to an awning, canopy or other fabric, plastic or structural protective cover. A marquee or a gas station canopy is not considered a canopy sign.

Construction Sign – A sign erected on the lot during the time of active construction on that lot. A construction sign may indicate only the name of the project, a projected completion date, the names, affiliations and addresses of those involved in the construction and information related to the sale, leasing, funding or hiring for the project.

Electric Vehicle (EV) Charging/Display Kiosk (eff. 11/17/21) – A combined electric vehicle charging kiosk with internally illuminated LED displays. EV charging/display kiosks must meet the following criteria:

1. There shall be a maximum of two EV Charging/Display Kiosks per business or business location.
2. EV Charging/Display Kiosks shall not exceed 21.5 square feet in size and 7.5 feet in height.
3. EV Charging/ Display Kiosks display screen shall not exceed 9 square feet.
4. EV Charging/Display Kiosks shall be equipped with an auto-dimming feature.
5. EV Charging/Display Kiosks shall limit content refresh rates to no more than every 8 seconds.
6. EV Charging/Display Kiosks shall be located within 100 feet of the front façade of the business building on the site.
7. EV Charging/Display Kiosks shall be located within a parking lot serving only one retail store with a building footprint of no less than 57,000 square feet.
8. Any EV Charging/Display Kiosks not meeting the requirements of subsections 1 through 7 of this subsection shall be deemed a prohibited Off-Premises Sign pursuant to Section 5.15.2 of these Zoning Regulations.

Farm Directional Sign – An off premises sign to direct drivers to a farm. Farm directional signage is permitted as long as all of the following conditions are met:

1. The directional sign furthest from the farm shall be no more than 4.5 miles from the farm.
2. A directional sign shall be located only at each street intersection at which a driver is to turn to reach the farm.

3. Each directional sign shall be no more than four square feet in area.
4. A directional sign shall not be considered in computing the maximum allowable signage on a property.
5. A directional sign shall not be illuminated.
6. State of CT agricultural signage is not considered farm directional signage under these regulations and is governed solely by the State Department of Agriculture.

Flag - Any lightweight plastic, fabric or similar material suspended from a pole or rod and are designed to move with the wind. A flag may or may not contain a message. Flags of Federal, State or municipal governments and flags or other nations or non-profit organizations and 'Open' flags are exempt from these regulations.

Free Standing Sign – Any sign that is not attached to a building and is meant to be permanent. Ground signs, pylon signs, monument signs would be considered free standing signs. Free-standing signs must meet the following criteria:

1. There shall be a maximum of one free-standing sign per street where the lot fronts. The exception shall be a lot with building(s) exceeding 20,000 square feet in gross floor area with more than one tenant – a second free-standing sign may be allowed by Special Exception.
2. Only one side of the free-standing sign shall be included in the computation of total sign area. The supporting framework or structure shall not be included in the sign area but shall be including in calculating the height of the sign.
3. Free-standing signs shall not interfere with any sight lines on streets or driveways.
4. Free-standing signs shall be at least 10 feet away from a side or rear property line.
5. In Downtown District, Local Business and CIR zones the following requirements shall apply:
  - a. The maximum height shall be 17 feet.
  - b. The maximum sign area shall be 125 square feet.
6. In Industrial and Industrial Park zones the following requirements shall apply:
  - a. The maximum height shall be 8 feet.
  - b. The maximum sign area shall be 35 square feet.
7. In all residential zoning districts the following requirements shall apply:
  - a. The maximum height shall be 5 feet.
  - b. The maximum sign area shall be 20 square feet.
  - c. For home occupations – see definition of 'home occupation sign' for requirements.

Home Occupation Sign – A sign directly related to a legal home occupation according to **Section 5.10**. A free standing sign is the only permitted type of

home occupation sign and shall not exceed 10.5 square feet in size, no taller than 5' height at its highest point including support or frame, and shall maintain 10 feet distance to any neighboring property boundary.

Incidental Sign – An informational sign that is meant for the convenience and safety of those using the property. This includes such signs as 'no parking', 'loading zone', 'entrance', 'exit', 'ATM', and 'one way'. An incidental sign cannot include business names, lighting or branding images.

Lamp Post Banner – Any lightweight fabric or similar material mounted to a light post designed to provide color and aesthetics to a property. No messages, slogans symbols or other information pertaining to a business would be allowed. Seasonal images, colors, or patterns are permitted. The only exception to the lamp post banner would be for City/community sponsored banners within a public right of way or on public property and may include off-premise advertising.

Marquee – Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of a building. It is designed and constructed to provide protection from precipitation. A gas station canopy is an example of a marquee when a sign is added to it.

Off-Premises Sign – A sign which directs attention to a business, commodity, service or activity conducted, sold offered or held at a location other than the lot on which the sign is located. A 'billboard' is an example of an off-premise sign. An EV Charging/Display Kiosk does not constitute an Off-Premise Sign. (rev. 11/17/21)

Pennant – Any lightweight plastic, fabric or similar material suspended from a rope, wire, string or similar support, designed to move with the wind. A pennant may or may not contain a message of any kind.

Portable Sign – Any sign not permanently attached to the ground, building or other permanent structure. Portable signs must meet the following criteria:

1. Portable signs are only permitted in the Local Business and Downtown District Zones and are limited to one per business or business location. A portable sign can be temporary or allowed daily based on the site: If a free-standing sign location is available the portable sign will be temporary – if no free-standing sign location is available the portable sign can be used daily year-round.
2. Portable signs shall not exceed 10.5 square feet in size or 3 feet in height.
3. A Zoning Permit is required for a portable sign location approval. In an area with a sidewalk and no front yard (allowed year round) the area to be approved will be within the first two feet of the sidewalk next to the street. In areas where there is a front yard (temporary sign) the approved area will include the installation of a 2 x 2 pre-cast concrete patio block within the front yard setback of the property where the sign will be permitted to

be displayed. For properties with multiple tenants the 2 x 2 pre-cast concrete patio blocks will be adjusted in field to assure clear sightlines are maintained and no sign blocks another excessively.

4. No portable signs will be allowed in any public right of way with the exception of those within a public sidewalk where no front yard/free-standing sign is available.
5. A portable sign area shall count in the calculation of maximum sign total for a property. Only one side of the sign shall be used in the calculation.
6. Plastic yard signs, rolling signs or similar signs are not permitted as portable signs. 'A' frame or sandwich board signs are the only approved type of portable sign.

Projecting Sign – Any sign attached to a building that projects more than 10 inches in a horizontal direction from the building.

1. The bottom edge of the sign shall be at least 8 feet above ground level when located in an area where the public walks.
2. No projecting sign shall extend more than 6 feet from the wall to which it is attached or extend beyond a vertical plane that is 2 feet inside the curb line whichever is less.
3. No part of the sign shall be above the height of the building.
4. Only one side of the projecting sign shall be included in the computation of maximum total sign area.

Rear Entrance Sign – Signs designating a public entrance not on a major thoroughfare, often on the back side of a building connecting with additional parking.

Residential Development Sign – A sign identifying the entrance to a residential subdivision or multi-family development.

Residential Sign – A sign located on a property used for one, two or three family residences. Examples of residential signs include: property naming, owner's names or political or personal messages.

Roof Sign – Any sign attached, in part or entirely, to the roof of a building. No part of a roof sign may project above the highest part of the roof to which it is attached.

Sign – Any device, fixture, placard or structure that uses any color, form, illumination, symbol or writing to convey information of any kind to the public.

Temporary Sign – A portable sign not permanently affixed to the ground, meant to be used for a defined period of time. Temporary signs are permitted for one 30-day period, five times a calendar year. A single zoning permit will be required for the temporary sign, renewed annually, that will outline the (5) 30-day periods

the business intends to use. Banners are not temporary signs.

Wall Sign – Any sign attached parallel to a wall of a building or structure. The sign is supported by the building or structure and at its closest point, is within 10 inches of the supporting wall.

Window Sign – Any non-illuminated sign painted or attached to the inside of a window. The sign is visible from the exterior of the building. Window signs are not included in the calculation of the maximum total sign area. If a window sign is illuminated it shall be treated as a wall sign and will be included in the calculation of the maximum total sign area. No more than 50% of the window area can be covered with window signage. It is recommended by the Torrington Police Department that the window area near the register remain unblocked for safety concerns.

#### 5.15.3 **Computing the Area and Height of Signs**

- A. The area of a sign shall be computed by including the entire area within the smallest rectangle or square that will encompass the extreme limits of form, illumination, symbol, writing or other display. Any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or building against which it is placed shall be included in the area.
- B. The height of a sign shall be measured from the average finished grade 5 feet out from the sign support, pylon, structure or wall on which the sign is attached to the highest part of the sign or supporting structure including finials, decorative cornices and other decorations, numbers or lights associated with the sign. The grade cannot be altered by filling, berming, excavating or other means for the purpose of altering the height of the sign.

#### 5.15.4 **Maximum Total Sign Area**

- A. Except as specified below the maximum total sign area of all signs on a building or structure shall not exceed two (2) square foot of sign per one (1) lineal foot of building frontage with the exception of E. & F.
- B. In structures where there are two or more uses, the linear area of building frontage shall be measured along the part of the building actually occupied by the tenant.
- C. In structures with more than one floor and different tenants on higher floors, the maximum allowable total sign areas for upper floors shall be .5 square foot of sign per one (1) linear foot of building frontage and shall not be more than thirty (30) square feet total. The upper level signs must be attached to the structure within the area occupied by the specific tenant. (*revised 6-19-19*)
- D. For structures with a marquee the total signage allowed shall be .5 square foot of sign per one (1) linear foot of marquee frontage.

- E. For corner properties maximum total sign area can be calculated for each building side facing a street and must *remain exclusive to each side* and shall not exceed two (2) square foot of sign per one (1) lineal foot of building frontage.
- F. For properties creating a public entrance to their building from an area behind their main entrance, the rear entrance signage shall not exceed two (2) square foot of sign per one (1) lineal foot of building frontage.
- G. Signs required by the State or Federal Government shall not be included in the calculations for total sign area provided the number and size of such signs are kept to the minimum required.
- H. Menu boards signs used for drive-in windows shall not be included in the calculations of total sign area provided that the messages on such menu boards are not legible from a public right of way.

#### 5.15.5 **Signs Permitted by Type and Zoning District**

- A. Signs requiring a zoning permit and are over 32 square feet in size shall also be required to obtain Site Plan approval from the City Planner or the Planning & Zoning Commission. The Zoning Enforcement Officer may require a sign of less than 32 square feet to obtain Site Plan approval if in the opinion of the officer; the sign could have a significant impact of the appearance of the property or the surrounding area (*revised 4-14*).
- B. Although a sign may be permitted it must conform to all other requirements set forth in the regulations.

**Table 1 – Signs by Type in All Zoning Districts** (Rev 11/17/21)

Sign Type	DD	LB	I	IP	CIR	Residential
Banner	S	S	S	S	S	N
Billboard	N	N	N	N	N	N
Canopy	S	S	S	S	S	N
Construction	S	S	S	S	S	S
EV Charging/Display Kiosks	N	E	N	N	N	N
Farm Directional	P	P	P	P	P	P
Flag	P	P	P	P	P	P
Free-standing	S	S	S	S	S	S
Home Occupation	S	S	S	N	N	S
Incidental	P	P	P	P	P	N
Lamp Post Banner	P	P	N	N	N	N
Marquee	S	S	N	N	S	N
Off-Premise	N	N	N	N	N	N
Pennant	N	N	N	N	N	N
Portable Sign	S	S	N	N	S	N
Projecting Sign	S	S	N	N	N	N
Rear Entrance Sign	S	S	S	N	S	N
Residential	P	P	P	N	N	P
Residential Development Sign	N	N	N	N	N	S
Roof Sign	S	S	S	S	S	N

Temporary Sign	S	S	S	N	N	S
Wall Sign	S	S	S	S	S	N
Window Sign	P	P	P	P	P	N

S = allowed with Zoning Permit  
P = allowed by right, no zoning permit required  
E = allowed by Special Exception approval  
N = not allowed

#### 5.15.6 Sign Illumination

- A. Signs may be illuminated either internally or externally. If the sign is illuminated by an external source, the light shall shine directly onto the sign. No light trespass will be allowed. The light shall be shielded to block the light source from view from a public right of way.
- B. No sign may contain or be illuminated by flashing or intermittent lights or lights of changing degrees of intensity except for signs that indicate time, date and temperature, gasoline sales prices or EV Charging/ Display Kiosks. With the exception of EV Charging/Display Kiosks, LED or electronic changeable signs are not permitted. (rev. 11/17/21)

#### 5.15.7 General Prohibitions

- A. Signs that revolve, move or appear to move are prohibited.
- B. No sign may be located so that it interferes with the view necessary for the safe movement of pedestrians and/or motor vehicles.
- C. Beacons, pennants, feather or sail flags, streamers, propellers, inflatable signs or marketing items, balloons, or other marketing devices not listed that are meant to catch someone's attention are not permitted. (*revised 6-19-19*)
- D. No sign shall be directly painted on the exterior surface of any wall. A sign differs from a mural or artwork based on the images content and any direct and obvious relationship with the use(s) within the building or structure on which the mural is painted.
- E. Signs that extend out over a road or highway are prohibited.
- F. Gas pump and gas pump island signs are strictly prohibited. The only permissible signs for gas pump areas are those necessary for sale of gasoline.

#### 5.15.8 Exceptions

- A. Writing or images on mailboxes or paper tubes.
- B. Light displays associated with the observance of specific holidays. Such displays shall not contain images not directly related to the holiday. Such displays shall be removed/turned off within 30 days following the holiday.
- C. Real Estate signs. Signs identifying a property is for sale, lease or rent along with the owner or agent information are not regulated as long as the sign is less than 32 square feet in size, the sign is located on the lot in which it is advertising and the sign is removed immediately after the sale, lease or rental is completed.

- D. Signs which are not visible from the public right of way. Example: signs within a 'campus' style community.
- E. Off-premise signs placed on facilities owned and operated by the City of Torrington provided the individual sign is no more than 32 square feet in size, unilluminated and no more than 10 feet above grade. An example would be ballpark sponsor signs.
- F. Political and non-profit public event signs.
- G. Grand Openings are permitted to use beacons, pennants, streamers, propellers, inflatable signs or marketing items, balloons, or other marketing devices not listed that are meant to catch someone's attention for no more than 30-days from the opening day.

#### **5.15.9 Nonconforming Signs**

- A. Legally nonconforming signs existing on the effective date of this regulation may be continued and maintained. A nonconforming sign may not be enlarged or illuminated – if not previously illuminated – or altered to create any additional nonconformity.
- B. The message of a nonconforming sign may be altered provided no new nonconformity is created.
- C. Any nonconforming sign which advertises, identifies or pertains to any activity no longer in existence shall be removed by the property owner within 60 days from the time the activity ceases. This provision shall not apply to seasonal activities during the regular periods in which they are closed.

#### **5.15.10 Maintenance of Signs**

- A. All signs shall be maintained in good structural condition and in good repair.
- B. Except for during routine maintenance, sign facing shall not be removed so as to expose the inside of an internally illuminated sign.
- C. When a sign is no longer in use, it shall be removed within 60 days of the abandonment.

#### **5.15.11 Permits**

- A. Signs identified with an 'S' or an 'E' require a zoning sign permit to be issued prior to the signs erection, installation, creation or modification to ensure any changes meet the intent of these regulations.
- B. The zoning sign permit application shall be accompanied by detailed drawings of the sign's size, shape, construction, location, dimensions and any other piece of information deemed necessary for the Zoning Enforcement Officer to clearly determine compliance with the regulations.

## **5.16 Tree Regulations**

### **5.16.1 Intent**

Trees are an essential natural resource. It is the intent of these regulations to provide protection for this resource by minimizing the loss of trees from development.

### **5.16.2 Applicability of Tree Regulations**

- A. The following regulations shall apply to:
  - 1. local business, downtown district, industrial and industrial park districts; and
  - 2. all uses, in all districts, requiring a special exception and/or site plan approval.
- B. For all special exception applications and site plan applications, the City Planner shall inspect the parcel to determine if any specimen trees are within the proposed construction area. If, in the judgment of the City Planner, specimen trees are within or near the proposed construction area, the City Planner, within fifteen days after receiving the application, shall write to the applicant instructing the applicant to locate the specimen trees on the site plan. In the case of parcels over five acres, the applicant may designate on the plans a portion of the parcel as containing specimen trees rather than locating individual trees. If the applicant proposes to remove any specimen tree, the applicant shall demonstrate to the Commission's satisfaction that there is no reasonable alternative to the removal of the specimen tree.
- C. For all special exception applications and site plan applications, the City Planner shall inspect the parcel to determine if any significant trees within the protected tree area are to be removed for purposes other than parking areas, driveways, sidewalks, or utilities. If, in the judgment of the City Planner, significant trees within or near the protected tree area are to be removed for purposes other than parking areas, driveways, sidewalks, or utilities, the City Planner, within fifteen days after receiving the application, shall write to the applicant instructing the applicant to locate on the site plan the area in which significant trees are to be removed. The applicant shall demonstrate to the Commission's satisfaction that there is no reasonable alternative to the removal of the significant trees within the protected tree area.
- D. In approving the removal specimen or significant trees the Commission may require the applicant to plant additional trees with a minimum caliper of 2.5 inches.
- E. No more than 25% of the area within the drip line of the significant and specimen trees to be preserved shall be disturbed or covered with an impervious surface. In addition, the disturbed area or impervious surface shall be at least three feet from the tree trunk.

### **5.16.3 Protection of Significant Trees and Specimen Trees During Construction**

- A. The area surrounding all significant and specimen trees that is within the construction area and are to be preserved shall be clearly marked prior to the start of any construction activities.

- B. The area within the drip line of the trees to be preserved shall remain free of all building materials, fill, vehicles, and debris.

#### 5.16.4 Long Term Protection of Significant Trees and Specimen Trees

For specimen trees and significant trees that are to be preserved, tree wells and/or tree walls shall be provided to prevent changes in grade of more than 6 inches within the drip line of the trees.

#### 5.16.6 Emergencies

In the event that a significant tree or specimen tree that is shown on an approved plan as being preserved poses a serious and imminent threat to public safety due to death, disease or damage resulting from a natural or man-made disaster, the City Planner may authorize the removal of the tree(s). The City Planner shall submit a written report to the Commission describing the reasons for authorizing the removal. The Commission may require the property owner to replace the removed trees with trees that have a total caliper equal to that of the removed tree.

### 5.17 Lighting Regulations *(added 6-19-19)*

#### 5.17.1 Purpose

These regulations are intended to provide specific standards for lighting in order to maximize the effectiveness of site lighting, to enhance public safety and welfare, to raise public awareness of energy conservation, to avoid unnecessary upward illumination, indirect lighting and illumination of adjacent properties, and to reduce glare.

#### 5.17.2 Applicability

Except as herein provided, these regulations shall apply to any outdoor lighting fixtures installed, modified, refurbished, repaired or serviced within the City of Torrington.

All businesses, and community roadways, sidewalks and town property luminaires should be planned and installed with the idea of being a “good neighbor” by keeping unnecessary direct light from shining onto abutting lots or roadways, both public and private.

#### 5.17.3 Definitions

**Direct light:** light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminaire.

**Direct light source:** the lamp or bulb that produces the actual light.

**Full Cut-Off Type Fixture:** A luminaire or light fixture that; by design of the housing, does not allow any light dispersion or direct glare to shine above a 90 degree horizontal plane from the base, or the purpose of the design is defeated, and disability glare will result.

**Fully Shielded Lights:** Fully shielded luminaire light fixtures allow you to control the glare in any direction.

**Glare:** Light emitting from a luminaire with intensity great enough to reduce a viewer's ability to see, and in extreme cases causing momentary blindness.

**Height of Luminaries:** The height of luminaries shall be the vertical distance from the ground directly below the centerline of the luminaire to the lowest direct-light-emitting part of the luminaire.

**Indirect Lighting:** Direct light that has been reflected or has scattered off of other surfaces.

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

**Lamp:** The light source component of luminaries that produces the actual light.

**Light Pollution:** Stray or reflected light that is emitted into the atmosphere, beyond the 90-degree horizontal plane. Dust, water, vapor and other pollutants reflect this light causing unwanted sky-glow.

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

**Lumen:** A unit of luminous flux. One-foot candle is one lumen per square foot. For the purposes of this regulation, the lumen-output values shall be the INITIAL lumen output ratings of a lamp.

**Luminaire:** A complete lighting system, and includes a lamp or lamps and a fixture or an LED assembly.

**Outdoor Lighting:** The night-time illumination of an outside area or object by any man-made device located outdoors that produces light by any means.

**Ratio:** Uniformity ratio, describing the average level of illumination in relation to the lowest level of illumination for a given area. Example: U ratio = 4:1 for the given area, the lowest level of illumination (1) should be no less than 1/4 or 4 times less than the average (4) level of illumination.

**Uplighting:** Any light source that distributes illumination above a 90 degrees horizontal plane.

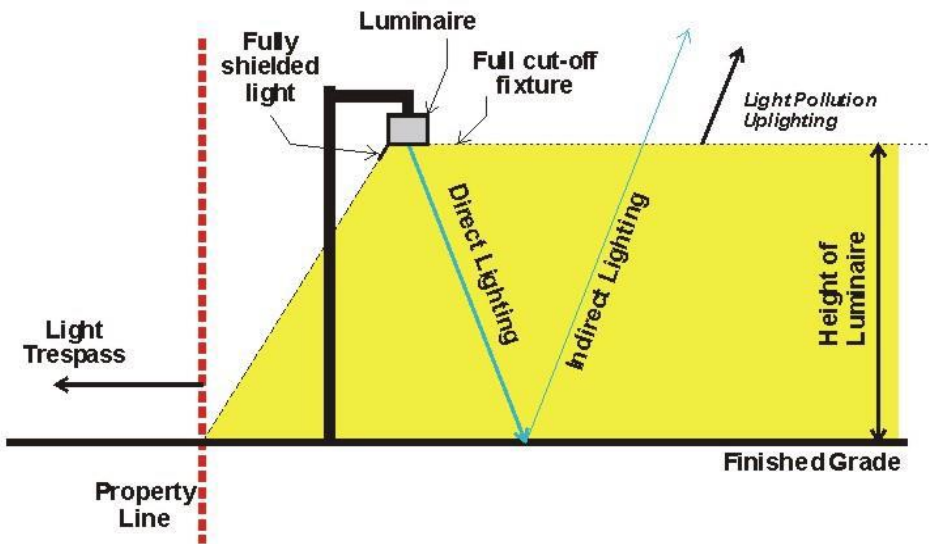
#### 5.17.4 General Requirements

1. All exterior lights and sign illumination shall be designed, located, installed and directed in such a manner as to:
  - a. Prevent direct or objectionable glare, light trespass, spill light, or obtrusive light;
  - b. Be shielded if required to control light trespass.
  - c. Employ soft, transitional light levels that are consistent from area to area;
  - d. Minimize contrast between light sources, lit areas and dark surroundings;
  - e. Be confined within the target area.

- f. Use full cut off fixtures.
2. In all non-residential districts and in all areas adjacent to a residential lot, no externally mounted direct light source shall be visible at the lot line at ground level or above. The illumination measured at the lot line shall be zero (0.0) foot-candles, excluding driveway entrances.
3. Lighting designed to highlight flagpoles shall be low level (no more than 100-watt incandescent equivalent) and shall be targeted directly at the flag.
4. Lighting shall include timers or dimmers or sensors to reduce unnecessary light level during non-business hours to a minimum level required for overnight security.
5. The height of luminaries, except streetlights in public right-of-ways, shall be the minimum height necessary to provide adequate illumination, but shall not exceed a height of twenty-four (24) feet. The height of a luminaire shall be measured from the finished grade (not the top of a supporting concrete base) to the bottom of the luminaire.
6. Light standards within a parking lot shall be located within landscaped islands or buffer strips, where possible and shall be set back two (2) feet from any parking space unless wheel-stops are provided.
7. In reviewing and approving outdoor lighting, the Commission may utilize recommendations for lighting levels as issued by the Illuminating Engineering Society of North America, the International Dark-Sky Association, or other reference.
8. The use of owner owned utility poles for outdoor lighting is permitted provided they meet the requirements of Section 5.17.4.
9. Any light determined by the ZEO to be obtrusive, spill light, upward lighting, light trespass, or otherwise not in compliance with these regulations shall constitute a violation.
10. A photometric survey shall be submitted as part of any site plan that demonstrates compliance with these standards.

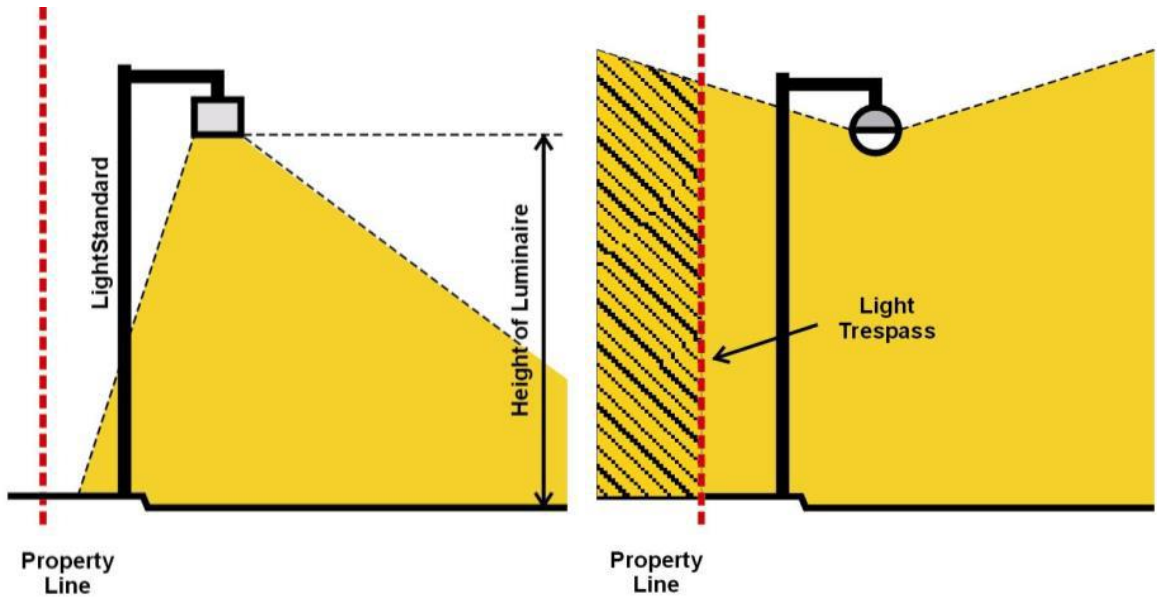
**Exemptions:** Traditional seasonal lighting and temporary lighting used by Police, Fire Department or Emergency services are exempt from these regulations

Lighting / Illumination Diagrams



Luminaire Shielded

Luminaire Non-shielded



### **5.18 Seasonal Outdoor Sidewalk Dining (eff. 6-14-11)**

The City of Torrington wishes to promote commerce in the DD, Downtown District and LB, Local Business District and recognizes that outdoor sidewalk dining is an amenity that promotes pedestrian traffic and in particular highlights Downtown Torrington. In order to streamline and simplify the permitting process, the City of Torrington has established these procedures and guidelines in order to obtain permits for Seasonal Outdoor Sidewalk Dining on municipal or State sidewalks or walkways. The Planning and Zoning Commission will continue to regulate, by Site Plan Approval, permanent outside patio dining areas for restaurants on private property in the DD, Downtown District and LB, Local Business District.

Seasonal outdoor sidewalk dining areas for permitted restaurant establishments in the DD, Downtown District and LB, Local Business District, are subject to the following general and specific requirements:

#### **5.18.1 General Requirements:**

- a. Seasonal outdoor sidewalk dining areas are permitted as an accessory use to an approved restaurant, subject to Zoning Permit approval on an annual basis by the Zoning Enforcement Officer in accordance with Section 8.63 of the Zoning Regulations. In conjunction with the Zoning Permit application, the applicant shall submit a plan drawn to scale showing the area intended for outdoor sidewalk dining. The plan shall show the limits of the dining area, remaining sidewalk, utility structures and any other sidewalk obstacles.
- b. Seasonal Outdoor Sidewalk Dining Zoning Permits are valid from April 1<sup>st</sup> to October 31<sup>st</sup> of each year.
- c. The Torrington Area Health District shall at all times have full jurisdiction concerning compliance with appropriate laws, statutes, and regulations regarding the safe handling of food and beverages.
- d. The applicant shall agree to provide the City of Torrington with a Hold Harmless Agreement and provide a Certificate of Liability Insurance covering the effective dates of the permit in the amount of \$1,000,000. In addition the City of Torrington shall be named as an additional insured. The Corporation Counsel shall review and approve the Hold Harmless Agreement and Certificate of Liability Insurance.
- e. No additional parking is required for outdoor seasonal sidewalk dining.
- f. Sale and consumption of alcoholic beverages for outdoor sidewalk dining areas shall conform to Torrington Code of Ordinances Chapter 75 Alcoholic Liquor.
- g. It is the sole responsibility of the applicant to conform to all local, state and federal laws and regulations regarding the sale, purchasing and serving of alcoholic beverages.

#### **5.18.2 Specific Requirements**

All outdoor seasonal sidewalk dining areas in the DD, Downtown District and LB,

Local Business District, shall comply with the following requirements:

- a. The seasonal sidewalk outdoor dining area may be located entirely or partially on the public sidewalk adjoining the premises, subject to the receipt of all other necessary approvals relative thereto.
- b. The seasonal sidewalk outdoor dining area shall not create interference with, hazards to, or visibility problems for Pedestrians on sidewalks or for vehicular traffic. A minimum of 4 feet of sidewalk width shall be kept clear for pedestrian travel.
- c. The seasonal sidewalk outdoor dining area shall not be located within or interfere with any parking or loading areas.
- d. Any non-vegetative shading devices shall be of a non-permanent type (e.g., umbrellas, retractable Awnings) and shall be safely anchored.
- e. Adequate trash receptacles shall be provided, and the restaurant shall be responsible each day for cleanup of all trash (both on-site and off-site) generated by the outdoor dining area.
- f. Tables and chairs in the outdoor dining area shall be so located as to maintain proper access to the building for emergency services.
- g. Aside from individual table lighting, such as candles, there shall be no additional exterior lighting installed.
- h. At the end of each outdoor dining season, all tables, chairs, trash receptacles, etc., shall be removed from the outside of the premises.
- i. Any signs placed on outdoor umbrellas, awnings or chairs shall be limited to the name of the establishment, products sold by the establishment, or services offered by the establishment.
- j. The seasonal sidewalk outdoor dining area shall open no earlier than 6:00 a.m. and close no later than 11:00 p.m.

**5.19** *(Repealed effective 9/1/22)*

END OF SECTION 5