



CITY OF TORRINGTON CONNECTICUT

ZONING REGULATIONS

**Torrington
Planning & Zoning Commission
Revised to December 29, 2022**

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TORRINGTON PLANNING & ZONING COMMISSION

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CITY OF TORRINGTON

ZONING REGULATIONS

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Section 1.0 GENERAL

1.1 Purpose

The purpose of these regulations is to promote the health, safety and general welfare, to protect public water supply areas, to promote quality of life and economic viability and to encourage the most appropriate use of land throughout the City of Torrington in accordance with a Comprehensive Plan. To accomplish these purposes, it is necessary to regulate the height and size of buildings and other structures, the density of population, and the location and use of buildings, structures, signs and land. It is also necessary to establish zoning districts and define their boundaries and to provide procedures for the administration and amendment of these regulations. All applications made under these regulations will be processed as expeditiously as possible.

People with disabilities have the right to request a reasonable accommodation of a Zoning Regulation. *(added 6-19-19)*

1.2 Zoning Districts

The City of Torrington is divided into the following zoning districts.

Watershed Protection Zone	R-WP
Outlying Residence Zone	R-60
Outlying Residence Zone	R-40
Residence Zone	R-25
Residence Zone	R-15
Single Family Residence Zone	R-15s
Residence Zone	R-10
Single Family Residence Zone	R-10s
General Residence Zone	R-6
Restricted Residential Community	RRC
Downtown District Zone	DD(Effective 12/16/10)
Incentive Housing Zone	IH (Effective 1/31/11)
Alternate Incarceration, Cannabis Dispensary Overlay Zone	AM (Effective 4/29/12)
Local Business Zone	LB
Industrial Zone	I
Industrial Park Zone	IP
Restricted Commercial & Industrial Zone	CIR

1.3 Zone Map

The boundaries of the zoning districts are established as shown on the map entitled "*Torrington Connecticut Zone Map*" which is displayed in the Planning and Zoning Office and which is hereby made a part of this regulation.

1.4 Zoning Boundaries

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

A. Where zone boundaries are indicated as approximately following the center line of a street, highway, railroad, brook, stream, right-of-way or easement, such lines shall be construed to be such zone boundaries. Where zone boundaries are indicated as approximately following lot lines, such lot lines at the time of adoption of these regulations shall be construed to be such boundaries.

B. In cases of uncertainty, the exact location of the zone boundary shall be determined by the Planning and Zoning Commission.

1.4.2 *(eliminated effective 6-19-19)*

1.5 Basic Requirements

1.5.1 No land shall be used, and no building or structure shall be erected, altered, moved, used or occupied except in conformance with these regulations.

1.5.2 No lot, or part thereof, shall be conveyed if the conveyance results in either:

- A. a reduction of any setback, area, lot width, off-street parking, open space, impervious surface ratio or buffer below that required by these regulations; or
- B. a reduction of any non-conforming setback, area, lot width, off-street parking, open space, or buffer.

1.5.3 Two or more lots are to be treated as a single lot if one or more of the lots are:

- A. non-conforming as to area, setbacks, lot width, off-street parking, open space or buffer area;
- B. contiguous; and
- C. under the same ownership prior to December 24, 1957. Such lots shall be conveyed as one lot.

1.5.4 Within a residential zone, the erection of a single family dwelling on a lot which is smaller in area or lot width than required by these regulations is permitted provided all the following conditions are met.

- A. Such lot has been either:
 - 1. Duly recorded by deed in the City of Torrington land records prior to December 24, 1957; or
 - 2. is in a subdivision or resubdivision approved by the Planning and Zoning Commission and recorded in the City of Torrington land records.
- B. The owner of the lot does not own sufficient contiguous land to make a conforming, or more nearly conforming, lot (see Section 1.5.3 above).

1.5.5 Conservation Restrictions and/or Preservation restrictions (Effective 2/26/09)

1.5.5 For any permit application involving property subject to a conservation restriction or preservation restriction, the following shall apply:

- A. For purposes of this section, “conservation restriction” means a limitation, whether or not stated in the form of a restriction, easement, covenant or condition, in any deed, will or other instrument executed by or on behalf of the owner of the land described therein, including but not limited to, the state or any political subdivision of the state, or in any order of taking such land or water areas predominantly in their natural, scenic, or open condition or in an agricultural farming, forest or open space use.
- B. For purposes of this section, “preservation restriction” means a limitation, whether or not stated in the form of a restriction, easement, covenant or condition, in any deed, will or other instrument executed by or on behalf of the owner of land, including, but not limited to, the state or any political subdivision of the state, or in any order of taking of such land whose purpose is to preserve historically significant structures or sites.
- C. No person shall file a special exception application, site plan application or zoning permit application, other than for interior work in an existing building or for exterior work that does not expand or alter the footprint of an existing building, relating to property that is the subject to a conservation restriction or preservation restriction unless the applicant provides proof that the applicant has provided written notice of such application, by certified mail, return receipt requested, to the party holding such restriction not later than sixty days prior to the filing of the permit application.
- D. In lieu of such notice pursuant to **subsection 1.5.5.c**, the applicant may submit a letter from the holder of such restriction or from the holder’s authorized agent, verifying that the application is in compliance with the terms of the restriction.
- E. In the case of an application where the applicant has provided written notice pursuant to **subsection 1.5.5.c** of these regulations, the holder of the restriction may provide proof to the Planning and Zoning Commission or Zoning Enforcement Officer that granting of the permit application will violate the terms of the restriction. Upon a finding that the requested land use violates the terms of such restriction, the Planning and Zoning Commission or Zoning Enforcement Officer shall not grant the permit approval
- F. In the case of an application where the applicant fails to comply with the provisions of **subsection 1.5.5.c or 1.5.5.d** of these regulations, the party holding the conservation or preservation restriction may, not later than fifteen days after receipt of actual notice of permit approval, file an appeal with the Planning and Zoning Commission or Zoning Enforcement Officer, subject to the rules and regulations of such agency relating to appeals.

The Planning and Zoning Commission or Zoning Enforcement Officer shall reverse the permit approval upon a finding that the requested land use violates the terms of such restriction.

END OF SECTION 1

Section 2.0 DEFINITIONS

2.1 General Terms

The following words and phrases shall be construed throughout these regulations to have the meaning indicated in this section.

2.1.1 Words used in the present tense include the future.

2.1.2 Words uses in the singular include the plural; the plural includes the singular.

2.1.3 The word "City" means the City of Torrington, Connecticut.

2.1.4 The word "regulation" means the City of Torrington Zoning Regulations.

2.1.5 The word "shall" is mandatory; the word "may" is permissive.

2.1.6 The word "Board" means the City of Torrington Zoning Board of Appeals.

2.1.7 The word "Commission" means the City of Torrington Planning and Zoning Commission.

2.1.8 The term "City Planner" means the City of Torrington City Planner or his or her designee.

2.2 Specific Terms

Accessory Apartment - a separate dwelling unit that (A) is located on the same lot as a principal dwelling unit of greater square footage, (B) has cooking facilities, and (C) complies with or is otherwise exempt from any applicable building code, fire code and health and safety regulations. (Rev 11/2/21)

Accessory Building - any building detached from the principal building and customarily incidental, subordinate and related to the principal building or use. The accessory building is on the same lot as the principal building or use.

Accessory Structure - any structure detached from the principal building and customarily incidental, subordinate and related to the principal building or use. The accessory structure is on the same lot as the principal building or use.

Accessory Use - any use of land, building or structure which is incidental, subordinate and related to the principal building or use. The accessory use is on the same lot as the principal building or use.

Accessway - A strip of land fronting on a City accepted street that serves as the means of obtaining access to the useable portion of a flag lot. The accessway is part of the lot which it serves.

Active Adult Housing - A residential community intended to provide housing for residents aged 55 and over, without the provision of regular in-home medical services. (Added 2/2/05)

Adult Day Care Center - A facility designed to meet the needs of functionally impaired adults through a structured, comprehensive program that provides a variety of health, social and related support services, including appropriate therapy, rehabilitation and supervision services, in a protective setting during any part of a day. (Rev. 12/19/98)

Affordable Housing - dwelling units for which households pay thirty percent (30%) or less of their annual income in either rent or mortgage payments and real estate taxes where such income based on family size is less than or equal to 80% of the area median income for the City as determined by the United States Department of Housing and Urban Development.

Aisle - an accessway through a parking area which has direct access to one or more parking spaces.

Alcoholic Liquor - any liquid or solid defined as "alcoholic liquor" in the Connecticut General Statutes. It includes alcohol, beer, spirits, and wine.

Artist - A person who works in or is skilled in the techniques of any of the fine arts, including but not limited to; painting, drawing, photography, pottery or sculpture. (Added 1-23-15)

Automobile Establishment - any lot used, in whole or part, by a motor vehicle dealer or motor vehicle repairer. Any lot used, in whole or part, for an automobile service station.

Automobile Service Station - any lot on which gasoline is sold.

Beacon - any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; any light with one or more beams that rotate or move.

Bed and Breakfast - an owner occupied residential structure that rents rooms on a daily basis. (Rev. 12/19/98)

Best Management Practice - techniques that are effective practical ways for preventing or reducing pollution. (Rev. 2/1/06)

Boarding House - a building in which individual rooms or individual rooms and meals are provided for compensation. The individual rooms are less than 200 square feet in area and do not contain facilities for food preparation. The rooms are rented for a minimum period of one week.

Building - any structure having a roof and intended to be used for the sheltering of people, animals, property, or materials of any kind. Buildings include houses, garages, sheds, greenhouses, stables, factories, and barns. Temporary structures such as tents are not buildings.

Building Coverage Ratio - the gross ground floor area of all buildings on a parcel divided by the area of the parcel.

Caliper - the diameter of a tree trunk measured in accordance with the American Association of Nurserymen Standards.

Check Cashing Facility - A person or business that for compensation engages in whole or part, in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose. "Check cashing facility" does not include a state or federally chartered bank, savings association, credit union or industrial loan company. (Added 5/30/10)

Child Day Care Center - a facility which provides a program of supplementary care to thirteen or more children outside the children's homes on a regular basis for a part of the twenty-four hour hours in one or more days in the week.

Congregate Care Facility - a form of residence in which the residents are assisted by congregate meals, housekeeping, medical assistance, or personal care assistance. Any medical assistance provided is at a level less than that provided by a nursing home or hospital. The facility does not contain individual dwelling units.

Construction Area - any area to be graded, cleared or otherwise disturbed or in which trees are to be cut.

DBH - See 'Diameter Breast Height'.

Density Bonus - the number of units permitted by a special exception for affordable housing above the density limit.

Density Limit - the maximum number of dwelling units that could be built on a lot or the maximum number of lots that could be subdivided from a single lot in accordance with all applicable zoning regulations and inland wetland regulations. No variances, zone changes, or special exceptions affecting density would be required.

Development - any construction or grading activities to improved or unimproved lots.

Diameter Breast Height - the diameter of a tree measured 4.5 feet from the ground.

Disturbed Area - an area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.

Drip Line - the farthest distance where the tree branches reach out from the tree trunk.

Driveway - an accessway which has no parking along it and either connects a street with a parking area or connects two distinct parking areas.

Dwelling Unit - One or more rooms, designed, occupied or intended for occupancy as separate living quarters with facilities for food preparation, sleeping, and sanitary facilities. The rooms and facilities are provided for the exclusive use of a single household.

Elderly Retirement Housing and Assisted Living Facility - A facility consisting of independent living dwelling units and assisted living dwelling units. Each dwelling unit occupied by not more than two residents per dwelling unit, at least one of whom is 55 years of age or older, said facilities shall have available on-site passive and active recreational facilities, supervised and unsupervised activities, housekeeping assistance, and fulltime health and personal care personnel to provide assisted living and personal care services including but not limited to, bathing, grooming, dressing, monitoring of medications, and other personal care assistance which may be needed. (Eff. 10/18/08)

Eligible Household – a household whose annual income is at or below 80 percent of the area median income for Torrington, as determined and reported by the United States Department of Housing & Urban Development (HUD).

Erosion - the detachment and movement of soil or rock fragments by water, wind, ice or gravity.

Excavation - the removal or recovery by any means whatsoever of rock, minerals, topsoil, gravel, sand, or other earthen product from a lot.

Family Care Facility - a residential facility which provides services to less than seven unrelated individuals who are handicapped, aged, disabled, or in need of adult supervision. A residential facility licensed by the state for six or fewer mentally retarded persons and necessary staff persons which is not located within 1000 feet of another such residence, shall not be treated in a manner differently than a single family, detached use. A residential facility for mentally ill adults shall be a permitted use in any zone which allows two family uses. (Rev. 6/24/00)

Family Day Care Home - a residence which provides care to less than seven children, including the day care provider's own children, on a regular basis for a part of the

twenty-four hours in one or more days in the week. The residence is occupied by the day care provider.

Farm - a lot with a minimum area of 3 acres that is used for the raising of plants or farm animals.

Farm Animal - any animal that is customarily kept in a barn, stable, coop, or pen. Farm animals include, but are not limited to, horses, cattle, sheep, geese, chickens, ducks, pigs, and llamas.

Farm Brewery – A small scale production facility for the growing, processing, production and packaging of beer, ale, porter, stout and similar malt-based or grain based beverages on a working farm in Torrington. (added 9-22-16)

Farm Stand - a structure used to sell on a retail basis the products of a farm. At least 75 per cent of the products sold at the farm stand must be produced on the farm on which the farm stand is located.

Flag - a sign made of fabric or similar material containing distinctive colors, patterns or symbols used as a symbol of a government, political subdivision or other entity.

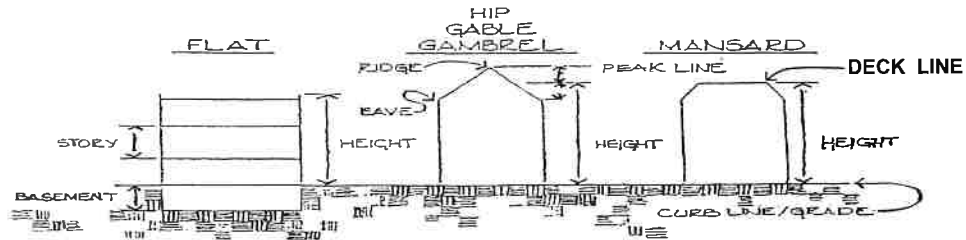
Flag Lot - a lot which has less than the minimum required lot width on a City accepted street and which is accessed by an accessway.

Grading - any excavating, grubbing, filling (including hydraulic fill) or stockpiling of earth material or any combination thereof, including the land in its excavated or filled condition.

Group Care Facility - a residential facility which provides services to seven or more unrelated individuals who are handicapped, aged, disabled, in need of supervision, or undergoing rehabilitation. This includes, but is not limited to, facilities licensed by the Federal or State government such as group homes, halfway houses, and orphanages. It does not include a residential facility for mentally ill adults in any zone that allows two family uses. (Rev. 6/24/00)

Group Day Care Home - a residence or facility which provides a program of supplementary care to not less than seven nor more than twelve children on a regular basis for a part of the twenty-four hours in one or more days of the week.

Height - The vertical distance of a structure measured from the average finished grade ten feet out from the walls of a building to the highest part of the roof for flat roofs; to the deck line of mansard roofs and; to not more than five feet above the average height between the eaves and the ridge for gable, hip and gambrel roofs. The provisions with respect to height shall not apply to roof top mechanical utility structures. (Rev. 8/2/99)



HEIGHT DIAGRAM

Home Occupation - any activity carried out for monetary gain by a resident as an accessory use in the resident's dwelling unit.

Home Site - a portion of either a mobile home park or recreational vehicle park that is used for a single mobile home or recreational vehicle.

Hospital - an institution, licensed by the State of Connecticut, providing lodging and primary health and medical or surgical care to persons, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions. A hospital provides its services primarily to inpatients. A hospital includes related facilities such as laboratories, outpatient facilities or training facilities.

Hotel/Motel - a facility offering transient lodging accommodations on a daily rate to the general public and providing additional services such as meeting rooms and recreational facilities.

Impervious Surface - areas which are generally not penetrable by moisture. This includes the building area, sidewalks, parking areas, driveways and aisles, loading areas, outside storage areas, dumpster pads, and utility fixtures. Impervious surface includes areas that are paved, unpaved, or graveled. Impervious surface does not include areas used for storm water management.

Impervious Surface Ratio - the area of a lot that is covered by an impervious surface divided by the total area of the lot.

Incentive Housing Development – a residential or mixed use development that is located within the Torrington Incentive Housing Overlay Zone and that complies with the statutory requirements set forth in the Connecticut State Statutes Sections 8-13m to 8-13x, as amended and **Section 4.15** of the Torrington Zoning Regulations.

Incentive Housing Restriction – A deed restriction, covenant or site plan approval condition constituting a binding obligation with respect to the restrictions on household income, sale or resale price, rent and housing costs required by Connecticut General Statutes Sections 8-13m to 8-13x, as amended and **Section 4.15** of the Torrington Zoning Regulations.

Incentive Housing Unit – a dwelling unit within an Incentive Housing Development that is subject to an Incentive Housing Restriction.

Infiltration - the process of percolating precipitation into the subsoil. (Rev. 2/1/06)

Interior Road - a road lying entirely within a mobile home park or recreational vehicle park.

Junk - any scrap, waste, reclaimable material, debris or other materials which are so worn, deteriorated or obsolete as to make them unusable, in their present form, for their original purpose. Junk includes vehicles, tires, vehicle parts, equipment, paper, rags, metal, glass, building materials, and household appliances.

Junk Yard - any parcel, used in whole or part, for the storage, processing, dismantling, disposal, sale or salvage of junk except junk used as a raw material in manufacturing processes on the same parcel.

Kennel - any structure(s), other than a residence, housing a total of five or more dogs, cats or other household pets.

Landscape Gardener - owner or operator of a commercial greenhouse, nursery, or landscaping business.

Lot - a contiguous piece of land described by plat, subdivision, or deed in the land records of the City Clerk's Office. The lot can be used, developed, sold, or rented as a single piece. The term "parcel" is synonymous with lot.

Lot, Corner - a lot either at the intersection of two or more streets or upon two parts of the same street which form an interior angle of less than 135 degrees.

Lot, Interior - a lot other than a corner lot.

Lot Line - a line of record which describes the boundaries of a lot.

Lot Line, Front - the lot line separating the lot from a street.

Lot Line, Rear - the lot line opposite and most distant from the front lot line.

Lot Line, Side - any lot line which is not a front or rear lot line.

Lot, Through - an interior lot bordering two or more streets which do not intersect at the boundaries of the lot.

Lot Width - the horizontal distance between side lot lines measured both at the minimum required front yard setback line and at the front lot line.

Low Impact Development (LID) - a site design strategy intended to maintain or replicate predevelopment hydrology through the use of small-scale controls integrated throughout the site to manage runoff as close to its source as possible (Rev. 2/1/06)

Mixed-Use Development – a development containing a combination of residential and business uses.

Mobile Home - a structure, transportable in one or more sections, which is at least 8 feet in width and 32 feet in length. It is built on a permanent chassis and designed to be used as a permanent dwelling unit, with or without a permanent foundation, when connected to the required utilities.

Mobile Home Park - a parcel with two or more mobile homes.

Motel - see Hotel

Motor Vehicle Dealer - any person, firm or corporation engaged in the sale of motor vehicles.

Motor Vehicle Repairer - any person, firm or corporation engaged, on a profit or non-profit basis, in repairing, overhauling, adjusting, assembling, disassembling, or servicing motor vehicles.

Multi-Family Dwelling Unit - a individual dwelling unit located on a lot that has four or more dwelling units.

Multi-Family Residence - any lot with four or more dwelling units.

Non-Conforming Structure - a structure whose size, dimensions, or location was lawful prior to the adoption or amendment of the zoning regulations but which fails, because of such adoption or amendment, to conform to the present requirements of the zoning regulations.

Non-Conforming Use - a use or activity which was lawful prior to the adoption or amendment of the zoning regulations but which fails, because of such adoption or amendment, to conform to the present requirements of the zoning regulations.

Nonpoint Source Pollution - pollution caused by diffuse sources that are not regulated as point sources and are normally associated with precipitation and runoff from the land (rev. 2/1/06)

Nursing Home - a facility, licensed by the State of Connecticut, to provide lodging, skilled nursing care and medical supervision to persons who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

Package Store - a building where packaged alcoholic liquors are sold at retail for consumption off premises under a valid package store permit issued by the State of Connecticut.

Parcel - same as "Lot"

Pawnbroker - A business that loans money on the deposit or pledge of wearing apparel, jewelry, ornaments, household goods or other personal property or purchases such property on condition of selling the same back again at a stipulated price or purchases such property from a person who is not a wholesaler. (Added 4/28/07)

Permeable Paving - materials that are alternatives to conventional pavement surfaces and that are designed to increase infiltration and reduce stormwater runoff and pollutant loads (rev. 2/1/06)

Pet, Household - small animals that are customarily kept for personal use or enjoyment within the home and that are not raised for retail sale. Household pets include, but are not limited to, dogs, cats, rabbits, rodents, reptiles, and birds.

Place of Worship - a building or lot primarily used for organized religious services. This includes, but is not limited to, churches, temples, synagogues, and mosques.

Principal Dwelling Unit - a dwelling unit which is in the same building as an accessory apartment.

Protected Tree Area - the area within:

- a. the required front, side and rear yard setback areas and
- b. the required buffer areas.

Rain Gardens/Biofiltration - a practice to manage and treat stormwater runoff by using a specially designed planting soil bed and planting materials to filter runoff stored in a shallow depression (rev. 2/1/06)

Recreational Vehicle - a vehicular type portable structure without permanent foundation which can be towed, hauled or driven. It is designed as temporary living accommodations for recreational, camping or travel use. It includes, but is not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes.

Recreational Vehicle Park - a parcel with two or more recreational vehicles that provides temporary - less than 180 days - accommodation for recreational vehicles.

Residential District - an IH, R-6, R-10, R-10s, R-15, R-15s, R-25, R-40, R-60, R-WP or RRC zoning district.

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

Setback Line - the line that is the minimum required distance from a lot line. Setback lines establish the area within which structures, parking, signs and other uses can be erected, placed or occur.

Shopping Center - fifteen or more retail stores, restaurants or professional offices located on the same lot and having a total building area of 60,000 square feet or more.

Significant Trees - trees which measure at least 12 inches DBH but less than 30 inches DBH.

Single Family Residence - one dwelling unit on a lot.

Small Scale Manufacturing: An establishment where shared or individual tools, equipment, or machinery are used to make or grow products on a small scale, including the design, production, processing, printing, assembly, treatment, testing, repair and packaging, as well as any incidental storage, retail or wholesale sales and distribution of such products. These small scale producers or maker businesses include businesses producing goods in textile, hardware, wood, metal, 3D printing, and food. This also includes hardware prototyping, consumer product design and prototyping, breweries and distilleries and local food production and packaging. (added December 17, 2020)

Social and Fraternal Clubs - a structure used by a group of people formally organized on a not for profit basis for a common interest usually cultural, religious, or entertainment.

Soil - any mineral or organic material of any origin.

Soil Erosion and Sediment Control Plan - a scheme that minimize soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.

Specimen Trees - trees which measure 30 inches DBH or greater.

Stable, Commercial - a structure in which horses or other farm animals are boarded or kept for hire or sale.

Stable, Private - any structure with a floor area greater than 100 square feet, accessory to a residence, in which horses or other farm animals are kept for the exclusive use of the owners or renters of the entire parcel. The horses or other farm animals are not boarded or kept for hire or sale.

Stacking Space - an area used by vehicles awaiting service at a drive in window, car wash or similar facility where the vehicle's occupants receive service while remaining in the vehicle. (Rev. 12/19/98)

Stormwater Management Plan - plan describing the potential water quality and quantity impacts associated with a development project both during and after construction. It also identifies selected source controls and treatment practices to address those potential impacts, the engineering design of the treatment practices, and maintenance requirements for proper performance of the selected practices (rev. 2/1/06)

Stormwater Runoff - above ground water flow resulting from precipitation or snowmelt. (Rev. 2/1/06)

Stormwater Treatment Practice - devices constructed for primary treatment, pretreatment or supplemental treatment of stormwater. (Rev. 2/1/06)

Street - any vehicular thoroughfare which is:

- a. accepted by the City or State; or
- b. shown on a subdivision plan approved by the Planning and Zoning Commission as a private thoroughfare.

Structure - anything constructed or erected on the ground or which is attached to something located on the ground. Structures include, but are not limited to, buildings, communication towers, sheds, permanent signs, mobile homes, swimming pools with a depth greater than 4 feet, and tents.

Tattoo parlor/body piercing studio - An establishment whose principle business activity, either in terms of operation or as held out to the public, is the practice of one or more of the following: (1) placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or instruments designed to contact or puncture the skin; (2) creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration with the exception of ear lobe piercing and only the insertion of stud type earrings is permissible. (Added 5/30/10)

Tent site - a home site used exclusively for tents.

Three Family Residence - three dwelling units in the same building on one lot.

Townhouse – a residential building consisting of a single-family dwelling unit constructed in a group of three (3) or more attached units, in which each unit extends from foundation to roof and has open space on at least two sides. (State definition)

Two Family Residence - two dwelling units in the same building on one lot. (also known as duplex)

Water Quality Swales - vegetated open channels designed to treat and attenuate the water quality volume and convey excess stormwater runoff (rev. 2/1/06)

Water Quality Volume - the volume of runoff generated by one inch of rainfall on a site. (Rev. 2/1/06)

Yard - the open space that lies between the principal or accessory structure or structures and the nearest lot line.

Yard, Front - a space extending the full width of the lot between any building, or part of a building - e.g. canopy, building overhang, marquee, etc. - and the front lot line. The front yard is measured perpendicular to the building at the closest point to the front lot line. Such front yard is unoccupied and unobstructed from the ground upward except as specifically provided for by these regulations. (Rev. 4/23/05)

Yard, Rear - a space extending across the full width of the lot between any building, or part of a building - e.g. canopy, building overhang, marquee and the rear lot line. The rear yard is measured perpendicular to the building to the closest point of the rear lot line. Such rear yard is unoccupied and unobstructed from the ground upward except as specifically provided for by these regulations. (Rev. 4/23/05)

Yard, Side - a space extending from the front yard to the rear yard between any building, or part of a building - e.g. canopy, building overhang, marquee and the side lot line. The side yard is measured perpendicular to the building to the closest point of the side lot line. Such side yard is unoccupied and unobstructed from the ground upward except as specifically provided for by these regulations. (Rev. 4/23/05)

END OF SECTION 2

Section 3.0 USES

3.1 Table of Uses *(Rev to 12/29/22)*

Table 1 of this section is part of these regulations. Land and structures shall be used for one or more of the uses specified in Table 1.

Any use not specified is prohibited.

The symbols in Table 1 mean the following:

p -	use permitted;
e -	use permitted by special exception;
p/e -	use permitted by either special exception and site plan or site plan only depending on conditions specified in the regulations
p/z-	use permitted with zone change and site plan dependent on specific site location criteria specified in Section 4.16
blank -	use not permitted.

The uses in Table 1 are classified according to a code in the first column. There are twenty-one major use classifications - e.g. 9.0 Parking & Storage. These classifications are also used in Section 5.13 to indicate the number of required parking spaces.

Uses

R-WP R-60 R-40 R-25 R-15 R-15s R10 R10s R6 LB DD I IP

1.00 Residential Uses														
1.10	Single Family, Detached	p	p	p	p	p	p	p	p	p	e	e		
1.15	Affordable Housing, Single Family Detached		e	e	e	e	e	e	e	e	e	e		
1.20	Two Family				p	p		p		p	e	e		
1.25	Accessory Apartment	p	p	p	p	p	p	p	p	p	p	p		
1.26	Single Family Use, 2 nd and 3 rd floors										p			
1.27	Three Family Residence									e	e	e		
1.30	Multi-Family Residence			e	e	e		e		e	e	p/e		
1.31	Dwelling Units and Dormitory Use for Educational programs, 2 nd and 3 rd floors											p		
1.35	Active Adult Housing					e								
1.39	Affordable Housing, Multi-Family Residence		e	e	e	e		e		e	e	p/e		
1.40	Nursing Homes		e	e	e	e	e	e	e	e	e	e		
1.50	Congregate Care Facilities		e	e	e	e	e	e	e	e	e	e		
1.55	Elderly Retirement Housing & Assisted Living Facility		e	e	e	e		e		e	e			
1.59	Artist Live/Work, use shall be limited to the incidental sale of products permitted under this section which are created entirely on the	e	e	e	e	e	e	e	e	e				
1.60 Boarding Houses														
1.65	with less than 3 boarders		e	e	e	e		e		e	e	e		
1.66	with more than 2 and less than 15 boarders		e	e	e	e		e		e	e	e		
1.67	with 15 or more boarders										e	e		

Uses	R-WP	R-60	R-40	R-25	R-15	R-15s	R10	R10s	R6	LB	DD	I	IP
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1.80 Care Facilities

1.83	Group Care Facility with 7 to 12 Residents	e	e	e	e	e	e	e	e					
1.84	Group Care Facility with more than 12 residents		e	e	e	e		e		e	e	e		
1.85	Family Care Facility	e	e	e	e	e	e	e	e	e	e	e		
1.90	Mobile Home Park & Recreational Vehicle Park		e	e	e			e		e				
2.00	Educational, Cultural, Religious, Child Care, Philanthropic, Social & Fraternal Uses		e	e	e	e	e	e	e	e	e	p	e	e
2.05	Elementary & Secondary Schools		e	e	e	e	e	e	e	e	e	p	e	e
2.08	Trade & Vocational Schools		e	e	e	e	e	e	e	e	e	p	e	e
2.09	Colleges & Universities: Including dormitories, athletics fields & offices		e	e	e	e	e	e	e	e	e	p	e	e
2.10	Churches, Synagogues & Other Places of Worship including associated residential units for religious personnel & other associated buildings		e	e	e	e	e	e	e	e	e	e	e	e
2.15	Libraries & Museums		e	e	e	e	e	e	e	e	e	p		
2.20	Social & Fraternal Clubs, Union Halls		e	e	e	e	e	e	e	e	e	p		
2.30	Child Day Care Center		e	e	e	e	e	e	e	e	e	e	e	e
2.40	Group Day Care Homes		e	e	e	e	e	e	e	e	e	e	e	e
2.50	Family Day Care Home	p	p	p	p	p	p	p	p	p				
2.60	Hospitals		e	e	e	e	e	e	e	e	e	p		

Uses		R-WP	R-60	R-40	R-25	R-15	R-15s	R10	R10s	R6	LB	DD	I	IP
2.70	Adult Day Care		e	e	e	e		e		e	p	p	e	e
3.00	Sales & Rental of Goods, Merchandise or Equipment - No storage or display of goods outside of fully enclosed building										p	p		
3.05	Sales of Building & Earthen Materials including but not limited to the outside storage and/or display of lumber, piping, dimension stone, bricks, masonry, aggregate and other building materials										e		e	
3.10	Retail Stores										p	p		
3.12	Retail stores with Drive Through Windows										p	p		
3.15	Bakeries - Retail										p	p		
3.16	Service & Sales of Boats, boat accessories & engines										p		e	
4.00 Personal Services														
4.10	Banks										p	p		
4.15	Banks with Drive-In Windows										p	p		
4.20	Funeral Home										p	p		
4.30	Beauty Parlor										p	p		
4.40	Dry Cleaners										p	p		
4.50	Barber Shops										p	p		
4.60	Gymnasiums & Physical Fitness Centers										p	p		
4.70	Tailor Shops										p	p		
4.75	Pawnbroker										e			
4.76	Check Cashing Facility										e			

Uses	R-WP	R-60	R-40	R-25	R-15	R-15s	R10	R10s	R6	LB	DD	I	IP	
4.77 Tattoo parlor/ Body piercing studio										e				
4.80 Shoe Repair Shops										p	p			
4.90 Hotels and Motels										p	p			
4.95 Bed and Breakfast (2/11/12)		e	e	e		e		e	e	p	p			
4.99 Other Personal Services										p	p			
5.00 Professional Offices - Operations Designed to Attract and Serve Customers and Clients on the Premises														
5.10 Attorneys										e	p	p	p	p
5.20 Physicians										e	p	p	p	p
5.30 Nurse Practitioners										e	p	p	p	p
5.40 Insurance Agents										e	p	p	p	p
5.50 Stock Brokers										e	p	p	p	p
5.60 Real Estate Agents										e	p	p	p	p
5.70 Accountants										e	p	p	p	p
5.80 Other Offices										e	p	p	p	p
5.90 Radio & TV Stations											p	p		
6.00 Recreation, Amusement & Entertainment														
6.10 Activity Conducted entirely within a Building											p	p		
6.15 Bowling Alleys, Skating Rinks, Indoor Tennis, Squash & Racquetball Courts, Billiard and Pool Halls											p	p		

Uses		R-WP	R-60	R-40	R-25	R-15	R-15s	R10	R10s	R6	LB	DD	I	IP
6.18	Theaters for Movies & Plays											p	p	
6.20	Activity Conducted Primarily Outside Enclosed Building											p		
6.22	Golf and Country Clubs		e	e	e	e		e				p		
6.24	Tennis and Swim Clubs		e	e	e	e		e				p		
6.26	Golf Driving Ranges, Miniature Golf Courses, Skateboard Parks, Water Slides & Similar Uses											p		
6.27	Golf Courses		e	e	e	e		e				p		
6.28	Automobile & Motorcycle Racing Tracks		e											
6.29	Drive-in Movie Theaters												p	
6.99	Other Outdoor Activities	e	e	e	e	e	e	e	e	e	e	e	e	e
7.00	Restaurants, Bars & Night Clubs													
7.10	No substantial carry-out or delivery service; no drive-in service; no service or consumption outside fully enclosed structure												p	p
7.20	No substantial carry-out or delivery service; no drive-in service; service & consumption allowed outside fully enclosed structure												p	p
7.30	Carry-out & delivery service allowed, consumption outside fully enclosed structure allowed												p	p

Uses		R-WP	R-60	R-40	R-25	R-15	R-15s	R10	R10s	R6	LB	DD	I	IP
7.40	Carry out & delivery service, drive-in service, service or consumption outside fully enclosed structure										p	e		
7.50	Restaurants, including taverns & other places licensed to sell alcoholic beverages										p	p		
7.6	Seasonal Outdoor Sidewalk Dining (See supplemental regulations Section 5.18)										p	p		
8.00 Automobile Establishments														
8.10	Motor Vehicle Sales or Rental; Mobile Home Sales or Rental										p		p	
8.20	Service & Sales with Installation of Motor Vehicle Parts or Accessories (e.g. tires, mufflers, etc.)										p	p	p	
8.30	Motor Vehicle Repair or Service										p	p	p	
8.40	Sales of Gasoline										e	e		
8.50	Car Wash										p	e		
8.60	Motor Vehicle Painting & Body Work										e		e	
9.00 Parking & Storage														
9.10	Automobile Garages or Parking Lot which is the Principle use on the Lot										e	p	p	
9.20	Warehouses Where All Storage is within a Completely Enclosed Structure; excluding self storage units										e		p	p

Uses		R-WP	R-60	R-40	R-25	R-15	R-15s	R10	R10s	R6	LB	DD	I	IP
9.30	Warehouse Where Storage is Inside or Outside a Completely Enclosed Structure, excluding self storage units												p	p
9.31	Warehouse providing Interior Access to Self-Storage Units which are completely enclosed in a building existing on or before 8/2/99 and which has been converted to such use											e	e	
9.32	Self Storage Warehouse Units										e		e	
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)										p	e	p	p
10.00 Services & Business Related to Animals														
10.10	Veterinarian		e	e	e						p			
10.20	Kennel		e	e							p			
10.30	Public Stables	e	e	e	e									
11.00	Junk Yards, Scrap Materials Salvage Yards, Recycling Centers & Automobile Graveyards												e	
12.00 Agricultural Operations														
12.10	Farms	p	p	p	p	e	e	p	e	e	p		p	p
12.15	Farm Brewery		p	p	p						p			
12.20	Farmer's Roadside Stand		e	e	e	e		e			p			
12.30	Commercial Greenhouses		e	e							p			

Uses	R-WP	R-60	R-40	R-25	R-15	R-15s	R10	R10s	R6	LB	DD	I	IP
13.00 Excavating, Mining & Quarrying		e	e							e		e	e
14.00 Cemetery & Crematorium	e	e	e	e	e	e	e	e	e	e	e	e	e
15.00 Off Premise Signs											e	p	e
16.00 Bus Station & Train Station										p	e	p	
17.00 Towers, Antennas & Related Structures	p/e	p/e	p/e	p/e	p/e	p/e	p/e	p/e	p/e	p/e	p/e	p/e	p/e
18.00 Building & Uses of the City of Torrington	e	e	e	e	e	e	e	e	e	e	p	p	e
19.00 Manufacturing, Processing, Creating, Repairing, Renovating, Painting, Cleaning or Assembling of Goods, Merchandise or Equipment												p	p
19.01 Small Scale Manufacturing										p	p	p	p
19.05 Print Shops, Sign Painters, Photocopying Centers, Newspaper Production										p	p	p	p
20.00 Utility Companies & Energy Production	e	e	e	e	e	e	e	e	e	e	e	e	e
21.00 Special Events	e	e	e	e	e	e	e	e	e	e	e	e	e
22.00 Section 4.16 AM Zone													
22.01 Alternate Incarceration Facilities										p/z		p/z	p/z
22.02 Medical Marijuana Dispensary licensed by the State of CT										p/z		p/z	p/z
22.03 Adult-use cannabis retail establishments										p/z		p/z	p/z

END OF SECTION 3

Section 4.0 AREA AND SETBACK REQUIREMENTS

4.1 General Area and Setback Requirements

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

the maximum impervious surface area on the expanded parcel shall be the sum of:

- A. the impervious surface area of the original parcel; and
- B. the maximum impervious surface area allowed on the additional parcel.

4.1.11 Legally Non-Conforming Lots

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

4.2 R-WP Zone

For one dwelling unit on a lot:

Lot size: 87,000 sq. ft. excluding inland wetlands if lot is unsewered
65,000 sq. ft. excluding inland wetlands if lot is sewer

Lot Width: 200 ft.

Front Yard Setback: 50 ft.

Side Yard Setback: 25 ft. on each side

Rear Yard Setback: 100 ft.

Maximum Height: 35 ft.

Maximum Impervious Surface Ratio: 0.3 for any use

Maximum Building Coverage Ratio: 0.1 for any use

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

- No ledge rock within 4 feet of the natural ground surface encountered during septic testing in conformance with the Connecticut Public Health Code.
- No inland wetland soils or watercourses
- No land within the areas of special flood hazard as identified by the Federal Emergency Management Agency.
- No naturally occurring slopes exceeding 25% in grade.

- No utility or access easements and rights of way, no conservation easements, and other easements for public or private facilities. (Rev. 2/1/06)

4.3 R-60 Zone

For all uses:

Lot Size: 60,000 sq. ft.

Lot Width: 200 ft.

Front Yard Setback: 50 ft.

Side Yard Setback: 25 ft. on each side

Rear Yard Setback: 100 ft.

Maximum Height: 35 ft. (con't)

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

Maximum Building Coverage Ratio: 0.1

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

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

4.4 R-40 Zone

For all uses:

Lot Size: 40,000 sq. ft.

Lot width: 150 ft.

Front Yard Setback: 50 ft.

Side Yard Setback: 25 ft. on each side

Rear Yard Setback: 75 ft.

Maximum Height: 35 ft.

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

Maximum Building Coverage Ratio: 0.1

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

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

4.5 R-25 Zone

- 4.5.1 For one dwelling unit on a lot:
 Lot Size: 25,000 sq. ft.
 Lot Width: 125 ft.
 Front Yard Setback: 30 ft.
 Side Yard Setback: 25 ft. on each side
 Rear Yard Setback: 50 ft.
 Maximum Height: 35 ft.
 Maximum Building Coverage Ratio: 0.20
- 4.5.2 For two dwelling units on a lot:
 Lot Size: 37,500 sq. ft.
 Lot Width: 175 ft.
 Front Yard Setback: 30 ft.
 Side Yard Setback: 25 ft. on each side
 Rear Yard Setback: 50 ft.
 Maximum Height: 35 ft.
 Maximum Building Coverage Ratio: 0.20
- 4.5.3 For all other uses:
 Lot Size: 25,000 sq. ft.
 Lot Width: 125 ft.
 Front Yard Setback: 30 ft.
 Side Yard Setback: 25 ft. on each side
 Rear Yard Setback: 50 ft.
 Maximum Height: 35 ft.
 Maximum Impervious Surface Ratio: 0.3

4.6 R-15 Zone

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

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

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

4.7 R-15s Zone

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

4.7.2 For all other uses except Bed and Breakfast facilities:

Lot Size: 30,000 sq. ft.

Lot Width: 150 ft.

Front Yard Setback: 25 ft.

Side Yard Setback: 15 ft. on each side

Rear Yard Setback: 50 ft.

Maximum Height: 35 ft.

Maximum Impervious Surface Ratio: .3

4.7.3 For Bed and Breakfast facilities per **Section 6.10**: (Rev. 10/22/09)

Lot Size: 22,500 sq. ft.

Lot Width: 145 ft.

Front Yard Setback: 25 ft.

Side Yard Setback: 15 ft. on each side

Rear Yard Setback: 50 ft.

Maximum Height: 35 ft.

Maximum Impervious Surface Ratio: 0.3

4.8 R-10

4.8.1 For one dwelling unit on a lot:

Lot Size: 10,000 sq. ft.

Lot Width: 80 ft.

Front Yard Setback: 25 ft.

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

Rear Yard Setback: 40 ft.

Maximum Height: 35 ft.

Maximum Building Coverage Ratio: 0.3

4.8.2 For two dwelling units on a lot:

Lot Size: 15,000 sq. ft.

Lot Width: 120 ft.

Front Yard Setback: 25 ft.

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

Rear Yard Setback: 50 ft.

Maximum Height: 35 ft.

Maximum Building Coverage Ratio: 0.3

4.8.3 For all other uses:

Lot Size: 15,000 sq. ft.

Lot Width: 120 ft.

Front Yard Setback: 25 ft.

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

Rear Yard Setback: 50 ft.

Maximum Height: 35 ft.

Maximum Impervious Surface Ratio: 0.3

4.9 R-10s

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

4.9.2 For all other uses except Bed and Breakfast Facilities:
Lot Size: 15,000 sq. ft.
Lot Width: 120 ft.
Front Yard Setback: 25 ft.
Side Yard Setback: 15 ft.
Rear Yard Setback: 50 ft.
Maximum Height: 35 ft.
Maximum Impervious Surface Ratio: 0.3

4.9.2 For Bed and Breakfast Facilities per Section 6.10.1(B):
Lot Size: 22,500 sq. ft.
Lot Width: 145 ft.
Front Yard Setback: 25 ft.
Side Yard Setback: minimum of 8 ft. on one side; total of both sides - 20 ft.
Rear Yard Setback: 50 ft.
Maximum Height: 35 ft.
Maximum Impervious Surface Ratio: 0.3
(2/11/12)

4.10 R-6

4.10.1 For one dwelling unit on a lot and for one principal dwelling unit and one accessory apartment on a lot:
Lot Size: 6,000 sq. ft.
Lot Width: 60 ft.
Front Yard Setback: 25 ft.
Side Yard Setback: minimum of 8 ft. on one side; total of both sides - 20 ft.
Rear Yard Setback: 30 ft.
Maximum Height: 60 ft.
Maximum Building Coverage Ratio: 0.4

- 4.10.2 For all other uses:
Lot Size: 7,500 sq. ft.
Lot width: 75 ft.
Front Yard Setback: 25 ft.
Side Yard Setback: minimum of 8 ft. on one side; total of both sides - 20 ft.
Rear Yard Setback: 30 ft.
Maximum Height: 60 ft.
Maximum Impervious Surface Ratio: 0.5

4.11 Downtown District *(revised 6-19-19)*

- 4.11.1 For buildings and uses:
Lot Size: no minimum area
Lot Width: no minimum
Front Yard Setback: none
Side yard Setback: 20 ft. only if adjacent to a residential zone
Rear Yard Setback: 20 ft. only if adjacent to a residential zone
Maximum Height: 60 ft.

4.11.2 *(eliminated 6-19-19)*

4.12 Local Business

- 4.12.1 For non-residential buildings and uses:
Lot Size: 10,000 sq. ft.
Lot Width: 80 ft.
Front Yard Setback: 10 ft.
Side yard Setback: 25 ft. only if adjacent to a residential zone
Rear Yard Setback: 25 ft. only if adjacent to a residential zone
Maximum Height: 50 ft.
Maximum Impervious Surface Ratio: 0.75

- 4.12.2 For building with one or more dwelling units:
Requirements are the same as for residential buildings in the R-6 zone

4.13 Industrial

- Lot Size: 10,000 sq. ft.
Lot Width: 80 ft.
Front Yard Setback: 10 ft.
Side Yard Setback: 25 ft. only if adjacent to a residential zone
Rear Yard Setback: 25 ft. only if adjacent to a residential zone
Maximum Height: 60 ft.
Maximum Impervious Surface Ratio: 0.75

4.14 Industrial Park

Lot Size: 40,000 sq. ft.

Lot Width: 150 ft.

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

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

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

Maximum Height: 60 ft.

Maximum Impervious Surface Ratio: 0.65

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

4.15.1 Purpose.

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

4.15.2 General Requirements.

- A. Any such zone shall be in compliance with the locational requirements of Connecticut General Statutes Chapter 1245b.
- B. Subzones.
 1. The Commission may designate subzones within an overall IH in which different types of uses may be permitted, as in the case of a mixed-use incentive housing development.
 2. Each IH may consist of one or more subzones, which may overlay each other as well as the underlying district. Within any IH, there may be any or all of three (3) subzones, designated as:
 - a. Townhouse TH Subzone,
 - b. Multi-family MF Subzone, or
 - c. Mixed-use MU Subzone.

4.15.3 Bulk Requirements

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

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

NOTES:

1 The Minimum density may be reduced to 15 units per acre for portions of the site developed as Townhouse units.

B. Density (Rev. 11-23-22)

1. Density is calculated by the number of units allowed per area.
2. Where an incentive housing development contains a mix of the above dwelling types, the land occupied by non-residential uses will be included in the residential density calculation. The residential densities will be calculated by apportioning the total acreage of the incentive housing development in the same proportion that each type of housing bears to the total number of dwelling units.
3. For any incentive housing development to be developed in phases each phase will comply with the minimum residential densities and the incentive housing restrictions set forth in this section.
4. Public Applicant. In the case of an incentive housing development proposed by a public applicant, the residential densities will be in accordance with a waiver as may be granted by the Secretary of

the Office of Policy and Management in accordance with Connecticut General Statutes Section 8-13n(b)(3).

5. Maximum units-per-acre density requirements do not apply to projects for parcels in an underlying DD-Downtown District

C. Buffers.

1. From Rear Property Line.
 - a. Where the underlying district is a residential district, no less than ten (10) feet.
 - b. Where the underlying district is business or industrial district, in accordance with the underlying district.
 - c. For non-residential uses, in accordance with the underlying district.
2. From Other Property Line.
 - a. Where the underlying district is a residential district, no less than ten (10) feet.
 - b. Where the underlying district is a business or industrial district, in accordance with the underlying district.
3. For non-resident uses, in accordance with the underlying district.

D. Minor Accessory Buildings or Structures.

- a. For residential uses, same as for principal buildings or structures, above.
- b. For non-residential uses, in accordance with the underlying district.

4.15.4 Principal Uses and Activities

- A. Prior to the approval of any application for Certificate of Zoning Compliance for any Incentive Housing Development that includes any principal or accessory use permitted under this Section; a Site Plan will be submitted to and approved by the Commission in accordance with **Section 8.4**. In considering an incentive housing development, the Commission will find that any application for an incentive housing development will comply with the provisions of this Section, as well as the Site Plan Objectives and, for uses requiring a Special Exception, the General Standards for Special Exception Uses in **Section 8.2**.

- B. Any principal use as permitted in the underlying district and subject to the requirements and approval procedures as may be applicable to the uses. When proposed in conjunction with an Incentive Housing Overlay Zone use, the following modifications to the underlying zone shall apply:

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

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

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

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

C. Mixed Uses.

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

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

4.15.5 **Accessory Uses.**

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

4.15.6 **Incentive Housing Restriction.**

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

4.15.7 **Submission of Affordability Plan.**

Each applicant for an incentive housing development will provide an affordability plan that will detail the administration, monitoring and enforcement of the dwelling units to be sold or rented at below-market rates as described

above. The plan will include proposed deed restrictions or covenants, lease agreements, common interest ownership documents, bylaws, rules and regulations, sample income calculations, and any other information as the Commission may require to establish compliance with this Section and Connecticut General Statutes Sections 8-13m. to 8-13x.

4.15.8 Designation of Administering Agency.

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

4.15.9 Approval of IH Zone or Subzones.

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

4.15.10 Design Standards.

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

4.15.11 Application Processing For Incentive Housing Developments.

- A. Incentive Housing Development Proposed within an Existing Incentive Housing Overlay Zone. For incentive housing developments involving land already designated as an Incentive Housing Overlay Zone on the *Torrington Zone Map*, applicants shall submit a site plan application in accordance with **Section 8.4** of these regulations.
 - 1. The Commission shall conduct a public hearing in accordance with the timeframe requirements in Section 8-7d(b) of the Connecticut General Statutes.
 - 2. The Commission shall forward the application to Architectural Review Committee for review, in accordance with **Section 8.5** of these regulations.
- B. Application to Expand an Existing Incentive Housing Overlay Zone, or Establish a New Incentive Housing Overlay Zone. For projects involving land not designated as an Incentive Housing Zone on the Torrington Zoning Map, applicants shall submit a zoning map amendment application in accordance with **Section 8.7** of these regulations. Upon approval of the zoning map amendment, the applicant may seek approval in accordance with subsection A above.

4.15.12 Decision Considerations.

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

4.15.13 Method of Ownership.

- A. Dwelling units. Dwelling units may be offered for sale or for rental in individual, public, cooperative or condominium ownership. Documentation as to management, organization and incorporation of applicable ownership associations shall be submitted to the Commission at the time of filing of the application for incentive housing development.
- B. Methods of Open Space Reservation. All open space or supporting facilities and systems will be in compliance with applicable law and provide for maintenance, liability, financing or rights of access and use by residents of the incentive housing development as is acceptable to the Commission. Open space areas required will be permanently reserved for the designated use by means acceptable to and approved by the Commission, such as, but not limited to:
 - 1. Deeded to the Town. Where open space areas are to be conveyed to the Town, the applicant will convey them at the stage and in the condition agreed upon in connection with the processing and approval of the subdivision.
 - 2. Deeded to a non-profit organization acceptable to the Commission. Such nonprofit organization will be a private non-profit, non-stock corporation that has as its purpose the preservation of open space land. The deed to such organization will contain language satisfactory to the Commission requiring that the land be held in perpetuity as open space land for the use of the public. If open space is to be conveyed to a non-profit organization, the Commission may require that a copy of the organization's Certificate of Incorporation be submitted for its review. The deed to the organization will contain the provision that in event of the dissolution of the corporation, the property will be conveyed to the Town, or subject to the approval of the Commission, to another non-profit corporation. The Commission will have the right to reject any proposal for the transfer of open space land to a private non-profit organization if the Commission determines that such conveyance would not be in the best interest of the Town.
 - 3. Held in corporate ownership by owners of lots within the development. Open space may be conveyed by warranty deed to a homeowner's association within the development upon such terms and conditions as specified by the Commission. When tracts are conveyed in this manner, a copy of the by-laws of the homeowners' association will be submitted as a part of the application for the IHZ Development. Membership in such corporation will be mandatory for all lot owners within the development. Each deed conveyance to lot owners will include the membership stipulation, the beneficial right in use of the open land or all other pertinent restrictions, and will be recorded in the Torrington Land Records. Wording on each

- deed will state that such open land is reserved for use only as open space in perpetuity.
4. Perpetual easement. Where the right of use, interest or privilege, short of fee ownership in the open space owned by another, is obtained by the City or acceptable non-profit organization, a deed stipulating that the owner transfers development rights to, and open space or scenic easements over, the land will be required, the fee owner will retain the fee tide to the premises and all incidents of fee ownership, except the right to construct any structure, sign, fence or other improvement, or to alter the contours. Minimum lot requirements cannot be satisfied by use of land dedicated to open space.
 - C. Conditions of Open Space Conveyance. Title to the open space land will be unencumbered and will be transferred at a time approved by the Commission, and in any case, not later than the time at which title to the streets in the development is accepted by the town.
 - D. Deed Guarantees. Regardless of the method employed, the instrument of the open space conveyance must include provisions suitable to the Commission and its Legal Counsel for guaranteeing the following:
 1. Continuity of proper maintenance for those portions of the common open space land requiring maintenance;
 2. When appropriate, the availability of funds required for such maintenance; and
 3. Recovering of loss sustained by casualty, condemnation or otherwise.

4.16 Alternate Incarceration, Cannabis Dispensary Overlay Zone (AM Zone)

(Amended 5/1/22)

4.16.1 Purpose

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

4.16.2 Applicability

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

Zones.

4.16.3 Permitted Uses

The following uses shall be permitted within the overlay zone:

- A. Alternate Incarceration Facilities.
- B. A Medical Cannabis Dispensary licensed by the State of Connecticut.
- C. Adult-Use cannabis retail establishments

4.16.4 Changes in Use, Enlargement or Expansion

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

4.16.5 Yard and Height, Maximum Impervious Surface Ratio Requirements

Lot width, front yard, side yard, rear yard, maximum height and maximum impervious surface ratio shall be the same as the requirements for the underlying zone.

4.16.6 Building and Site Requirements

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

- F. For all new proposed Adult Use cannabis retail establishment locations, a map shall also be provided, drawn to scale, showing all parcels within 500 feet of the proposed retail establishment which specifically highlights all parcels with the following uses:
 - a. public parks
 - b. public playgrounds
 - c. schools
 - d. recreational facilities
 - e. child care centers
 - f. libraries

The commission may deny applications to apply the AM overlay zone based on proximity to the above uses above if found to be in conflict with the standards set forth in this section and section 8.2

4.16.7 **Lighting and Signage**

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

END OF SECTION 4

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), 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 protections zone prior to construction.
 - e. The fence around the perimeter of the protections 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:

- a. All new parking areas; and
- b. 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

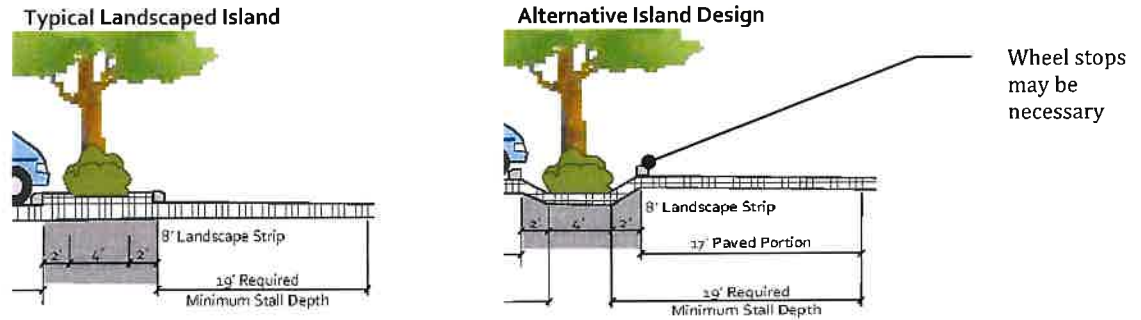
Any lot which contains a parking area having more than fifteen parking spaces shall have a landscaped island at each end of each row of parking spaces and an intermediate island after fifteen parking spaces. However, landscaped islands shall not be required between a parking space and a building wall 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.

1. Planting clusters shall be located adjacent to, or within, the parking area.
2. Planting clusters shall be evenly distributed throughout the parking area with no more than 160 feet separating each cluster.
3. An individual planting cluster shall have minimum dimensions of nine feet by 18 feet.
4. The total area of the planting clusters shall be greater than or equal to the area of the required landscape islands.

5. The planting cluster shall have at least the same number of trees as the required landscaped islands.
6. 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.

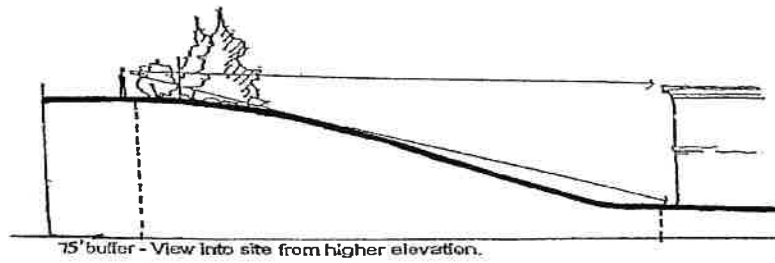
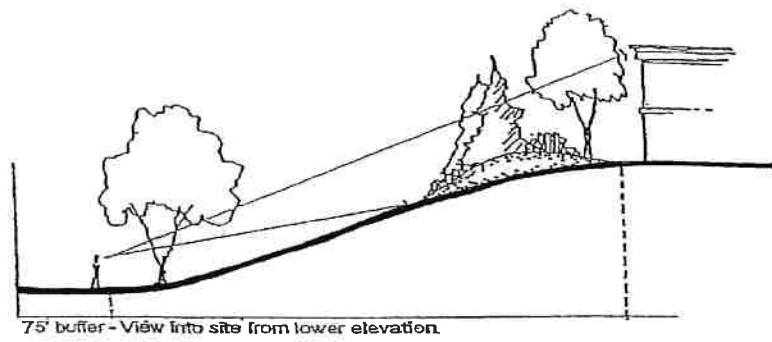
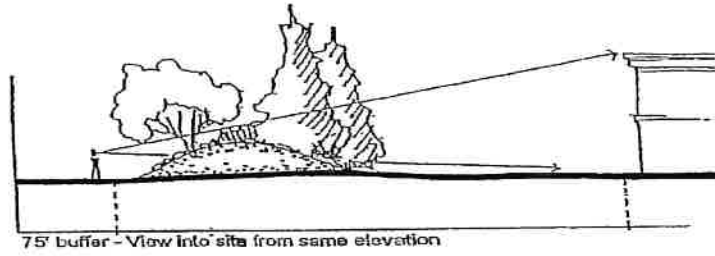
The Commission may require additional landscaping or more mature plantings where unusual conditions dictate more extensive screening or for noise abatement purposes to reduce depreciation of adjacent residential properties in a residential zone. At the request of the applicant, the Commission may determine 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 existing 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.

85th Percentile Speed of Intersecting Road =
Minimum Sight Distance in All Directions

<u>25 mph</u> 150 ft.	<u>30 mph</u> 200 ft.	<u>35 mph</u> 250 ft.	<u>40 mph</u> 275 ft.	<u>45 mph</u> 315 ft.
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2. Driveways serving parking areas with more than 100 spaces

85th Percentile Speed of Intersecting Road =
Minimum Sight Distance in All Directions

<u>25 mph</u> 250 ft.	<u>30 mph</u> 300 ft.	<u>35 mph</u> 350 ft.	<u>40 mph</u> 400 ft.	<u>45 mph</u> 450 ft.
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- 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
1.00	Residential Uses		
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 D.D. – Downtown District. <i>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
2.00	Educational, Cultural, Religious, Child Care, Philanthropic, Social & Fraternal Uses		
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	
3.00	Sales & Rental of Goods, Merchandise or Equipment - no storage or display of goods outside fully enclosed building		
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
4.00	Personal Services		
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
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
5.00	Offices - Operations designed to attract and serve customers & clients on the premises		
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
6.00	Recreation, Amusement & Entertainment		
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 each additional 40,000	1 1
19.00	Manufacturing	5,000 - 40,000 each additional 40,000	1 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) lineal 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) lineal 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.
- I.

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.

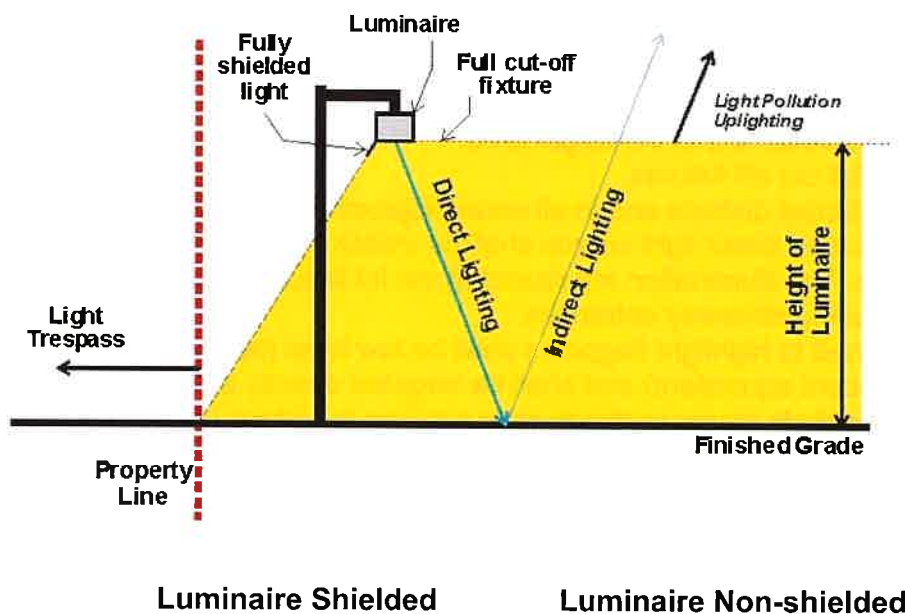
5.17.4 General Requirements

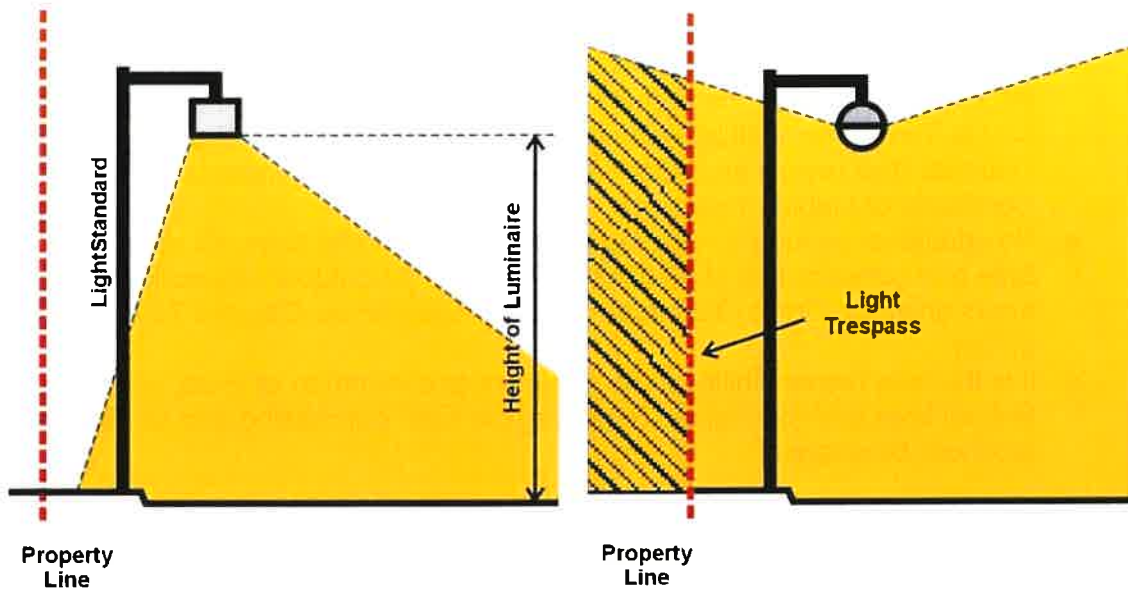
1. All exterior lights and sign illumination shall be designed, located, installed and directed in such a manner as to:
 - a. Prevent direct or objectionable glare, light trespass, spill light, or obtrusive light;
 - b. Be shielded if required to control light trespass.
 - c. Employ soft, transitional 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





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 1st to October 31st 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

Section 6.0 SPECIAL EXCEPTIONS

6.1 Affordable Housing

6.1.1 Affordable Housing Special Exception Requirements *(Rev 11-23-22)*

- A. For each dwelling unit or lot proposed in excess of the number of units or lots permitted by the applicable density limit, the applicant shall construct a unit of affordable housing.
- B. In multi-family residence projects, the maximum density including the density bonus and the affordable units shall be as follows.

R-6	18 units per acre
R-10	10 units per acre
R-15	8 units per acre
R-25	6 units per acre
L.B.	10 units per acre
D.D.	No maximum density

- C. In subdivisions, the applicant shall be required to cluster the lots as provided for in **Section 5.6**. The maximum density including the density bonus and the affordable units shall not exceed 15% of the applicable density limit.
- D. The affordable housing units shall be of comparable quality to the other units in the project.
- E. The affordable housing units shall be evenly distributed throughout the project.
- F. In the case of subdivisions, the affordable units must be on lots that are of comparable size and quality as the other lots in the subdivision.
- G. The affordable housing units approved by the special exception shall be offered for sale, rent, lease, or conversion to common interest ownership only to households having income less than or equal to 80% of the area median income for the City as determined by the United States Department of Housing and Urban Development.
- H. The affordable housing units approved by special exception shall not be sold, resold, rented, or converted to common interest ownership and subsequently sold for a price which exceeds the amount specified for such unit in the contract between the City and the developer.
- I. Affordable housing units approved by special exception shall be conveyed by deeds containing covenants incorporating the terms and conditions contained in the contract between the City of Torrington and the applicant. The covenants shall be enforceable by the City until released by the City. Such deed restrictions shall be in effect for each unit for no less than thirty years from the date of issuance of the certificate of occupancy.
- J. Affordable housing developments in the D.D. zone shall comply with section 6.8.17 of the regulations.

6.1.2 **Application**

In addition to any other requirements, the applicant shall provide along with the special exception application the following information:

- A. the density limit for the parcel;
- B. the number and location of the affordable units;
- C. the sales prices or rents of all units;
- D. the total number of units or lots to be developed;
- E. a description of the units types including the square footage and the number of bedrooms;
- F. a schedule for the completion of the units;
- G. a contract between the City and the applicant which includes:
 - 1. the terms of the special exception;
 - 2. establishment of maximum income for occupants of the affordable housing;
 - 3. provision for reasonable periodic increases of the specified income, sale price, or rent;
 - 4. covenants in favor of the City or an appropriate non-profit agency;

6.1.3 **Additional Considerations for Affordable Housing Special Exception**

In addition to the other factors pertaining to special exceptions as described in Section 8, the Commission shall consider the following:

- A. the need for the project as determined by the percentage of the City's housing that is:
 - 1. government assisted (including Connecticut Housing Financing Authority financed mortgages); or
 - 2. housing subject to deeds containing covenants or restrictions which require that such housing be sold or rented at, or below, prices which will preserve the units as affordable housing;
- B. the provision of unit types to meet identified needs;
- C. the percentage of affordable housing units to be built;
- D. the covenants and restrictions that are meant to assure the long term affordability of the housing units;
- E. the number of years that the units will remain affordable;
- F. the schedule for completion of the affordable units;
- G. the contract terms between the developer of the affordable units and the City; and
- H. the quality of the plan for the development of the site.

6.2 Automobile Establishments - Motor Vehicle Dealer, Vehicle Repairer, Junk Yards & Gasoline Sales

6.2.1 Location Approval

- A. Automobile establishments requiring Motor vehicle dealer's licenses, new car dealer, used car dealer and motor vehicle repairer's licenses, as per the Connecticut General Statutes shall obtain location approval from the Planning and Zoning Commission. Junk yards requiring a motor vehicle recycler's yard or motor vehicle recycler's business license, as per the Connecticut General Statutes, shall obtain location approval from the Planning and Zoning Commission. Location approval shall be obtained from the Planning and Zoning Commission for establishments selling or offering gasoline or other products intended for use in propelling motor vehicles using combustion type engines. (Rev. 2/1/06)
- B. Automobile establishments shall have a minimum of 150 linear feet of frontage on a street.

6.2.2 Parking for Automobile Establishment

- A. To improve traffic circulation, automobile establishments must separate the areas used for either vehicle storage or display from the areas used for customer or employee parking. This separation is to be accomplished by means of landscaping, barriers or other means as determined by the Commission.
- B. In an automobile establishment with storage or display areas exceeding 10,000 square feet, the Commission may require the storage or display area to be landscaped in a manner similar to that required for parking lots in **Section 5.11**. The intent is to avoid extensive paved areas devoid of landscaping.

6.3 Child Day Care Center

Child Day Care Centers requiring a special exception must meet all of the following conditions:

- A. The minimum lot size is 30,000 square feet;
- B. There shall be a minimum of 500 square feet of lot area per child for the first 60 children plus 200 square feet of lot area per child for each additional child.
- C. The outside play area must be adjacent to the facility.
- D. The outside play area must be completely fenced.
- E. The fence around the outside play area must be at least four feet high and constructed to prevent the passage of children through it.
- F. There must be a buffer of at least ten feet between the play area fence and the side and rear property lines.

- G. The buffer area between the property lines and the play area fence must be planted with non-deciduous trees, minimum height of 6 feet, at a maximum of eight feet off-center. Existing vegetation may be used in place of the non-deciduous trees if, in the opinion of the Commission, the existing vegetation provides the same buffering as would be obtained by planting the non-deciduous trees.

6.4 Excavations

6.4.1 Excavation

Excavations shall conform to the following regulations. The placement of more than 100 cubic yards of earthen material or clean fill on a lot shall be subject to the same regulations as an excavation. The only exceptions to these regulations shall be as follows:

- A. Excavation necessary for the construction of a building or other structure that has a valid building permit.
- B. Excavation necessary for the development of a parking area for which site plan approval has been obtained.
- C. Excavation necessary for the development of the roads, utilities, and building lots in accordance with an approved subdivision plan.

6.4.2 Setbacks

No excavation shall take place within 50 feet of a property line except where the Commission determines that such excavation would:

- A. improve sight lines on existing roadways;
- B. provide a more appropriate system of stormwater drainage; or
- C. provide a more usable area for future development when excavation is

6.4.3 Screening

Where necessary to protect the surrounding properties, the Commission may require a landscape buffer and/or an earthen berm. Existing vegetation and natural topography shall be preserved where feasible.

6.4.4 Slopes

Finished slopes shall not exceed a one-foot vertical to two foot horizontal slope. Fences, guardrails, or embankments shall be provided where necessary for the protection and safety of vehicular and pedestrian traffic.

6.4.5 Restoration

The area disturbed by the excavation is to be restored by the spreading of topsoil and the planting of trees and suitable ground cover including perennial grasses, shrubs, and legumes. Restoration shall be a continuous operation. Only a limited area is to be excavated before restoration begins. The following regulations shall govern all restoration.

- A. Topsoil shall be stored on the property for spreading to a minimum depth of 3 inches over the excavated area. The area for the storage of topsoil shall be shown on the plans approved by the Commission. All stockpiled topsoil shall be seeded with appropriate perennial grasses and surrounded by appropriate erosion controls.
- B. Following the spreading of topsoil, the area is to be seeded with a suitable ground cover and maintained until the area is stabilized. The area is to be limed and fertilized as appropriate. Seeding is to be done between April 15 and June 30 or August 15 and September 30.
- C. Following the spreading of topsoil, the area is to be planted with one tree per 10,000 square feet of excavated area. Deciduous trees shall be a minimum caliper of 2.5 inches at the time of planting. Non-deciduous trees shall be a minimum of 6 feet high at time of planting. No more than fifty per cent of the trees may be non-deciduous. To the extent practical, the trees shall be hardy native species and compatible with the post excavation site characteristics.
- D. No sharp declivities, pits, or depressions shall remain after restoration. No accumulation of boulders or debris shall remain on the surface after restoration.
- E. Restoration is to occur so that no more than five (5) acres are actively being excavated, used, or without topsoil at any one time. The Commission may increase the five-acre maximum if the Commission determines that the five acre maximum does not provide sufficient space for the excavating operations.
- F. An applicant shall provide a bond for the estimated cost of restoring the area to be disturbed during the two-year period of the special exception. The bond shall cover all aspects of the restoration. It shall be in the form of a certified check, passbook account, letter of credit or bond from a company licensed by the State of Connecticut. It shall be in a form acceptable to the Corporation Counsel.

6.4.6 Information

- A. In addition to any other information required for a special exception, the applicant shall provide, at a minimum, the following information:
 - 1. the proposed days and hours of operation;
 - 2. any sorting, crushing, reducing, refining, or other processing proposed for the site;
 - 3. the location of the excavation;
 - 4. the methods of excavation proposed for the site;
 - 5. the location and frequency of any proposed blasting;
 - 6. the location of proposed driveways, roads, fences, gates and topsoil storage areas;
 - 7. the proposed location of any large scale machinery, trailers or other operations on the site;

8. an estimate of the number of trucks that are proposed to enter or leave the site each day; and
 9. the approximate number of acres to be excavated per year, the cubic yards of earthen material to be removed per year, the estimated duration of the operation, and the estimated depth of excavation below the existing grade.
- B. A plan for the restoration of the site shall be provided. This plan shall include a restoration schedule and a landscaping plan showing the location, species (Latin and common names), number and size of the trees, shrubs and grasses to be planted. The landscaping plan shall be signed by a landscape architect or a landscape gardener.

6.4.7 Issuance of Special Exception

- A. In order to protect the character of the existing neighborhood or the environment, the Commission may:
1. restrict the hours of operation, the type of operation, the types and location of equipment, the use of explosives or any other aspect of the operation which may have adverse impacts on the surrounding properties; and
 2. provide for increased buffering of surrounding properties.
- B. Special exceptions must be renewed by the applicant every two years from the date of issuance. The special exception shall not be renewed unless the excavation completed to date conforms to the approved special exception.
- C. In renewing a special exception for an existing, legally non-conforming excavation, the Commission may impose such conditions as would bring the excavation more nearly into conformance with these regulations.

6.4.8 Retail as an Accessory Use *(Rev. 4/21/06)*

The applicant may incorporate retail use into its application for a special exception under 6.4 so long as the following conditions are met:

1. 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, Limited Liability Company or corporation. The retail use shall be renewed every two years in conjunction with the special exception approval for earth excavation.
2. The products sold on a retail basis shall be similar in nature or accessory to the products made on the property, or distributed on a wholesale basis from the property. For purposes of this subsection, "made on" shall include earth products extracted from the property. Accessory products shall include masonry and piping products which are closely aligned to the products made on the property.
3. The area of the retail use shall occupy no more than 10% of the area of the property approved for the earth excavation. The parking for the retail use shall be included within this area.

4. The applicant shall demonstrate how the safety of its retail customers has been taken into account.
5. There shall be no additional signage allowed for the retail use.
6. Parking requirements, in addition to what is required for the excavation operations, shall be in accordance with **Section 5.13** of these regulations with calculations based on the area of the property used for retail use.

6.5 Hospitals, Nursing Homes, Congregate Care Facilities & Group Care Facilities

6.5.1 Hospitals

Hospitals shall be located on lots of five acres or more.

6.5.2 Nursing Homes, Congregate Care Facilities and Group Care Facilities

- A. Nursing homes, congregate care facilities and group care facilities with more than 12 residents shall be located on lots of one acre or more.
- B. Nursing homes, congregate care facilities and group care facilities with more than 12 residents shall have a density of no more than 40 beds (or residents) per acre.

6.5.3 Elderly Retirement Housing and Assisted Living Facilities, and Group Care Facilities

Elderly Retirement Housing and Assisted Living Facilities shall be located on lots of 15 acres or more, shall have a maximum height of 50 feet and shall not consist of more than 65 percent independent living units. (Eff. 10/18/08) (Rev. eff. 12/18/13)

6.6 Junk Yards

- 6.6.1 An unregistered motor vehicle not stored within a completely enclosed structure is classified as junk. The only exception to this shall be motor vehicles or other equipment - in operating condition - that are actively being used on a farm.
- 6.6.2 All junk is to be placed in a junk yard. The sole exception is that junk used as a raw material in manufacturing may be stored on the same lot where the manufacturing occurs. All junk yards shall conform to the following conditions.
 - A. The minimum area of a parcel to be used for a junk yard shall be five acres.
 - B. The section of the junk yard on which junk is to be placed shall be completely surrounded by an opaque fence. The fence shall be a minimum of eight feet high. No junk shall be placed outside the fenced area. No junk shall be placed higher than the fence if that junk will be visible from a public right of way.
 - C. No section of the junk yard on which junk is to be placed shall be:

1. within 100 feet of any property line abutting a residential zone;
 2. within 20 feet of any property line abutting a non-residential zone.
- D. The area between the opaque fence and the property lines shall be planted with non-deciduous trees. These trees shall have a minimum height of six feet and be planted at a maximum of eight feet off-center. Existing vegetation may be used in place of the non-deciduous trees if, in the opinion of the Commission, existing vegetation provides the same buffering as would be obtained by planting the non-deciduous trees.
- E. The Commission may require additional landscaping or fencing if, in the opinion of the Commission, the landscaping or fencing is necessary to limit visibility of the junk from a street or residentially zoned property.

6.6.3 In legally non-conforming junk yards, the area of the parcel on which junk is placed may not be increased unless a special exception is obtained for the increase.

6.6.4 Every two years, all junk yards, whether conforming or legally non-conforming, shall obtain from the Zoning Enforcement Officer a certificate of compliance. The certificate of compliance shall only be issued after an inspection of the junk yard and a determination that the junk yard is in compliance with these regulations.
(Rev 8/2/99)

6.7 Mobile Homes and Recreational Vehicles (Rev. 3/23/22)

6.7.1 Mobile Homes

- A. A mobile home may be used as a temporary office incidental to the development of the parcel on which the mobile home is located.
- B. Where a dwelling unit has been destroyed by a fire or other natural disaster, a mobile home may be placed on the property and used as the property owner's temporary residence for a period not to exceed one year. A Zoning Permit is required for the mobile home. Within thirty days after the issuance of a certificate of occupancy for the permanent dwelling unit on the property, the mobile home shall be removed from the property. A performance bond as specified in Section 8.4.5 shall be posted prior to the issuance of the certificate of occupancy to ensure the removal of the mobile home.

6.7.2 Recreational Vehicles

- A. Except in a recreational vehicle park, no recreational vehicle shall be occupied for more than two weeks in any calendar year. (Rev. 2/1/06)

6.7.3 Mobile Home Parks and Recreational Vehicle Parks

The minimum requirements in this section shall apply to both mobile home parks and recreational vehicle parks. The term "park" shall mean both mobile home parks and recreational vehicle parks.

- A. Mobile homes shall not be permitted in recreational vehicle parks. Recreational vehicles shall not be permitted in mobile home parks.
- B. Camping tents shall be permitted in recreational vehicle parks. Such tents shall be treated as recreational vehicles.
- C. A park shall have a minimum of 25 acres.
- D. The park density shall not exceed one home site per 40,000 square feet.
- E. Each mobile home shall be certified under the federal Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et. seq.).
- F. No more than one mobile home or recreational vehicle may be placed on a home site, except that up to three tents may be placed on a tent site in recreational vehicle parks.
- G. For a mobile home park, a home site shall have a minimum area of 6,000 square feet. Each home site shall be of sufficient size to contain a 60 foot by 100-foot rectangle. The boundaries of each home site shall be marked with permanent markers. For a recreational vehicle site, the site shall have a minimum area of 1500 square feet. Each RV site shall be a minimum of 30' wide and 50' deep.
- H. Each home site in a mobile home park shall have at least 60 feet of frontage on an interior road.
- I. All mobile homes, recreational vehicles and accessory structures shall be at least 10 feet from an interior road.
- J. All mobile homes, recreational vehicles and accessory structures shall be at least 20 feet from any other mobile home or recreational vehicle.
- K. No home site shall be within 100 feet of a property boundary.
- L. There shall be a 100-foot buffer along all property lines. The intent of the buffer is to provide a visual barrier between the park and the surrounding properties. Except for the interior road running roughly perpendicular to the buffer, there shall be no roads, home sites, parking spaces or structures placed in the buffer. For property access roads there shall be a 50-foot buffer along all boundary lines. Existing vegetation shall be preserved wherever possible. The Commission may require fencing or plantings to supplement or replace existing vegetation.
- M. The parking spaces for each mobile home or recreational vehicle shall be on or within 100 feet of the home site it is meant to serve.
- N. Interior roads shall be at least 22 feet wide for two way interior roads and 12 feet wide for one way interior roads. Such roads shall be constructed to specifications approved by the Commission. The Commission may require the lighting of interior roads.
- O. Each home site shall have provision for connection to adequate water and sanitary services.
- P. No mobile home or recreational vehicle in the park may be occupied until all required improvements in the park are completed. The Commission may approve the development of a park in phases. However, no home site shall be occupied in a phase until all required improvements in the phase are completed.

- Q. Parks may designate an area for the temporary storage of mobile homes and recreational vehicles. This storage area shall be shown on the plans. No mobile home or recreational vehicle shall be stored outside of the approved storage area. No mobile home or recreational vehicle in a storage area shall be occupied.
- R. Recreational vehicle parks shall not be a place of permanent residence. A recreational vehicle shall not remain on a home site for more than 187 consecutive days. At the end of the 187-day period, the recreational vehicle shall be either removed from the park for a period of at least 90 consecutive days or placed in an on-site approved storage area. The only exception to this requirement is for one recreational vehicle or permanent dwelling, per every 50 home sites in the park, used by the park owner or by employees responsible for the operation of the park.
- S. Parks shall contain a minimum of 150 square feet of common recreation area per home site. The maximum slope of the recreation area shall be 2.5%. The recreation area shall be a cleared, open grassed area. Play equipment, basketball courts, tennis courts, pools, community buildings and other recreational facilities may be placed in the recreation area.
- T. The owner of the park shall be responsible for maintaining in good repair all interior roads, lawns, utilities, refuse collection, recreation areas and structures in the park.
- U. Accessory uses and accessory structures may be allowed provided they are for the exclusive use of the occupants of the park. Such accessory uses and accessory structures include, but are not limited to, the following:
1. park offices;
 2. maintenance structures;
 3. restaurant;
 4. retail store;
 5. laundry facilities;
 6. bathroom facilities;
 7. recreational facilities; and
 8. Park Model RVs. (As defined in NFPA 1194 and certified by manufacturer to be in compliance with ANSI A119.5)
- V. Up to 25% of the home sites in a recreational vehicle park, or in a phase of a recreational vehicle park, may be designated as tent sites. Such sites shall not be subject to the provisions of Sections 6.7.3.H, 6.7.3.M, and 6.7.3.O. Sanitary facilities and water supplies shall be provided for such sites in accordance with the health code requirements of the State and the Torrington Area Health District. Tent sites shall be designated as such on the plans required for special exception and site plan applications.

6.8 Multi-Family Residences

6.8.1 The building of multi-family residences in R-6, R-10, R-15, R-25, R-40, L.B. and D.D. zones is permitted only by Special Exception. Sections 6.8.2 and 6.8.3 do not apply to multi-family residences in a Restricted Residential District. *(rev. 11-23-22)*

6.8.2 Density

A. The maximum number of dwelling units per net acre is as follows:

R-6:	15 units per net acre
R-10:	8 units per net acre
R-15:	6 units per net acre
R-25:	4 units per net acre
R-40:	2 units per net acre
L.B.:	8 units per net acre
D.D.:	No maximum density <i>(rev 11-23-22)</i>

B. The net acreage is computed by subtracting from the gross area of the site:

1. 50% of the area with soils classified as inland wetland type soils;
2. 50% of the area with naturally occurring slopes greater than 25%;
3. except in D.D. districts, 100% of the area used for non-residential purposes; and
4. 100% of the area used for existing utility easements.

6.8.3 Minimum Gross Area

The minimum gross area shall be as follows:

R-6:	9,000 feet square
R-10:	5 acres
R-15:	8 acres
R-25:	8 acres
R-40:	8 acres
L.B.:	3 acres
D.D.:	6,000 square feet <i>(revised 6-19-19)</i>

6.8.4 Lot Width

The minimum lot width shall be as follows:

R-6:	90 feet
R-10:	160 feet
R-15:	200 feet
R-25:	400 feet
R-40:	500 feet
L.B.:	160 feet
D.D.:	no minimum <i>(revised 6-19-19)</i>
RRC:	160 feet

6.8.5 Front Yard Setback

The minimum front yard setback shall be as follows:

R-6:	25 feet	
R-10:	40 feet	
R-15:	50 feet	
R-25:	75 feet	
R-40:	100 feet	
L.B.:	25 feet	
D.D.:	no minimum – maximum front yard setback 5 feet	(revised 6-19-19)
RRC:	75 feet	

6.8.6 Side and Rear Yard Setback

The minimum setbacks from all property boundaries except the boundary fronting on a public street (e.g. front yard setback) shall be as follows:

R-6:	30 feet	
R-10:	50 feet	
R-15:	50 feet	
R-25:	75 feet	
R-40:	100 feet	
L.B.:	30 feet	
D.D.:	no minimum – 20 feet only if adjacent to a residential zone	(revised 6-19-19)
RRC:	50 feet	

6.8.7 Building Height

The maximum building height shall be as follows:

R-6:	45 feet	
R-10:	35 feet	
R-15:	35 feet	
R-25:	35 feet	
R-40:	40 feet	
L.B.:	35 feet	
D.D.:	60 feet	(revised 6-19-19)
RRC:	35 feet	

6.8.8 Building Separation

The distance between the exterior walls of any two buildings shall be a minimum of 20 feet except in the D.D. District. (revised 6-19-19)

6.8.9 Building Length

The maximum building length shall be 150 feet. (Rev. 7/23/03)

6.8.10 Buffers

- A. In all districts except the R-6 and the D.D. districts a landscaped buffer at least twenty five feet wide shall be provided along the entire perimeter of the property. In the R-6 district a landscaped buffer at least 15 feet wide shall be provided along the entire perimeter of the property. There shall be no parking spaces, aisles, buildings, dumpsters, or other structures or fixtures within this buffer area. Driveways and sidewalks needed to access the property shall be approximately perpendicular to the buffer.
- B. Within this buffer, there shall be planted a minimum of one deciduous tree, minimum caliper of 2.5 inches, or one non-deciduous tree, minimum height of 6 feet, and five shrubs, minimum height of 24 inches, for every forty feet of perimeter. The trees shall be planted at least thirty feet apart but no more than fifty feet apart. Existing vegetation may be used to satisfy this requirement provided there are the same number of trees as would be required with new plantings. Trees meeting the minimum size requirements may be planted to augment existing vegetation.

6.8.11 Sidewalks

A system of paved sidewalks at least four feet wide shall be provided to allow for access from all residential buildings to a public street.

6.8.12 Recreation Area

- A. In all districts except in R-6 and D.D., a minimum of 300 square feet of common recreational area shall be provided per dwelling unit. This requirement shall not apply to projects with less than five dwelling units.
- B. The maximum slope of the recreation area shall be 2.5%. The recreation area shall be a cleared, open grassed area. Play equipment, basketball courts, tennis courts, pools, community buildings and other recreational facilities may be placed in the recreation area. The recreation area does not have to be contiguous provided that:
 - 1. no individual recreation area is less than 40% of the required total recreation area; and
 - 2. the dimensions of each recreation area are not less than a 50 foot by 40 foot rectangle.
- C. The recreation area cannot be placed within the buffer area. Areas used for storm water detention or retention cannot be used to meet this requirement. Areas with inland wetland soils cannot be used to meet this requirement. Areas with existing utility easements cannot be used to meet this requirement.

6.8.13 Lighting

Outdoor lighting shall conform to **Section 5.17** Lighting Regulations. *(revised 6-19-19)*

6.8.14 **Parking**

Parking spaces shall be no more than 100 feet from the entrance to the dwelling units that are to be served with exception of multi-family dwellings in the D.D. District. *(revised 6-19-19)*

6.8.15 **Dumpsters**

Dumpsters must be screened from view on at least three sides by an opaque fence at least five-feet high or by non-deciduous shrubs or trees. The trees or shrubs must be at least three feet high and planted no more than five-feet off center.

6.8.16 **Landscaping**

- A. Except in R-6 and D.D. districts, at least two trees and five shrubs per dwelling unit must be planted within 50 feet of the exterior wall of each dwelling unit. Deciduous trees must be at least 2.5 inches in caliper; non-deciduous trees must be at least 6 feet high; shrubs must be at least 18 inches high.
- B. Existing vegetation at a ratio of fifty square feet of existing vegetation per tree and fifty square feet per five shrubs may be used to meet the requirement in Section A above. The existing vegetation must have the same number of trees as would be required with new plantings. Trees meeting the minimum size requirements may be planted to augment existing vegetation.
- C. Trees and shrubs used to meet the landscaping requirements in the twenty-five foot buffer area or the landscaping requirements of the parking regulations cannot be used to meet this requirement.

6.8.17 **Downtown District Mixed Use** *(New eff. 11-23-22)*

For all multi-family residential projects in the D.D. zone:

- A. Only non-residential uses shall be allowed on the ground floor. The commission may, by special exception, waive this requirement for:
 - a. Up to 50% of the street frontage ground floor space for affordable housing or incentive housing developments. Such ground floor residential uses shall be served by a common entrance in the front of the building.
 - b. Residential units in the rear of a building not directly fronting a public way, street, or park.
- B. Residential units shall be a minimum of 400 square feet in area.
- C. The Torrington Design Guidelines for Downtown Historic District provide guidance for new construction and additions to existing buildings in the D.D. Zones. Infill development should match or complement the density, height, scale and character of the existing buildings in the downtown core blocks.

- D. Adaptive re-use of existing buildings for multi-family mixed use in the D.D. zone that does not include new construction or ground floor residential units may be approved as an as-of right use by site plan

6.9 Adult Day Care Center (Rev. 12/19/98)

Adult Day Care Centers requiring a special exception shall conform to all of the following requirements.

- 6.9.1 The minimum lot size shall be 30,000 square feet.
- 6.9.2 There shall be a minimum of 500 square feet of lot area per individual for the first sixty individuals plus 200 square feet of lot area per individual for each additional individual.
- 6.9.3 There shall be a buffer of at least ten feet along the rear and side property lines. This buffer area must be planted with non-deciduous trees, minimum height of eight feet, at a maximum of eight feet off-center. Existing vegetation may be used if, in the opinion of the Commission, the existing vegetation provides the same visual screening as would be obtained by planting the non-deciduous trees.

6.10 Bed and Breakfast (Rev. 10/22/09)

Bed and Breakfast facilities allowed by special exception shall conform to the following requirements.

- 6.10.1 In the R-60, R-40 and R-25 zoning districts, the following conditions shall be met.
 - A. The minimum lot size shall be 120,000 square feet.
 - B. There shall be a minimum buffer of twenty-five feet along the side and rear property lines. This buffer shall conform to the standards established in **Section 5.11**.
- 6.10.1 In the R-15s zoning district the following conditions shall be met:
 - A. The minimum lot size shall be 22,500 square feet.
 - B. There shall be a fifteen-foot wide buffer along the side property lines and a fifty-foot wide buffer along the rear property line. This buffer shall conform to the standards established in **Section 5.11**.
 - C. The lot shall have a minimum of 145 feet frontage on a state highway.
 - D. The Bed and Breakfast must be located within a dwelling in existence as of the effective date of this regulation.
- 6.10.1 In the R-10s zoning district the following conditions shall be met: (added 2/11/12)
 - A. The minimum lot size shall be 22,500 square feet.

- B. There shall be a buffer along the side property lines of a minimum of 8 feet on one side: total of 20 feet and a fifty-foot wide buffer along the rear property line. This buffer shall conform to the standards established in **Section 5.11**.
 - C. The lot shall have a minimum of 145 feet frontage on a state highway.
 - D. The Bed and Breakfast must be located within a dwelling in existence as of the effective date of this regulation.
- 6.10.2 The parking lot shall be screened from all adjoining properties and from the public right of way by fencing, berms, and/or landscaping
- 6.10.3 As seen from a public right of way, the building and property shall have the appearance of a single family residence.
- 6.10.4 Food service and all other accessory uses shall be used only by overnight customers of the facility.
- 6.10.5 A maximum of eight guest rooms shall be permitted on one lot in the R-60, R-40 and R-25 zoning districts. In the R-15s and R-10s zoning district a maximum of four guest rooms shall be permitted on one lot. *(added 2/11/12)*
- 6.10.6 The maximum length of stay for any guest shall be fourteen days in any thirty-day period.

6.11 Warehouses

Warehouse providing interior access allowed by special exception shall conform to the following requirements:

- A. No single warehouse shall exceed 25,000 sq.ft. in size.
- B. No such warehouse shall be located so that its public entrance is within a 1,200-foot radius of the public entrance to any other such warehouse.

6.12 Active Adult Housing *(effective 2/2/05)*

6.12.1 The building of active adult residences in an R-15 zone is permitted only by Special Exception.

6.12.2 Density

- A. The minimum gross area shall be 4 acres.
- B. There shall be a maximum of 6 dwelling units per net acre.
- C. The net acreage shall be computed as provided for in **Section 6.8.2** of the Zoning Regulations.

6.12.3 **Design Requirements**

All building of active adult residences shall conform to all requirements within **Sections 6.8.8 through 6.8.16** of the Zoning Regulations.

6.12.4 **Age Restrictions**

All residences and their occupants shall comply with the requirements of the “55 and over Housing” exemption as set forth in the *Fair Housing Amendments Act* (42 U.S.C., Sec. 3601 et Seq.), the *Housing for Older Persons Act of 1955*, and in accordance with Federal Law. There shall be a governing document or restrictive covenant that shall be binding upon all occupants of all dwellings in the development parcel that requires that no children under the age of eighteen years shall be permitted to reside in any dwelling, except by hardship exception granted by the Board of Directors or other governing body of the community. Such hardship exemption shall be granted only for children of an existing occupant, provided that the visitor occupants of any age shall be permitted to visit for up to four weeks of any calendar year. The restrictive language in the governing documents and in the restrictive covenant shall be approved by City Counsel and shall not be subject to revocation.

6.13 **Special Events** *(New eff. 12/29/22)*

The purpose and intent of this Section is to provide a mechanism to preserve rural land of the City of Torrington and allow for the temporary and accessory use of land for special events in a manner outside of the regular and customary uses of the zone in which a property is located. Furthermore, it is the intent of this Section and a condition of each approval granted under this section to require reasonable protection for nearby property owners, residents and businesses from special events which may be disruptive, obnoxious, unsafe or inappropriate given site conditions, traffic patterns, land use characteristics, and the nature of the proposed use. Finally, it is the intent of this section to preserve public health, safety and welfare.

6.13.1 **The term "special event" shall be defined as** a temporary, short-term accessory use of land or structures, not otherwise included as a permitted accessory or customary use by these Regulations. Events include, but are not limited to the following types of activities:

- A. Temporary commercial activities intended to sell, lease, rent or promote specific merchandise, services or product lines, such as a tent sale, trade show, food event, food trucks, or product demonstration.
- B. Public or private events intended primarily for gatherings, entertainment or amusement, such as concerts, weddings, festivals, carnivals, or other temporary “one-time” activities of a generally short duration.
- C. Temporary agri-tourism events including farmer’s markets, fairs, seasonal farm tour events and similar activities

- D. Fundraising or non-commercial events for nonprofit religious, educational, or community service organizations outside of the regular or customary use of a specific property

6.13.2 The term "special event" shall not include:

- A. Garage sales at an individual residence,
- B. Single transient merchants such as food trucks (see City ordinance regulating food trucks)
- C. Off-site promotional signs, except as allowed in these regulations
- D. Any events held on City of Torrington property or those sponsored or organized by the City
- E. Events held on property approved for permanent special event use (i.e. banquet or event facilities, private rental parks).

6.13.3 Restrictions and Conditions

As a component of the Special Exception use, the Commission may allow special indoor and outdoor events, subject to the following:

- A. A minimum of five (5) acres of land is required to conduct a special event under these regulations. The Commission may establish additional limits for the size and location of such special events which may be conducted.
- B. The Commission may limit the hours of operation for any special events.
- C. The Commission may limit the frequency per day, week, month, or year of such events, or may restrict them to certain seasons of the year.
- D. No more than six (6) events shall be conducted for single day or multi-day events each calendar year per property.
- E. Single events shall not exceed three (3) days in length. Traditional seasonal events may be approved for additional length of time by the commission. Such events may include, but are not limited to holiday events or seasonal agritourism events.
- F. As a component of the Special Exception use, food service is conditioned upon the issuance of required approvals from the Torrington Area Health District
- G. As a component of the Special Exception use, the Commission may allow for the purchase, consumption, serving and sale of alcoholic beverages as an accessory use above in accordance with applicable Local, State and Federal laws and liquor licenses. Violation of such laws and licenses may be grounds for revocation or non-renewal of special exception approval.
- H. As an accessory use of the Special Exception, the Commission may allow indoor and/or outdoor amplified sound, including music or public address systems. The Commission may limit the location, size, frequency, and hours of operation for amplified sound.
- I. As an accessory use of the Special Exception, the Commission may allow the retail sale of items provided such retail sale is limited to patrons of the approved event(s).

6.13.4 Application Requirements

In addition to the information required for all Special Exception applications and site plans in accordance with Section 6.0 and 8.4.3 of these Regulations, the applicant shall submit a Statement of Use and Site Plan containing specific information as follows:

- A. the specific types of activities to be conducted on the premises, including whether they are indoor or outdoor
- B. the location of such activities on the premises with the dimensions of each such area, and the building or portion of a building that they will occupy
- C. the location of all temporary structures for the event. Such structures shall meet all required property setbacks and buffers as required in the regulations.
- D. the typical and maximum attendance for each such activity, either individually or by categories;
- E. the food, if any, to be served at such activities and the method by which such food will be prepared, such as in-house food preparation, third party caterers, or food trucks, and the areas of the site or buildings where those food services will be provided;
- F. the products sold or offered for sale;
- G. the frequency and duration of the proposed activity or event
- H. a traffic management and circulation plan;
- I. the extent of inland wetlands or other sensitive resources on the property, including Natural Diversity Database (NDDDB) records
- J. any easements on the property, including conservation, preservation, access or utility easements
- K. a basic Onsite Parking Study and plan. In keeping with the rural, residential purpose of this regulation, the Commission may allow portions of the parking area to not be paved, but shall be a load-bearing all-weather surface so as to maintain rural and aesthetic nature of this use where the soils are such as to allow such parking without erosion or deterioration of the property. All handicap parking regulations shall be complied with per Section 5.13 of the Regulations. To the maximum extent possible, parking lots shall be located in areas on the site where they will be the least visible from access roads and adjoining properties. No on street parking shall be permitted at any time for special events.
- L. post-event property restoration plan. The commission may require bonding as part of a special exception approval for the cost of restoring the property when the event is complete.
- M. such other information as will enable the Commission to determine the type and character of activities to be conducted on the property and the potential impact of such activities on the neighborhood and the local road system, and to establish that such activities meet the standards of these Regulations

6.13.5 **Validity and Expiration**

Special Exceptions granted under this section do not expire and are valid under the specific terms and conditions of the approvals. Substantial changes in event types or details may require a new special exception approval. Approved site plans shall be valid for no fewer than two years and no more than five years as determined by the Commission and shall be re-approved by the Commission upon expiration.

END OF SECTION 6

Section 7.0 ENVIRONMENTAL REGULATIONS

7.1 Environmental Performance Standards

7.1.1 Purpose

The purpose of this section is to insure:

- A. All properties in the City can be used without undue hindrance from activities on adjoining properties; and
- B. Activities that may be detrimental to the public health, safety or welfare are restricted.

7.1.2 Standards

- A. Vibration - Except for vibration associated with demolition, excavation, or construction, no vibration shall be discernible to human touch outside of the property where the vibration originates.
- B. Odor - No odor from any activity, except agricultural activities, shall be discernible to any objectionable degree outside of the property where the odor originates.
- C. Electromagnetic Radiation -
 - 1. No activity on a property shall interfere with the radio, television, telephone or other electromagnetic reception on another property.
 - 2. No dwelling unit shall be placed within 150 feet of any electric transmission line carrying a voltage greater than 50,000 volts.
 - 3. No electric transmission line carrying a voltage greater than 50,000 volts shall be placed within 150 feet of any dwelling unit.
- D. Heat - Heat shall not be discernible to human touch outside of the property on which the heat originates.
- E. Lighting - (See **Section 5.17**)
 - 1. The lighting on a property shall not interfere with vehicle or pedestrian travel on any public right of way.
 - 2. The lighting on a property shall not interfere with, or be a nuisance to, the reasonable use of another property.
- F. Hazardous Materials - Materials classified as hazardous by either the State of Connecticut or the U.S. Government shall be used, stored, manufactured, processed or assembled in accordance with all applicable City, State, and Federal regulations.
- G. Noise - Noise levels are regulated by the Torrington Area Health District. A violation of the Torrington Area Health District regulations regarding noise shall also be a violation of these regulations.

7.1.3 Regulations of Other Agencies

- A. At the time of application for a special exception, site plan, variance, certificate of compliance or certificate of occupancy, an applicant for any non-residential use shall certify that the use is, or will be, in compliance with all applicable regulations of the U.S. Environmental Protection Agency (EPA), the Connecticut Department of Environmental Protection

(DEP), the Connecticut State Department of Health (DOH), and the Torrington Area Health Department. Included with the certification shall be a list of all materials classified as hazardous by the US. EPA or the State DEP which will be used or stored on the parcel. The City Planner shall notify the appropriate federal, state or local agency of any complaint regarding the handling of hazardous materials.

- B. A copy of any monitoring reports required by the State Department of Environmental Protection, the State Department of Health, or U.S. Environmental Protection Agency shall be sent to the City's Planning and Zoning Department. A violation of any State or Federal regulation regarding hazardous materials shall also be a violation of these regulations.

7.2 Flood Hazard Regulations

7.2.1 Definitions

The following definitions are applicable only to this section of the regulations dealing with flood hazards.

Area of Special Flood Hazard - The Area of Special Flood Hazard is also called the Special Flood Hazard Area (SFHA). The land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year. SFHAs are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on the Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. SFHAs include, but are not necessarily limited to, the land shown as Zones A, A1-30 and AE.

Base Flood - The flood having a one (1) percent chance of being equaled or exceeded in any given year, also referred to as the one hundred (100) year flood, as published by the Federal Emergency Management Agency (FEMA) as part of a Flood Insurance Study (FIS) and depicted on a Flood Insurance Rate Map (FIRM).

Base Flood Elevation (BFE) - The elevation of the crest of the base flood or 100-year flood. The height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas.

Basement - that portion of a building having its floor subgrade (below ground level) on all sides.

Building - any structure built for support, shelter, or enclosure for any occupancy or storage.

Cost - As related to substantial improvements, the cost of any reconstruction, rehabilitation, addition, alteration, repair or other improvement of a structure shall be established by a detailed written contractor's estimate. The estimate shall include, but not be limited to: the cost of materials (interior finishing elements, structural elements, utility and service equipment); sales tax on materials, building equipment and fixtures, including heating and air conditioning and utility meters; labor; built-in appliances; demolition and site preparation; repairs made to damaged parts of the building worked on at the same time; contractor's overhead; contractor's profit; and grand total. Items to be excluded include: cost of plans and specifications, survey costs, permit fees, outside improvements such as septic systems, water supply wells, landscaping, sidewalks, fences, yard lights, irrigation systems, detached structures such as garages, sheds, and gazebos.

Development - Any man-made change to improved or unimproved real estate, including but not limited to the construction of buildings or other structures; the construction of additions, alterations or substantial improvements to buildings or structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials; the storage, deposition, or extraction of materials; and the installation of public or private sewage disposal systems or water supply facilities.

Elevated building - a non-basement building built to have the lowest floor elevated above ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls or breakaway walls.

Existing Manufactured Home Park or Subdivision - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured home are to be affixed (including, as a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before May 19, 1972, the effective date of the floodplain management regulations adopted by the community.

Expansion to an Existing Manufactured Home Park or Subdivision - The preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Federal Emergency Management Agency (FEMA) - The federal agency that administers the National Flood Insurance Program (NFIP).

Finished Living Space - Finished living space can include, but is not limited to, a space that is heated and/or cooled, contained finished floors (tile, linoleum, hardwood, etc.), has sheetrock walls that may or may not be painted or wallpapered, and other amenities such as furniture, appliances, bathrooms, fireplaces and other items that are easily damaged by floodwaters and expensive to clean, repair or replace.

Flood or Flooding - a general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. the overflow of inland or tidal waters; and/or
- B. the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Boundary and Floodway Map (FBFM) - The official map of a community on which the Federal Emergency Management Agency (FEMA) has delineated the regulatory floodway and special flood hazard areas in the community.

Flood Insurance Rate Map (FIRM) - an official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the applicable risk premium zones.

Flood Insurance Study - the official report by the Federal Emergency Management Agency. The report contains flood profiles as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.

Floodway - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1.0) foot. For the purposes of these regulations, the term "Regulatory Floodway" is synonymous in meaning with the term "Floodway".

Floor - the top surface of an enclosed area in a building (including basement) - i.e. the top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

Functionally Dependent Facility - A use or facility that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities. The term does not include seafood processing facilities, long-term storage, manufacturing, sales or service facilities.

Historic Structure - Any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior)

or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) By an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states without approved programs.

Lowest Floor - The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor, provided that such an area meets the design requirements specified in Section 7.2.3 C. 2. of this regulation.

Manufactured Home - A structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term also includes park trailers, travel trailers, recreational vehicles and other similar vehicles or transportable structures placed on a site for one hundred and eighty (180) consecutive days or longer and intended to be improved property.

Manufactured Home Park or Subdivision - a parcel, or contiguous parcels, of land divided into two or more manufactured home lots for rent or sale.

New Manufactured Home Park or Subdivision - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date, May 19, 1972, of floodplain management regulations adopted by the community.

Mean Sea Level - for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of the 1929 or other datum to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

National Geodetic Vertical Datum (NGVD) - a vertical control, as corrected in 1929, used as a reference for establishing varying elevations within the floodplain.

New Construction - Structures for which the “start of construction” commenced on or after the effective date, May 19, 1972, of the floodplain management regulation adopted by the community and includes any subsequent improvements to such structures.

Recreational Vehicle – A vehicle which is: (a) built on a single chassis; (b) four hundred (400) square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

Special Flood Hazard Area (SFHA) – see definition for “Area of Special Flood Hazard”.

Start of Construction - For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, substantial improvement or other improvement was within one hundred and eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does include excavation for a basement, footings, piers, or foundations or the erections of temporary forms; not does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure - a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

Substantial Damage – Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement - Any combination of repairs, re-construction, rehabilitation, alterations, additions or other improvements to a structure, taking place over a three (3) year period, in which the cumulative cost equals or

exceeds fifty (50) percent of the market value of the structure before the “start of construction” of the improvement. The market value of the structure should be (1) the appraised value of the structure (using the cost approach to value) prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures that have incurred “substantial damage”, regardless of the actual repair work performed. For purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or any alteration of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.

Variance - A grant of relief by a community from the terms of the floodplain management regulation that allows construction in a manner otherwise prohibited and where specific enforcement would result in unnecessary hardship.

Violation - The failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without required permits, lowest floor elevation documentation, flood-proofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

Water Surface Elevation - means the height in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal or riparian areas.

7.2.2 **General Provisions**

- A. Land to Which this Regulation Applies - This section shall apply to all areas of special flood hazards within the City.
- B. Basis for Establishing the Areas of Special Flood Hazard - The Areas of Special Flood Hazard, also called the Special Flood Hazard Areas (SFHA), identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for the City of Torrington, dated October 4, 1982, accompanying Flood Insurance Rate Maps (FIRM) and Flood Boundary and Floodway Maps (FBFM), both dated April 4, 1983, and other supporting data applicable to the City of Torrington, and any subsequent revisions thereto, are adopted by reference and declared to be a part of this regulation. Since mapping is legally adopted by reference into this regulation it must take precedence when more restrictive until

such time as a map amendment or map revision is obtained from FEMA. The SFHA includes any area shown on the FIRM as Zones A and AE, including areas designated as a floodway on a FBFM. SFHAs are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on Flood Insurance Rate Maps (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. The FIRM, FBFM and FIS are on file in the Planning and Zoning Department, 140 Main Street, Torrington.

- C. Zoning Permit - A zoning permit is required prior to the commencement of any development activities in areas of special flood hazard.
- D. Compliance - No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this regulation and other applicable regulations.
- E. Abrogation and Greater Restrictions - This regulation is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this regulation and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- F. Interpretation - In the interpretation and application of this regulation all provisions shall be:
 - 1. considered as minimum requirements;
 - 2. liberally construed in favor of the governing body; and
 - 3. deemed neither to limit nor repeal any other powers granted under state statutes.
- G. Warning and Disclaimer of Liability - The degree of flood protection required by this regulation is considered reasonable for regulatory purposes and is based on scientific and engineering considerations.

Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This regulation does not imply that land outside the areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages.

This regulation shall not create liability on the part of the City of Torrington or by any officer or employee thereof for any flood damages that result from reliance on this regulation or any administrative decision lawfully made there under.

- H. Severability - If any section, subsection, paragraph, sentence, clause, or phrase of this regulation should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this regulation, which shall remain in full force and effect; and to this end the provisions of this regulation are hereby declared to be severable.

7.2.3 Requirements for Flood Hazard Reduction

- A. General Standards - In all areas of Special Flood Hazard, the following provisions shall apply.
1. New construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 2. New construction and substantial improvements shall be constructed with materials resistant to flood damage.
 3. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
 4. The bottom of all electrical, heating, ventilation, plumbing, air conditioning equipment, HVAC ductwork, and other service facilities, or any machinery or utility equipment or connections servicing a structure shall be elevated at or above the base flood elevation (BFE) to prevent water from entering or accumulating within the components during conditions of flooding. This includes, but is not limited to, furnaces, oil or propane tanks, air conditioners, heat pumps, hot water heaters, ventilation ductwork, washer and dryer hook-ups, electrical junction boxes, and circuit breaker boxes. Utility connections that must be located below the BFE shall be designed so as to prevent water from entering or accumulating within the components during conditions of flooding.
 5. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
 6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the system into flood waters.
 7. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
 8. In any portion of a watercourse which is altered or re-located the flood carrying capacity shall be maintained.
 9. **Manufactured Homes** - All manufactured homes (including "mobile" homes and recreational vehicles placed on a site for 180 consecutive days or longer) to be placed or substantially improved, including those located outside a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an existing manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or on a site in an existing park which a manufactured home has incurred substantial damage as a result of a flood, shall be:
 - a. elevated so that the lowest floor is above the base flood elevation;

- b. placed on a permanent foundation which itself is securely anchored and to which the structure is securely anchored so that it will resist flotation, lateral movement, and hydrostatic and hydrodynamic pressures; anchoring may include, but not be limited to, the use of over-the-top or frame ties to ground anchors;
 - c. installed using methods and practices which minimize flood damage; elevation construction standards include piling foundations placed no more than 10 feet apart, and the provision of reinforcements for piers more than six feet above ground level; and
 - d. adequate access and drainage should be provided.
 - e. recreational vehicles placed on sites within a SFHA shall either (i) be on the site for fewer than 180 consecutive days, and (ii) be fully licensed and ready for highway use, OR (iii) meet all the general standards of Section 7.2.3 A. and the elevation and anchoring requirement of Section 7.2.3. A. 9 a-d. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.
10. **Compensatory Storage** - The water holding capacity of the floodplain, except those areas which are tidally influenced, shall not be reduced. Any reduction caused by filling, new construction or substantial improvements involving an increase in footprint to the structure, shall be compensated for by deepening and/or widening of the floodplain. Storage shall be provided on-site, unless easements have been gained from adjacent property owners; it shall be provided within the same hydraulic reach and a volume not previously used for flood storage; it shall be hydraulically comparable and incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Compensatory storage can be provided off-site if approved by the municipality.
11. **Equal Conveyance** - Within the floodplain, except those areas which are tidally influenced, as designated on the Flood Insurance Rate Map (FIRM) for the community, encroachments resulting from filling, new construction or substantial improvements involving an increase in footprint of the structure, are prohibited unless the applicant provides certification by a registered professional engineer demonstrating, with supporting hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that such encroachments shall not result in any (0.00 feet)

increase in flood levels (base flood elevation). Work within the floodplain and the land adjacent to the floodplain, including work to provide compensatory storage shall not be constructed in such a way so as to cause an increase in flood stage or flood velocity.

12. Above-ground storage tanks (oil, propane, etc.) which are located outside or inside of the structure must either be elevated at or above the base flood elevation (BFE) on a concrete pad, or be securely anchored with tie-down straps to prevent flotation or lateral movement, have the top of the fill pipe extended above the BFE, and have a screw fill cap that does not allow for the infiltration of flood water.
13. New construction, substantial improvements, and repair to structures that have sustained substantial damage cannot be constructed or located entirely over water unless it is a functionally dependent use or facility.

B. Standards for Stream Without Established Base Flood Elevations and/or Flooding (Rev. 8/2/99)

1. The Zoning Enforcement Officer or Environmental Planner shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source, including data developed pursuant to **Section 7.2.5.D** of this regulation, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the City's FIRM meet the standards in Sections **7.2.3 A.** and **C.**
2. In A zones where base flood elevations have been determined, but before a floodway is designated, no new construction, substantial improvement, or other development (including fill) shall be permitted which will increase base flood elevations more than one (1) foot at any point along the watercourse when all anticipated development is considered cumulatively with the proposed development.
3. Should data be requested and/or provided, the City shall adopt a regulatory floodway based on the principle that the floodway must be able to convey the waters of the base flood without increasing the water's surface elevation more than one (1) foot at any point along the watercourse.

C. Specific Standards

1. In all areas of special flood hazard A, A1-30, AE, the following provisions shall apply:
 - a. *Residential Construction* - New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to at least 1 foot above the base flood elevation.

3. Floodways located within area of special flood hazard are areas designated as floodways on the City's Flood Boundary and Floodway Map or as determined in Section 7.2.2.B of this regulation. - Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris and potential projectiles and have erosion potential no encroachments including fill and construction of substantial improvements and other development shall not be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that encroachment shall not result in any 0.0 feet increase in flood levels during currents of the base flood discharge.

7.2.4 Administration (Rev. 8/2/99)

A. Designation of Administrator

The Zoning Enforcement Officer is responsible for administering and implementing the provisions of this regulation.

B. Certification

Where required under this regulation, a registered professional engineer or architect shall certify that the designs and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this regulation. Such certification must be provided to the Zoning Enforcement Officer.

C. Permit Procedures

Prior to any development activities, application for a Zoning Permit shall be made to the Zoning Enforcement Officer on forms furnished by the Zoning Enforcement Officer. Such application shall be accompanied by two sets of plans drawn to scale showing, at a minimum, the property lines and location of the parcel; existing and proposed contours; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. The following information shall also be submitted to the Zoning Enforcement Officer or Environmental Planner.

1. Application Stage

- a. Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all structures (**Section 7.2.3.C.1.a**);
- b. Elevation in relation to mean sea level to which any non-residential structure will be flood-proofed (**Section 7.2.3.C.1.b**);
- c. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development;
- d. A statement as to whether or not the proposed alterations to an existing structure meet the criteria of the substantial improvement definition;
- e. A statement as to whether there will be dry access to the structure during the 100-year storm event;

- f. Certification as to flood-proofing as required by Section **7.2.3.C.;**
 - g. Certification as the provisions of Section **7.2.3.C.2** governing fully-enclosed areas below base flood elevation, if the minimum design criteria in **Section 7.2.3.C.2** is not used;
 - h. Certification as to floodway heights, as required by **Sections 7.2.3.B. and 7.2.3.D.**
2. Construction Stage
 Corrections required hereby shall be cause for issuance of a cease and desist order. Upon completion of the applicable portion of construction the applicant shall provide the Zoning Enforcement Officer with verification of the as-built lowest floor elevation, defined as the top of the lowest floor (including basement) **Sections 7.2.3.C.1.a and 7.2.3.C.1.b)** or, in the case of flood-proofed buildings, the elevation to which the flood-proofing is effective **(Section 7.2.3.C.1.b).**
3. Compliance
 Deficiencies in the lowest floor elevations shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit an acceptable survey or failure to make corrections required hereby shall be cause for issuance of a cease and desist order.
4. Duties and Responsibilities of the Zoning Enforcement Officer
 In the administration of this section, the Zoning Enforcement Officer shall perform the following duties, among others:
- a. Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding.
 - b. Review all zoning permits to assure that the requirements of this regulation have been satisfied.
 - c. Advise permittee that additional Federal or State permits may be required, and if specific Federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the Zoning Permit. Such additional permit requirements may include, but not be limited to: Stream Channel Encroachment Line Permit, Water Diversion Permit, Dam Safety Permit, Corps of Engineers 404 Permit.
 - d. Notify adjacent communities and the Department of Environmental Protection, Water Resources Unit prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency.
 - e. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

- f. Record elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, in accordance with **Section 7.2.3.C.1.a** and **7.2.3.C.1.b**.
- g. Record the elevation (in relation to mean sea level) to which the new or substantially improved structures have been flood-proofed, in accordance with **Section 7.2.3.C.1.b**.
- h. Obtain and maintain all certifications required under this section and assure that they meet the standards of **Section 7.2.4.B** hereof.
- i. Make the necessary interpretation, where needed, as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions).
- j. Obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source in order to administer the provisions of **Section 7.2.3.C** when base flood elevation data or floodway data not been provided in accordance with **Section 7.2.3.B**.
- k. Maintain all records pertaining to the provisions of this regulation.

7.2.5 Standards for Subdivision Proposals

In all special flood hazard areas the following requirements shall apply:

- A. All subdivision proposals shall be consistent with the need to minimize flood damage.
- B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- D. In Zone A, base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) which are five acres or fifty lots, whichever occurs first.

7.2.6 Specific Situation Variances

- A. Buildings on an Historic Register
Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of this section, except for **Section 7.2.6.E** and provided the proposed reconstruction, rehabilitation, or restoration will not result in the structure losing its historical character.
- B. Functionally Dependent Uses

Variations may be issued for new construction and substantial improvement and other development necessary for the conduct of a functionally dependent use provided the structure or other development is protected by methods that minimize flood damage, creates no additional threat to public safety and meets the requirements of **Sections 7.2.6.E.**

C. Floodway Prohibition

Variations shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

D. Conditions for Variations

1. Variations shall only be issued upon determination that the variance is the minimum necessary considering the flood hazard, to afford relief; and in the instance of a historic building, a determination that the variance is the minimum necessary as not to destroy the historic character and design of the building.
2. Variations shall only be issued upon:
 - a. a showing of good and sufficient cause;
 - b. a determination that failure to grant the variance would result in exceptional hardship; and
 - c. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
3. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation up to amounts as high as \$25 for \$100 of insurance coverage.
4. The Zoning Enforcement Officer shall maintain the records of all appeal actions and report any variations to the Federal Emergency Management Agency upon request.

7.3 Sedimentation and Erosion Controls (Rev. 8/2/99)

7.3.1 Soil Erosion and Sediment Control Plan (rev. 12-16-2010)

- A. The Commission finds that trees and other vegetative ground cover play an important role in controlling erosion by: protecting the soil surface from the impact of falling rain; holding soil particles in place, enhancing the soil's capacity to absorb water; slowing the velocity of runoff; removing subsurface water between rain falls through the process of evapo-transpiration and improving infiltration rates.
- B. Therefore, for purposes of this Section, clear-cutting or removal of trees and other vegetative ground cover, regardless of whether stumps and root

systems are removed, shall be considered an erosion factor equivalent to grading and other forms of soil disturbance, and references in this section of soil disturbance and/or grading shall include clear-cutting or removal of trees and vegetative ground cover.

- C. A soil erosion and sediment control plan shall be submitted with any application for development when the disturbed area of such development is more than one-half acre.

7.3.2 **Activities Requiring a Grading Permit** (rev. 12-16-10)

- A. No person shall do any grading, stripping or otherwise disturb an area unless a valid grading permit is received from the Zoning Enforcement Officer. The following are the only exceptions:
 - a. agricultural use of land other than the creation of new pasture land;
 - b. an approved development where the disturbed area is cumulatively less than one-half acre;
 - c. a single family residence that is not part a subdivision.
- B. Even though no grading permit is required for the activities in Section A above, such activities shall comply with the standards found in Connecticut Guidelines for Soil Erosion and Sediment Control as amended. Failure to comply with these standards shall be a violation of these regulations. (rev. 4-23-05)

7.3.3 **Grading Permit Application**

- A. For all activities requiring a grading permit, an application obtained from the Planning and Zoning Office shall be submitted to the Zoning Enforcement Officer prior to beginning any activities. A soil erosion and sedimentation control plan shall accompany each application for a grading permit.
- B. A soil erosion and sediment control plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and to reduce the danger from storm water runoff on the proposed site. Such principles, methods and practices are found in the *Connecticut Guidelines for Soil Erosion and Sediment Control* as amended. Alternative principles, methods and practices may be used with prior approval of the Zoning Enforcement Officer. The soil erosion and sediment control plan shall contain, at a minimum, the following information (rev. 4/23/05)
 - 1. A narrative describing:
 - a. the development;
 - b. the schedule for grading and construction activities including: the start and completion dates; the sequence of grading and construction activities; the sequence for installation of soil erosion and sediment control measures; and the sequence for final stabilization of the project site;

- c. the design criteria for proposed soil erosion and sediment control measures and storm water management facilities;
 - d. the construction details for proposed soil erosion and sediment control measures and storm water management facilities;
 - e. the installation and application procedures for proposed soil erosion and sediment control measures and storm water management facilities; and
 - f. the operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities.
- 2. A site plan at a sufficient scale to show the following:
 - a. the location of the proposed development and adjacent properties;
 - b. the existing and proposed topography including soil types, wetlands, watercourses, and water bodies;
 - c. the existing structures on the site;
 - d. the proposed area alterations including cleared, excavated, filled or graded areas and proposed structures, utilities, roads and, if applicable, new property lines; and
 - e. the location of, and design details for, all proposed soil erosion and sediment control measures and storm water management facilities.
 - 3. Any other information deemed necessary and appropriate by the applicant or required by the Zoning Enforcement Officer.

7.3.4 **Review of Grading Permit Application**

- A. All grading permit applications shall be either approved, approved with conditions, or denied within thirty days of receipt of a complete application. The Zoning Enforcement Officer may refer the application to the Litchfield County Soil and Water Conservation Commission or other agency or consultant for their review and comment. As part of any approval, the Zoning Enforcement Officer shall certify that the soil erosion and sediment control plan complies with these regulations. The thirty day review period may be extended an additional thirty days with the consent of the applicant. Failure to take action on the application within the allocated time period shall be deemed to be approval of the application as submitted.
- B. The Zoning Enforcement Officer shall deny the grading permit application unless the soil erosion and sediment control plan, as submitted, results in a development that:
 - 1. minimizes erosion and sedimentation during construction;
 - 2. is stabilized and protected from erosion when completed; and
 - 3. does not cause off-site erosion and sedimentation.
- C. If a grading permit application is denied, the Zoning Enforcement Officer shall state on the record the reasons for the denial.

- D. The decision of the Zoning Enforcement Officer may be appealed to the Zoning Board of Appeals.

7.3.5 Conditions Relating to Soil Erosion and Sediment Control

- A. As a condition of the approval of a grading permit, the Zoning Enforcement Officer shall require a performance bond in the form of a certified check, pass book, irrevocable letter of credit or bond from a company licensed by the State of Connecticut. The performance bond shall be sufficient to cover the estimated total costs of all measures required to install and maintain the controls as shown on the approved soil erosion and sediment control plan.
- B. Site development shall not begin unless the soil erosion and sediment control measures and facilities shall be installed as scheduled according to the approved soil erosion and sediment control plan.
- C. All control measures and facilities shall be maintained in effective condition to ensure compliance with the approved plan.

7.3.6 Inspection and Enforcement

- A. Inspections shall be made by the Zoning Enforcement Officer or during development to ensure compliance with the grading permit.
- B. In the event of violation of this regulation the Zoning Enforcement Officer or Environmental Planner shall serve a Notice of Violation to the property owner or the owner's designated agent. Upon receipt of such notification the property owner shall have twenty four hours in which to cease and correct such violation and comply with the provisions of this regulation. If the violation is not corrected within the twenty four hour period, the Zoning Enforcement Officer shall issue a Cease and Desist Order requiring the property owner to stop all work until the violations are corrected.
- C. In the event of failure to complete the required work or failure to comply with a Cease and Desist Order, the Zoning Enforcement Officer may order such work as is necessary to eliminate any danger to persons or property and to leave the site in a safe condition. The Zoning Enforcement Officer may authorize completion of all necessary temporary or permanent soil erosion control measures. Funds to do the work shall come from the performance bond.

7.4 Stormwater Management

7.4.1 Purpose

- A. The purpose of this section is to encourage development proposals to address drainage and stormwater issued related to new development and to incorporate Low Impact Development (LID) planning and design approaches in Torrington. This Section seeks to guide land use decisions and approaches in Torrington. The Section seeks to guide land

use decisions and does not replace any Federal, State, or local stormwater flow control and water quality treatment regulations.

- B. Low Impact Development/Design (LID) is an approach to land use planning and project design that seeks to:
1. increase the ability of a developed site to effectively emulate pre-development hydrologic conditions, including without limitation, stormwater retention, water quality treatment, and infiltration functions;
 2. Minimize overland stormwater runoff from a developed site;
 3. Maximize the retention of trees, native vegetation, understory plants, and native soils;
 4. Minimize soil disturbance;
 5. Minimize the conversion of site surfaces from vegetated to non-vegetated surfaces; and
 6. Maximize the quantity and use of appropriate native plants onsite.

7.4.2 **Stormwater Management Plans** (rev. 12-16-10)

For activities that require an erosion and sedimentation control plan, applicants shall also prepare a stormwater management plan. The Plan shall be prepared in accordance with the City of Torrington's standards, Specifications, Rules and Regulations. The *2004 Connecticut Stormwater Quality Manual* as amended provides guidance in the preparation of a stormwater management plan.

7.4.3 **Performance Standards** (rev. 12-16-10)

Land uses and developments shall conform to the following performance standards for stormwater management:

- A. No development shall result in a direct discharge of untreated stormwater, either on or off site.
- B. Post-development discharge rates shall not be greater than predevelopment discharge rates
- C. New development shall maximize recharge to groundwater
- D. New development shall be required to remove, onsite, no less than 80 percent of the annual total suspended solids generated from development runoff.
- E. Best management practices shall be maintained for appropriate periods of time.

7.4.4 **Shared Stormwater Management Facilities** (rev. 12-16-10)

When the Commission determines that engineering, aesthetics and economic factors make combined retention or other drainage facilities more practical, the Commission may permit several developers to construct joint facilities, provided that the maintenance agreement is filed on the land records for each property involved. The Commission may require bonding or the creation of a maintenance fund for combined retention areas.

7.4.5 Maintenance (rev. 12-16-10)

- A. All on-site facilities shall be properly maintained by the owner of such, so that they do not become nuisances.
- B. All stormwater control structures located on private property whether dedicated to the City or not, shall be accessible at all times for City inspection.
- C. Where runoff control structures have been accepted by the City for maintenance, access easements shall be provided.
- D. All projects shall have a Stormwater Management/Best Management Practice (BMP) Maintenance Agreement with the City of Torrington. This agreement shall be recorded in the Land Records of the City of Torrington.
- E. Reporting. All properties with a Stormwater Management Plan shall submit an annual report to the Planning and Zoning Commission on later than September 15th. The report shall comply with the City Requirements.

END OF SECTION 7

Section 8.0 ADMINISTRATION

8.1 Zoning Board of Appeals

8.1.1 General

- A. As authorized by the Connecticut General Statutes, the Zoning Board of Appeals shall have the following powers and duties.
 - 1. The Board may adopt such rules and procedures as may be necessary to carry out these regulations.
 - 2. The Board shall hear and decide appeals where it is alleged that there is an error in any order, requirement, or decision made by any official responsible for the enforcement of these regulations.
 - 3. The Board shall hear and decide upon all requests for variances from these regulations.
 - 4. The Board shall grant no variance relating to permitted uses in the R-WP zone.
- B. In making its decisions, the Board shall give careful consideration to the City's Plan of Development and the purpose of these regulations as expressed in **Section 1.0**.
- C. Whenever the Board grants or denies any appeal or variance, the Board shall state on the record the reasons for its decision. In the case of a variance, the Board shall describe specifically the exceptional difficulty or unusual hardship on which its decision is based.

8.1.2 Appeals

Any appeal from an order, requirement, or decision made by any official responsible for the enforcement of these regulations shall be made within 30 days of the date of the decision being appealed. Appeals shall be made on forms required by the Board. Failure of the applicant to provide the necessary information shall be grounds for denial of the appeal.

8.1.3 Variance

- A. A variance may be granted by the Board provided all of the following conditions are present.
 - 1. There are special conditions or circumstances affecting the lot but not affecting, in general, the zoning district in which the lot is situated. These conditions or circumstances are related solely to:
 - a. the unusual shape or topography of the land; or
 - b. the condition or location of an existing structure.These special conditions or circumstances shall not be related to the personal conditions or circumstances of the applicant.
 - 2. The exceptional difficulty or unusual hardship claimed by the applicant is not due to the actions of the property owner or the applicant.

3. The strict application of these regulations would deprive the property owner of all reasonable use of the property.
 4. The exceptional difficulty or unusual hardship is not merely financial.
 5. The relief granted is the minimum necessary to provide a reasonable use of the property.
 6. The relief granted will not adversely affect the surrounding properties or be otherwise harmful to the public welfare.
- B. In granting a variance, the Board may impose reasonable conditions to minimize any potential adverse impacts on surrounding properties or on the public welfare. Any violation of a condition is a violation of the regulations and is subject to the same enforcement measures.
 - C. Any variance which is not acted upon within two years of the date of approval shall be void. Upon written request of the applicant, the Board may grant an extension of up to one additional year.
 - D. An applicant for a variance shall submit:
 1. a formal variance application on forms prescribed by the Board;
 2. an up-to-date Zoning Location Survey to Class 'A2' standards of the property and improvements prepared by a Land Surveyor registered in the State of Connecticut; (rev. 4/23/05)
 3. any other information deemed necessary by the Board to make a decision on the application; and
 4. the application fee.
 - E. Failure of the applicant to provide the necessary information shall be grounds for denial of the variance.

8.2 Special Exception (Rev. 12/19/98)

8.2.1. The Planning and Zoning Commission shall decide on all applications for special exception. In granting or denying a special exception the Commission shall state upon the record the reasons for its decision.

8.2.2 Purpose

- A. These Regulations are based upon the division of the City into zoning districts within which the use of land and structures are substantially uniform. The Commission, however, recognizes that certain uses and situations have unique characteristics. Because of their uniqueness, the Commission treats these uses and situations as Special Exceptions which allows the Commission to evaluate them on a case by case basis.
- B. General Standards. (Rev. 8/2/99)
 In deciding upon a Special Exception application, the Commission shall consider the following general standards; when applicable:
 1. The Site Plan shall provide for a site design which is in harmony with the neighborhood, accomplishes a transition in character between areas of unlike character, protects property values, preserves and enhances the appearance and beauty of the

- community, and provides a harmonious relationship between existing and proposed buildings in the vicinity, specifically with regard to the visual relationship in terms of scale, proportions and particularly, the historic significance of the existing buildings.
2. Location. The location of the proposed Special Exception use is such that: the proximity of the proposed Special Exception use will not have a detrimental effect upon any church, school, library, playground, or similar facility found in **Section 2.00 - 2.60** of the Table of Permitted Uses; and the number of similar existing Special Exception uses in the vicinity is such that the granting of the proposed Special Exception will not be detrimental to the public health, safety and welfare.
 3. Traffic. Vehicular and pedestrian traffic projected as a result of the use, vehicular and pedestrian traffic circulation; including traffic to and from and in the vicinity of the use, will not be hazardous or detrimental to the character of the zone or the neighborhood. In making its determination with respect to this criterion, the Commission shall consider the proposed location, the size and layout of the Special Exception use, its nature and the intensity of the operations involved, and its relation to the local streets providing access to the site and the adequacy of proposed traffic flow controls and emergency access. The Commission shall give due consideration to any recommendation by the City Engineer regarding the adequacy of any public road proposed to be used for access.
 4. Parking. The Commission shall consider the impact of parking location, number of spaces and design on adjoining properties.
 5. The location and height of buildings, the location, nature and height of walls and fences, the nature and extent of proposed signs, exterior lighting, landscaping and open space on the site shall be such that these features shall be compatible and in harmony with adjacent properties and the neighborhood, will not hinder or discourage the appropriate development and use of adjacent land and buildings or significantly impair the value thereof.
 6. The proposed use shall not have a significant adverse effect upon property values or appearance in the neighborhood, taking into account the topography of the lot and the character, location and height of proposed buildings, structures and landscaping.
 7. The Commission shall be satisfied that the applicant has shown the adequacy of:
 - a. proposed methods for disposal of wastes and provision for volume and quality of water supply,
 - b. proposed measures for prevention of pollution of surface and ground water supplies and watersheds;

- c. proposed measures for control of storm water run-off,
 - d. proposed methods to foster an energy efficient layout and landscaping plan,
 - e. Existing fire and police protection, transportation, water and sewer facilities, schools or other public facilities to meet the needs of the proposed use.
8. Provisions for signs, if any, and proposed exterior lighting with reference to glare, traffic, safety, compatibility and harmony with adjacent properties and the neighborhood.
 9. Provisions for open space and landscaping and other safeguards to be compatible with the adjacent property and the neighborhood in general.
 10. The Commission shall be satisfied that the applicant has shown the adequacy of proposed measures for prevention of pollution of surface water supplies and drinking water supplies. The Commission shall consider the effect of the proposed activity on the quality and quantity of groundwater. The Commission may consider potential problems such as but not limited to:
 - a. Hazardous material and storage areas;
 - b. Existence of underground fuel storage facilities;
 - c. Location of floor drains;
 11. Size, location and quality of run-off from parking lot areas;
 12. Any other use that may adversely affect the quality or quantity of groundwater. In consideration of the standards listed above, the Commission may attach such conditions in addition to those required elsewhere in these Regulations that it finds necessary. These may include but shall not be limited to, specifications for type of vegetation, specified provisions for sewage and storm water controls, for water supply for groundwater protection, landscaping and planting screens, periods of operation, sureties, deed restrictions, restrictive covenant, type of construction or any other reasonable conditions necessary to fulfill the purpose of this ordinance.
- C. The Commission shall also consider the following factors in evaluating the special exception application:
1. the proposal's impact on land, structures and features having special historical, cultural or architectural features;
 2. the architecture, height and size and location of any proposed buildings and the buildings' compatibility with the site and the surrounding neighborhood;
 3. the proposal's long term impact on the development of the surrounding neighborhood;

4. the capacity, safety, and condition of the surrounding streets to accommodate the traffic generated by the proposal;
5. the adequacy and condition of all public utilities that would serve the proposed use;
6. the proposal's impact on the natural environment and the topography;
7. the proximity of schools, churches, public buildings, parks, and other places of public gatherings to the proposal; and
8. the impact the proposal's site development including parking lots, storm water management, exterior lighting, landscaping, views, open space, signs would have on the surrounding properties.

The Commission may deny a special exception application based on any of the above factors.

- 8.2.3 In approving a special exception, the Commission may impose reasonable conditions to minimize any potential adverse impacts on surrounding properties, the historical, cultural or architectural features of the property or the surrounding properties, the natural environment, or the public welfare. Any violation of a condition is a violation of the regulations and is subject to the same enforcement measures.
- 8.2.4 In approving a special exception, the Commission shall approve, approve with conditions, or approve with modifications the development plan as submitted.
- 8.2.5 Any special exception which is not acted upon within two years of the date of approval shall be void. Upon written request of the applicant, the Commission may grant an extension of up to one additional year.
- 8.2.6 An applicant shall submit:
 - A. a formal special exception application on forms prescribed by the Commission;
 - B. plans with the same information as described for a site plan application in **Section 8.4.3.**
 - C. an up-to-date Class A-2 survey of the property and improvements prepared by a Land Surveyor registered in the State of Connecticut; and
 - D. the application fee.
- 8.2.7 Failure of the applicant to provide the necessary information shall be grounds for denial of the special exception.

8.3 Procedures for Public Hearing on Appeals, Variances, Special Exceptions and Zone Changes

8.3.1 Public hearings shall be held on all appeals, variance applications, special exception applications, and proposed changes to the zoning map or the text of the regulations.

8.3.2 In addition to the notification requirements in the Connecticut General Statutes, notice of all public hearings, except those in which the Planning and Zoning Commission is the applicant, shall be given in the following manner.

- A. The applicant shall obtain from the Planning and Zoning Department a sign notifying the public of the hearing. A refundable deposit shall be made by the applicant to cover the cost of the sign. The sign shall conform to the following requirements.
1. The applicant shall post the sign in a conspicuous location on the lot affected by the application.
 2. The sign shall give information on the reason for the hearing (e.g. appeal, variance, or special exception), the time, date, and location of the public hearing and other information required by the City Planner.
 3. The sign shall be clearly legible from a street.
 4. The sign shall be posted at least 10 consecutive days before the public hearing. The sign shall not be removed until after the close of the public hearing.
 5. Failure to post and maintain the sign as required by this section shall be grounds for the denial of the application.
- B. At least 10 days prior to the public hearing, the applicant shall send a notice of the public hearing to persons who own land that is adjacent to the land that is subject of the hearing. The proof of mailing shall be evidenced by a certificate of mailing and the person who owns land shall be the owner indicated on the property tax map or on the last completed grand list as of the date such notice is mailed. The notice shall indicate the reason for the hearing, hearing date, time and location of the hearing. Evidence of mailing shall be presented to the Planning and Zoning Commission or Zoning Board of Appeals at or before the public hearing.
(Rev. 12/20/06)

8.4 Site Plan Review

8.4.1 General

- A. Site plan approval from the Planning and Zoning Commission shall be obtained prior to obtaining a Zoning Permit for the construction, expansion, outside alteration, or change of use of any building or structure. Site plan approval shall also be obtained prior to obtaining a Zoning Permit for the erection of any sign over 32 square feet in size, the

alteration or expansion of a parking area, or any change of use of a lot. Only one, two and three family residences shall be exempt from site plan approval (revised 4-9-14).

- B. Site plans shall be approved, approved with conditions, approved subject to modification, or denied. A site plan may be modified or denied only:
 - 1. if it fails to comply with the requirements of these Zoning Regulations;
 - 2. if, in the case of a special exception or variance, the plan does not conform to the uses or conditions imposed as part of the special exception or variance; or
 - 3. if the location and design of all proposed sanitary sewer, storm drainage, water, electrical, natural gas and other utilities are not in keeping with good engineering practice.
- C. The City Planner will either approve Site Plan applications for changes of use where no additional parking or landscaping is required and no outside alterations are proposed for permitted uses in the LB, Local Business Zone, or refer such site plan applications to the Planning and Zoning Commission for their considerations. (Effective 3/8/07)
- D. Change of Use, DD, Downtown District Zone. The City Planner may approve Site Plan applications for changes of use where no outside alterations are proposed for permitted uses in the DD, Downtown District Zone. (Effective 4/29/06)

8.4.2 Application Procedure

- A. Prior to submission of a formal site plan application, the Commission recommends that the applicant meet with the Commission's staff to discuss the application requirements and review preliminary plans.
- B. The applicant shall submit:
 - 1. a formal site plan application on forms prescribed by the Commission;
 - 2. plans with the information as described in **Section 8.4.3**; upon approval, a recording quality mylar will be submitted for signature by the Commission's Chairman or Secretary to be filed on the land records by the applicant;
 - 3. an up-to-date Class A-2 survey of the property and improvements prepared by a Land Surveyor registered in the State of Connecticut; and
 - 4. the application fee.
- C. Upon submission of a complete application, the applicant shall meet with the Architectural Review Committee (see **Section 8.5**).
- D. The Commission may refer the application to any City department or other agency that the Commission deems appropriate.
- E. Site plans may be reviewed in conjunction with a special exception application.

- F. All comments from the staff shall be forwarded to the applicant at least two days prior to the Commission meeting. This is to allow the applicant time to respond to the staff's comments and make the necessary changes so that the project can be acted upon in an expeditious manner.

8.4.3 Site Plan

All plans shall be prepared, signed, and sealed by a professional engineer, landscape architect, land surveyor or architect - whichever is appropriate. The professional engineer, landscape architect, land surveyor or architect must be registered in the State of Connecticut. All plans shall be based on an A-2 survey. The scale of the plans shall be a minimum of inch equals forty feet. The plans shall include the following information:

- A. date, north arrow, and scale;
- B. existing and proposed contours at two foot intervals;
- C. existing major landmarks such as inland wetlands, streams, floodplains, rock outcropping, tree lines, etc.; in addition to major landmarks, the local and subregional watershed boundaries shall be included and for sites with more than ½ acre of disturbance, a stormwater management plan shall be submitted. (Rev. 2/1/06)
- D. construction limit line identifying all those areas to remain undisturbed and in their natural state;
- E. the location, size and species of significant trees and all specimen trees as required in **Section 5.16**;
- F. proposed parking and loading areas including stalls, driveways, and aisles; dimensions, curbing, landscaping, turning radii and identification of proposed surface material shall be shown. Where topographic and other conditions permit, provisions shall be made for circulation driveway connections to adjoining lots of similar existing or potential use when such driveway will enable the public to travel between two existing or potential sites, open to the public generally, without need to travel upon a street and/or when such driveway connection will facilitate fire protection services. The interconnection of adjoining parking lots shall be encouraged where said connections would result in improved circulation, increased parking spaces, decreased curb cuts and/or signalized access. (Rev. 5/17/07)
- G. the sight distance for proposed driveways;
- H. proposed lighting plan including the location, size, height, and intensity of all lighting fixtures;
- I. proposed landscaping plan showing the Latin and common name of the species used, quantity of each plant species and the size and height of the plants at the time of planting; the landscaping plan shall be signed by a landscape gardener or landscape architect;
- J. the location and design of all existing and proposed sanitary sewer, storm drainage, water, electrical, natural gas and other utilities; all engineering

1. the cost of all improvements within a public right of way or easement; and
 2. the cost, as approved by the Commission, of any on-site improvements necessary to ensure that, during construction, the property can be maintained or restored in a safe manner.
- B. The bond shall be either a certified check payable only to the City of Torrington, a savings account passbook payable only to the City of Torrington, an irrevocable letter of credit or a bond from a company licensed by the State of Connecticut.
- C. Upon written request by the applicant and after inspection of the work completed on the site, the City Planner may reduce the amount of the bond. The City Planner shall notify the Commission of all reductions in the amount of the bond.

8.4.6 **Approved Site Plans**

- A. The Commission shall set a time limit for the delivery by the applicant of the approved site plans to the Planning and Zoning Office. Failure of the applicant to deliver the approved plans within the time period set by the Commission shall render the site plan approval void. Copies of the approved site plan shall be signed by the Chairman of the Planning and Zoning Commission and the City Engineer. The plans shall then be distributed to the appropriate City departments.
- B. Site improvements and development, including architectural design, shall be carried out in strict compliance with the site plan approved by the Commission. If an applicant determines that minor changes to the approved plan are needed because of unanticipated site conditions, the applicant shall request, in writing, approval of those changes. The City Planner may approve, in writing, minor changes. The City Planner shall notify the Commission of any request for changes and the action taken. All other changes to the approved site plan shall be approved by the Commission.

8.4.7 **Certificate of Compliance**

No certificate of compliance shall be issued until all site work has been completed in conformance with the approved site plan. To aid in determining compliance the City Planner may require the applicant to provide an "as built" Class A-2 survey of the property and improvements. When the site work cannot be completed because of weather or other pertinent reasons, a certificate of compliance may be issued providing a bond is posted in sufficient amount to cover the uncompleted portion of the work. The bond shall be either a certified check payable only to the City of Torrington, a savings account passbook payable only to the City of Torrington, an irrevocable letter of credit or a bond from a company licensed by the State of Connecticut. If a performance bond was posted, a portion of that bond may be used to satisfy these requirements.

8.4.8 **Continuance**

All conditions and improvements shown on an approved site plan shall remain with the property regardless of any change of ownership.

8.5 **Architectural Review Committee**

8.5.1 **Purpose**

The purpose of the Architectural Review Committee is to *advise* the Planning and Zoning Commission on the physical aspects of the City's environment.

8.5.2 **Duties**

Within thirty-five days after being referred to the Committee, the Committee shall review and make written recommendations on;

- A. all site plans;
- B. all incentive housing development applications (Section 4.15)
- C. all changes to facades of non-residential buildings; and
- D. all signs except:
 - 1. those on one, two and three family residential properties; and
 - 2. those less than 32 square feet in area.

8.5.3 **Establishment**

- A. The Planning and Zoning Commission shall appoint an Architectural Review Committee. The Committee shall consist of five regular members and two alternate members. The City Planner and the City Engineer shall be regular members of the Committee. One member of the Planning and Zoning Commission may be appointed to the Committee as a regular or alternate member to serve as a liaison between the Committee and the Commission. Initially two members shall be appointed to a term of one year, two members shall be appointed to a term of two years and one member shall be appointed to a term of three years. Thereafter, all members shall be appointed to a term of three years. Initially one alternate member shall be appointed to a term of one year and one member shall be appointed to a term of two years. Thereafter, all alternate members shall be appointed to a term of three years. At least one alternate or regular member should be an architect or landscape architect. At least one alternate or regular member should have a background in historical preservation.
- B. The Committee's recommendations are strictly advisory. The Committee's actions shall not result in a delay in the time allowed for the normal processing of applications.

8.5.4 **Criteria**

In acting on any application the Committee shall consider those factors affecting the external appearance of the site. These factors include the design of the

building and other structures, landscaping, lighting, signs, utilities, parking, and other objects visible to the public.

The criteria used by the Committee are intended to assist the Planning and Zoning Commission and the applicant in achieving a design that is both functional and visually pleasing. The criteria are not intended to restrict imagination, innovation or variety.

8.5.5 Relationship of Building to Site

- A. The site should be planned to accomplish a desirable transition with the streetscape and to provide for adequate buffers between incompatible land uses, and safe vehicle and pedestrian movement.
- B. The visibility of parking areas from streets should be restricted by means of plantings, berms, decorative walls, buildings, or other means.
- C. Large contiguous expanses of parking should be avoided. Plantings, walls, berms and sidewalks should be placed within parking areas to control traffic and to reduce the parking areas' visual impact.

8.5.6 Relationship of Buildings and Site to Adjoining Area

- A. Adjacent buildings of different architectural styles should be separated by means of buffers and plantings.
- B. A harmonious transition from the site to adjoining properties should be provided by landscaping or other means.
- C. Harmony in texture, lines, and masses is recommended. Monotony should be avoided.

8.5.7 Landscape and Site Treatment

- A. Where existing topographic patterns and vegetation contribute to the beauty of a development, they should be preserved.
- B. Service yards, dumpsters, utility structures, loading areas and other places that tend to be unsightly should be screened from public view by landscaping, berms, fencing or other means. The screening should be effective year round.
- C. In areas where plantings will not thrive, other materials such as fences, berms or walls should be used.
- D. Exterior lighting should enhance building design. Lighting standards and building fixtures should be of a design and size compatible with the building and adjacent areas. Lighting should be restrained and excessive brightness should be avoided.

8.5.8 Building Design

- A. Architectural style is not restricted. Evaluation of the appearance of a project shall be based on the quality of its design and its relationship to its surroundings.

- B. Buildings should have a good scale and be in harmony with the neighboring development.
- C. Materials should be selected so that the proposed structure is in harmony with the adjoining structures.
- D. Materials should be of a durable quality.
- E. Building components, such as windows, doors, eaves and parapets, should have good proportions and relationships to one another.
- F. Colors should be harmonious and should use only compatible accents.
- G. Mechanical equipment or other utility hardware on the roof, ground or buildings should be screened from public view with materials harmonious with the building. Alternatively, they should be located so as not to be visible from public areas.
- H. Monotony of design in single or multiple building projects should be avoided. Variation in detail, form, and sitting should be used to provide visual interest.

8.5.9 Signs

- A. Every sign should have good scale and proportion in its design and in its visual relationship to buildings and surroundings.
- B. Every sign should be designed as an integral architectural element of the building and site on which it is located.
- C. The colors, materials, and lighting of every sign should be restrained and harmonious with the building, the site, and the adjoining properties.
- D. The number of graphic elements on a sign should be held to the minimum needed to convey the sign's principal message.
- E. Each sign should be compatible with signs on adjoining buildings and sites and should not compete for attention.

8.5.10 Application

In addition to any requirements for a site plan application or a special exception application, the applicant should submit the following information to the Architectural Review Committee.

- A. A plot plan done by a professional architect, land surveyor or professional engineer. This plan should show landscaping, parking, utilities, sidewalks, lighting, and building location.
- B. Fully dimensioned exterior elevations should be presented of all sides of every building. In the case of an enlargement of a building, the existing building as well as the proposed addition should be shown.
- C. Samples of exterior building materials including color samples.
- D. For signs, the size, colors, location, and lighting should be shown.
- E. Information should be presented on how the proposed building or sign will complement the existing neighboring structures.
- F. The applicant should present any other information that the applicant deems necessary to aid the Committee in evaluating the design.

8.6 Interpretation, Enforcement and Permits

8.6.1 Interpretation

In their interpretation and application these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, convenience and general welfare. Where these requirements are at variance with any other legally adopted rules, regulations, or ordinances, the more restrictive or the one imposing higher standards shall govern.

8.6.2 Enforcement (Rev. 8/2/99)

- A. These regulations shall be enforced by the Zoning Enforcement Officer acting as the chief zoning enforcement officer in accordance with the Connecticut General Statutes. Penalties for illegal acts shall be as provided in the General Statutes.
- B. To more effectively enforce the zoning regulations, the Zoning Enforcement Officer may be appointed a Special Constable pursuant to Section 7-92 of the Connecticut General Statutes.
- C. The Zoning Enforcement Officer may cause any building, structure, or lot to be inspected or examined to determine:
 - 1. if a violation of these regulations has occurred; or
 - 2. if the activity is in conformance with any permits issued under these regulations.
- D. Where a difference of opinion exists between the Zoning Enforcement Officer and an applicant on the interpretation of a regulation, the Commission shall make the interpretation. However, any appeal from an order, requirement, or decision made by any official responsible for the enforcement of these regulations shall be handled according to the procedure outlined in **Section 8.1.2**.
- E. No zoning permit, certificate of compliance, or certificate of occupancy shall be issued for any activity on a parcel if there is an outstanding zoning violation on the property. The only exception is in cases where the issuance of a permit will result in the property being brought into compliance with these regulations.

8.6.3 Zoning Permits (Rev. 8/2/99)

- A. A Zoning Permit issued by the Zoning Enforcement Officer shall be required before commencing any of the following activities.
 - 1. The erection, reconstruction or structural alteration of any building or structure.
 - 2. The movement of any building or structure upon or to any lot.
 - 3. A change of use of land, building or structure.
 - 4. The rearrangement or alteration of any area used for parking.
 - 5. The erection or alteration of a sign except as specified in **Section 5.15**.

- B. Neither a Zoning Permit nor a Certificate of Compliance shall be required for flag poles, fences, mail boxes, newspaper tubes, basketball poles, children's play sets, and other minor structures which are of a strictly ornamental or recreational nature. Neither a Zoning Permit nor a Certificate of Compliance shall be required for a septic system or a well. (Rev. 12/19/98)
- C. A Zoning Permit shall not be required for the alteration or repair of a building or structure if all the following conditions are met:
 - 1. The alteration or repair affects only the interior of the existing building or structure.
 - 2. The alteration or repair does not result in the addition of floor area.
 - 3. The alteration or repair does not result in a change of use.
- D. A Certificate of Compliance shall be issued by the Zoning Enforcement Officer in cases where a Zoning Permit is not required.
- E. A Zoning Permit or Certificate of Compliance shall be issued prior to the issuance of a Building Permit.
- F. A Zoning Permit or Certificate of Compliance shall only be issued if the Zoning Enforcement Officer determines that the proposed activity is in compliance with the zoning regulations. Where the Zoning Permit or Certificate of Compliance is denied, the Zoning Enforcement Officer shall state upon the record the reason(s) for the denial.
- G. Application for a Zoning Permit shall be made in writing by the property owner of record or the owner's authorized agent, to the Zoning Enforcement Officer on forms prescribed by the Zoning Enforcement Officer. (Rev. 5/17/07)
 - 1. A Zoning or Improvement Location Survey, prepared to Class A-2 Survey Standards, shall be required for new residential structures and additions to three family or multifamily dwelling units. The survey shall be prepared in accordance with the "*City of Torrington's Plot Plan Check List for Residential Construction.*" This plain shall provide the Zoning Enforcement Officer with sufficient information to determine that all requirements of the Zoning Regulations have been met.
 - 2. The Engineering Department will review the Zoning or Improvement Location Survey and approve the proposed driveway, insuring proper sight lines, drainage swales, and culvert pipes if required. Driveway permits are issued by the Engineering Department for all new driveways on City streets. The State of Connecticut DOT will issue driveway encroachment permits for all new driveways on State highways. The Engineering Department will also review the plan to insure the discharging of the footing drains, roof laterals and ditches/swales do not discharge directly into the road or onto neighboring properties. Erosion and sediment controls shall be shown on the plan in accordance with the *2002 Connecticut Guidelines for Soil Erosion and Sediment Controls*, as amended.

3. An as-built, Class A-2 Location Survey shall be submitted to the Zoning Enforcement Officer and Building Official for approval after foundation, footings or piers are poured and before any further construction, in order to prevent costly errors requiring the movement of the structure after completion.
 4. For residential additions and proposed accessory buildings for existing single family or two family additions, a plot plan shall be submitted which clearly indicates the setbacks of the proposed addition or accessory building from property lines. At the discretion of the Zoning Officer, a Zoning or Improvement location Survey prepared to Class A-2 Survey Standards may be required to determine that all requirements of the Zoning Regulations have been met. Non-residential uses require Site Plans prepared in accordance with **Section 8.4** of the Zoning Regulations.
 5. The City Planner, at his discretion, may waive the Zoning or Improvement Location Survey and as-built, Class A-2 Location Survey. (Rev. 5/17/07)
- H. The plot plan submitted as part of the Zoning Permit shall be sufficient in scale for the Zoning Enforcement Officer to determine that all requirements for the zoning regulations have been met. The Zoning Enforcement Officer shall have the authority to require the applicant to submit a survey prepared by a registered land surveyor if, in the judgment of the Zoning Enforcement Officer, the survey is needed to determine compliance. Where a site plan has been approved, the plot plan shall be the approved site plan.
 - I. Zoning Permits shall expire and become void if the activity authorized by the permit is not commenced within one year from the date of issuance.
 - J. The Zoning Permit shall become void if, on the permit, the applicant provides any false or misleading information or omits any information needed for determining compliance.
 - K. If requested by a property owner, the Zoning Enforcement Officer may issue a Certificate of Compliance if the Zoning Enforcement Officer determines that the buildings, structures and uses on the lot are in conformance with the zoning regulations.

8.6.5 **Zoning Certificates of Compliance** (Rev. 8/2/99)

Certificates of Compliance shall be issued by the Zoning Enforcement Officer for the following:

- A. If a Zoning Permit has been issued for an activity, no building, structure, or land associated with that activity shall be used or occupied until a Certificate of Compliance is issued by the Zoning Enforcement Officer. The Certificate of Compliance shall only be issued if the activity conforms in all respects to the Zoning Permit. The Zoning Enforcement Officer shall have the authority to require the applicant to submit a survey prepared by a registered land surveyor if, in the judgment of the Zoning Enforcement

Officer, the survey is needed to determine compliance. The Zoning Enforcement Officer's signature on a Certificate of Occupancy issued by the Building Department is equivalent to a Certificate of Compliance.

- B. In cases where a Zoning Permit is not needed, a certificate of compliance shall be issued by the Zoning Enforcement Officer as described in **Section 8.6.3.C.**

8.6.6 **Certificates of Occupancy** (Rev. 8/2/99)

If a Zoning Permit has been issued, no certificate of occupancy shall be issued by the Building Official until a Certificate of Compliance has been issued by the Zoning Enforcement Officer.

8.7 **Amendments**

These regulations, including the Zoning Map, may be amended by the Commission on its own initiative or at the request of an applicant. In addition to the requirements of the Connecticut General Statutes, the following requirements must be met.

8.7.1 **Change of Zoning District Boundary**

- A. For a proposed change to the zoning map, applicants, other than the Commission, shall provide the following:
 - 1. an A-2 survey of the property;
 - 2. a map drawn to scale showing:
 - a. the area covered by the proposed zone change and all area within 500 feet of the area of the proposed change;
 - b. the existing and proposed zoning boundaries; and
 - c. the property boundaries;
 - 3. a completed application on forms provided by the Commission.
- B. In addition to the notification requirements of the Connecticut General Statutes, notice of all proposed changes to the zoning map shall be given in accordance with **Section 8.3.**

8.7.2 **Change of Zoning Regulations**

Copies of the existing regulation and the proposed changes shall be submitted as part of any application for a proposed change in these regulations. Applications for a change in these regulations shall be on forms provided by the Commission.

8.8 **Validity**

If any part of these regulations is declared by a court of competent jurisdiction to be invalid, such declaration shall not affect the validity of the rest of these regulations.

END OF SECTION 8

TORRINGTON PLANNING AND ZONING COMMISSION AMENDMENT TO THE ZONING REGULATIONS WIRELESS COMMUNICATION FACILITIES

EFFECTIVE DATE: 11/27/21

ADDENDUM A: WIRELESS COMMUNICATION FACILITIES

- A.1.0 Statement of Purpose
- A.2.0 Definitions
- A.3.0 Use Regulations
- A.4.0 General Standards and Requirements for Permitted and Special Exception Uses
- A.5.0 Additional Standards and Requirements for Ground Mounted Tower Special Exception Uses
- A.6.0 Application Filing Requirements
- A.7.0 Co-location
- A.8.0 Modifications
- A.9.0 Monitoring and Maintenance
- A.10.0 Abandonment or Discontinuation of Use
- A.11.0 Reconstruction or Replacement of Existing Towers and Monopoles
- A.12.0 Term of Special Permit

ADDENDUM A. WIRELESS COMMUNICATION FACILITIES

A.1.0 Statement of Purpose

The purpose and intent of this chapter is to provide a uniform and comprehensive set of regulations and standards for the permitting, development, siting, installation, design, operation and maintenance of wireless telecommunications facilities in the City of Torrington to: (1) avoid visual impacts to the downtown, scenic corridors, residential and visually distinctive areas (2) avoid impact to sensitive wildlife and natural habitats and (3) to provide a uniform and comprehensive set of standards for the orderly development of telecommunications facilities and installation of antennas. These regulations are intended to prescribe clear and reasonable criteria to assess and process applications in a consistent and expeditious manner, while reducing the impacts associated with wireless telecommunications facilities. This chapter also provides standards necessary to: (1) preserve and promote harmonious land uses in the City; (2) promote and protect public health and safety, community welfare, visual resources, and the aesthetic quality of the City consistent with the goals, objectives, and policies of the Plan of Conservation and Development; (3) provide for the orderly, managed, and efficient development of wireless telecommunications facilities in accordance with the state and federal laws, rules, and regulations; and (4) encourage new technology in the provision of wireless telecommunications facilities.

This chapter is not intended to, nor shall it be interpreted or applied to: (1) prohibit or

effectively prohibit any personal wireless service provider's ability to provide personal wireless services; (2) prohibit or effectively prohibit any entity's ability to provide any interstate or intrastate telecommunications services; (3) unreasonably discriminate among providers of functionally-equivalent services; (4) deny any request for authorization to place, construct or modify personal wireless service facilities on the basis of environmental effects of radio frequency emissions to the extent that such wireless facilities comply with the FCC's regulations concerning such emissions; or (5) prohibit any collocation or modification that the City may not deny under federal or state law.

When the location of such facilities are subject to State or Federal Authority which supersedes City authority, the standards of this section shall serve to guide any City participation or comments before any such authority.

Notwithstanding any provision of any City Ordinance or Regulation to the contrary, provisions governing the installation of a public utility structure or facility shall not apply to wireless telecommunications facilities. This chapter shall govern all applications for wireless telecommunications facilities.

A.2.0 Definitions

The following definitions shall apply solely to this Addendum:

"Accessory Equipment" means any equipment associated with the installation of a wireless telecommunications facility, including, but not limited to, cabling, generators, air conditioning units, electrical panels, equipment shelters, equipment cabinets, equipment buildings, pedestals, meters, vaults, splice boxes, and surface location markers.

"AGL" means above ground level

"Antenna" means that part of a wireless telecommunications facility designed to radiate or receive radio frequency signals or electromagnetic waves for the provision of services, including, but not limited to, cellular, paging, personal communications services (PCS) and microwave communications. Such devices include, but are not limited to, directional antennas, such as panel antenna, microwave dishes, and satellite dishes; omnidirectional antennas; wireless access points (Wi-Fi); and strand-mounted wireless access points. This definition does not apply to broadcast antennas, antennas designed for amateur radio use, or satellite dishes designed for residential or household purposes.

"Adequate Coverage" means coverage that is considered to be "adequate" within that area surrounding a base station where the predicted or measured median field strength of the transmittal signal is greater than or equal to -95dbm for at least 75% of the intended coverage area. It is acceptable for there to be holes within the area of

adequate coverage where the signal is less than -95dbm, as long as the signal regains its strength to greater than or equal to -95dbm further away from the base station. For the limited purpose of determining whether the use of a repeater is necessary or desirable, there shall be deemed not to be adequate coverage within said holes. The outer boundary of the area of adequate coverage, however, is that location past which the signal does not regain strength of greater than or equal to -95dbm.

"Adequate Capacity" means capacity that is considered to be "adequate" if the Grade of Service (GOS) is p.05 or better for median traffic levels offered during the typical busy hours, as assessed by direct measurement of wireless communication facility in question. The GOS shall be determined by the use of standard Erlang B calculations. As call blocking may occur in the land line or radio portions of a wireless network, adequate capacity shall apply only to the capacity of the wireless components. Where capacity must be determined prior to the installation of the wireless communication facility in question, adequate capacity shall be determined on the basis of a 20% busy hour (20% of all offered traffic occurring within the busiest hour of the day), with total daily traffic based on aggregate estimates of the expected traffic in the coverage area.

"Base Station" means the same as defined by the FCC in 47 C.F.R. § 1.6100(b)(1), as may be amended, which currently defines that term as a structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in 47 C.F.R. § 1.6100(b)(9) or any equipment associated with a tower. The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul. The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems and small-cell networks). The term includes any structure other than a tower that, at the time the relevant application is filed with the State or local government under this chapter, supports or houses equipment described in 47 C.F.R. § 1.6100(b)(1)(i)-(ii) that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support. The term does not include any structure that, at the time the relevant application is filed with the State or local government under this chapter, does not support or house equipment described in 47 C.F.R. § 1.6100(b)(1)(i)-(ii).

"Building-mounted" means mounted to the side or facade, but not the roof of a building or another structure such as a water tank, pump station, church steeple, freestanding sign, or similar structure.

“Camouflaged” means a wireless communication facility that is disguised, hidden, part of an existing or proposed structure, or placed within an existing or proposed structure is considered “camouflaged.”

“Carrier” means a company that provides wireless services.

“Collocation” means the same as defined by the FCC in 47 C.F.R. § 1.6100(b)(2), as may be amended, which currently defines that term as the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting or receiving radio frequency signals for communications purposes.

“Communications Facility” or **“Facility”** means collectively, the equipment at a fixed location or locations that enables Communications Services, including: (i) radio transceivers, Antennas, coaxial, fiber-optic or other cabling, power supply (including backup battery), and comparable equipment, regardless of technological configuration; and (ii) all other equipment associated with any of the foregoing. Also included are all facilities defined as “small wireless facilities”. A Communications Facility does not include the Pole, Tower or Support Structure to which the equipment is attached.

“Decibel (dB)” means a unit for expressing the ratio between two physical quantities, usually amounts of acoustic or electric power, or for measuring the relative loudness of sounds. One decibel (0.1 bel) equals 10 times the common logarithm of the power ratio

“Elevation” - The elevation at grade or ground level may be given in many ways, usually Above Mean Sea Level (AMSL). The height of a wireless service facility is often given in Above Ground Level (AGL). AGL is a measurement of height from the natural grade of a site to the highest point of a structure. The Total elevation of the wireless service facility is AGL plus AMSL.

“Eligible Facilities Request” means the same as defined by the FCC in 47 C.F.R. §1.6100(b)(3), as may be amended, which currently defines that term as any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving: (i) collocation of new transmission equipment; (ii) removal of transmission equipment; or (iii) replacement of transmission equipment.

“Eligible Support Structure” means the same as defined by the FCC in 47 C.F.R. §1.6100(b)(4), as may be amended, which currently defines that term as any tower or base station as defined in this section; provided that it is existing at the time the relevant application is filed with the State or local government under this chapter.

“Environmental Assessment (EA)” means the document required by the Federal

Communications Commission (FCC) and the National Environmental Policy Act (NEPA) when a wireless communication facility is placed in certain designated areas.

"Equipment Shelter" means an enclosed structure, cabinet, shed or box at the base of the mount within which are housed batteries and electrical equipment.

"Equivalent Isotropically Radiated Power (EIRP)" means the product of the power supplied to the antenna and the gain in a given direction relative to an isotropic antenna.

"Existing" means a constructed tower or base station that has been reviewed and approved under the applicable zoning or siting process or under another State or local regulatory review process; provided that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.

"Fall Zone" means the area on the ground within a prescribed radius from the base of a wireless communication facility. The fall zone is the area within which there is a potential hazard from falling debris (such as ice) or collapsing material.

"FCC" means the Federal Communications Commission or its duly appointed successor agency.

"Guyed Tower" means a monopole or lattice tower that is tied to the ground or other surface by diagonal cables.

"Lattice Tower" means a type of mount that is self-supporting with multiple legs and cross-bracing of structural steel.

"Licensed Carrier" means a company authorized by the FCC to construct and operate a wireless communication facility.

"Listed Species" means any species, endangered, threatened or rare species as listed by the Department of Fish and Wildlife (CT Department of Energy and Environmental Protection), or the United States Fish and Wildlife Service (Endangered Species Act, 16 U.S.C. §§ 1531 et seq.).

"Modification" means any change to an existing wireless telecommunications facility that involves any of the following: collocation, expansion, modification, alteration, enlargement, intensification, reduction, or augmentation, including, but not limited to, a change in size, shape, color, visual design, or exterior material. Modification does not include repair, replacement, or maintenance if those actions do not involve a change to the existing facility involving any of the following: collocation, expansion, modification, alteration, enlargement, intensification, reduction, or augmentation.

"Monopole" means a wireless communication facility support structure which consists of a self-supported structure, usually a rounded single shaft of wood, steel concrete or other material erected on the ground to support antennas and connecting appurtenances.

"Mount" means the structure or surface upon which antennas are mounted, including the following four types of mounts:

1. Roof-mounted. Mounted on the roof of a building.
2. Side-mounted. Mounted on the side of a building.
3. Ground-mounted. Mounted on the ground.
4. Structure-mounted. Mounted on a structure other than a building.

"mW/cm²" means milliwatts per square centimeter, a typical unit of power density measurement.

"Non-Ionizing Electromagnetic Radiation" means electromagnetic radiation primarily in the visible, infrared and radio frequency portions of the electromagnetic spectrum).

"Omnidirectional (whip) Antenna" means a thin rod that transmits and receives a signal in all directions.

"Panel Antenna" means a flat surface antenna usually operated in multiples.

"Personal Wireless Services" means the same as defined in 47 U.S.C. § 332(c)(7)(C)(i), as may be amended, which defines the term as commercial mobile services, unlicensed wireless services and common carrier wireless exchange access services.

"Personal Wireless Service Facilities" means the same as defined in 47 U.S.C. § 332(c)(7)(C)(i), as may be amended, which defines the term as facilities for the provision of personal wireless services.

"Power Density" means power per unit area normal to the direction of propagation, usually expressed in units of watts per square meter.

"Power Output" means the sum in watts of each transmitter power at a site, i.e. twelve (12) channels at twenty (2) watts per channel is two hundred-forty (240) watts.

"Public Right-of-Way or "Right-of-Way" means any public street, public way, public alley or public place, laid out or dedicated, and the space on, above or below it, and all extensions thereof, and additions thereto, under the jurisdiction of the City.

“Radiofrequency (RF) Engineer” means an engineer specializing in electrical or microwave engineering, especially the study of radio frequencies.

“Radiofrequency Radiation (RFR)” means the emissions from any device that propagates a wave form for the purpose of communication, including wireless communication facilities.

“Regulated Facility, Regulated Service and/or Regulated Site” means all facilities including mounts, towers and antennas and the site(s) these facilities are located on relating to personal communication services and any other wireless telecommunication service subject to local zoning regulation.

“Repeaters” means a device used to relay a radio transmission.

“Reviewing Authority” means the person or body who has the authority to review and either grant or deny a wireless telecommunications facility permit pursuant to this chapter.

“RF” means radio frequency or electromagnetic waves.

“Roof-mounted” means mounted directly on the roof of any building or structure, above the eave line of such building or structure.

“Security Barrier” means a locked, impenetrable wall, fence or berm that completely seals an area from unauthorized entry or trespass.

“Separation” means the distance between one carrier’s array of antennas and another carrier’s array.

“Shared-Location” means more than one wireless communications facility comprised of multiple structures used to support antennas operated by one or more carriers where the structures are located within proximity to each other.

“Site” means the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.

“Small Wireless Facility” means facilities that are (a) mounted on structures 50 feet or less in height including their antennas or (b) are mounted on structures no more than 10 percent taller than other adjacent structures or (c) do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater. Each antenna associated with the deployment, excluding

associated antenna equipment is no more than three (3) cubic feet in volume. All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than twenty-eight (28) cubic feet in volume. The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in federal regulations.

"Substantial Change" means (a) an increase of the overall height of more than 10% or the height of one additional antenna array not to exceed 20 feet (whichever is greater); or (b) the proposed collocation or modification increases the width more than 20 feet from the edge of the wireless tower or the width of the wireless tower at the level of the appurtenance (whichever is greater); or (c) the proposed collocation or modification involves the installation of more than the standard number of equipment cabinets for the technology involved, not to exceed four; or (d) the proposed collocation or modification involves excavation outside the current boundaries of the leased or owned property surrounding the wireless tower, including any access or utility easements currently related to the site or (e) the proposed collocation or modification would defeat the existing concealment elements of the support structure as determined by the zoning administrator; or (f) the proposed collocation or modification violates a prior condition of approval, provided however that the collocation need not comply with any prior condition of approval related to height, width, equipment cabinets or excavation that is inconsistent with the thresholds for a substantial change described in this section.

"Telecommunications Tower" or "Tower" means a freestanding mast, pole, guyed tower, lattice tower, free standing tower or other structure designed and primarily used to support wireless telecommunications facility antennas.

"Transmission Equipment" means equipment that facilitates transmission for any FCC- licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services, including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

"Utility Pole" means a pole or tower owned by any utility company that is primarily used to support wires or cables necessary to the provision of electrical or other utility services regulated by the Connecticut Public Utilities Regulatory Authority.

"Wireless Services" means any FCC-licensed or authorized wireless communication service transmitted over frequencies in the electromagnetic spectrum.

"Zoning administrator" means the City's Planning Director or his/her designee.

A.3.0 Use Regulations

A3.1 Exemptions

The following shall be exempt from this regulation:

A3.1.1 Repair and maintenance of existing towers and antennas

A3.1.2 Antenna used solely for residential television and radio reception that are 30 feet or less in height as measured from the average grade

A3.1.3 Satellite antenna measuring 48 inches or less in diameter and for the sole use of the owner or tenant occupying a parcel or space on which the antenna is located, not to exceed the height of the roof ridge of the host structure

A3.1.4 A ground, building or tower mounted antenna facility operated by a federally licensed amateur radio operator as part of the Amateur Radio Service that qualifies as an amateur station as defined by the FCC, 47 C.F.R. Part 97, of FCC Rules, or its successor regulation, provided that the antenna or mounting structure or pole does not exceed 30 feet above average grade

A3.1.5 Facilities, towers and other structures under the exclusive jurisdiction of the Connecticut Siting Council

A3.1.6 Portable radios and devices including, but not limited to, hand-held, vehicular, or other portable receivers, transmitters or transceivers, cellular phones, CB radios, emergency services radio, and other similar portable devices.

A3.1.8 Mobile services providing public information coverage of news events of a temporary nature.

A3.1.9 Any wireless telecommunications facilities exempted from Municipal Code or Regulation by federal law or state law.

A3.2 Permitted Uses

No wireless telecommunications facility shall be located or modified within the City on any property, including the public right-of-way or other public property, without compliance with this chapter. Any facility proposed within a City right-of-way or other property, buildings, structures or easements owned by the City shall be subject to licensing requirements contained in other applicable City Ordinances, as amended, and such licensing shall be considered a condition of approval under these regulations.

Excluding those facilities eligible for an exemption under section A3.1 as amended, applications for wireless facilities shall require a site plan or special exception approval subject to the requirements of this chapter, in addition to any other permit(s) required pursuant to City Codes or Regulations.

A3.3 Site Plan Approval

The following regulated facilities shall be Permitted Uses in all districts subject to Site

Plan approval:

A3.2.1 Camouflaged. A regulated facility which is completely camouflaged and not recognizable as a wireless facility such as within a flagpole, steeple, chimney, or similar structure.

A3.2.2 Existing Structure. A regulated facility on an existing structure (whether or not it is conforming in terms of height) including but not limited to a guyed, lattice, or monopole tower, fire tower or water tower, provided it does not increase the height of the existing structure.

A3.2.3 Utility Structures. An antenna(s) located on an electric transmission and distribution tower, telephone pole and similar existing utility structure. The installation may increase the height of the existing structure by no more than twenty feet, except in designated historic districts or other historic or scenic areas of the City as shown on a map on file in the Planning and Zoning Office or within 150 feet of the paved portion of a City road or State highway proposed for or designated as a scenic road or highway.

A3.2.4 Conforming Building - roof or side mounts provided it does not project more than 10 feet above the building height.

A3.2.5 Legally Non-Conforming Building (roof or side) mounts may locate on a building or structure legally non-conforming with respect to height, provided it does not project above the existing building or structure height, or more than 10 feet above the height limit of the zoning district.

A3.2.6 Police and Emergency Services. A regulated facility intended solely for the purpose of Police, Fire, Ambulance and other Emergency Dispatch. A tower may be erected as a permitted use for these purposes unless it is to be shared by a commercial wireless service carrier, in which case it shall require a Special Exception.

A3.2.7 Residential TV, Radio or Amateur Radio Towers in excess of 30 feet above average grade.

A3.4 Special Exception Use

The following co-located regulated facilities and ground mounted towers that do not qualify for an exemption under A3.1 shall require a Special Exception and Site Plan approval:

A3.3.1 Regulated facilities located on existing structures or co-located that do not qualify as a Permitted Use as set forth in Section A.3.2 above.

A3.3.2 All new ground mounted towers, poles or other similar free standing mounting structures, except those for police and emergency services

A3.5 Outside Experts

The City Planner and the Planning and Zoning Commission are authorized to retain on behalf of the City an independent, qualified consultant to review any application for a permit for a wireless telecommunications facility. The cost of this review shall be paid by the applicant through a deposit pursuant to a cost estimate submitted by the consultant. The estimate shall also include City

overhead costs for staff time expended on administration of the consultant contract. The independent consultant shall have maximum latitude as to how and when monitoring is done. The consultant may review the technical aspects of the application, including, but not limited to, the following matters:

1. The accuracy, adequacy, and completeness of submissions;
2. Compliance with applicable radio frequency emission standards and applicable electrical codes and fire codes and best practices for fire and electrical safety;
3. Whether any requested exception is justified;
4. An engineering assessment of the proposed installation to ensure that the proposed location is structurally adequate to support the proposed installation, and that it is adequately engineered to withstand the maximum wind loads that could be reasonably anticipated for the location. For installations on utility poles, the assessment would be based on conformance to PURA standards;
5. An assessment of any fire hazard a proposed installation presents to surrounding vegetation and structures;
6. An assessment of any impact on trees or flora;
7. A technical evaluation of alternative sites, facility designs or configurations, and coverage analysis; and
8. The validity of conclusions reached, or claims made by applicant.

A.4.0 General Standards and Requirements for Permitted and Special Exception Uses

A4.1 Location

Wherever feasible, regulated facilities shall be located on existing structures, including but not limited to buildings, water towers, existing telecommunications facilities, municipal properties, utility poles and towers provided the installation preserves the character and integrity of those structures.

A4.1.1 The following zoning districts are considered preferred locations for new free standing towers: LB, CIR, I, and IP. The following zoning districts are the least preferred locations for free standing towers: RRC, R-15, R-15s, R-10s, R-10, and R-6.

A4.1.2 The order of preference for the configuration for wireless Telecommunication Facilities from most preferred to least preferred is:

1. Collocation with existing facilities outside the public rights-of-way;
2. Roof-mounted;
3. Building-mounted;
4. Mounted on an existing pole or utility pole, whether in or out of the public right-of-way and;
5. Mounted on a new telecommunication tower, pole or structure, whether in

or out of the public right-of-way.

A4.1.3 Site Justification for Ground Mounted Towers

An application for a ground mounted tower shall include a detailed site justification report which:

- A. The applicant shall provide written documentation of all regulated facility sites in the City and any facility sites outside of the City that are within two (2) miles of the proposed site, in which it has a legal interest, whether by ownership, leasehold or otherwise. From each such regulated facility site, it shall demonstrate with written documentation that these facility sites are not already providing, or do not have the potential by adjusting the site to provide adequate coverage and/or adequate capacity to the City.
- B. Demonstrates that the proposed location (which includes both tower position and antenna height) is superior to other potential locations for the proposed uses, and demonstrating consideration of the location preferences in A4.1.1 and A4.1.2
- C. Documents that signal strength service objectives are consistent with accepted engineering practice for all proposed uses of the tower.
- D. Includes complete and accurate propagation plots in relation to scaled elevation drawings addressing all facilities to be installed on the tower.
- E. Demonstrates that for each proposed use of the tower the proposed height is the minimum necessary to provide adequate coverage as defined in these regulations.
- F. Demonstrates that a tower can accommodate both the applicant's antennas and at least two other carriers' antennas and a municipal antenna if the tower is over one hundred feet high.

A4.1.4 Additional Location Standards

- A. Facilities shall be located a minimum distance of the height of any tower or structure plus 50 feet from all residences and a minimum 300 feet from child day care centers, schools, playgrounds, parks, ballfields, and medical facilities unless the applications include information sufficient to demonstrate:
 1. The location and type of preferred sites which exist within the proposed or technically feasible coverage area is mapped;
 2. The preferred location site was not available as shown by the good faith efforts and measures taken by the carrier to secure the preferred location sites;
 3. Specific reasons why such efforts and measures were unsuccessful;
 4. Specific reasons why the location of the proposed facility site is essential to meet the service demands of the carrier; and
 5. Thorough reports are submitted demonstrating compliance with current federal health standards.

- B. Wireless communications facilities shall be attached or sited adjacent to existing structures unless the carrier demonstrates that no other technically feasible site exists or that construction of a freestanding facility on or at a distant location from an existing structure will mitigate adverse effects related to land use compatibility, visual resources, public safety and other environmental factors. Appropriate types of existing structures may include, but not be limited to: buildings, water tanks and some telephone/utility poles.
- C. Monopoles for wireless communications facilities should not be located in residential or open space areas unless technical evidence demonstrates that no other alternative facility site or type of antenna support structure is feasible and/or if the use of a Monopole for the proposed facility by itself or in combination with other existing, approved and proposed facilities will avoid or mitigate adverse effects related to land use compatibility, visual resources, public safety or adverse impacts to the land or resources of such open space areas.
- D. In order of preference from most preferred to least preferred, accessory equipment for wireless telecommunication facilities shall be located underground where possible, within a building or structure, on a screened roof top area or structure, or in a rear yard if not readily visible from surrounding properties and the roadway, unless the reviewing authority finds that another location is preferable under the circumstances of the application. The applicant shall bear the burden of demonstrating that accessory equipment cannot be placed in the most preferred location.

A4.2 Visibility - Screening and Buffering

A visual analysis of new proposed sites shall be required, and shall include, but is not limited to, a photo montage or photo simulation of poles erected at the proposed site (and surrounded by temporary construction fencing) or other similar technique.

The visual analysis shall address visually distinctive areas and scenic corridors as depicted and described in the Plan of Conservation and Development as well as views from public vantage points and private residences if determined appropriate by the Commission. The visual analysis may be expanded to include alternative locations within the proposed service area. Photographs of facility equipment and an accurate visual impact analysis with photo simulations shall also be required.

The Commission shall apply the following standards and requirements to minimize the visual impact of proposed regulated facilities.

A4.2.1 Requirements for Existing Buildings or Structures:

- A. Roof Mount. Where a roof mount extends above the roof the applicant

shall demonstrate every effort has been made to conceal the mount within or behind existing architectural features to limit visibility from public streets.

- B. Side Mount. Side mounts shall blend with the existing architecture and, if over 5 square feet, shall be painted or shielded with material consistent with the design features and materials of the building.
- C. Mounts and antennas located on a historic structure shall be fully removable without diminishing the historic quality of the structure.
- D. Regulated facilities in a historic district shall be concealed within or behind existing architectural features, or shall be located so that they are not visible from public roads and viewing areas within the district.

A4.2.2 Requirements for proposed Ground Mounted Towers:

- A. Photographs of facility equipment and an accurate visual impact analysis with photo simulations.
- B. The Commission may require that proposed ground mounted towers provide a vegetated buffer of sufficient height and a depth to screen the facility to the extent feasible. The required buffer shall not be greater than 25 feet in width. Trees and vegetation may be existing on the subject property or installed as part of the proposed facility or a combination of both. Where it is not feasible to fully buffer a facility, the applicant shall submit a landscape plan prepared by a Connecticut licensed landscape architect or a landscape gardener. The landscape plan shall recommend the type of tree and plant materials and depth of buffer appropriate to the site, design, height and location of the facility. The Commission may require reasonable modifications to the landscape plan where it determines such are necessary to minimize the visual impact of the facility on the neighborhood and community character.
- C. The Commission may require that the ground mounted tower be camouflaged as a tree or other feature.

A4.2.3 Historic and Scenic Roads and Areas.

- A. A visual analysis shall address visually distinctive areas and scenic corridors as depicted and described in the Plan of Conservation and Development, views from public vantage points and private residences if determined appropriate by the Commission.
- B. The Commission may approve a ground mounted tower located in an open area visible from a public road, recreational area, or residential development only where it has been demonstrated by the applicant to the satisfaction of the Commission that the proposed service cannot be reasonably provided in a location on an existing structure or a co-location.
- C. A regulated facility located within 300 feet of a City or State designated scenic road may exceed the height of vegetation at the proposed location only where the applicant has demonstrated to the satisfaction of the Commission that the proposed regulated facility cannot be reasonably placed in another location.

A4.2.4 Tree Cover and Sight Line Information

Where the Commission determines that tree cover and/or sight line information, including viewpoints (points from which view is taken) and visible points (points being viewed), are necessary to determine compliance with the standards in this section the Commission may require the following:

- A. Tree cover on the subject property and adjacent properties within 300 feet, by dominant species and average height, as measured by or available from a verifiable source.
- B. Sight lines and photographs. A sight line representation shall be drawn from any public road within 300 feet and the closest facade of each residential building (viewpoint) within 300 feet to the highest point (visible point) of the regulated facility. Each sight line shall be depicted in profile, drawn at one-inch equals 40 feet. The profiles shall show all intervening trees and buildings. In the event there is only one (or more) residential building within 300 feet there shall be at least two sight lines from the closest habitable structures or public roads, if any.
 - a. Existing (before) condition photographs. Each sight line shall be illustrated by one four-inch by six-inch color photograph of what can currently be seen from any public road within 300 feet.
 - b. Proposed (after) condition photographs. Each of the existing condition photographs shall have the proposed regulated facility superimposed on it to show what will be seen from public roads if the proposed personal wireless service facility is built.
- C. Sight elevations. Siting elevations, or views at-grade from the north, south, east and west for a 50-foot radius around the proposed regulated facility plus from all existing public and private roads that serve the subject property. Elevations shall be at either one-quarter inch equals one foot or one-eighth inch equals one-foot scale and show the following:
 - a. Antennas, mounts and equipment shelter(s), with total elevation dimensions and AGL of the highest point.
 - b. Security barrier. If the security barrier will block views of the regulated facility, the barrier drawing shall be cut away to show the view behind the barrier.
 - c. Any and all structures on the subject property.
 - d. Existing trees and shrubs at current height and proposed trees and shrubs at proposed height at time of installation, with approximate elevations dimensioned.
 - e. Grade changes, or cuts and fills, to be shown as original grade and new grade line, with two-foot contours above mean sea level.

A4.3 Environmental and Safety Standards.

A4.3.1 Hazardous materials. No hazardous waste shall be discharged on the site of any Regulated Facility. If any hazardous materials are to be used on site, there shall be provisions for full containment of such materials. An enclosed containment area shall be provided with a sealed floor, designed to contain at least 110% of the volume of the hazardous materials stored or used on the site.

A.4.3.2 Noise Control. The Applicant shall provide a written report that analyzes acoustic levels for the proposed wireless telecommunications facility and all associated equipment, including, without limitation, all environmental control units, sump pumps, temporary backup power generators, and permanent backup power generators in order to demonstrate compliance with Noise Control. The acoustic analysis must be prepared and certified by a qualified engineer and include an analysis of the manufacturer specifications for all noise-emitting equipment and a depiction of the proposed equipment relative to all adjacent property lines. In lieu of a written report, the applicant may submit evidence from the equipment manufacturer that the ambient noise emitted from all the proposed equipment will not, both individually and cumulatively, exceed the applicable limits.

A.5.0 Additional Standards and Requirements for Ground Mounted Tower Special Exception Uses

A5.1 Feasible Alternative

Where a ground mounted tower is proposed, the applicant shall have the burden of proving that there are no feasible existing structures or co-location sites upon which to locate.

A5.2 Setback

In order to ensure public safety, the minimum distance from the base of any new proposed ground-mounted tower to any property line, road, habitable dwelling, business or institutional use, or public recreational area shall be the height of the tower including any antennas or other appurtenances, plus 50 feet.

A5.3 Setback Reduction

In its consideration of the visual and safety impacts of a proposed ground mounted tower, the Commission may reduce the required setback area (as required above) by not more than 50% or allow the setback to be measured into a neighboring property where:

- a. a monopole tower is proposed;
- b. such reduction permits a tower site plan with better camouflage and overall design than alternative sites;
- c. the setback area within a neighboring property is not developed and will be subject to a legally binding agreement preventing development during the time the tower is in place.

A.6.0 Application Filing Requirements

The following shall be included with an application for a Special Permit or Site Plan Application for all regulated facilities. The Commission may waive one or more of the following required submissions if the Commission determines that the information is not necessary.

Technical information, including, but not limited to radio frequency and power density

reports, visual analysis, alternative sites analysis, landscape plans, lighting plans, and architectural and engineering plans shall be prepared by an appropriate qualified professional acceptable to the Planning and Zoning Commission, City Planner or their designee.

All applications for a permit required by this chapter must be made in writing on such form as the City Planner prescribes and submitted along with prescribed application fees. The City Planner may waive the requirements for submittal of any information described herein only when determined that it is inapplicable based on project-specific factors, and documentation is provided to that effect. The form shall include the following information, in addition to all other information determined necessary by the City Planner as part of an application for a site plan or special exception approval:

A6.1 General Filing Requirements

The following documentation shall be provided for all applications under this section:

A6.1.1 Full name and contact information for the facility owner, facility operator, agent, and property owner, and related letter(s) of authorization.

A6.1.2 The type of facility, including a full written description of the proposed facility, its purpose, technical specifications, and an assessment of any fire hazard a proposed installation presents to surrounding vegetation and structures.

A6.1.3 Licensed carrier information - a licensed carrier shall either be an applicant or a co-applicant and shall provide documentation of qualifications as a "licensed carrier."

A6.1.4 Narrative or other proof for why expanded service is required for the proposed location(s) based on a) service deficiencies, b) capacity limitations of current towers, c) obsolete or malfunctioning equipment d) alternative site analysis or e) other technical, legal or environmental constraints.

A6.1.5 A narrative and documentation to demonstrate that facilities have been designed to attain the minimum height required from a technological standpoint for the proposed site.

A6.1.6 Proof of all applicable licenses or other approvals required by the FCC.

A6.1.7 A written report that explains the proposal's consistency with the Connecticut Siting Council's latest State-wide Telecommunications Coverage Plan for Small Wireless Facilities.

A6.1.8 Any other studies or information determined necessary by the City Planner, Planning and Zoning Commission or their designees.

A6.2 Location Filing Requirements

A6.2.1 A line map to scale showing the lot lines of the subject property and all properties within 300 feet and the location of all buildings, including accessory structures, on all properties shown.

A6.2.2 A City-wide map showing the other existing non-residential wireless service facilities in the City and outside the City within five miles of its boundary.

A6.2.3 A written description identifying the geographic service area for the subject installation, accompanied by a plan and maps showing anticipated future installations

and modifications for the following two years.

A6.2.4 If the application is for a facility that will be located within the public right-of-way, the applicant shall certify that it is a telecommunications facility or telephone corporation or state the basis for its claimed right to enter the right-of-way, and provide a copy of its certificate of public convenience and necessity (CPCN), if a CPCN has been issued by the Connecticut Public Utilities Regulatory Authority, as well as all applicable approvals required by local ordinances governing public rights-of-way.

A6.2.5 A copy of any land use easement or restriction (access, open space, public utility and the like) which encumbers the proposed facility site, as well as a copy of the proposed site's title report.

A6.3 Site Plan Requirements

The following Site Plan requirements shall be in addition to the requirements of section 8.4 of the Torrington Zoning Regulations regarding site plan review. Where the requirements of this section are more restrictive than that of section 8.4, these requirements shall apply. For applications where a special exception is not required, the Commission may determine that some of the information specified in this section is not needed to determine compliance with these regulations. A one-inch-equals-40 feet vicinity plan shall be submitted by a qualified licensed engineer showing the following:

A6.3.1 Property lines for the subject property.

A6.3.2 Property lines of all properties adjacent to the subject property within 300 feet.

A6.3.3 Outline of all existing buildings, including purpose (e.g. residential buildings, garages, accessory structures, etc.) on subject property and all adjacent properties within 300 feet.

A6.3.4 Proposed location of antenna, mount and equipment shelter(s).

A6.3.5 Proposed security barrier, indicating type and extent as well as point of controlled entry.

A6.3.6 Location of all roads, public and private, on the subject property and on all adjacent properties within 300 feet including driveways proposed to serve the regulated facility.

A6.3.7 Distances, at grade, from the proposed regulated facility to each building on the vicinity plan.

A6.3.8 Contours at each two feet AMSL (see definition section) for the subject property and adjacent properties within 300 feet.

A6.3.9 All proposed changes to the existing property, including grading, vegetation removal and temporary or permanent roads and driveways.

A6.3.10 Representations, dimensioned and to scale, of the proposed mount, antennas, equipment shelters, cable runs, parking areas and any other construction or development attendant to the personal wireless service facility.

A6.3.11 The dimensions of each proposed facility, including its height from the ground level.

A6.3.12 Lines representing the sight line showing viewpoint (point from which view is taken) and visible point (point being viewed) from "Sight Lines" sub-section below.

A6.3.13 Any other architectural or engineering plans as deemed necessary by the

Planning and Zoning Commission or their designee.

A6.4 Design Filing Requirements

A6.4.1 Equipment brochures for the proposed regulated facility such as manufacturer's specifications or trade journal reprints shall be provided for the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any.

A6.4.2 Materials of the proposed regulated facility specified by generic type and specific treatment (e.g., anodized aluminum, stained wood, painted fiberglass, etc.). These shall be provided for the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any.

A6.4.3 Colors of the proposed regulated facility represented by a color board showing actual colors proposed. Colors shall be provided for the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any.

A6.4.4 A profile plan showing dimensions of the regulated facility specified for all three directions: height, width and breadth. These shall be provided for the antennas, mounts, equipment shelters and security barrier, if any.

A6.4.5 Appearance shown by at least two photographic superimpositions of the regulated facility within the subject property. The photographic superimpositions shall be provided for the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any, for the total height, width and breadth. The Commission may determine that this information is not needed for a Permitted Use.

A6.4.6 Landscape plan prepared by a Connecticut licensed landscape architect or landscape gardener including existing trees and shrubs and those proposed to be added, identified by size of specimen at installation and species.

A6.4.7 Within 15 days of the public hearing on an application for a Special Exception, the applicant shall arrange for a balloon or crane test at the proposed site to illustrate the height of a ground mounted tower. The Commission may require that the balloon or crane remain in place for a period of up to three consecutive days. The applicant shall inform the Planning and Zoning Department of the dates of the test.

A6.4.8 Plans for lighting of the site which are subject to lighting standards contained in Section 5.17 of the zoning regulations, including a photometric plan of proposed site lighting on the property.

A6.5 Radiofrequency Radiation (RFR) Filing Requirements

The applicant shall provide a statement listing the existing and maximum future projected measurements of RFR from the proposed regulated facility, for the following situations:

A6.5.1 A technically sufficient written report certified by a qualified radio frequency emissions engineer, certifying that the facility, operating by itself and in combination with other existing or approved facilities which can be measured at the proposed facility site, is in compliance with such FCC standards.

Measurements for radio frequency emissions shall be based on all proposed, approved and existing facilities operating at maximum power densities at all relevant frequencies being used.

A6.5.2 A technically sufficient written report by a qualified radio frequency engineer, certifying the location type, capacity, field strength or power density, and calculated geographic service of the proposed wireless communication facility.

A6.6 Federal Environmental Filing Requirements

A6.6.1 The National Environmental Policy Act (NEPA) applies to all applications for wireless communication facilities. NEPA is administered by the FCC via procedures adopted as Subpart 1, (47 CFR Ch. I). The FCC requires that an environmental assessment (EA) be filed with the FCC prior to beginning operations for any wireless communication facility proposed in or involving any of the following:

- A. Wilderness areas.
- B. Wildlife preserves.
- C. Endangered species habitat.
- D. Historical site.
- E. Native American religious site.
- F. Flood plain.
- G. Wetlands.
- H. High intensity white lights in residential neighborhoods.
- I. Excessive radiofrequency radiation exposure.

A6.6.2 At the time of application filing, an Environmental Assessment that meets FCC requirements shall be submitted to the Commission for each Regulated Facility site that requires such an environmental assessment to be submitted to the FCC.

A6.6.3 The applicant shall list location, type and amount (including trace elements) of any materials proposed for use within the facility that are considered hazardous by the federal, state or local government

A.7.0 Co-location

A7.1 Licensed carriers shall share facilities and sites where feasible and appropriate, thereby reducing the number of facilities that are stand-alone. All applicants for a Special Exception for a regulated facility shall demonstrate a good faith effort to co-locate with other carriers. Such good faith effort includes alternatives analysis of other sites, which should, at minimum, describe:

- A. A survey of all existing structures that may be feasible sites for co-locating wireless service facilities;
- B. Contact with all the other licensed telecommunication facility carriers operating in the service area of the proposed facility and timely response to co-location inquiries from other providers;
- C. Sharing information necessary to determine if co-location is feasible under the design configuration most accommodating to co-location.

A7.2 In the event that co-location is found to be not feasible, a written statement of

the reasons for the infeasibility shall be submitted to the Commission. The Commission may retain a technical expert in the field of RF engineering to verify if co-location at the site is not feasible or is feasible given the design configuration most accommodating to co-location. The cost for such a technical expert will be at the expense of the applicant as provided by City Ordinance and these regulations. The City may deny a Special Exception for an application that has not demonstrated a good faith effort to provide for co-location.

A7.3 If the applicant does intend to co-locate or to permit co-location, the Commission shall request drawings and studies which show the ultimate appearance and operation of the Regulated Facility at full build-out.

A7.4 If the Commission approves co-location for a regulated facility site, the Special Exception shall indicate how many facilities of what type shall be permitted on that site. Facilities specified in the Special Exception approval shall require no further zoning approval. However, the addition of any facilities not specified in the approved Special Exception shall require a new Special Exception. Estimates of RFR emissions will be required for all facilities, including proposed and future facilities.

A.8.0 Modifications

A modification of a regulated facility may require a Special Exception application where the following events apply:

A8.1 The applicant and/or co-applicant wants to alter the terms of the Special Exception by changing the regulated facility in one or more of the following ways:

- A. Change in the number of facilities permitted on the site;
- B. Change in technology used for the regulated facility.

A8.2 The applicant and/or co-applicant proposes to add any equipment or additional height not specified in the original design filing.

A.9.0 Monitoring and Maintenance

A9.1 After the regulated facility is operational, and where required by the Commission, the applicant shall submit, within 90 days of beginning operations existing measurements of RFR from the facility. Such measurements shall be signed and certified by a RF engineer, stating that RFR measurements are accurate and meet FCC Guidelines as specified in the Radiofrequency Standards section of this Regulation. The Commission or the City Planner may also request this information be provided on an annual basis.

A9.2 The applicant and co-applicant shall maintain the regulated facility in good condition. Such maintenance shall include, but shall not be limited to, painting; structural integrity of the mount and security barrier, and maintenance of the buffer areas and landscaping.

A10.0 Abandonment or Discontinuation of Use

A10.1 At such time that a licensed carrier plans to abandon or discontinue operation of a regulated facility, such carrier will notify the Commission by certified U.S. mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than 30 days prior to abandonment or discontinuation of operations. In the event that a licensed carrier fails to give such notice, the regulated facility shall be considered abandoned upon such discontinuation of operations. When the facility has not been operated for a continuous period of twelve months, it shall be considered abandoned.

A10.2 Upon abandonment or discontinuation of use, the carrier shall physically remove the facility within 90 days from the date of abandonment or discontinuation of use. "Physically removed" shall include, but not be limited to:

- A. Removal of antennas, mount, equipment shelters and security barriers from the subject property.
- B. Proper disposal of the waste materials from the site in accordance with local and state solid waste disposal regulations.
- C. Restoring the location of the facility to its natural condition, except that any landscaping and grading shall remain in the after-condition.

A10.3 If a carrier fails to remove a regulated facility in accordance with this section of this regulation, the City shall have the authority to enter the subject property and physically remove the facility. The Commission may require the applicant to post a bond at the time of construction to cover costs for the removal of the Regulated Facility in the event the City must remove the facility.

A11.0 Reconstruction or Replacement of Existing Towers and Monopoles

Guyed towers, lattice towers, utility towers and monopoles in existence at the time of adoption of this regulation may be reconstructed, altered, extended or replaced on the same site by Special Exception, provided that the Commission finds that such reconstruction, alteration, extension or replacement will not be substantially more detrimental to the neighborhood and/or the City than the existing structure. In making such a determination, the Commission shall consider whether the proposed reconstruction, alteration, extension, or replacement will create public benefits such as opportunities for co-location, improvements in public safety, and/or reduction in visual and environmental impacts.

A.12.0 Term of Special Exception

A Special Exception issued for any ground mounted tower over fifty (50) feet in height shall be valid for fifteen (15) years. At the end of that time period, the regulated facility shall be removed by the carrier or a new Special Exception shall be required.

ADDENDUM – ZONING REGULATION AMENDMENT LOG

Revised to December 29, 2022

1. **Section 3.1**, Table of Uses, Subsections 1.30 – Multi-Family Residences and 1.39 - Affordable Housing. Revised to p/e for site plan or special exception approval depending on application circumstances. Effective November 23, 2022.
2. **Section 4.15.3**, Incentive Housing Zone Bulk Requirements – Add new section 4.15.3.B.5 to remove density requirements in the DD district. Effective November 23, 2022.
3. **Section 6.1**, Affordable Housing – Remove DD density restriction in 6.1.1.B; Add new section 6.1.1.J to reference affordable housing regulations. Effective November 23, 2022.
4. **Section 6.8**, Multi-Family Residences – strike language in section 6.8.1 and relocate to new section 6.8.17; remove DD density restriction in section 6.8.2; add new section 6.8.17 for multi-family and mixed use standards in the Downtown District. Effective November 23, 2022.
5. **Section 3.1**, Table of Uses – revise subsection 21.00 to change title from “Temporary Outdoor Uses” to “Special Events” and assign an “e” in columns to allow in all zones by special exception. Effective December 29, 2022.
6. **Section 6.13**, Special Events – new section. Effective December 29, 2022.

