



# Town of Burlington

## Zoning Regulations

**Burlington Planning and Zoning Commission**



*Revised* – August 25, 2022

*Effective* – September 1, 2022

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## **I. INTRODUCTION**

### **A. AUTHORITY**

These regulations are adopted by the Burlington Planning and Zoning Commission under the authority of Chapter 124 of the Connecticut General Statutes, as amended.

### **B. REQUIRED PURPOSES**

#### **1. TO FURTHER PUBLIC PURPOSES**

- a. To further the purposes set forth in Chapter 124 of the Connecticut General Statutes.
- b. To promote, with the greatest efficiency and economy, the coordinated development of the town and the general welfare and prosperity of its people.
- c. To protect the state's historic, tribal, cultural and environmental resources.
- d. To promote efficient review of proposal and applications and affirmatively further the purpose of the federal Fair Housing Act.
- e. To provide for the development of housing opportunities for all residents of the Town and local planning region, including opportunities for multi-family dwellings consistent with soil types, terrains and infrastructure capacity.

#### **2. TO GUIDE DEVELOPMENT**

- a. To guide the further development of the town in accordance with a comprehensive plan so that the town may realize its potential as a desirable place in which to live.
- b. To aid in the implementation of the Plan of Conservation and Development for the Town of Burlington.
- c. To provide suitable areas for desirable commercial and industrial development within the town, and to reserve the most appropriate land for such uses, in order to promote the growth of employment conveniently located for residents of the town, and to facilitate the provision of adequate public services on an economical basis.
- d. To consider the impact of permitted land uses on contiguous municipalities and on the planning region.
- e. To give reasonable consideration to the physical site characteristics of the given Zone and its peculiar suitability for particular uses and with a view to encouraging the most appropriate use of land throughout the Town.
- f. To allow the development of housing that meets the needs identified in the state's Consolidated Plan for Housing and Community Development and Plan of Conservation and Development.

#### **3. TO PROMOTE COMPATIBILITY**

- a. To help bring about the most beneficial relationship between the uses of buildings and land and the circulation of traffic through and within the town, with particular emphasis on safe, adequate, and convenient access, and on avoiding congestion in the streets.
- b. To achieve the best possible relationships among residential, commercial, and industrial areas, with due consideration for the particular

- suitability of each area for various uses; and conditions and trends in populations, economic activity, use, and building development.
- c. To encourage an orderly pattern of residential development in the town, in order to facilitate the adequate provision of schools and other public services on an economical basis, and to avoid the disorderly and blighting pattern of unguided development.
- d. To protect the value of land appropriate to the various zones and to protect and improve the physical site characteristics of the town.

**4. TO PRESERVE NATURAL FEATURES**

- a. To protect and maintain a level of environmental quality through the prudent use and management of natural resources, including designated Inland Wetlands and Watercourses, in order to safeguard the health and tranquility of Burlington residents and preserve the valuable natural beauty for future residents.

**C. ZONING DISTRICTS**

**1. ZONE TYPES**

For the purpose of these Regulations, the Town of Burlington is hereby divided into the following zoning districts for the use of land and buildings:

R-44	Residential Zone	NB	Neighborhood Business Zone
R-15	Residential Zone	CB	Central Business Zone
		I	Industrial Zone

**2. ZONE LOCATIONS**

The boundaries of such districts or zones are shown on a map entitled "Zoning Map-Town of Burlington", adopted March 7, 1958 as amended, which is filed in the office of the Town Clerk. Such map, with all explanatory material thereon, is hereby declared to be a part of these Regulations as if set forth herein.

The water surface of any lake, pond, reservoir or stream and land there under shall be subject to the regulations of the applicable Zone district in which they are located.

**3. ZONE BOUNDARY INTERPRETATION**

- a. Unless otherwise indicated in figures on the Zoning Map, zone boundaries shall be constructed as follows:
  - i. Following the centerline of a street, highway, railroad, right-of-way, or easement.
  - ii. Following the lines of particular geophysical feature including brooks, streams, floodplains, or steep slopes.
  - iii. Following lot lines, such being lines of record at the time of adoption of these Regulations or relevant amendments hereto.
  - iv. Where zone boundaries are set back from such lines, they shall be considered running parallel thereto, at distances indicated.
- b. In case of uncertainty on the Zoning Map, the Commission shall determine the Zone Boundary.

## II. INTERPRETATION

### A. GENERAL INTERPRETATION

#### 1. PROHIBITED IF NOT PERMITTED

Use of land, buildings or structures not clearly permitted in the various zoning districts is prohibited. Activities not clearly permitted in the Regulations are prohibited.

#### 2. MINIMUM OR MAXIMUM STANDARDS

In their interpretation and application, the provisions of these Regulations shall be held to be the minimum requirements unless the context clearly indicates that such provision is intended to be a maximum limitation.

#### 3. IN THE EVENT OF CONFLICT

Where these Regulations impose greater restrictions upon land, buildings or structures than is imposed or required by any existing provision of law, ordinance, covenant, rule, regulation, permit, contract, or deed, the provisions of these Regulations shall control.

### B. INTERPRETATION OF TERMS

#### 1. INTERPRETATION OF SPECIFIC TERMS

For the purpose of these Regulations, certain words and terms shall be interpreted as follows:

- a. As defined in Section II of the Regulations.
- b. When not inconsistent with the context:
  - i. Words in the present tense include the future and vice-versa,
  - ii. Words in the singular include the plural and vice-versa, and
  - iii. Words used in the masculine include the feminine and neuter and vice-versa.
- c. The word "shall" is mandatory and not discretionary.
- d. The word "may" is permissive.
- e. The words "zone", "zoning district", and "district" have the same meaning.
- f. The phrase "used for" shall include the phrases "arranged for", "intended for", "maintained for", and "occupied for".
- g. The word "person" also includes a partnership, association, trust, corporation or other legal entity.
- h. The phrase "these Regulations" shall refer to the entire Zoning Regulations.

#### 2. INTERPRETATION OF OTHER TERMS

The precise meaning of other words and terms shall be determined by the Planning and Zoning Commission after reference to:

- a. The Connecticut General Statutes,
- b. Black's Law Dictionary,
- c. The Illustrated Book of Development Definitions, and
- d. Webster's Third New International Dictionary.

## **C. DEFINITIONS**

### **ACRE**

Forty-three thousand, five hundred sixty (43,560) square feet.

### **ACCESSORY**

Customarily and actually incidental and subordinate to a principal use, building, or structure which is located on the same lot.

### **ACCESSORY APARTMENT**

A separate dwelling unit that is located on the same lot as the principal dwelling unit of greater square footage, has cooking facilities, and complies with or is otherwise exempt from any applicable building code, fire code and health and safety regulations. Accessory Apartments may be 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.

### **ACCESSORY USE OR BUILDING**

A use or building customarily and actually incidental and subordinate to the principle use or building which is located on the same lot as such principal use or building.

### **ADULT USE**

A use deriving a substantial or significant portion of its stock or trade in sexually oriented media or entertainment.

### **AGRICULTURE**

Agriculture as defined in the Connecticut General Statutes Section 1-1(q), as amended.

### **ALCOHOLIC BEVERAGE**

The term alcoholic beverage shall include all spirituous and intoxicating liquors, all mixed liquors, all mixed liquor of which a part is spirituous and intoxicating, all distilled spirits, all Jamaica ginger, all wine, ale, port, and all beer manufactured from hops and malt or from hops and barley.

### **ANTENNA**

Any device used to collect or transmit telecommunications or radio signals. Examples include but are not limited to panel, whip and dish antennae.

### **AS OF RIGHT**

Means able to be approved in accordance with the terms of a zoning regulation or regulations and without requiring that a public hearing be held, a variance, special permit or special exception be granted or some other discretionary zoning action be taken, other than a determination that a site plan is in conformance with applicable zoning regulations.

### **BARN**

A building used primarily to house livestock, or intended for such use, but not used for human habitation.

**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**

Any area of building having its floor subgrade (below ground level) on all sides.

**BED & BREAKFAST**

Overnight accommodations and a morning meal in a dwelling unit provided to transients for compensation.

**BOARDING HOUSE**

Room and/or board in a dwelling unit provided to transients for compensation for periods of several days or longer.

**BREWERY**

An establishment where beer and beverages are manufactured on the lot from the fermentation of malt with or without cereal grains or fermentable sugars or hops and then sold or distributed.

**BREWERY, FARM**

A farm, as defined in Article II Section B Interpretations of Terms of the Zoning Regulations, that manufactures beer in accordance with the CT State requirements for a manufacturer's permit – farm brewery in accordance CT General Statutes 30-16 as amended.

**BUILDABLE AREA**

An area of contiguous buildable land at least 50 feet wide that is intended to ensure adequate area for construction of a permitted use with associated utilities.

**BUILDABLE LAND**

The amount of land area available for development on a parcel after the reduction factors have been applied. The reduction factors are as follows:

- Flood Plain – zero percent may be used,
- Wetland – zero percent may be used,
- Watercourse – zero percent may be used,
- Sloped in excess of 15 percent – 75 percent may be used,
- Other land – 100 percent may be used provided that such land meets all other applicable criteria and regulations.

**BUILDING**

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



**BUILDING AREA**

The area enclosed by the exterior dimensions of a building, together with the area of all covered porches and other roofed portions.

**BUILDING HEIGHT**

The vertical distance from the average ground level at the building walls to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof, to the mean height level between the highest eaves and ridge for hip, gabled and gambrel roof.

**BUILDING SETBACK LINE**

A line within a lot defining the minimum required distance between any adjacent street or lot line and a building or structure.

**CLUB**

An organization of persons incorporated pursuant to the provisions of the membership corporation's law or the benevolent orders law which:

- a. Is comprised of bona fide members who maintain membership by payment of annual dues in a bona fide manner in accordance with club by-laws, and whose name and address are entered on the list of membership,
- b. Is the owner, lessee or occupant of an establishment operated solely for a recreational, social, patriotic, political, benevolent or athletic purpose but not for pecuniary gain,
- c. Shall cater only to its members or guests accompanying them but not the general public at an establishment so operated, and
- d. Does not include any such association or establishment the chief activity of which is a service customarily carried on as a business enterprise.

**COMMERCIAL**

Any use facilitating the barter, sale, or exchange of things of value, or sale of services or exchange of services, and includes the storage of goods.

**COMMERCIAL VEHICLE**

Any motor vehicle licensed by the State of Connecticut as a commercial vehicle.

**COMMISSION**

The Planning and Zoning Commission of the Town of Burlington.

**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, and 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 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; the storage, deposition, or extraction of materials; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

**DWELLING OR RESIDENCE**

A building primarily intended or used for human habitation.

**DWELLING, MULTI-FAMILY**

A building designed or intended to be occupied as a residence for three or more families living independently of each other.

**DWELLING, SINGLE-FAMILY**

A building designed or intended to be occupied as a residence for one family.

**DWELLING, TWO-FAMILY**

A building designed or intended to be occupied as a residence for two families living independently of each other.

**DWELLING UNIT**

One or more rooms providing complete living facilities for one family, including equipment for cooking or provision for the same, and including room or rooms for living, sleeping, eating, bathing and sanitary facilities.

**ELDERLY HOUSING**

A dwelling unit designed exclusively for the needs of single people age 55 or over or couples with at least one member over age 55.

**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 the effective date of the floodplain management regulations adopted by a 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).

**FAMILY**

Any number of individuals related by blood, marriage, legal adoption or legal guardianship and up to two (2) additional unrelated persons, living and cooking together in the same dwelling unit as a single housekeeping unit.

**FARM**

A parcel of land containing no less than five acres, used principally for the raising of livestock, poultry or dairy products or a parcel of land containing at least two acres used principally for the growing and harvesting of crops, plants or trees.

**FARM STORE**

A permanent structure used by an agricultural operation for seasonal or year – round sale of raw and/or processed agricultural and horticultural products, services and activities, and accessory items.

**FARMING**

Using the land in part or wholly for agricultural purposes such as the raising of crops, livestock, poultry, dairy products, plants or trees, including orchards, truck and nursery gardening, dairy farming, livestock, boarding of horses and poultry raising, but excluding the commercial raising of pigs and fur bearing animals.

**FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)**

The federal agency that administers the National Flood Insurance Program (NFTP).

**FINISHED LIVING SPACE**

Finished living space can include, but is not limited to, a space that is heated and/or cooled, contains 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. A fully enclosed area below the base flood elevation (BFE) cannot have finished living space and needs to be designed for exposure to flood forces. These spaces can only to be used for parking, building access or limited storage.

**FLOOD OR FLOODING**

A general and temporary condition of partial or complete inundation of normally dry land areas from either the overflow of inland or tidal waters, or the unusual and rapid accumulation or runoff of surface waters from any source.

**FLOOD INSURANCE RATE MAP (FIRM)**

The official map of a community on which the Federal Emergency Management Agency (FEMA) has delineated both the special flood hazard areas (100year floodplain) and the insurance risk premium zones applicable to a community. FIRM published after January 1990 may also show the limits of the regulatory floodway.

**FLOOD INSURANCE STUDY (FIS)**

The official study of a community in which the Federal Emergency Management Agency (FEMA) has conducted a technical engineering evaluation and determination of local flood hazards, flood profiles and water surface elevations. The Flood Insurance Rate Maps (FRM), which accompany the FIS, provide both flood insurance rate zones and base flood elevations, and may provide the regulatory floodway limits.

**FLOODWAY**

The channel of a river or other watercourse and 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 purposed of these regulations, the term “Regulatory Floodway” is synonymous in meaning with the term “Floodway”.

**FRONTAGE**

The front lot line adjacent to a street; the distance along the front lot line adjacent to the street; or that portion a building façade facing the street.

**FUNCTIONALLY DEPENDENT USE OF 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.

**GARAGE, PRIVATE**

A detached accessory building or a portion of a main building for the parking of automobiles belonging to the occupants of the premises, for storage of household or recreational equipment and materials, and in which no occupation or business for profit is carried on.

**GARAGE, PUBLIC**

A building or part thereof, other than a private garage, used for maintenance, repair and storage of motor vehicles.

**GENERAL STATUTES**

The General Statutes of Connecticut, as amended.

**HIGHEST ADJACENT GRADE (HAG)**

The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**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.

**HOME OCCUPATON**

Any use conducted within a dwelling carried on for compensation.

**HOTEL/MOTEL**

A building or buildings designed or used exclusively for temporary occupancy by transients, which may include the serving of food, alcoholic beverage, and rooms for public assembly.

**JUNK**

Any article or material or collection thereof which is worn out, cast off, or discarded and which is ready for destruction or has been collected or stored for salvage or conversion.

**JUNK YARD**

The use of any area of any lot, whether inside or outside a building, for the storage, keeping, or abandonment of junk, scrap, discarded materials, or two or more unregistered motor vehicles, or for the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery, or parts thereof.

**KENNEL**

Any premises, other than a farm, on which four or more dogs, cats, or other animals six months old or older are kept.

**LANDSCAPED AREA**

An open area consisting of existing vegetation, lawn, natural ground cover, plantings and trees, and may include walks and drives to and from a street.

**LANDSCAPED BUFFER**

An area consisting of walls, fencing, existing vegetation, or proposed vegetation to provide a visual or other barrier.

**LAND SURVEYOR**

A licensed land surveyor registered in the State of Connecticut.

**LIVESTOCK**

Animals (other than dogs or cats) kept for use or profit.

**LIVING AREA**

That portion of the Building Area actually utilized for living, sleeping, cooking or eating and excluding garages, basements, rooms used for heating equipment, open or closed outside vestibules, porches or verandahs, and those portions of rooms having less than 7'6" ceilings and further excluding common stairways, halls, and basements in multiple family dwellings.

**LODGING**

The use of a dwelling or hotel/motel for sleep, rest, shelter, and access to one or more common household functions such as eating, bathrooms, food preparations, and serving areas.

**LOT**

A plot or parcel of land occupied, or capable of being occupied, by a principal building or, where permitted, a group of principal buildings and the accessory buildings or uses customarily incidental to it.

**LOT AREA**

The actual area in square feet enclosed by all boundaries of the lot.

**LOT, CORNER**

A lot abutting on two or more streets at their intersection.

**LOT COVERAGE**

The percentage of lot area covered by the sum of the Building Areas of all buildings on the lot.

**LOT LINE**

Any property line bounding a lot.

**LOT, REAR**

A lot without the required lot width for the zone in which it is located.

**LOT, WIDTH**

The distance between the side lines of a lot measured along the street line except where the street line is an arc or the side lines converge toward the street line, in which case the distance may be measured along the minimum front yard setback line.

**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 III,G.8.c.1.c 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 (2) or more manufactured home lots for rent or sale.

**MARKET VALUE**

Market value of the structure shall be determined by the property's tax assessment, minus land value.

**MEAN SEA LEVEL (MSL)**

The North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced.

**MERCHANDISE DISPLAY**

The display of merchandise or other finished products for sale or rent.

**MOBILE HOME**

A movable or once portable dwelling built on a chassis, and which is, has been, or may be, mounted or moved on wheels, connected to utilities, and designed without a permanent foundation for year-round occupancy built to Federal standards and have a narrowest dimension of 22' or more, used for sleeping, living, working quarters or other human habitation but excluding "modular homes" as defined by statute.

**MOBILE HOME CAMP OR PARK**

A lot, parcel or area which is divided into two or more sites for the purpose of leasing, but not for the sale of, sites and/or mobile homes to be occupied for living purposes.

**MOTOR FUEL SALES STATION**

A building or structure and required accessories designed or used for the retail sale or supply of fuels, lubricants, air, water, and other operating commodities for motor vehicles (see Motor Vehicle Repair and Services also).

**MOTOR VEHICLE REPAIR AND SERVICES, GENERAL**

The business of repairing, overhauling, removing, adjusting, or replacing parts of any motor vehicle and body, including the business of a "Repairer" as defined by Section 14-51 of the Connecticut General Statutes.

**MOTOR VEHICLE REPAIR AND SERVICE, LIMITED**

The business of minor repairs to any motor vehicle such as repairs and replacement of cooling, electrical, fuel exhaust systems, brakes adjustments, relining and repairs, wheel alignment and balancing and repair and replacement of shock absorbers excluding anything covered in the business of a "Repairer" as defined by Section 14-51 of the Connecticut General Statutes.

**NEW CONSTRUCTION**

Structures for which the "start of construction" commenced on or after effective date of floodplain regulations, June 1, 1981, the effective date of the floodplain management regulations, and includes any subsequent improvements to such structures.

**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, effective date of floodplain regulations, June 1, 1981, of the floodplain management regulation adopted by the community.

**NON-CONFORMING BUILDING**

A building which does not conform to all the applicable provisions of these Regulations, and which legally existed at the time of the adoption of these Regulations or of any amendments.

**NON-CONFORMING USE**

A use of land, including buildings or premises, which do not conform to all the applicable provisions of these Regulations and which legally existed at the time of the adoption of these Regulations or of any amendments.

**NURSERY**

An agricultural operation or portion thereof that propagates and grows flowers, plants, shrubs and trees for sale.

**OUTDOOR STORAGE**

The storage or display of merchandise, finished products, raw materials, or other materials outside of a building or structure unless permitted as Merchandise Display under the provisions of these Regulations.

**PARCEL**

A contiguous tract of land owned and recorded as the property of the same person or persons or controlled by a single entity.

**PLAN OF CONSERVATION AND DEVELOPMENT**

The adopted Plan of Conservation and Development, as amended, and all the land use studies and fact sheet leading to it and all adopted detail portions of the Plan of Conservation and Development referred to in Section 8-23 of the Connecticut General Statutes.

**PLAYGROUND**

An area used for outdoor play or recreation especially for children and often containing recreational equipment; any place, environment, or facility used for recreation or amusement; an arena of operation or activity.

**PLAYINGFIELD**

An expanse of level ground as in a park or stadium where athletic events are held.

**PREMISES**

A lot, including all land and improvements thereon, or other parcel of land.

**PROFESSIONAL ENGINEER**

A qualified professional engineer registered in the State of Connecticut.

**PROFESSIONAL OFFICE**

The office of recognized professions such as accountants, doctors, dentists, lawyers, architects, engineers, artists, musicians, designers, teachers and other, who through training or experience are qualified to perform services of a professional, as distinguished from a business nature.

**RECREATION**

Refreshment by means of some pastime, agreeable exercise or other resource affording relaxation and enjoyment.

**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 towed 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.



**REFUSE**

Trash; garbage and/or recyclables; waste; solid waste; unwanted, unusable, or discarded substances or materials, including waste material with insufficient liquid content to be free flowing.

**RESTAURANT**

An establishment with full kitchen facilities where food and beverages are served only at tables within a building.

**RESTAURANT, DRIVE-THROUGH**

An establishment which dispenses food or beverages at counters or windows for consumption on or off the premises.

**RIDING ACADEMY**

A stable or barn where horses are kept and, where in addition to boarding, offering other horse related activities including, but not limited to, riding instruction, renting of horses and horse shows.

**SCHOOLYARD**

A playground or sports field near a school.

**SHORT-TERM RENTAL**

The temporary rental of part or all of a dwelling unit for fewer than thirty (30) consecutive days.

**SIGN**

Any natural or artificial structure, object, device, light or display which is used to advertise, identify, or attract attention to any object, product, institution, organization, business, service, or location by any means, including but not limited to letter, number, banner, flag insignia, device, designs, symbols, fixtures, colors, illumination or logo, and which is situated so that it can be seen from a street or from any lot other than the lot on which the sign is located.

**SIGN, DETACHED**

A sign supported by one or more permanent supports placed in or upon the ground.

**SIGN, ATTACHED**

A sign which has its rear side mounted parallel and attached to any surface or plane of a building and which does not extend above the top of the wall surface or mansard roof of such structure.

**SIGN, ROOF**

A sign erected and maintained upon or above the main roof of a building.

**SIMILAR USE**

A use which, in the judgment of the Commission, is similar to a permitted use as to the type of operation, employment, traffic generated, the effects of the use upon the district and the appropriateness of the use in accomplishing the stated objectives of the district in which it is to be located.

**SOLAR ENERGY SYSTEM**

Any solar collector, module, or other solar energy device, or any structural design feature, mounted on a building or on the ground, and whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating or cooling, for water heating, or electricity.

**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 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, AI-30, AE, AO, AH, and the Coastal High Hazard Areas shown as Zones V, V1-30, and VE on a FIRM. The SFHA is also called the Area of Special Flood Hazard.

**START OF CONSTRUCTION**

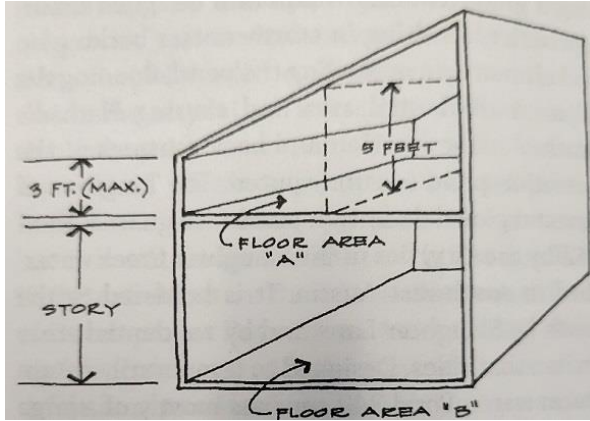
For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, 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 it 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.

**STORY**

That portion of a building above the basement between any floor and the ceiling or roof and above it, other than a half-story.

### **STORY, HALF**

A space under a sloping roof that has the line of intersection of the roof and wall face not more than 3 feet above the floor level and in which space the possible floor area with headroom of 5 feet or less occupies at least 40 percent of the total floor area of the story directly beneath.



From "The Complete Illustrated Book of Development Definitions, Fourth Edition", pg. 524

### **STREET**

Any right-of-way used as a public thoroughfare, dedicated and accepted for public travel, and any right-of-way recorded in the office of the Town Clerk constructed and accepted before the passage of these Regulations.

### **STREET LINE**

The dividing line between the street and the lot.

### **STRUCTURE**

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

### **STRUCTURAL ALTERATION**

Any change in or addition to the supporting members of a structure such as bearing walls, columns, beams or girders.

### **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, reconstruction, rehabilitation, alterations, additions or other improvements to a structure, taking place during a ten (10) year period, in which the cumulative cost equals or exceeds fifty (50) percent of the market value of the structure as determined at the beginning of such ten (10) year period. 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 either: (1) 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 (2) Any alteration of a "historic" structure, provided that the alteration will not preclude the structure's continued designation as a "historic structure".

**TELECOMMUNICATION FACILITY**

Towers, antenna, associated equipment, and other support structures used in conjunction with the provision of wireless communication services such as cellular communications, personal communication services, paging, ham radio, AM/FM radio, and televisions installations.

**TELECOMMUNICATION FACILITY, CO-LOCATED**

A telecommunication facility that shares land, towers, buildings or other structures for the placement of antennae with one or more telecommunication provider.

**TELECOMMUNICATION TOWER**

A structure intended and/or used to support one or more antenna and other telecommunication equipment in the provision of telecommunications services, including but not limited to monopoles, self-supporting lattice and guyed towers.

**TELECOMMUNICATION TOWER, HEIGHT**

The height of a telecommunication tower measured from the ground level to the top of the tallest feature.

**TELECOMMUNICATIONS, PERSONAL WIRELESS SERVICES**

Commercial mobile services, licensed wireless services, or common carrier services.

**TOWN**

The Town of Burlington, Connecticut.

**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**

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 resumed to be in violation until such time as that documentation is provided.

**WATER SURFACE ELEVATION**

The height, in relation to the North American Vertical Datum (NAVD) of 1929, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

**WATERCOURSES**

Watercourses as defined by Section 22a-38(16) of the Connecticut General Statutes.

**WETLANDS**

Wetlands as defined by Section 22a-38(15) of the Connecticut General Statutes.

**YARD, FRONT**

An open space extending across the full width of the lot between the street line and a parallel line set back a distance equal to the front yard requirement. A corner lot shall have two front yards.

**YARD, REAR**

An open space extending across the full width of the lot between the rear lot line and a parallel line set back a distance equal to the rear yard requirement. A corner lot may have one rear yard.

**YARD, SIDE**

An open space extending rearward from the front yard between the side lot line and a parallel line set back a distance equal to the side yard requirement. A corner lot shall have two side yards. On a lot with no rear yard, the side yard shall extend to the rear line of the lot.

**ZONE**

Any portion set aside on the Zoning Map having separate requirements established by these Regulations.

### III. GENERAL REGULATIONS

#### A. APPLICABILITY

##### 1. CONFORMITY OF BUILDINGS AND LAND

- a. No building, structure or premises shall be used or occupied except in conformity with these Regulations.
- b. No building or other structure or part thereof shall be erected, raised, moved, replaced, reconstructed, extended, enlarged, or altered except in conformity with these Regulations.
- c. No lot shall be diminished in area nor shall any yard, setback, or other open space be reduced except in conformity with the provisions of these Regulations.
- d. The subdivision of land shall be subject to the appropriate regulations herein contained for the zone shown on the zoning map.

##### 2. APPROVAL REQUIRED

In all cases where these Regulations require approval of applications and/or plans by the Commission, no Building Permit shall be issued by the Building Official except upon authorization of, and in conformity with, plans approved by the Commission.

#### B. GENERAL PROVISIONS APPLICABLE TO ALL ZONES

##### 1. PRINCIPLE BUILDINGS

No lot shall be occupied by more than one permitted principal building or, when specifically authorized by the provisions of these Regulations and the review and approval procedures established herein, a group of permitted principal buildings.

##### 2. ACCESSORY USES

- a. Accessory uses shall be permitted only in compliance with the same standards and procedures that govern the principal use of a property.
- b. The use of land for access to, or for parking in connection with and adjacent to, a use shall be considered to be accessory to, and part of, such use.

##### 3. LOTS IN TWO OR MORE ZONE DISTRICTS

Where a lot is divided by one or more zone boundary lines, the lot and building requirements for the portion of such lot lying within the less restrictive zone may extend not more than 30 feet into that portion of the lot lying within the more restrictive zone, provided the lot has frontage in the less restrictive zone district.

##### 4. EXCEPTIONS TO REQUIREMENTS

- a. Yards
  - i. Typical projections such as pilasters, sills, cornices and bay windows may extend not more than two feet into any required yard.
  - ii. When the lots adjoining on each side of the proposed site of a structure are developed, the minimum front yard setback on the proposed site may be reduced to the average depth of the adjoining front yards.

- iii. A wall or fence shall be exempt from the yard requirements for the zone in which it is located if it is eight feet or less in height.
- b. Height
  - i. The height provisions of these Regulations shall not apply to belfries designed primarily for ornamental purposes, flag staffs, chimneys, flues, water tanks, necessary mechanical appurtenances normally carried above roof level and silos provided that such features shall be erected only to such height as is necessary to accomplish their purpose.
  - ii. The height provisions of these Regulations shall not apply to residential radio or television antennas provided that such antennae do not exceed twice the maximum height limitation for the zone in which they are located and they are set back from the property line at least the height of the antenna.

**5. CORNER VISIBILITY**

No planting, structure, fence, wall or obstruction to vision, more than 3 feet in height, shall be placed or maintained within the triangular area formed by intersecting street lines and a straight line connecting points on said street lines, each of which points are 25 feet distant from the point of intersection.

**6. ESTABLISHMENT OF STREET LINES**

When street lines are not established by monuments, walls, or other definite markers, the street line shall be considered as being:

- a. Thirty (30) feet from the center line of the paved travel way for Arterial or Collector streets designated in the Subdivision Regulations or the Plan of Conservation & Development, or
- b. Twenty-five (25) feet from the centerline of the paved travel way for other roads.

**7. ALCOHOLIC BEVERAGES**

- a. This provision shall not apply to the sale of alcoholic beverage for consumption upon the premises when approved by the Commission as part of a bona fide:
  - i. Restaurant or hotel as defined by the Connecticut General Statutes and licensed under the provisions of the Liquor Control Act of the State of Connecticut, or
  - ii. Ski area, golf course, or brewery which shall have obtained a permit from the Commission provided that the applicant for such permit shall be able to show that the sale of liquors under such permit will not result in noise or activity on the premises so as to injure the health or comfort of others, or to disturb the tranquility of the surrounding residential neighborhood.

**C. PERFORMANCE STANDARDS**

The following performance standards shall apply to all uses of land, buildings and other structures wherever located:

**1. DUST, DIRT, FLY ASH AND SMOKE**

No dust, dirt, fly ash and smoke shall be emitted into the air so as to endanger the public health and safety, to impair the value, and enjoyment of other property to constitute a critical source of air pollution, or to create a nuisance.

**2. ODORS, GASES AND FUMES**

No offensive odors or noxious, toxic or corrosive fumes or gases shall be emitted into the air except for the odors in connection with the spreading of manure or fertilizer.

**3. OUTDOOR LIGHTING & GLARE**

- a. All external illumination shall be directed or shielded in such a manner that the source (bulb, tube, etc.) of light will not be visible from any street or from any adjoining property.
- b. No light shall be directed outside the lot where it originates.

**4. NOISE**

No noise that is objectionable due to intensity, intermittence, beat frequency or shrillness shall be transmitted outside the property where it originates. No noise shall be emitted beyond the boundaries of a parcel in excess of the noise levels established below:

Receptor Zone		Emitter's Zone		
		Industrial	Business	Residential/Agricultural
Residential	7pm to 7 am	51 dBA	45 dBA	45 dBA
	7am to 7pm	61 dBA	55 dBA	55 dBA
Business		66 dBA	62 dBA	55 dBA
Industrial		70 dBA	62 dBA	62 dBA

An exception may be provided for farm implements, farm animals, time signals, fire, police or ambulance sirens, the noise customarily involved in the use of home implements, the construction or demolition of buildings and other structures, site development in accordance with approved plans, blasting activities approved by the Fire Marshal, exemptions in accordance with Regulations of the Connecticut Department of Environmental Protection, and aircraft operations in accordance with federal guidelines.

**5. VIBRATION**

With the exception of vibration necessarily involved in the construction or demolition of buildings and other structures or blasting approved by the Fire Marshal, no vibration shall be transmitted outside the property where it originates.

**6. DANGER**

No radioactive material shall be manufactured or disposed of within the Town of Burlington.

**7. DRAINAGE**

No structure shall be used, erected or expanded and no land shall be graded or hard surfaced unless provisions have been made for the proper disposal of drainage water, particularly from parking areas and driveways, from the areas contiguous to property lines and from low areas which tend to collect water.

**8. REFUSE AND POLLUTION**

- a. No refuse or other waste materials and no liquids shall be dumped on any lot or dumped or discharged into any river, stream, water course, aquifer, storm drain, pond, lake or swamp.



- b. No refuse or other waste materials including, but not limited to, garbage, sewage, trash, refuse, junk, inoperable machinery, vehicles or parts thereof, or waste materials of any kind shall be disposed of by abandonment or accumulated for commercial purposes, including the establishment, operation or maintenance of a motor vehicle junk yard or motor vehicle junk yard business, except by or under the direction of the municipality or its agents or with the approval of the Planning & Zoning Commission.

**9. INTERFERENCE WITH COMMUNICATIONS**

No use on any lot shall cause interference with radio, television, or telephone reception on any other lot, and any use shall conform to the regulations of the Federal Communications Commission with regard to electromagnetic radiation and interference.

**D. USES PERMITTED IN ANY ZONE**

**1. CONSERVATION USES**

Forestry and forest reserves, fish and wildlife refuges, watershed management and similar conservation uses.

**2. FARMING USES OR BUILDINGS**

Farming provided that buildings for the purpose of growing plants, housing livestock, boarding of horses or housing more than 20 poultry shall be located at least 100 feet from any street or lot line.

**3. FARM ACCESSORY USES OR BUILDINGS**

For Farms in any Zone, the following uses will be considered as accessory uses:

- a. All buildings which are customarily a part of the farm use such as barns, sheds, silos, greenhouses, stables, chicken houses, garages for motor vehicles and farm machinery provided that any buildings used for the housing of any livestock or any poultry in excess of twenty birds shall be located at least 100 feet, or the measure provided in the Public Health Code whichever is greater, from any street line, lot line, water supply or swimming pool.
- b. Warehouses, processing plants, refrigeration plants and other secondary uses frequently a part of the primary agricultural use; and
- c. Roadside stands.
- d. Farm Stores by Special Permit on active farms having a minimum of 3 contiguous acres under single ownership and/or leasehold subject to the standards of Section III.D. 8 and Section VIII.

**4. ROADSIDE STANDS**

The Building Official may issue a permit in any zone for a roadside stand for the retail sale of farm produce, milk, honey, cider, or other foods or non-alcoholic beverages provided that:

- a. Items for sale have been grown, made or produced upon the premises or upon land leased by the applicant.
- b. The stand shall be located behind the established building line and have a building area of no more than 200 square feet.

- c. An open area of not less than 600 square feet suitably graded and surfaced so as to provide off-street parking space for customers is provided and maintained adjacent to the stand.

**5. MUNICIPAL USES**

The Commission may approve municipal facilities and uses in any zone by granting of a Special Permit in accordance with the criteria established in Section VIII.

**6. PUBLIC UTILITY USES**

The Commission may approve the following public utility uses in any zone by granting of a Special Permit.

- a. Public utility stations and buildings essential to public convenience or welfare, except plants disposing of sewage and/or garbage.
- b. Public Service Corporation buildings and facilities provided that:
  - i. Above-ground buildings shall not exceed 100 square feet in area or 10 feet in height.
  - ii. The facility shall be located on a lot or easement of not less than 400 square feet.
  - iii. Minimum setback from any property or easement line shall be 10 feet.
  - iv. Sufficient landscaping and screening shall be provided and maintained to insure that the facility is in harmony with the zone and the surrounding neighborhood.
  - v. All utility wires from adjacent poles to the facility shall be underground.

**7. TELECOMMUNICATION FACILITIES**

The Commission may approve telecommunication facilities and uses in any zone by granting of a Special Permit and compliance with the standards of Section IX.F.

**8. FARM STORE**

The Commission may approve a Farm Store by granting of a Special Permit:

- a. The Farm Store shall not exceed 2000 square feet. Greenhouse space used to grow and sell plants shall be excluded from the maximum square footage calculation.
- b. At least 10% of gross sales shall be from agricultural goods or processed products made from raw materials that were produced on the owner's farm, or purchased from other farms or farmers markets.
- c. Adequate off-street parking and safe ingress and egress is provided to ensure public safety. Parking shall be provided in accordance with the requirements in Section VII.B.3 for a Retail Store and Service Establishment. Permeable parking surfaces are recommended.
- d. Farm stores may be used to support farmers' market activities, promote agricultural ideals, and host agricultural related workshops.
- e. Farm stores may include kitchen facilities for the preparation and sale of food for consumption on or offsite and shall be subject to approval from the Bristol-Burlington Health District and in accordance with applicable health codes.

- f. The Farm Store, in size and design, shall be in harmony with the residential character of the surrounding properties.

## **E. USES PROHIBITED IN ALL ZONES**

The following uses, which normally produce noise, glare, air and water pollution, fire hazards and safety hazards, are prohibited in all zones and shall not be permitted by variance in any district:

- a. The cooking, distillation, processing and incineration of animal or vegetable products, including but not limited to distillery, fermentation (except of cider, a brewery or farm brewery), slaughterhouse, fat rendering, soap manufacture, tannery, paper manufacture, wool-scouring and cleaning, cotton textile sizing, scouring, bleaching, dyeing and similar operations;
- b. The production of corrosive and noxious chemicals including, but not limited to, acids, acetylene gas, ammonia, chlorine, and bleaching compounds;
- c. The production, and/or processing of coal, coal tar, petroleum and asphalt products including, but not limited to, coke manufacture, illuminating gas production, petroleum refining, asphalt production, linoleum manufacture, oil cloth manufacture, and roofing material manufacture;
- d. The production of materials or power by nuclear fission or fusion;
- e. The use of hammer mills, ball mills, rolling mills or drop forges in any industrial process;
- f. Operations of a blast furnace;
- g. Manufacture or storage of explosives;
- h. Manufacture of fertilizer;
- i. Foundries including the use of electric, electronic and induction heating of metals, and the manufacture and storage of chemicals or plastics; and
- j. Any other use which is noxious or offensive by reason of emission of dust, liquids, solids, odor, smoke, gas fumes, noise or vibration.
- k. Roosters with the exception of Farms

## **F. NON-CONFORMING USES AND STRUCTURES**

### **1. GENERAL PROVISIONS**

Any non-conforming use of a building lawfully existing or in use at the time of the adoption of these Regulations or any amendments thereto may be continued and any building so existing which was designed, arranged, intended for or devoted to a non-conforming use may be reconstructed and structurally altered, and the non-conforming use therein changed subject to the following provisions.

### **2. NON-CONFORMING USES**

- a. No non-conforming use may be changed except to a conforming use, or, with the approval of the Zoning Board of Appeals, to another non-conforming use of a less intensive character.
- b. No non-conforming use shall, if once changed into a conforming use, be changed back into a non-conforming use.
- c. No non-conforming use, and no building containing a non-conforming use shall be extended or expanded.

- d. Structural alterations may be made which do not materially alter the characteristics or exterior appearance of a building containing a non-conforming use.

**3. NON-CONFORMING STRUCTURES**

- a. No building which does not conform to the requirements of these regulations regarding building height, area and width of lot, percentage of lot coverage and required yards shall be enlarged unless such enlarged portion conforms to the Regulations applicable to the zone in which the building is located.
- b. Any non-conforming building which has been damaged by fire, storm, explosion accident, or act of God may be repaired, rebuilt, or replaced within one (1) year of such damage, provided that such repairs, rebuilding, or replacement does not extend or expand the previously existing non-conforming building.

**4. DISCONTINUANCE**

Any non-conforming use of building or premises that has been discontinued for a period of one (1) year or abandoned must thereafter conform.

**5. ILLEGAL USE**

Nothing in these regulations shall be construed as an authorization for or approval of the use of building or lot illegally constructed or in violation of the Zoning Regulations then in effect.

**6. CHANGE OF TITLE**

No change of title, possession or right of possessions shall be deemed to affect the right to continue a non-conforming use, building or other structure.

**7. PRE-EXISTING LOTS**

Where safe and adequate disposal of sewage and a safe water supply, as required by the Public Health Code, can be provided without endangering the health and safety of adjoining residents, nothing in these Regulations shall prevent the construction of a permitted building or the establishment of a permitted use on a lot containing less than the prescribed area or width which at the time of adoption hereof or any pertinent amendment hereto was:

- a. Owned separately from any adjoining lot and filed in the Burlington land records, or
- b. Shown on a plan of subdivision by the Planning and Zoning Commission and filed in the Burlington land records.

**G. FLOOD PLAIN**

**STATUTORY AUTHORIZATION AND PURPOSE**

**1. STATUTORY AUTHORIZATION**

The Legislature of the State of Connecticut has in Title 7, Chapter 98, Section 7-148(c)(7)(A) and in Title 8, Chapter 124, Section 8-2 of the General Statutes delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Planning and Zoning Commission of the Town of Burlington, Connecticut, does ordain as follows:

**2. FINDING OF FACT**

The flood hazard areas of the Town of Burlington are subject to periodic flood inundation which results in the loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

These flood losses are caused by the cumulative effect of obstructions in the floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazards to other lands which are inadequately elevated, flood proofed, or otherwise unprotected from flood damage. Uncontrolled development and use of the floodplains can adversely affect the community.

The Town of Burlington has voluntarily participated in the National Flood Insurance Program (NFIP) since 6/1/1981. The NFIP is founded on a mutual agreement between the federal government and each participating community. Local, state and federal governments must share roles and responsibilities to meet the goals and objectives of the NFIP. The community's role is of paramount importance. Property owners are able to receive federally-subsidized flood insurance only if the community enacts and enforces the minimum floodplain regulations required for participation in the NFIP.

**3. STATEMENT OF PURPOSE**

It is the purpose of this regulation to regulate floodplain development, promote public health, safety, and general welfare, and minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- a. To protect human life and health, and prevent damage to property;
- b. To minimize expenditure of public funds for costly flood control projects;
- c. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- d. To minimize prolonged business interruptions and other economic disruptions;
- e. To minimize damage to public facilities, infrastructure and utilities, such as water and gas mains, electric, telephone and sewer lines, and streets and bridges, located in the floodplain;
- f. To help maintain a stable tax base by providing for the sound use and development of flood hazard areas in such a manner as to minimize flood damage and flood blight areas;
- g. To insure that potential buyers are notified that property is in a flood hazard area;
- h. To prevent increase in flood heights that could increase flood damage and result in conflicts between property owners;
- i. To ensure that those who occupy the flood hazard areas assume responsibility for their actions; and
- j. To discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

**4. OBJECTIVES**

In order to accomplish its purposes, this regulation includes objectives, methods and provisions that:

- a. Restrict or prohibit uses which are dangerous to health, safety and property due to flood or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- b. Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
- c. Control the alteration of natural floodplains, stream channels, and natural protective barriers that are involved in the accommodation of flood waters;
- d. Control filling, grading, dredging and other development which may increase erosion or flood damage; and
- e. Prevent or regulate the construction of barriers or obstructions which will unnaturally divert flood waters or which may increase flood hazards to other lands.

**5. DEFINITIONS: See Section II. INTERPRETATIONS, C. DEFINITIONS**

**6. GENERAL PROVISIONS**

**a. AREAS TO WHICH THIS REGULATION APPLIES**

This regulation shall apply to all Special Flood Hazard Areas (SFHA) within the Town of Burlington.

**b. BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS (SFHA)**

The Special Flood Hazard Areas (SFHA) identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for the Town of Burlington dated September 26, 2008, and accompanying Flood Insurance Rate Maps (FIRM) and/or Flood Boundary And Floodway Maps (FBFM), dated September 26, 2008, and other supporting data, 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, A1-30, AE, AO, and AH, including areas designated as a floodway on a FIRM or 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 Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. Also included are areas of potential, demonstrable or historical flooding, including any area contiguous with but outside the SFHA identified by FEMA, and where the land surface elevation is lower than the base flood elevation (BFE) as shown in the FIS, and the area is not protected from flooding

by a natural or man-made feature. The FIRM, FBFM and FIS are on file in the Planning and Zoning Office of the Town of Burlington.

c. **BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD**

A structure or development already in compliance with this regulation shall not be made non-compliant by any alteration, modification, repair, reconstruction or improvement and must also comply with other applicable local, state, and federal regulations. No structure or land shall hereafter be located, extended, converted, modified or structurally altered without full compliance with the terms of this regulation and other applicable regulations.

d. **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 ordinance, regulation easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

e. **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.

f. **WARNING AND DISCLAIMER OF LIABILITY**

The degree of flood protection required by this regulation is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering consideration and research, 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 or guarantee that land outside the Special Flood Hazard Area or uses permitted in such areas will be free from flooding and flood damages. This regulation shall not create liability on the part of the Town of Burlington 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. The Town of Burlington, its officers and employees shall assume no liability for another person's reliance on any maps, data or information provided by the Town of Burlington.

g. **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. ADMINISTRATION

### a. DESIGNATION OF THE LOCAL ADMNSTRATOR

The Zoning Enforcement Officer is hereby appointed to administer, implement and enforce the provisions of this regulation.

### b. CERTIFICATION

Where required under this regulation, a Connecticut registered professional engineer or architect shall certify that the design 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. ESTABLISHMENT OF THE FLOODPLAIN DEVELOPMENT PERMIT

A Floodplain Development Permit shall be required in conformance with the provisions of this regulation prior to the commencement of any development activities. Permits issued under this regulation shall expire if actual construction of a permitted structure does not commence within one hundred and eighty (180) days of the permit approval date.

### d. PERMIT APPLICATION PROCEDURES

A floodplain development permit is hereby established for all construction and other development to be undertaken in Special Flood Hazard Areas in this community. Prior to any development activities, application for a floodplain permit shall be made to the Zoning Enforcement Officer on forms provided and may include, but not be limited to, plans in duplicate drawn to scale showing, at a minimum, the property lines and location of the parcel; the nature, location, dimensions, and elevations of the area in question; limit and extent of the 100-year floodplain and/or floodway boundary and base flood elevation(s); existing and proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing. Specifically, the following information is required to be submitted to the Zoning Enforcement Officer:

#### 1. Application Stage

The applicant shall provide at least the following information, where applicable. Additional information may be required on the permit application form.

- a. Base flood elevation (BFE) for the site in question as determined in the FEMA Flood Insurance Study (FIS) or Flood Insurance Rate Map (FIRM). The FIS flood profiles provide more accurate BFE data than the FIRM. The extent of the 100 year floodplain and floodway must be depicted with a boundary line on any site plans and shown in relation to existing and proposed structures or development;
- b. Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all new construction, substantial improvements or repairs to structures that have sustained substantial damage;



- c. Elevation in relation to mean sea level to which any non-residential new construction, substantial improvements or repair to structures that have sustained substantial damage will be dry flood-proofed;
- d. Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development. Computations by a licensed professional engineer must be submitted that demonstrate that the altered or relocated segment will provide equal or greater conveyance than the original stream segment. The applicant must submit any maps, computations or other materials required by the Federal Emergency Management Agency (FEMA) in order to officially amend or revise the Flood Insurance Rate Map. The applicant must pay any fees or other costs assessed by FEMA for this purpose. The applicant must also provide assurances that the conveyance capacity of the altered or relocated stream segment will be maintained;
- e. A statement and supporting documentation (all costs of project, market value of structure, etc.) verifying that the proposed alterations to an existing structure meets or does not meet the criteria of the substantial improvement and/or substantial damage definition. If a development meets the definition of substantial improvement and/or substantial damage, the structure must be brought into compliance with all floodplain regulations as if it was new construction;
- f. Where applicable the following certifications by a Connecticut registered engineer or architect are required, and must be provided to the Zoning Enforcement Officer. The design and methods of construction must be certified to be in accordance with accepted standards of practice and with the provisions of Section 9.c.
  - (a) Non-residential flood-proofing must meet the provisions of Section 9.c.1.b:
  - (b) Fully enclosed areas below the base flood elevation (BFE) must meet the minimum design criteria in Section 9.c.1.c;
  - (c) No (0.00) increase in floodway water surface elevations are allowed. Any development in a floodway must meet the provisions of Section 9.c;
  - (d) Support structures and other foundation members shall be certified by a registered professional engineer or architect as designed in accordance with ASCE24, Flood Resistant Design and Construction.

2. **Construction Stage**

Upon completion of the applicable portion of construction, the applicant shall provide verification to the Zoning Enforcement

Officer of the following as is applicable:

- a. Lowest floor elevation shall be verified for:
  - (a) A structure in Zones A, AE, AI-30, AO or AH is the top of the lowest floor (including basement); An elevation certificate prepared by a Connecticut licensed land surveyor, engineer or architect must be provided.
  - (b) A non-residential structure which has been dry flood-proofed is the elevation to which the flood-proofing is effective (Note: For insurance purposes, a dry flood-proofed, non-residential structure is rated based on the elevation of its lowest floor unless it is flood proofed to one foot above the BFE.); A FEMA Flood-proofing Certificate (FEMA Form 81-65) prepared by a Connecticut licensed land surveyor, engineer or architect must be provided.
- b. Deficiencies detected by the review of the above listed shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

**8. DUTIES AND RESPONSIBILITIES OF THE LOCAL ADMINISTRATOR**

Duties of the Zoning Enforcement Officer shall include, but not be limited to:

- a. Review all permit applications for completeness, particularly with the requirements of Section G.7.d.1.
- b. Review all permit applications to determine whether the proposed development and building sites will be reasonably safe from flooding.
- c. Review all development permits to assure that the permit requirements of this regulation have been satisfied.
- d. Review all permit applications to assure that all necessary federal or state permits have been received. - Require that copies of such permits be provided and maintained on file with the permit application. Such permits include, but are not limited to, Stream Channel Encroachment Line (SCEL) Permit, Coastal Area Management (CAM) Permit, Water Diversion Permit, Dam Safety Permit, and Army Corps of Engineers 401 and 404 Permits.
- e. Notify the regional planning agency and affected municipality at least thirty-five (35) days prior to a public hearing if any change of regulation or use of a flood zone will affect an area within five hundred (500) feet of another municipality.
- f. Notify the adjacent communities and the Department of Environmental Protection (DEP), Inland Water Resources Division, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

- g. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
- h. Obtain, record and maintain the elevation (in relation to mean sea level) of the lowest floor (including basement) of all new construction, substantial improvements or repair to a structure that has sustained substantial damage. The Zoning Enforcement Officer shall require and maintain Elevation Certificates provided by the applicant and prepared by a licensed land surveyor, engineer or architect containing this information.
- i. Obtain, record and maintain the elevation (in relation to mean sea level) to which the new construction, substantial improvement or repair to a structure that has sustain substantial damage has been flood-proofed. The Zoning Enforcement Officer shall require and maintain FEMA Flood-proofing Certificates for Non-Residential Structures (FEMA Form 81-65), Flood-proofing Certificate provided by the applicant and prepared by a Connecticut licensed land surveyor, engineer or architect containing this information.
- j. When flood-proofing is utilized for a particular structure, the Zoning Enforcement Officer shall obtain certification from a registered professional engineer or architect, in accordance with Section III.G.9.c.1.b.
- k. Where interpretation is needed as to the exact location of boundaries of the area of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Zoning Enforcement Officer shall make necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this regulation.
- l. Require the applicant to provide base flood elevation data for all proposed development, including manufactured home parks and subdivisions.
- m. When base flood elevation data or floodway data have not been provided in accordance with Section III.G.7.b and Section III.G.7.d, the Zoning Enforcement Officer shall 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 III.G.9.
- n. All records pertaining to the provisions of this regulation shall be obtained and maintained in the office of the Zoning Enforcement Officer.
- o. Upon completion of the permitted development and prior to issuance of a Certificate of Occupancy (CO), necessary as-built surveys (prepared by a Connecticut Licensed Professional as per Connecticut State Statutes) and engineering and architectural certifications shall be provided to the Zoning Enforcement Officer demonstrating compliance with the approved plans and standards set forth in Section III.G.7.d.

## 9. PROVISIONS FOR FLOODHAZARD REDUCTION

### a. GENERAL STANDARDS

In all Special Flood Hazard Areas (SFHAs) the following provisions are required:

1. New construction, substantial improvements, and structures that have sustained substantial damage shall be constructed using methods and practices that minimize flood damage.
2. New construction, substantial improvements, and structures that have sustained substantial damage shall be constructed with materials and utility equipment resistant to flood damage.
3. New construction, substantial improvements, and repairs to structures that have sustained substantial damage shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
4. New construction, substantial improvements and repair to structures that have sustained substantial damage cannot be constructed or located entirely or partially over water.
5. 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 to 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.
6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood Waters.
8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
9. Above-ground storage tanks (oil, propane, etc.) which are located outside or inside of the structure must either be elevated 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.
10. In any portion of a watercourse that is altered or relocated, the flood carrying capacity must be maintained. Notify adjacent communities and the Connecticut Department of Environmental

Protection (DEP), Inland Water Resources Division prior to any alteration or relocation of a watercourse.

11. If any portion of a structure lies within the Special Flood Hazard Area (SFHA), the entire structure is considered to be in the SFHA. The entire structure must meet the construction requirements of the flood zone. The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. Decks or porches that extend into a more restrictive flood zone will require the entire structure to meet the standards of the more restrictive zone.
12. If a structure lies within two or more flood zones, the construction standards of the most restrictive zone apply to the entire structure (i.e., W zone is more restrictive than A zone; structure must be built to the highest BFE). The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. (Decks or porches that extend into a more restrictive zone will require the entire structure to meet the requirements of the more restrictive zone.)
13. 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.
14. 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.

- b. **STANDARDS FOR WATERCOURSES WITHOUT ESTABLISHED BASE FLOOD EVALATIONS (UN-NUMBERED A ZONE), ADOPTED FLOODWAYS AND/OR FLOOD MAPPING**
1. The Zoning Enforcement Officer shall require base flood elevation (BFE) data be provide with any application for new construction, substantial improvement, repair to structures which have sustained substantial damage or other development in Zone A without a FEMA-published BFE (un-numbered A Zone). The Zoning Enforcement Officer shall obtain, review and reasonably utilize any BFE and floodway data available from a federal, state or other source, including data developed for subdivision proposals, as criteria for requiring that new construction, substantial improvements, repair to structures which have sustained substantial damage or other development in un-numbered A Zones on the community's Flood Insurance Rate Map (FIRM) meet the standards in Section III.G.7.d and Section III.G.9.c If no BFE can be determined, the lowest floor, including basement, must be elevated to three (3) feet above the highest adjacent grade next to the structure.
  2. When BFEs have been determined within Zones A1-30 and AE on the community's FIRM but a regulatory floodway has not been designated, the Zoning Enforcement Officer must require that no new construction, substantial improvements, repair to structures which have sustained substantial damage or other development, including fill, shall be permitted which will increase the water surface elevation of the base flood more than one (1.0) foot at any point within the community when all existing and anticipated development is considered cumulatively with the proposed development.
  3. The Zoning Enforcement Officer may request floodway data of an applicant for watercourses without FEMA-published floodways. When such data is provided by an applicant or whenever such data is available from any other source (in response to the municipality's request or not), the community 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 surface elevation more than one (1.0) foot at any point within the community.
  4. The Zoning Enforcement Officer shall obtain, review and reasonably utilize any BFE and floodway data available from a federal, state or other source, as criteria for requiring that new construction, substantial improvements, repair to structures which have sustained substantial damage or other development in any area of potential, demonstrable or historical flooding within the community meet the standards in Section III.G.7.d and Section III.G.9.c.
  5. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one (1.0) foot, provided that the

community first completes all of the provisions required by Section 65.12.

c. **SPECIFIC STANDARDS**

1. Construction Standards in Special Flood Hazard Areas (SFHA), Zones A, A1-30, AE.
  - a. Residential Construction.

All new construction, substantial improvements, and repair to structures that have sustained substantial damage which are residential structures shall have the bottom of the lowest floor, including basement, elevated to or above the base flood elevation (BFE). Electrical, plumbing, machinery or other utility equipment that service the structure must be elevated to one foot above the BFE.
  - b. Non-Residential Construction.

All new construction, substantial improvements, and repair to structures that have sustained substantial damage which are commercial, industrial or non-residential structures shall:

    - a) Have the bottom of the lowest floor, including basement, elevated one foot above the base flood elevation (BFE); or
    - b) In lieu of being elevated, non-residential structures may be dry flood-proofed to one (1) foot above the BFE provided that together with all attendant utilities and sanitary facilities the areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water, and provided that such structures are composed of structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Connecticut registered professional engineer or architect shall review and/or develop structural design specifications and plans for the construction, and shall certify that the design and methods of construction are in accordance with acceptable standards of practice 15 for meeting the provisions of this section. Such certification shall be provided to the Zoning Enforcement Officer on the FEMA Flood proofing Certificate, Form 81 65.
    - c) Electrical, plumbing, machinery or other utility equipment that service the structure must be elevated to one foot above the BFE.
  - c. Fully Enclosed Areas Below The Base Flood Elevation. Of Elevated Buildings.

All new construction, substantial improvements, or repair of Substantial damage to residential or non-residential structures that include fully enclosed areas formed by a foundation and other exterior walls below the base flood elevation (BFE) of an elevated building, shall be designed

to preclude finished living space and be designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls (wet flood-proofing). Designs for complying with this requirement must either be certified by a Connecticut registered professional engineer or architect, or meet the following minimum criteria listed in sections (a)-(g) below:

a) Provide a minimum of two (2) openings (hydraulic flood vents) having a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding. These hydraulic openings must be located on at least two different walls. Only the area (square footage) that lies below the BFE can be used in the calculation of net area of vents required. If the structure has more than one enclosed area, openings must be installed in the exterior walls of each enclosed area so that flood waters can enter directly from the outside;

b) The bottom of all openings shall be no higher than one (1) foot above grade. At least one side of the structure's fully enclosed area must be at or above grade. Fill placed around the foundation walls must be graded so that the elevation inside the enclosed area is equal to or higher than the adjacent outside elevation on at least one side of the building. The finished floor of the enclosed area shall be no lower than the bottom of the foundation openings. The foundation slab of a residential structure, including the slab of a crawlspace, must be set equal to the outside finished grade on at least one side of the building;

c) The openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic entry and exit of flood waters in both directions without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means. Other coverings may be designed and certified by an engineer or approved by the Zoning Enforcement Officer.

d) The area cannot be used as finished living space. Use of the enclosed area shall be the minimum necessary and shall only be used for the parking of vehicles, building access or limited storage. Access to the enclosed area shall be the minimum necessary to allow for the parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator). The enclosed area shall not be used for human habitation or partitioned into separate rooms;



e) All interior walls, floor, and ceiling materials located below the BFE shall be unfinished and resistant to flood damage.

f) Electrical, plumbing, HVAC ductwork, machinery or other utility equipment and connections that service the structure (including, but not limited to, furnaces, oil or propane tanks, air conditioners, heat pumps, hot water heaters, ventilation, washers, dryers, electrical junction boxes, circuit breaker boxes and food freezers) are prohibited in the fully enclosed area below the BFE. Utilities or service equipment located in this enclosed area, even if elevated above the BFE in the space, will subject the structure to increased flood insurance rates.

g) A residential building with a structurally attached garage having the floor slab below the BFE is considered an enclosed area below the BFE and must meet the standards of Sections III.G.9.c.1.c (a)-(f). A garage attached to a residential structure, constructed with the garage floor slab below the BFF, must be designed to allow for the automatic entry and exit of floodwaters in both directions. Flood openings or vents are required in the exterior walls of the garage or in the garage doors. The human intervention necessary to open garage doors when flooding occurs is not an acceptable means of meeting the openings requirements. In addition to the automatic entry of floodwaters, the areas of the garage below BFE must be constructed with flood resistant materials. Garages attached to non-residential structures must also meet the aforementioned requirements or be dry flood proofed as per the requirements of Section III.G.9.c.3.

2. Manufactured (Mobile) Homes and Recreational Vehicles (RVs).
  - a. In all Special Flood Hazard Areas (SFHA), any manufactured (mobile) homes to be newly placed, undergoing a substantial improvement or repaired as a result of substantial damage, shall be elevated so that the bottom of the lowest floor is at or above the base flood elevation (BFE). The manufactured home must also meet all the construction standards per Section III.G.9.c. This includes SFHAs outside a manufactured home park or subdivision, in a new 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.
  - b. All manufactured (mobile) homes within a SFHA shall be 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 pressures. Anchoring may include, but not be

limited to, the use of over-the-top or frame ties to ground anchors.

- c. All manufactured (mobile) homes within a SFHA shall be installed using methods and practices which minimize flood damage. Adequate access and drainage should be provided. Elevation construction standards include piling foundations placed no more than ten (10) feet apart, and reinforcement is provided for piers more than six (6) feet above ground level.
- d. 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 standard of Section III.G.9.a and the elevation and anchoring requirement of Section III.G.9.c.2.a, III.G.9.c.2.b, and III.G.9.c.2.c. 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.
- e. Floodways located within Special Flood Hazard Areas (SFHA) are areas designated as floodways on the community's Flood Insurance Rate Maps (FIRM) or Flood Boundary and Floodway Maps (FBFM). Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and has erosion potential, no encroachments, including fill, new construction, substantial improvements, repairs to substantially damaged structures and other developments shall be permitted unless certification, with supporting technical data, by a Connecticut licensed professional engineer is provided demonstrating that encroachments shall not result in any (0.00 feet) increase in flood levels during occurrence of the base flood discharge. Fences in the floodway must be aligned with the flow and be of an open design. A permit may be given which allows encroachments resulting in increases in base flood elevations provided the community first obtains a conditional floodway revision by meeting the requirements of C.F.R. 44, Chapter 1, and Subsection 65.12.

## **10. DESIGN STANDARDS FOR SUBDIVISION PROPOSALS**

If a proposed subdivision, including the placement of a manufactured home park or subdivision, is located in a Special Flood Hazard Area (SFHA) 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; and
- d. In all special flood hazard areas where base flood elevation (BFE) data is not available, the applicant shall provide a hydrologic and hydraulic engineering analysis performed by a Connecticut licensed professional engineer that generates BFEs for all subdivision proposals and other proposed development, including manufactured home parks and subdivisions. The Zoning Enforcement Officer shall require the applicant to provide BFE data for all subdivision proposals, including manufactured home parks and subdivisions, as per Section III.G.8.I.

## **11. VARIANCE PROCEDURES**

- a. ESTABLISHMENT OF VARIANCE PROCESS
  - 1. The Zoning Board of Appeals as established by the Town of Burlington shall hear and decide appeals and requests for variances from the requirements of this regulation. The Zoning Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Zoning Enforcement Officer in the enforcement or administration of this regulation.
  - 2. Any person aggrieved by the decision of the Zoning Board of Appeals or any person owning land which abuts or is within a radius of one hundred (100) feet of the land in question may appeal within fifteen (15) days after such decision to the State Superior Court of Litchfield as provided in Section 8-8 of the General Statutes of Connecticut.
  - 3. The Zoning Enforcement Officer shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency (FEMA) upon request.
- b. SPECIFIC SITUATION VARIANCES
  - 1. Buildings on a Historic Register - Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places, the State Inventory of Historic Places, or any locally-adopted historic district without regard to the procedures set forth in the remainder of this section and provided the proposed reconstruction, rehabilitation or restoration will not result in the structure losing its historical designation.
  - 2. Functionally Dependent Use or Facility - Variances may be issued for new construction and substantial improvements and other development necessary for the conduct of a functionally dependent use or facility provided the structure or other development is protected by methods that minimize flood

damage, creates no additional threat to public safety and meet all the requirements of Section 11.d.

3. Floodway Prohibition - Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

c. **CONSIDERATIONS FOR GRANTING OF VARIANCES**

In passing upon such applications, the Zoning Board of Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this regulation and the items listed below as III.G.11.c.1 – III.G.11.c.11. Upon consideration of these factors and the purposes of this regulation, the Zoning Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this regulation.

1. The danger that materials may be swept onto other lands to the injury of others;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. The importance of the services provided by the proposed facility to the community;
5. The necessity of the facility to waterfront location, in the case of a functionally dependent facility;
6. The availability of alternative locations not subject to flooding or erosion damage for the proposed use;
7. The compatibility of the proposed use with existing and anticipated development;
8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
9. The safety access to the property in times of flood for ordinary and emergency vehicles;
10. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
11. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

d. **CONDITIONS FOR VARIANCES**

1. Variances shall only be used upon a determination that the variance is the minimum necessary to afford relief considering the flood hazard; and in the instance of a historical building, a determination that the variance is the minimum necessary as not to destroy the historic character and design of the building and

result in the loss of historic designation of the building. Variances pertain to a piece of property and are not personal in nature. A properly issued variance is granted for a parcel of property with physical characteristics so unusual that complying with the regulation would create an exceptional hardship to the applicant or the surrounding property owners. Those characteristics must be unique to that property and not be shared by adjacent parcels. For example, economic or financial hardship is not sufficient cause for a variance, nor are inconvenience, aesthetic considerations, physical handicaps, personal preferences or disapproval of one's neighbors.

2. Variances shall only be used upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship, and; (iii) 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, damage the rights or property values of other persons in the area, cause fraud on or victimization of the public, or conflict with existing local laws, ordinances or regulations. Only hardships that are based on unusual or unique physical characteristics of the property in question, characteristics that are not shared by adjacent parcels, shall qualify to meet subsection (ii) above. Claims of hardship based on the structure, on economic gain or loss, or on personal or self-created circumstances are not sufficient cause for the granting of a variance.
3. No variance may be issued within a regulatory floodway that will result in any increase in the 100-year flood levels. A variance may be issued for new construction, substantial improvements and other development necessary for the conduct of a "functionally dependent use" provided that there is good and sufficient cause for providing relief; and the variance does not cause a rise in the 100-year flood level within a regulatory floodway. The structure and other development must be protected by methods that minimize flood damages.
4. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation (BFE) and the elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the lowest floor elevation.

## **12. ENFORCEMENT**

- a. Each Floodplain Permit shall authorize, as a condition of approval, the Zoning Enforcement Officer or designated agents to make regular inspections of the subject property. The Zoning Enforcement Officer or designated agents are also authorized to inspect any property in a Special Hazard Area (SFHA) where it appears that violations of these regulations may be taking place.

- b. If the Zoning Enforcement Officer finds that any person is undertaking any construction, substantial improvement, filling, or any other activity or maintaining a condition which in violation of these regulations, the Zoning Enforcement Officer shall:
1. Issue a written order by certified mail, return receipt requested, to the subject property owner, ordering that the activity cease and ordering the property owner to either seek to obtain a Floodplain Permit prior to continuing with the activity or, if appropriate, ordering that all violations and/or obstructions be removed from the Special Flood Hazard Area (SFHA) immediately.
  2. Notify the Building Official and request that any Building permit(s) in force be revoked or suspended and that a stop work order be issued.
  3. The Zoning Enforcement Officer may suspend or revoke a Floodplain Development Permit if it is found that the applicant has not complied with the terms, conditions or limitations set forth in the permit or has exceeded the scope of work as set forth in the application including application plans. Prior to revoking any permit, the Zoning Enforcement Officer shall issue notice to the permittee, personally or by certified mail, return receipt requested, setting forth the facts or conduct which warrants the intended action.
  4. Failure to comply with any written order issued under this section shall be considered a violation of these regulations and is subject to the penalties described in Section III.G.13.
  5. In the event violations or obstructions are not promptly removed from the Special Flood Hazard Area (SFHA), the Zoning Enforcement Officer may cause such removal and remediation work to be performed utilizing bond money held in escrow pursuant to Section III.G.7 of this regulation, or may direct the Director of Public Works or appropriate agent to cause such work to be done and to place a lien against the property.
  6. Any person subjected to enforcement action pursuant to this Regulation, may appeal any requirement, decision, or determination of the Zoning Enforcement Officer to the Zoning Board of Appeals in accordance with Section III.G.11 of this regulation. Such person shall provide such information as necessary including appropriate certifications from a registered professional engineer or architect in order to substantiate the claim that the requirement, decision, or determination of the Zoning Enforcement Officer was in error or unwarranted.
  7. Nothing contained herein shall prevent the owner of a residential dwelling, commercial or industrial building existing at the time of the adoption of this regulation from repairing, replacing or restoring said building or the components thereof to substantially the same character and form as existed at the time of such adoption.

**13. PENALTIES FOR VIOLATION**

Any violation of the provisions of this regulation or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grant of variances or special exceptions, shall constitute a misdemeanor. Any person who violates this regulation or fails to comply with any of its requirements shall, upon conviction thereof, be fined a penalty of \$250.00 per day and in addition shall pay all costs and reasonable legal fees involved in the case. Nothing herein contained shall prevent the Town of Burlington from taking such lawful action as is necessary to prevent or remedy any violation.

**H. TEMPORARY AND LIMITED MORATORIUM ON CANNABIS ESTABLISHMENTS**

- 1. STATEMENT OF PURPOSE.** This section has been adopted to provide the Commission with the time necessary to consider adoption of potential changes to the Zoning Regulations pursuant to Section 8-2 of the Connecticut General Statutes.

The Connecticut General Assembly has passed, and the Governor has signed S.B. 1201, An Act Concerning *Responsible and Equitable Regulation of Adult-Use Cannabis (the "Act")*, portions of which are effective on July 1, 2021. Said Act contains provisions allowing municipalities to prohibit or place certain restrictions on cannabis establishments with the exception of existing dispensary facilities and producers for medical marijuana as defined in Chapter 420f, C.G.S., *Palliative Use of Marijuana* – legislation passed in 2012 authorizing the use of medical marijuana. This temporary and limited term moratorium has been adopted to provide the Town with the time necessary to develop regulations for cannabis establishments that meet statutory responsibilities and promote the public's general health, safety and welfare.

**2. DEFINITIONS.**

- a. *Cannabis.* Marijuana as defined in Section 21a-240, C.G.S.
- b. *Cannabis Establishment.* Producer, dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer, food and beverage manufacturer, product manufacturer, product packager and or delivery service.
- c. *Cultivator.* A person that is licensed to engage in the cultivation, growing and propagation of the cannabis plant at an establishment with not less than fifteen thousand square feet of grow space.
- d. *Delivery Service.* A person that is licensed to deliver cannabis from (A) micro-cultivators, retailers and hybrid retailers to consumers and research program subjects, and (B) hybrid retailers and dispensary facilities to qualifying patients, caregivers and research program subjects, as defined in Section 21a-408, C.G.S., or to hospices or other inpatient care facilities licensed by the Department of Public Health pursuant to Chapter 368v, C.G.S. that have a protocol for the handling and distribution of cannabis that has been approved by the department, or a combination thereof.
- e. *Dispensary Facility.* Means a place of business where cannabis may be dispensed, sold or distributed in accordance with Chapter 420f, C.G.S.

and any regulations adopted thereunder, to qualifying patients and caregivers, and to which the department has issued a dispensary facility license under Chapter 420f, C.G.S. and any regulations adopted thereunder.

- f. Food and Beverage Manufacturer.* A person that is licensed to own and operate a place of business that acquires cannabis and creates food and beverages.
- g. Hybrid Retailer.* A person that is licensed to purchase cannabis and sell cannabis and medical marijuana products.
- h. Micro-cultivator.* A person licensed to engage in the cultivation, growing and propagation of the cannabis plant at an establishment containing not less than two thousand square feet and not more than ten thousand square feet of grow space, prior to any expansion authorized by the commissioner.
- i. Person.* An individual, partnership, limited liability company, society, association, joint stock company, corporation, estate, receiver, trustee, assignee, referee or any other legal entity and any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination thereof.
- j. Product Manufacturer.* A person, excluding a producer, that is licensed to obtain cannabis, extract and manufacture products exclusive to such license type and who may sell or transfer cannabis and cannabis products to laboratories, research programs and cannabis establishments.
- k. Product Packager.* A person that is licensed to package and label cannabis and cannabis products.
- l. Retailer.* A person, excluding a dispensary facility that is licensed to purchase cannabis and cannabis products from producers, cultivators, product manufacturers and food and beverage manufacturers and to sell cannabis and cannabis products to consumers and research programs.
- m. Transporter.* Means a person licensed to transport cannabis between cannabis establishments, laboratories and research programs.

**3. APPLICABILITY.** During this temporary and limited-term moratorium, cannabis establishments shall be prohibited in the Town of Burlington, and any and all applications submitted for the approval of any cannabis establishment shall be denied by the Planning and Zoning Commission or Zoning Enforcement Officer, as may be appropriate.

**4. EFFECTIVE DATE/TERM.** This temporary and limited moratorium shall become effective on September 8, 2022 and shall remain in effect until March 10, 2023.



## **IV. RESIDENTIAL ZONES**

### **A. R-44 RESIDENTIAL ZONE**

#### **1. PURPOSE**

This residential zone is established to provide for residential neighborhoods that are in harmony with the natural features of the land and the needs of Burlington residents, both present and future.

#### **2. PERMITTED PRINCIPAL USES**

The following uses or additions thereto, are permitted:

- a. Single family detached dwellings or additions thereto.
- b. Farms and farming.
- c. Any community residence which houses six (6) or fewer individuals with intellectual disabilities and two (2) staff persons and which is licensed pursuant to Section 17a-227 of the Connecticut General Statutes.
- d. Rear lots provided that:
  - i. The land characteristics and site conditions make rear lot development practical.
  - ii. The minimum lot area, exclusive of access way shall not be less than 3 acres.
  - iii. Each rear lot shall have an access way at least 25 feet wide extending to an accepted Town road or to a road in an approved subdivision.
  - iv. The access way shall be owned in fee simple by the owner as part of the lot.
  - v. The total number of adjoining access ways shall not exceed two.
  - vi. The grade of the finished driveway shall not exceed 5% within 20 feet of its intersection with the accepted or approved road or 15% thereafter.

#### **3. PERMITTED ACCESSORY USES OR BUILDINGS**

The following accessory uses or buildings and additions thereto, are permitted:

- a. A private garage provided that it shall:
  - i. Observe the appropriate yard requirements except that it may be located within 10 feet of the lot line if located to the rear of the principal building,
  - ii. Not exceed 36 feet X 40 feet in size,
  - iii. Not exceed a height of 1.5 stories, and
  - iv. Not contain any occupation or business for profit.
- b. Sheds, not exceeding 320 square feet, when located a minimum of 10 feet from any side or rear property line.
- c. Storage of Commercial Vehicle(s) operated by the owner(s) or tenant(s) of the premises, provided:
  - i. No more than one (1) such Commercial Vehicle no larger than a large panel/contractor or pick-up truck may be stored outside in the driveway of the principal dwelling; and
  - ii. No more than two (2) Commercial Vehicles of any size may be stored within a building or garage provided they can be safely parked and doors closed properly to shield such Commercial Vehicles from view.
- d. A day care home.

- e. Recreational uses such as decks, patios, free standing screen houses, swimming pools, pool houses, pool decks and tennis courts provided that said uses shall:
  - i. Comply with the side yard requirements in the zone, and
  - ii. Not encroach in the rear yard more than one-third the distance from the rear yard as measured from the rear yard line.
- f. The keeping of livestock having or which will have an adult weight exceeding 250 pounds, for the exclusive use of the occupant(s) of the principal building provided that:
  - i. The lot contains at least 3 acres for the first such livestock kept and 1 acre for each additional livestock kept,
  - ii. No structure used for the housing of such livestock shall be located within greater of 100 feet, or the distance provided in the Public Health Code, from any street line, lot line, water supply or swimming pool.
- g. The storage of recreational vehicles including boats, boat trailers, camping trailers, camping buses, pick-up campers or other recreational vehicles not exceeding an overall length of 27 feet that are owned or leased by a resident of the premises and used solely by members of the household provided that:
  - i. The vehicle shall be stored to the rear of the principal building a minimum of 10 feet from any lot line,
  - ii. The vehicle shall not be occupied or used and no utilities shall be connected to such vehicle while it is on the premises (except for maintaining battery charge),
  - iii. Appropriate visual barriers are provided so that such storage will not be detrimental to, or adversely affect the value of property in the neighborhood,
  - iv. Such vehicle or storage is not for business or commercial purposes, and
- h. The temporary parking of a recreational vehicle for a period not to exceed fourteen (14) days in any one month but in no case more than 28 days per calendar year.
- i. Ground mounted solar energy system provided that:
  - i. The system shall be located to the rear of front wall of the principal building,
  - ii. Shall be located a minimum of 12' feet from any side lot line,
  - iii. Shall be located a minimum of 35' from any rear yard lot line,
  - iv. Shall not exceed 18' in height including all antennae,
  - v. Shall not be located in any front yard except as approved by the Commission per section VIII and IV.A.4p of these regulations,
  - vi. Shall conform to industry standards and shall be constructed in accordance with all applicable local, State, and Federal safety, construction, electrical, and communication requirements,
  - vii. All exterior electrical and/or plumbing lines must be buried below the surface of the ground and be placed in conduit,
  - vii. Where a unique property, or lot configuration exists that a ground mounted solar energy system cannot be fully utilized to produce the minimum output from the design standard of the system, an applicant may apply for a Special Permit in accordance with section VIII and IV.A.4 of these Regulations.

- j. Accessory Apartment
  - i. Shall comply with any applicable building code, fire code and health and safety regulations and are subject to site map approval within sixty-five (65) days after receipt of such application by the Zoning Enforcement Officer or by the Planning & Zoning Commission, if requested by the Commission or Zoning Enforcement Officer. The applicant can consent to one or more extensions of not more than an additional sixty-five (65) days.
  - ii. Shall be required to adhere to the Area, Yard & Height Requirements, landscaping and architectural design standards for the Zone the same as a principal dwelling.
  - iii. No lot shall have more than one accessory apartment.
  - iv. At least one of the occupants of the principal dwelling or the accessory apartment shall be the owner of record of said dwelling or shall have permanent life use residency of said dwelling. This shall be evidenced by a notarized affidavit certifying that the owner of the principal dwelling or permanent life use resident thereof is one of the occupants of either dwelling as submitted as part of the Zoning application.
  - v. Occupancy of the Accessory Apartment shall be limited to a maximum of two (2) adult occupants and the minor children thereof.
  - vi. No short-term rentals (i.e., Airbnb, VRBO or similar construct) are permitted in an Accessory Structure.
  - vii. One (1) off street parking space shall be provided for the accessory apartment in addition to those required for the principal dwelling.
  - viii. The accessory apartment shall not exceed 40% of the total living area of the principal dwelling excluding unimproved attic and basement areas and garages, or a maximum net floor area of 2,500 square feet, whichever is less.
  - ix. No Accessory Apartment shall be located in a basement or cellar unless one wall thereof opens to grade.
  - x. The accessory apartment shall be designed so that, to the degree reasonably feasible, the appearance of the dwelling remains that of a single-family residence.
  - xi. An attached accessory apartment shall have either a direct entrance into the main dwelling or an exterior doorway to the rear or side of the dwelling. Primary entry through an attached garage shall not be permitted. External stairways shall not be permitted. Attached accessory apartments shall not be permitted with additional front entrances. Entry to both the main dwelling and attached accessory apartment may be from a common hallway if interior doorways are properly secured.
- k. Short-term Rental (STR) – The short-term rental, separate and apart from a Boarding House (Section VI.B.4.p), of an existing dwelling provided that:
  - i. Such STR use shall be limited to a maximum length of stay of thirty (30) consecutive nights in a three (3) month period by the same party of guests requiring that a guest register be maintained providing the names, addresses, dates and length of stay for all renters.
  - ii. The STR shall comply with any applicable building code, fire code and health and safety regulations which shall include, but not limited to, all portions of the rented space used for sleeping shall have

emergency escape and rescue opening in conformance with the Connecticut State Building Code and there is approval of the septic system and drinking water by the health district.

- iii. The STR is subject to site map and floor plan approval within sixty-five (65) days after receipt of such application. The applicant can consent to one or more extensions of not more than an additional sixty-five (65) days.
- iv. One (1) additional off-street parking space (driveway or garage) is required for every four (4) STR guests during stay. For example, six (6) guests require two (2) additional off-street parking spaces.
- v. On-site areas for trash/recycling shall be provided and adequately screened from abutting properties.
- vi. Non-owner occupied properties shall provide to the Zoning Enforcement Officer a 24-hour contact person responsible for the maintenance and supervision of the property and any necessary updates as they occur.
- vii. Use of the STR is limited to lodging type uses. Non-lodging uses, including but not limited to, indoor and/or outdoor parties, receptions, weddings, filming, photo shoots, corporate retreats and fundraisers is prohibited unless permitted under Section IV.4.q.
- viii. Noise levels shall meet the State of Connecticut "Control of Noise" Regulations.
- ix. STR of dwellings as part of documented affordable housing units is prohibited.

#### **4. SPECIAL PERMIT USES**

The following uses or additions thereto, may be granted by the Commission, subject to the satisfaction of requirements and standards as set forth in Section VIII and the imposition of conditions in harmony with the general purposes of these Regulations:

- a. Professional offices or customary home occupations in accordance with the standards established in Section IX.B.
- b. Cluster development subject to the provisions of Section IX.E.
- c. Living units on a farm in addition to the permitted principal residential use.
- d. Accessory buildings that do not comply with the requirements of Section IV.A.3.
- e. The storage of recreational vehicles that does not comply with the requirements of Section IV.A.3.
- f. Bed and breakfast operated by the resident owner of the property.
- g. Day care centers.
- h. Municipal facilities and uses.
- i. Public and private schools and colleges.
- j. Churches, synagogues and other places of worship.
- k. Cemeteries.
- l. Recreational facilities or private clubs that are non-profit.
- m. Commercial recreation uses that promote the retention of open space such as golf courses, ski areas, riding academies.
- n. Hospitals, convalescent and nursing homes, but not correctional institutions or drug treatment centers, provided that:
  - i. The minimum lot size on which such activity occurs is at least 5 acres in size; and
  - ii. All structures are located at least 100 feet from any lot or street line.
- o. Ground Mounted Solar Energy Systems where:

- i. Such structure and all antennae are screened with a vegetative buffer or fencing,
- ii. The Commission finds that the structure does not detract from the character of community and is harmonious with the immediate surrounding neighborhood,
- iii. Does not create a hazardous condition or block any site line of vehicular access way(s).
- p. Farm Brewery in accordance with the requirements of Article IX Section G.
- q. Short-term Rental of an existing dwelling beyond the requirements of Section IV.3.k., inclusive.

**5. AREA, YARD & HEIGHT REQUIREMENTS**

<p>Minimum Lot Area:</p> <p>30,000 square feet</p> <p>Minimum Buildable Area:</p> <p>Minimum Lot Width:</p> <p>Minimum Front Yard:</p> <p>Minimum Side Yard:</p> <p>Minimum Rear Yard:</p> <p>Maximum Lot Coverage:</p> <p>Maximum Building Height:</p>	<p>43,560 square feet of buildable land</p> <p>30,000 square feet</p> <p>15,000 square feet</p> <p>150 feet</p> <p>35 feet</p> <p>25 feet</p> <p>60 feet</p> <p>20 percent</p> <p>35 feet or 2 ½ stories</p>	<ul style="list-style-type: none"> <li>• For any lot created and recorded after January 1, 2002</li> <li>• For any lot created by subdivision and recorded after October 1, 1983</li> <li>• For lot in existence as of October 1, 1983</li> </ul>
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**B. R-15 RESIDENTIAL ZONE**

**1. PURPOSE**

This residential zone is established to provide for residential neighborhoods that are in harmony with development patterns that pre-dated the adoption of these Regulations and that help meet the housing needs of Burlington residents, both present and future.

**2. PERMITTED PRINCIPAL USES**

a. Any building or use permitted in the R-44 Residential Zone.

**3. PERMITTED ACCESSORY USES OR BUILDINGS**

a. Any accessory use or building permitted of right in Residential Zone R-44

**4. SPECIAL PERMIT USES**

The following Special Permit Uses or additions thereto, may be granted by the Commission, subject to the satisfaction of requirements and standards as set forth in Section VIII and the imposition of conditions in harmony with the general purposes of these Regulations:

- a. Any building or use allowed by Special Permit in the R-44 Residential Zone;
- b. A two-family dwelling subject to the following conditions:
  - i. A lot of record shall contain an area of not less than 30,000 square feet and shall meet or exceed the minimum lot width requirement,
  - ii. Each dwelling unit shall have a minimum living area of 750 square feet,
  - iii. The gross ground floor area after conversion shall not exceed 25% of the lot area,
  - iv. Water supply and sewage disposal system shall comply with all aspects of the Health Code of the State of Connecticut, and
  - v. The external single family appearance of the building and the general character of the neighborhood shall be preserved and exterior stairs for access to the second floor (if any) shall be enclosed.
- c. Multi-family dwellings subject to the provisions of Section IX.D.

**5. AREA, YARD & HEIGHT REQUIREMENTS**

<p>Minimum Lot Area:</p> <p>Minimum Lot Width:</p> <p>Minimum Front Yard:</p> <p>Minimum Side Yard:</p> <p>Minimum Rear Yard:</p> <p>Maximum Lot Coverage:</p> <p>Maximum Building Height:</p>	<p>43,560 square feet</p> <p>100 feet</p> <p>35 feet</p> <p>15 feet</p> <p>45 feet</p> <p>25 percent</p> <p>30 feet or 2 ½ stories</p>	<ul style="list-style-type: none"> <li>• For any lot created and recording after January 1, 2002</li> <li>• For any lot created by subdivision and recorded after October 1, 1983</li> <li>• For lot in existence as of October 1, 1983</li> </ul>
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## **V. GENERAL PROVISIONS FOR BUSINESS & INDUSTRIAL ZONES**

### **A. CONSOLIDATED PARCELS**

In order to promote integrated development in non-residential zones, any number of separate contiguous parcels may be consolidated for the purpose of development, and the consolidated parcels shall be deemed to be one lot when computing building coverage and yard requirements, provided:

#### **1. REQUIREMENTS**

- a. The consolidated parcel shall be developed with an integrated plan of buildings, utilities, storm drainage, open spaces and planting, lighting, parking and unloading and signs as provided in Section VII.
- b. The owner of each lot shall give to the owner of each lot in the consolidated parcel, by deed, easement, or agreement filed in the Office of the Town Clerk, the right to ingress, egress, passage, parking and loading in the consolidated parcel.

#### **2. COMMON ACCESS**

The Commission may require use of common access driveways to one or more parcels, whether or not under separate ownership, in order to assure safe traffic movement onto the street and to avoid traffic congestion.

### **B. OUTDOOR MERCHANDISE DISPLAY**

Outdoor merchandise display may be permitted in the Central Business zone under the following conditions:

#### **1. MERCHANDISE**

- a. No perishable items shall be displayed outside, except for farm stands.
- b. No merchandise shall be displayed outdoors that will attract animals or insects.
- c. No leaching or goods with broken packaging shall be displayed.

#### **2. LOCATIONAL REQUIREMENTS**

- a. Any area used for outdoor merchandise display shall have been designated on an approved Site Plan.
- b. No merchandise display shall be allowed if it will reduce the amount of parking in parking areas below the minimum required for the site.
- c. Displayed merchandise shall not be stacked higher than six (6) feet.
- d. All lighting and signs shall meet regulations specified in Section VII.
- e. No outdoor merchandise display shall be allowed within the front yard setback with the following exceptions:
  - i. As part of a permitted Roadside Stand, or
  - ii. At least 25 feet from the established street line providing the total area in square footage is no more than three (3) times the lineal feet of principal road frontage.

#### **3. CHRISTMAS TREE SALES**

The sale of Christmas trees may be permitted, at the sole discretion of the Zoning Enforcement Officer, as an exception to the above requirements provided that:

- a. An application is submitted,
- b. Adequate parking and crowd control is provided, and

- c. All unsold trees shall be removed by December 31<sup>st</sup> of the year in which they were for sale.

**C. OUTDOOR STORAGE**

Except for the Neighborhood Business zone, outdoor storage may be permitted in business and industrial zones under the following conditions:

**1. MATERIALS**

- a. All outdoor bulk storage items, including recyclable materials, shall be in approved, enclosed containers.
- b. No outside storage shall be placed outdoors that will attract animals or insects.
- c. No perishable merchandise shall be stored outdoors.

**2. LOCATIONAL REQUIREMENTS**

- a. Any outdoor storage and all structures required for stored materials shall have been shown and designated on an approved Site Plan as outdoor storage.
- b. No outdoor storage shall be allowed in the required front, side, or rear yards, or buffers.
- c. No outside storage shall be allowed such as will reduce the amount of parking in parking areas below the minimum required for the site.
- d. All lighting and signs shall meet regulations specified in Section VII.
- e. All outdoor storage shall be buffered from residential zones and uses with a 20' wide landscaped buffer.
- f. Outdoor storage shall be screened so as not to be visible from any adjacent street.
- g. Maximum height of stored material shall be six (6) feet except as provided in Section V.C.3.d below.

**3. INDUSTRIAL ZONE REQUIREMENTS**

In the industrial zones, outside storage of materials shall be subject to the following additional provisions:

- a. Outside storage shall be located to the rear of the façade of the principal building,
- b. A landscape buffer shall be provided surrounding all storage areas,
- c. Box trailers are permitted provided such storage is screened, and
- d. Outside storage may include storage of vehicles of any height and storage of materials to a maximum height of 25 feet.



## **VI. BUSINESS & INDUSTRIAL ZONES**

### **A. NEIGHBORHOOD BUSINESS ZONE (NB)**

#### **1. PURPOSE**

The purpose of the Neighborhood Business Zone is to establish a district to allow for small scale business uses to furnish convenience goods and services for the daily needs of the residents of the neighborhood, and for small specialty stores, offices, and other compatible land uses which do not generate large volumes of traffic and which would be compatible with the surrounding neighborhood.

#### **2. GENERAL REQUIREMENTS**

Development within the Neighborhood Business zone shall comply with the following general requirements:

- a. The buildings constructed within the district shall be of residential design, similar in scale, architecture and exterior materials to residential buildings in the neighborhood.
- b. No premises shall be used for the conducting of business with the public between the hours of 10:00 PM and 6:00 AM;

#### **3. PERMITTED USES**

The following uses or additions thereto are permitted in Neighborhood Business Zones (NB), subject to Site Plan approval:

- a. Business and professional offices, financial institutions and agencies.
- b. Small convenience goods stores.
- c. Retail stores.
- d. Restaurants.
- e. Package stores.

#### **4. PERMITTED ACCESSORY USES OR BUILDINGS**

The following uses shall be considered as accessory uses in a Neighborhood Business (NB) Zone:

- a. Off-street parking and loading spaces are permitted as accessory uses.
- b. Sheds, not exceeding 320 square feet, when within the required Yard Setbacks.
- c. Any accessory use or building permitted of right in Residential Zone R-44 for legally permitted or grandfathered residential dwellings in the Zone.

#### **5. SPECIAL PERMIT USES**

The following Special Permit Uses or additions thereto, may be granted by the Commission, subject to the satisfaction of requirements and standards as set forth in Section VIII and the imposition of conditions in harmony with the general purposes of these Regulations:

- a. Single family residence.
- b. Mixed residential/neighborhood business use.
- c. Personal service establishment.
- d. Buildings containing more than 2,500 square feet of floor area.
- e. Accessory uses and buildings that do not comply with the requirements for Permitted Accessory Uses or Buildings.
- f. Other uses similar to the permitted uses and which will not, in the opinion of the Commission, be detrimental to the character of the zone.

- g. Ground mounted solar energy systems provided the following that:
  - i. Shall be adequately screened by vegetation, fencing, or some combination thereof,
  - ii. Such structure is found to be harmonious with the surrounding area, physical site characteristics and existing architecture of the immediate area,
  - iii. Shall not exceed 18' in height including all antennae,
  - iv. Shall conform to industry standards and shall be constructed in accordance with all applicable local, State, and Federal safety, construction, electrical, and communication requirements,
  - iv. All exterior electrical and/or plumbing lines must be buried below the surface of the ground and be placed in conduit.
- h. Brewery or Farm Brewery in accordance with the requirements of Article IX Section G.

**5. AREA, YARD & HEIGHT REQUIREMENTS**

Minimum Lot Area:	43,560 square feet
Minimum Lot Width:	150 feet
Minimum Front Yard:	40 feet
Minimum Side Yard:	25 feet, 50 feet where abutting a Residential District
Minimum Rear Yard:	25 feet, 50 feet where abutting a Residential District
Minimum Floor Area:	1,000 square feet
Maximum Floor Area:	2,500 square feet for business uses
Maximum Lot Coverage:	10 percent
Maximum Building Height:	30 feet or 2 ½ stories

**B. CENTRAL BUSINESS ZONE (CB)**

**1. PURPOSE**

The purpose of the Central Business Zone is to establish a central shopping district consisting of larger stores and satellite shops for the convenience of shoppers, and to encourage the development of business by consolidating individual parcels of land into a total integrated plan which may include elements from Appendix A – Central Business Zone Overlay Regulations and Appendix C – Burlington Central Business Zone Design Guidelines, as appropriate.

This zone is intended to be primary retail sales and service areas in the community, focusing and expanding upon the historic and commercial center of Burlington.

**2. PERMITTED USES**

The following uses or additions thereto, are permitted in a Central Business Zone (CB) subject to Site Plan approval:

- a. Business and professional offices.
- b. Financial institutions and agencies.
- c. Retail Stores.
- d. Restaurants.
- e. Package Stores.

**3. PERMITTED ACCESSORY USES OR BUILDINGS**

The following uses shall be considered as accessory uses in a Central Business (CB) Zone:

- a. On-street parking spaces with the approval of the Commission.
- b. Off-street parking and loading spaces.
- c. Sheds, not exceeding 320 square feet, when at least 10 feet from the side or rear property line or at least 50 feet when abutting a Residential Zone.
- d. Garages up to 2,500 square feet for commercial vehicles used by the tenant of the premises.
- e. Any accessory use or building permitted of right in Residential Zone R-44 for legally permitted and/or grandfathered residential dwellings in the Zone.

**4. SPECIAL PERMIT USES**

The following Special Permit Uses or additions thereto, may be granted by the Commission, subject to the satisfaction of requirement and standards as set forth in Section VIII and the imposition of conditions in harmony with the general purposes of these regulations:

- a. Any building or use allowed by a Special Permit in a Neighborhood Business (NB) Zone except single family residences.
- b. Accessory uses and buildings that do not comply with the requirements for Permitted Accessory Uses or Buildings
- c. Drive-through restaurants or other drive-through facilities.
- d. Motor fuel sales stations if a Certificate of Location Approval has been obtained from the Zoning Board of Appeals as provided in the Connecticut General Statutes.
- e. Limited motor vehicle repair and service if a Certificate of Location Approval has been obtained from the Zoning Board of Appeals as provided in the Connecticut General Statutes.
- f. Car washing establishment.
- g. Multi-family dwellings in accordance with the requirements of Section IX.D;
- h. Indoor theaters;
- i. Printing, publishing and reproduction establishments employing not more than 5 persons,
- j. Business, secretarial or vocational schools,
- k. Bowling alleys, assembly halls, and video game parlors;
- l. Self-service laundrettes; laundries.
- m. Cemeteries.
- n. Other uses similar to the permitted uses that will not, in the opinion of the Commission, be detrimental to the character of the zone.
- o. Personal service establishments.
- p. Hotels; boarding houses.
- q. Clubs and lodges; community center buildings; museums; day care centers; funeral parlors.
- r. Brewery in accordance with the requirements of Article IX Section G.

## 5. AREA, YARD & HEIGHT REQUIREMENTS

Minimum Lot Area:	Size needed to sustain sanitary facilities.
Minimum Lot Width:	None.
Minimum Front Yard:	30 feet
Minimum Side Yard:	None, 50 feet where abutting a Residential District.
Minimum Rear Yard:	None, 50 feet where abutting a Residential District.
Minimum Floor Area:	500 square feet.
Maximum Lot Coverage:	None.
Maximum Building Height:	35 feet or 3 stories.

### C. INDUSTRIAL ZONE (I)

#### 1. PURPOSE

It is the purpose of this Section to provide for offices, warehouses, light assembly and other compatible uses in what is commonly thought of as an industrial park, and to permit flexible site development in order to retain the natural features and open character of the area.

#### 2. GENERAL REQUIREMENTS

Development within the Industrial zone shall comply with the following general requirements:

- a. Industrial Zone shall consist of an area of land containing not less than 25 acres, whether in one or more ownerships.
- b. Where a residential zone abuts the Industrial Zone, no building or parking shall be closer than 100 feet from such zone boundary.
- c. Where a business zone abuts the Industrial Zone, no building or parking shall be closer than 25 feet from such zone boundary.

#### 3. PERMITTED USES

The following uses or additions thereto, are permitted in Industrial Zones, subject to Site Plan approval:

- a. Office buildings.
- b. Warehouse and distribution facilities.
- c. The packaging or assembly of components or goods.

#### 4. PERMITTED ACCESSORY USES OR BUILDINGS

In Industrial Zones the following uses shall be considered as accessory uses:

- a. Off-street parking and loading spaces;
- b. Sheds, not exceeding 320 square feet, when within required property line setbacks or 100 feet when abutting a Residential Zone.
- c. Garages up to 5,000 square feet for commercial vehicles or vehicles necessary in connection with the principal uses; and
- d. Cafeterias or clinics necessary in connection with the principal use, and used exclusively by the employees of the principal use.
- e. Any accessory use or building permitted of right in Residential Zone R-44 for legally permitted or grandfathered residential dwellings in the Zone.

## 5. SPECIAL PERMIT USES

The following Special Permit Uses or additions thereto, may be granted by the Commission, subject to the satisfaction of requirements and standards as set forth in Section VIII and the imposition of conditions in harmony with the general purposes of these Regulations:

- a. Any building or use allowed in Neighborhood Business Zone (NB), except residential uses;
- b. Accessory uses and buildings that do not comply with the requirements for Permitted Accessory Uses or Buildings;
- c. General aviation airports and accessory uses;
- d. Research laboratories;
- e. The manufacture or processing of components or goods;
- f. Plants for the processing and distribution off milk, dairy and food products for human consumption, and for bottling or packaging beverages;
- g. Furniture manufacturing, woodworking and millwork;
- h. Tool and die making; extrusion and stamping of small metal products and plastics; metal fabrication, light and sheet metal, machining of parts handled by hand;
- i. Fabrication and installation of glass;
- j. Building of boats and spars from wood, plastics, fiberglass or metal;
- k. Newspaper publishing plant, printing, photo-engraving, blueprinting and similar graphic reproduction service;
- l. Telecommunication facilities;
- m. General motor vehicle repair and service if a Certificate of Location Approval has been obtained from the Zoning Board of Appeals as provided in the Connecticut General Statutes;
- n. Contractors' materials and equipment storage yards and buildings, including pipe;
- o. Building materials sales and storage yards and buildings;
- p. Car Washing establishment;
- q. Taxi services, trucking terminals, and other transportation services;
- r. Greenhouses;
- s. Kennels
- t. Adult use in compliance with Town ordinances related to adult-oriented establishments provided that such establishments are located at least one mile from a school and at least 1,000 feet from a residential zone;
- u. Athletic clubs have such indoor and/or outdoor facilities as swimming pools, courts, athletic fields, and related accessory facilities available to members and invited guests when such uses are located on lots having a minimum lot area of 25 acres.
- v. Uses of the same physical site characteristics of the zone as those listed as permitted uses and which, in the opinion of the Commission:
  - i. Will be appropriate for the site given the size of the plant, the number of employees, and the relationship of the issue to the function of the development or zone, and
  - ii. Will not be detrimental to the physical site characteristics of the zone.
- w. Brewery or Farm Brewery in accordance with the requirements of Article IX Section G.

**6. AREA, YARD & HEIGHT REQUIREMENTS**

Minimum Lot Area:	43,560 square feet
Minimum Lot Width:	200 feet
Minimum Front Yard:	40 feet, 75 feet where lot abuts a State Highway
Minimum Side Yard:	20 feet
Minimum Rear Yard:	30 feet
Maximum Lot Coverage:	25 percent
Maximum Building Height:	35 feet or 2 stories

## **VII. SITE DEVELOPMENT REGULATIONS**

### **A. LANDSCAPED AREA REQUIREMENTS**

#### **1. OVERALL LANDSCAPED AREA REQUIREMENTS**

- a. At least 25 percent of any lot developed for business or industrial use shall be maintained as a landscaped area.
- b. Any proposed trees shall be suitably planted and, when planted, shall be not less than:
  - c. Two inches (2") in caliper for deciduous trees, or
  - d. Six feet (6') in height for evergreen trees.
- e. Wherever possible, major existing trees shall be saved by appropriate welling or mounding and incorporated into landscaped areas.
- f. Preservation of stone walls and existing trees over 12" in diameter shall be encouraged to the maximum extent possible.
- g. All landscaped areas shall be maintained in a living and healthy condition, with the owner of the property replacing dead, or diseased, trees or shrubs.

#### **2. PERIMETER LANDSCAPED AREA REQUIREMENTS**

- a. Unless modified by the Commission, any lot developed for business or industrial use shall provide a minimum 15-foot landscaped area between the street line and the paved area.
- b. Wherever possible, landscaped areas bounding property lines or sidewalks along a street shall be mounded and planted to afford reasonable screening from the adjacent property or public street.

#### **3. PARKING AREA LANDSCAPING REQUIREMENTS**

- a. Any parking area accommodating 10 or more cars shall provide internal landscaped areas shall be equal to at least 10 percent of the gross parking lot area.
- b. Such internal landscaped areas shall be provided with not less than one tree for each 10 cars in the parking area, suitably located in landscaped islands within the parking area so as to enhance the appearance of the lot.
- c. Any planting islands used to satisfy this requirement shall have an area of not less than 160 feet and shall be protected by curbing.
- d. Wherever possible, major existing trees over 12 inches in diameter shall be saved by appropriate welling or mounding and incorporated into parking lot islands.

#### **4. LANDSCAPING REQUIREMENTS**

Any landscaping material required to be installed by the Commission shall be maintained by the property owner. Prior to the granting of a Certificate of Occupancy, the property owner shall provide:

- a. A bond guaranteeing the replacement of any trees or shrubs that die within one year, or
- b. Evidence of a guarantee from the landscaping contractor or supplier that any trees or shrubs that die within one year will be replaced.

**5. LANDSCAPED BUFFER REQUIREMENTS**

For the purposes of this section, a landscaped buffer shall consist of an area containing no fewer than two rows of suitable evergreen trees of at least 6-8 feet in height, planted 15 feet apart, staggered in adjoining rows to provide a visual barrier or other landscaping treatment deemed acceptable by the Commission.

- a. Business zones shall be separated from adjoining residential zones by a landscaped buffer not less than 20 feet wide.
- b. All lots in Industrial Zones shall be screened by a landscaped buffer not less than 50 feet wide where adjoining any residential zone and 35 feet wide where adjoining any business zone.
- c. Where appropriate, in the judgment of the Commission, walls, fencing, or existing vegetation may be used as part of the required buffer.
- d. Front yard landscaped buffers may be required by the Commission where necessary to preserve and protect residential physical site characteristics.
- e. Earth berms shall be made an integral part of any such area where they will complement design, increase aesthetics and/or reduce noise levels.

**B. PARKING & LOADING REGULATIONS**

**1. PURPOSE**

These parking regulations are adopted for the purpose of providing sufficient parking facilities off the street and on the same lot as the building they serve for all existing and proposed uses.

- a. Standard for driveways shall be those included in Appendix D, Specifications for Driveways.

**2. NUMBER OF PARKING SPACES**

- b. Unless waived or modified by the Commission, parking spaces shall be provided on the same lot in sufficient number to accommodate the motor vehicles of all occupants, employees, suppliers, customers and persons normally visiting the premises at any one time or as specified in the table in this Section.
- c. In the CB zone, the Commission shall consider the availability or provision of on-street parking spaces, off-street parking spaces, and parking spaces provided on nearby sites in determining compliance with the parking requirements.
- d. The Commission shall determine the required number of parking spaces for all uses not included in the table, based on those criteria.
- e. Where two or more different principal or accessory uses are located on the same premises the parking requirements for the different uses shall be computed separately and cumulatively.
- f. When computation of required parking spaces results in a fraction of a car space the required number of spaces shall be increased to the next whole number of spaces.
- g. No area shall be credited as a parking space that is in any part credited or used as a loading space or travel way.
- h. No required parking space shall be used for the sale, storage, or display of goods.
- i. In the CB zone, on-street parking shall be improved to the extent possible along the lot frontage before adding parking spaces off-street. On-street parking must be available for general public use. Improved parking must



be contiguous and consistent with parking from adjoining lots where it exists.

- j. Off-street parking lots shall be placed in the rear of the lot. If they cannot be placed in the rear, then they may be placed on the side of the lot. Parking spaces shall be placed in the front of the lot only as on-street parking. Parking lots may be placed in the front of the lot only by the specific grant of a waiver.

### 3. MINIMUM PARKING REQUIREMENTS

#### RESIDENTIAL

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One And Two Family Dwellings	• 2 spaces per dwelling unit
Multi-Family Dwellings	• 2.5 spaces per dwelling unit
Housing for Elderly	• 0.75 spaces per unit
Bed & Breakfast and Boarding Houses	• 1 space per room offered for separate occupancy, plus 2 spaces for the resident family
Home Occupation/Professional Office	• As determined by the Commission as part of the Special Permit.

#### HOSPITALITY/LODGING

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Restaurants	• 1 space per 75 square feet of customer space or 1 space per 3 customer seats, whichever is greater
Restaurants, Drive-through	• As determined by the Commission as part of the Special Permit.
Hotels	• 1 space per room, plus 1 per 2 employees on the largest shift, plus 1 per 50 square feet of conference area
Night Clubs, Taverns, Cocktail Lounges Or Other Drinking Places	• 1 space per 35 square feet of gross floor area, excluding basement area

#### RETAIL/SERVICE

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Retail Stores and Service Establishments	• 1 space per 200 square feet of gross floor area
Gasoline Filling Stations	• 5 spaces
Motor Vehicle Repair and Service	• 3 spaces per bay plus 1 space per employee
Car-Washing Establishments	• 1 car space per employee, plus stacking space of 10 cars per bay
Bowling Alleys	• 1 car space per employee, plus 5 spaces per bowling lane

#### OFFICE

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Business Offices and Financial Institutions	• 1 space for each 200 square feet of gross floor area
Medical and Dental Offices	• 1 space for each 150 square feet of gross floor area

## **INDUSTRIAL USES**

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|-----------------------|--|
| Industrial Operations | <ul style="list-style-type: none"><li>• The greater of 1 parking space per employee on the largest shift, 1 space per 1,000 square feet of gross floor area, or other standard as determined by the Commission</li></ul> |
|-----------------------|--|

## **PUBLIC ASSEMBLY**

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|--|--|
| Churches, Theaters, Auditoriums, and Places of Assembly and Recreation | <ul style="list-style-type: none"><li>• 1 space per 3 seats, or 1 parking space for each 50 square feet of gross floor area available to patrons where capacity is not determined by the number of seats</li></ul> |
| Funeral Establishments   | <ul style="list-style-type: none"><li>• 1 space for each 25 square feet of public floor area</li></ul>   |

## **INSTITUTIONAL**

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|--|---|
| Convalescent or Nursing Homes            | <ul style="list-style-type: none"><li>• 1 space per staff member on the largest shift plus 1 space per 4 patient beds</li></ul> |
| Hospitals                                | <ul style="list-style-type: none"><li>• 1 space per bed plus 1 space per employee and physician on the largest shift</li></ul>  |
| Philanthropic or Non-Profit Institutions | <ul style="list-style-type: none"><li>• 1 space for each 200 square feet of office space</li></ul>                              |

## **OTHER USES**

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- |                 |  |
|-----------------|--|
| Roadside Stands | <ul style="list-style-type: none"><li>• 1 space per 200 square feet of gross floor area</li></ul>  |
| Other Uses      | <ul style="list-style-type: none"><li>• The number of parking spaces as specified by the Commission in order to maintain the purpose and intent of this Section.</li></ul> |

### **4. DIMENSIONS OF SPACES**

- a. A parking space shall be of such shape as to contain a rectangle 9 feet by 18 feet and have sufficient vertical clearance, access and slope.
- b. Such rectangle may be reduced to 8.5 feet by 18 feet if the space is located within a building.
- c. Such rectangle may be reduced to 9 feet by 16 feet if it is located adjacent to a landscaped area or any existing or proposed sidewalk that is at least 8 feet in width.

### **5. REDUCTION OF PARKING FACILITIES**

- a. Temporary Change in Use Reduction – The Commission may waive the requirement for the installation of additional spaces when a change in the use of the premises results in a parking deficit of less than 15 percent of the number of required spaces.
- b. Temporary Installation Reduction – The Commission may waive the immediate installation of up to 25% of the required parking spaces where sufficient evidence has been presented, in the judgment of the Commission, to show that the reduced parking facilities will adequately

serve the proposed use. Before approval of a waiver by the Commission, the applicant shall show upon the Site Development Plan the complete layout for the full parking requirements. The owner shall file that plan in the Office of the Town Clerk, stipulating that the owner, or the successor and assigns of the owner, will install as many of the waived parking spaces as the Commission deems necessary within 6 months of the Commission's request, when, in the opinion of the Commission, such installation is needed.

- c. Permanent Shared Use Reduction – The Commission may allow a reduction of up to 50% of the required parking spaces due to shared use of parking facilities when the parking needs of the joint users occur at different hours of the day.
- d. Permanent Compact Space Reduction – In parking lots in excess of 50 spaces in the Industrial Zones, the Commission may allow the installation of compact spaces, not to exceed 25% of the total number of spaces installed, at 8 feet by 16 feet. These spaces shall be clearly designated as compact car parking. This reduction may only be considered for single-tenant buildings where there is reasonable assurance of private control.

**6. SURFACE TREATMENT**

Except for single-family residential uses, all parking spaces, loading facilities, and access roadways shall have:

- a. At least six inches of process stone and 2.5 inches of bituminous concrete as surface treatment unless waived by the Commission for other surface treatment which, in the opinion of the Commission, will provide an adequate all-weather surface.
- b. A slope of not less than one percent not greater than four percent,
- c. Adequate drainage and storm water control, and
- d. Storm water detention areas integrated within the overall design of the parking lot.

**7. HANDICAPPED SPACES**

- a. Parking spaces designed for handicapped persons shall be provided in all parking lots of excess of 10 cars.
- b. Spaces shall be clearly delineated at 15 feet by 18 feet and shall be posted for use by handicapped persons only.
- c. Spaces shall be provided in not less than the number required by the General Statutes of the State of Connecticut.
- d. Such facilities shall not be located so that physically handicapped persons are compelled to wheel or walk behind parked cars to reach entrances, ramps, walkways and elevators.

**8. INTERNAL CIRCULATION**

All off-street parking and loading spaces shall be designed and constructed in accordance with the following standards:

- a. Driveways to parking and loading spaces shall not exceed a grade of 6%.
- b. No building shall be erected without access to the rear of the building for fire protection, servicing, loading and unloading, and the necessary drives serving these areas.
- c. All parking areas shall be provided with travel aisles for safe and convenient circulation of vehicles and pedestrians.

- d. Each parking space shall be provided with adequate area for approach, turning and exit without need to use any part of a public street right-of-way.

**9. LOADING SPACES**

- a. Unless waived or modified by the Commission, every non-residential use with an aggregate floor area of 1,000 square feet or more shall provide an appropriate number of off-street truck loading spaces as determined by the Commission.
- b. Each truck loading space shall be at least 12 feet wide by 55 feet long and 15 feet high and shall be located and designed to accommodate a truck having an overall length of 55 feet.
- c. Each loading space shall be provided with adequate area for approach, turning and exit of the vehicle for which it was designed.
- d. No loading space or access thereto shall be:
  - i. Located closer than 50 feet to any lot in any Residence Zone unless wholly within a completely enclosed building or unless enclosed on all sides by a wall or opaque fence not less than 6 feet in height.
  - ii. Located in a required front or side yard, nor located less than 20 feet from any property line.
  - iii. Designed or arranged in a manner that vehicles must use any part of a public street right-of-way to maneuver into or out of such space.
- e. No area shall be credited as a loading space that is in any part credited or used as a parking space or travel way.
- f. No required loading space shall be used for the sale, storage, or display of goods.

**10. OPERATION AND MAINTENANCE**

Parking or loading facilities shall remain in existence so long as the use which they serve exists and shall at all times be exclusively reserved for, and available to, the persons occupying or visiting the land or improvement, the use of which such facilities are provided to serve.

**C. SIGNS**

**1. PURPOSE**

The general purposes of the Sign Regulations is to set forth standards to control the location, size, number, lighting, and character of signs located in all zones in order to further the purposes of the Zoning Regulations, and to avoid conditions of clutter and unsightliness.

The specific purposes of the Sign Regulations are to:

- a. Preserve the public health and public safety by controlling a sign's size, location and character so it will not confuse, distract, mislead or obstruct the vision necessary for traffic safety; and
- b. Preserve the general welfare by controlling the aesthetics and attractiveness of signs in order to:
  - i. Protect the residential, business, industrial and historic physical site characteristics of each zone;
  - ii. Mitigate any negative impacts on adjoining properties;
  - iii. Assist in achieving a more desirable environment in order to maintain property values and to encourage economic growth; and

to avoid negatively altering the essential physical site characteristics of the area.

**2. GENERAL REGULATIONS**

No sign shall be established, constructed, reconstructed, enlarged, extended, moved or structurally altered except in conformity with these Regulations and until a sign permit, if required by this Section, has been issued. Any sign not expressly permitted is prohibited.

**3. MEASUREMENT OF SIGN AREA**

- a. The sign area shall be the smallest area that encompasses all letters, designs, symbols, and logos including the advertising surface. The sign area shall include any background material if such material is designed to be an integral part of the sign because of its texture, color or building material.
- b. Supports that affix a sign to the ground or a building shall not be included in the area of the sign unless such supports are obviously designed to be part of the sign. When attached to a wall, the area of the sign shall not include the wall itself unless the background is different from the balance of the wall and is designed as an integral part of or is obviously related to the sign.
- c. Any sign may be double-faced provided that both sides are equal in area; only one face shall be counted in determining conformity to sign area limitations.

**4. SIGN CONTENT**

- a. Signs shall pertain only to goods sold or manufactured, services rendered and establishments, persons, organizations or facilities on the lot where the sign is located.
- b. Signs may only designate two of the following items: one name, address, logo, type of business, or principal product. Where the logo appears along with other information, the logo shall be limited to no more than 25% of the sign area.
- c. The Commission may modify the number of items on a sign and the percent of the sign occupied by a logo by Special Permit in accordance with the criteria established in this Section.

**5. SIGN LOCATION**

- a. No sign shall be located within or hang over the right-of-way of any street, nor shall any sign project or hang over any driveway, walkway, roadway or access way. No sign shall be located or maintained so as to be a hazard to traffic or pedestrians, to obstruct any door, window, ventilation system, fire escape or exit or to cause any other hazard to public health or safety.
- b. Signs attached to buildings shall be parallel thereto and project no more than 12 inches from the face of the building.
- c. Roof signs are prohibited, except that the Commission may approve a sign or signs mounted flush with the vertical or near-vertical portion of mansard roofs.
- d. Any wall or mansard roof sign shall not extend higher than the top of the exterior wall surface or mansard roof surface of any structure to which it is affixed.

- e. Detached signs shall be located at least 20 ft. from any property line, except that signs may, with approval of the Commission, be located a lesser distance in the Central Business or Industrial Zones. For rear lots, the sign shall be located within the right of way giving access to the rear lot.
- f. Uses in the Central Business or Industrial Zones that abut and derive access from more than one street shall be deemed to have more than one front and may display sign areas on each front.
- g. A sign permitted in any Business or Industrial Zone that is prohibited in any Residential Zone shall be displayed only on a side of a structure or property facing upon a street which may legally provide access to the property.

**6. SIGN HEIGHT, CONSTRUCTION, & ILLUMINATION**

- a. All signs shall be constructed of sound materials, firmly supported and maintained in good condition and repair.
- b. Detached signs, including supports shall not exceed a height of five feet in a Residential zone, or 15 feet in a Business or Industrial zone, above the surface of the ground where located. The surface of the ground where such sign is located or supported shall not exceed 5 feet above the average elevation of the land within 50 feet.
- c. No flashing, intermittent, intensity variations of light or exposed neon lights are permitted, except for signs indicating time, date and/or temperature provided that the longest dimension of such a sign does not exceed 5 feet.
- d. Signs may be externally illuminated provided that the source of light is shielded from the road and adjacent properties.
- e. Internally illuminated signs shall consist of a dark background with light lettering, unless waived by the Commission. No internally illuminated signs are permitted in the NB Zone.
- f. Colored lights shall not be used where they conflict with traffic safety.
- g. Sign Motion – No sign or any part thereof shall be moving whether by mechanical or other means, except a traditional barber shop pole provided the longest dimension of such pole does not exceed 3 feet.

**7. TEMPORARY SIGNS**

Temporary detached signs may be displayed in accordance with the criteria specified below:

<b>Type</b>	<b>Description</b>	<b>Permit Required</b>	<b>Max # Allowed</b>	<b>Max Area Per Sign</b>
Real Estate	A sign pertaining to the sale, lease or rental of property on which it is located.	No	1	4 SF
Construction	Signs pertaining to and during the construction, repair or improvement of residential buildings or property on which they are located.	No	1	4 SF
	Signs pertaining to and during the construction, repair or improvement of business buildings or property on which they are located.	No	1 OR 4	32 SF OR 4 SF per contractor
Development	Signs(s) identifying an approved subdivision or other development with lots and/or homes for sale for up to 12 months, unless extended.	Staff	1/10 lots 2 max.	32 SF
Civic Organizations	Signs of civic and non-profit organizations for not more than 90 days within any 12-month period.	Staff	N/A	32 SF
	Banner signs placed across a highway, at least 18 feet above the pavement, for a period up to 18 days for special events conducted by civic or non-profit organizations.	Staff	2	45 SF

Type	Description	Permit Required	Max # Allowed	Max Area Per Sign
Business Promotions	One non-illuminated wall sign for sales or special events  One “sandwich-board” sign per lot in business zones for up to 4 weeks when located near the main sign  One sign per lot in business zones not more than twice in the same calendar year, for up to 2 weeks each time.	Staff	1	12 SF
New Business Identification	One non-illuminated sign for any business that moves into a new location in a commercial zone for up to 30 consecutive days.	Staff	1	12 SF
Political Signs	Non-illuminated signs identifying persons running for political office or issues subject to local referendum. Persons who erect such signs shall monitor the conditions of the signs, not obstruct site lines and remove said signs as appropriate.	No	N/A	N/A

**8. PERMANENT SIGNS PERMITTED IN ANY ZONE**

Permanent signs may be displayed in any zone in accordance with the criteria specified below:

Type	Description	Permit Required	Max # Allowed	Max Area Per Sign
Bulletin Boards	Bulletin boards on the premises of churches or other religious institutions and municipal buildings.	Staff	1	12 SF



<b>Type</b>	<b>Description</b>	<b>Permit Required</b>	<b>Max # Allowed</b>	<b>Max Area Per Sign</b>
Civic Organizations	Emblems, badges, and insignias to identify governmental, charitable, philanthropic, civic, religious, or similar organizations located on numbered highways.	Staff	N/A	2 SF
Agricultural	A sign to identify the location of a farm	PZC	4	12 SF
	Directional signage for an agricultural trade or business approved by the State Department of Agriculture for the Agricultural Directional Signage Program (ADSP)	PZC	4	4 SF
Governmental Organizations	One detached permanent sign for identification of public and government facilities	PZC Special Permit		12 SF
Pre-Existing Use	Signs in connection with the advertising of a legally existing non-conforming use.	PZC Special Permit	1	12 SF
Development	One-sided masonry, stone, or other low maintenance sign(s) not exceeding five feet in height identifying a subdivision or other development containing multiple buildings provided that permanent arrangements for sign maintenance are recorded on the Land Records.	PZC Special Permit	1 per entrance	12 SF

**8. SIGNS PERMITTED IN A RESIDENTIAL ZONE**

Signs may be displayed in residential zones in accordance with the criteria specified below:

Type	Description	Permit Required	Max. No Allowed	Max. Area Per Sign
Identification	A sign giving the name and address of the property and/or the occupant.	No	1	1 SF
Special Permit Uses	A sign used in connection with a Special Permit authorized by the Commission, excluding Customary Home Occupations and Professional Offices	PZC Special Permit	1	32 SF

**9. SIGNS IN BUSINESS AND INDUSTRIAL ZONES**

Where more than one occupant exists in a building or on a site, all signs shall be of compatible shape, lettering, materials and placement on the building. Signs may be displayed in business and industrial zones in accordance with the criteria specified below:

a. **Wall Signs:**

Type	Description	Permit Required	Max # Allowed	Max Area Per Sign
NB Zone	Attached wall sign for each business unit in relation to the lineal foot of building frontage occupied by each unit  No sign shall exceed 100 SF in area	Staff	1	1 SF/LF
Other Zones	Attached wall sign for each business unit in relation to the lineal foot of building frontage occupied by each unit  No sign shall exceed 200 SF in area	Staff	1	2 SF/LF

b. **Detached Signs:**

<b>Type</b>	<b>Description</b>	<b>Permit Required</b>	<b>Max # Allowed</b>	<b>Max Area Per Sign</b>
Gas Price	<p>A sign mounted on pump island or main identification sign indicating the price of gasoline being sold on the premises for a period not to exceed 2 years</p> <p>Letters/numbers shall not exceed 15 inches in height,</p> <p>Sign height shall not exceed 8 feet.</p>	PZC Special Permit	1/ Lot	12 SF
Detached Sign	<p>Identifying a commercial or industrial building, complex or park and/or the individual tenants thereof</p> <p>No sign shall exceed 15 feet in height above the ground</p> <p>No detached signs are allowed in the NB Zone</p>	PZC Special Permit	1/Lot	12 SF

Type	Description	Permit Required	Max # Allowed	Max Area Per Sign
Low-Profile Detached Sign	Identifying a commercial or industrial building, Complex or park and/or the individual tenants thereof	PZC Special Permit	1/Lot	24 SF
	No sign shall exceed 5 feet in height above the ground			
	No low-profile detached signs are allowed in the NB Zone			
	The Commission may allow two low-profile detached signs as a special Permit where it finds that:			
	<ul style="list-style-type: none"> <li>▪ Both signs are one-sided and identical in size, content, and design;</li> </ul>			
	<ul style="list-style-type: none"> <li>▪ Only one sign will be visible from any traveling direction on the adjacent street;</li> </ul>			
	<ul style="list-style-type: none"> <li>▪ The proposed design and its incorporation into the landscape is more attractive on the particular site</li> </ul>			

c. **Directional Signs:**

One or two directional signs may be located at the access driveways for sites, outside of any public road right-of-way. The Commission reserves the right to require more directional signs and to designate locations as, in its sole discretion, it shall determine advisable for safety and public welfare.

- i. Such signs shall not exceed two (2) square feet in area and there shall be
- ii. No more than one (1) such sign per driveway.

**10. SPECIAL PERMIT CRITERIA SIGNS**

Before granting Special Permit approval for a sign the Commission must find that:

- a. The location, size and other aspects of the proposed sign will be in harmony with the orderly development of the area and will not alter the essential physical site characteristics of the area,
- b. The landscaping, lighting, materials and design elements of the proposed sign are attractive and suitable in relation to physical site characteristics, the architecture of the building and the style of other buildings in the immediate area, and
- c. One or more special circumstances or conditions, which are unique to the premises and not shared by other premises in the neighborhood, diminish recognition of the business conducted therein; limit easy identification of a commercial complex; or create a potential traffic hazard. Such special circumstances or conditions shall include, but not be limited to the location of the building on the lot; location of buildings on adjacent lots; topography; or the configuration of the lot.

**12. SIGN REVIEW PROCEDURES**

- a. All permanent signs shall obtain a sign permit from the Building Department before the sign is erected. Application shall include a plan of the sign and its location on the site or building, the height, width, and lighting of the sign, the area of each sign face and the total area, and gross area of signs on the parcel.
- b. Prior to obtaining a building permit for a sign, all new or replacement signs larger than 75 square feet shall be approved by the Commission.
- c. As part of the review for Site Plan applications or modifications to Site Plan applications, the Commission shall review and approve a sign concept. A sign concept review shall include information on the size, shape, materials, lighting and location of signs. The purpose of this review is to ensure compliance to these regulations and compatibility to the building and surrounding properties. No permits shall be issued for signs that conflict with the approved sign concept.

**13. NON-CONFORMING SIGNS**

- a. The replacement of a non-conforming sign shall be in accordance with these Regulations.
- b. Repairs or alterations to non-conforming signs are permitted with a permit from the Zoning Enforcement Officer provided that the cost of such repairs or alterations does not exceed 25% of the replacement cost, and provided that the nonconformity is not increased or enlarged.

## **D. EROSION AND SEDIMENT CONTROL**

### **1. APPLICABILITY**

- a. Each application submitted under these regulations shall include measures to minimize soil erosion and sedimentation resulting from land development.
- b. The performance standards herein specified shall be of continuing application to properties constructed hereunder.

### **2. STANDARDS**

Measures for controlling erosion and sediment shall equal or exceed those contained in "Connecticut Guidelines for Soil Erosion and Sediment Control," January, 1985, as amended.

### **3. REQUIREMENTS**

- a. If the cumulative disturbed area shall exceed more than one-half acre, erosion and sediment control plans shall be submitted, certified, and site inspected in accordance with the requirements of the Town Engineer.
- b. In addition thereto, the Zoning Enforcement Officer or his designee may direct that sites take special measures to control dust in accordance with "Connecticut Guidelines for Soil Erosion and Sediment Control," January, 1985, as amended.

### **4. INSPECTION & ENFORCEMENT**

The Town Engineer, Zoning Enforcement Officer, or a designee is authorized to make inspections and take measurements to determine compliance herewith.

## **E. OUTDOOR ILLUMINATION**

### **1. PURPOSE**

This section is intended to control the number, size, location, and intensity of outdoor illumination in order to protect the public health, safety and general welfare.

### **2. STANDARDS**

An illumination on all sites shall be designed and constructed in accordance with the following standards:

- a. Any outdoor lighting shall be directed to avoid glare outside the property line or boundary.
- b. Any lighting used to illuminate any required off-street parking or loading area shall be so arranged that the illuminated areas shall be confined to the property where it originates.
- c. Any lighting used to illuminate any building shall be so arranged that the illuminated areas shall be confined to the property where it originates.
- d. The maximum height of such lighting shall be 14 feet in Residential Zones and 25 feet in all other districts.
- e. Light standards shall be located so as not to interfere or conflict with traffic movement or parking and shall be shown on the Site Plan.
- f. Flood lighting shall be avoided except for loading areas.

## **F. REFUSE STORAGE**

### **1. PURPOSE**

This section is intended to control the number, size, location, and screening of refuse storage areas in order to protect the public health, safety and general welfare.

### **2. REQUIREMENTS**

- a. Facilities for the storage of refuse and garbage shall be located in such a manner as to make the facilities inconspicuous to residents and the general public.
- b. Refuse storage areas shall be enclosed and screened from view with fencing, wall or hedge/shrubs unless waived by the Commission.
- c. Refuse storage areas shall be easily accessible for service vehicles and building occupants and shall not interfere with required parking spaces or travel lanes.
- d. Refuse storage areas shall have a concrete pad unless waived by the Commission.
- e. No other outside sheds or storage bins for refuse will be allowed unless specifically approved by the Commission.

## **G. ACCESS MANAGEMENT**

### **1. PURPOSE**

This section is intended to control the number, size, and location of driveways and access points for business uses, especially those that front on heavily trafficked roads and state highways, in order to promote overall traffic control and promote public safety and welfare.

### **2. CONSIDERATIONS**

- a. The Commission shall review parking layout and configuration, traffic circulation within the site, the number and location of access points to and from the site, the nature and type of traffic circulation on adjacent roadways, and the type and condition of adjacent roadways to ensure that public safety and welfare is promoted with the greatest efficiency.
- b. The applicant shall submit plans to the State Highway Department for approval of necessary curb cuts or driveway openings on State highways prior to approval of site plans by the Commission.

### **3. REQUIREMENTS**

- a. Where a parcel has adequate frontage, the centerlines of access drives to streets shall be no closer than 250 feet apart. In all other cases, they shall be not less than 150 feet apart.
- b. Where street geometry, traffic volumes or traffic patterns warrant, the Commission may:
  - i. Limit the number of driveways that serve a specific site,
  - ii. Designate the location of any driveway
  - iii. Require the use or provision of a shared driveway with associated easements, and
  - iv. Limit access to a major street and require access from a minor street.

- c. As part of application approval, the Commission may require an applicant or owner to:
  - i. Establish mutual driveway or other easements to provide a single point of access for two or more abutting properties in a location acceptable to the Commission and the Traffic Authority.
  - ii. File such easements on the land records in favor of the abutting property owners and/or the Town of Burlington as shall be acceptable to the Commission and the Town Attorney, and/or
  - iii. Utilize a mutual driveway or other easement that exists on abutting property in lieu of having a separate curb cut onto a road or street.
- d. Any easements filed shall be unused by the owner or owners of abutting property, and shall not be deeded by the Town to the owner or owners of abutting property, until an abutting owner shall have paid:
  - i. The then-owner of the burdened premises the sum which the Town reasonably determines to be the fair share of the abutting owner with regard to the fair market value of the easement at the time of its use or transfer,
  - ii. The Town of Burlington for the costs of any appraisal secured to determine fair market value if the owners are unable to agree on compensation, and
  - iii. The Town of Burlington for such other transactional costs as may be incurred by the Town in effecting any transfer.



## **VIII. SPECIAL PERMITS**

### **A. GENERAL CONSIDERATIONS**

All Special Permit uses are declared to possess such special characteristics that each shall be considered as an individual case. In authorizing any such use, the Commission:

- Shall take into consideration the public health, safety and general welfare,
- Shall determine that the standards outlined in Section VIII.B. are met, and
- May impose reasonable conditions and safeguards to any approval granted.

### **B. SPECIAL PERMIT FINDINGS**

#### **1. ACCORDANCE WITH THE PLAN OF CONSERVATION & DEVELOPMENT**

That the proposed use is in general accordance with relevant provisions of the Plan of Conservation & Development.

#### **2. HARMONY WITH THE AREA**

- a. That the proposed use shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the area in which it is proposed and will not be detrimental to the orderly development of adjacent properties.
- b. That the kind, size, location and height of the structure and the nature and extent of the landscaping on the lot will not hinder or discourage the appropriate use of adjoining property or diminish the value thereof.
- c. That the proposed use will not alter the essential physical site characteristics of the area or adversely affect property value in the neighborhood.

#### **3. ADEQUATE ACCESS**

- a. That streets providing access to the proposed use are adequate in width, grade, alignment and visibility, and have adequate capacity for the additional traffic generated by the proposed use, and that the proposed use will not impede the implementation of the Town Traffic Circulation Plan.
- b. That the parking and loading facilities are adequate and properly located, and the entrance and exist driveways are laid out to achieve maximum safety.
- c. That the proposed use shall have easy accessibility for fire apparatus and police protection.

#### **4. ADEQUATE INFRASTRUCTURE**

That the water supply, the sewage disposal and the storm water drainage systems shall conform with accepted engineering criteria and comply with all standards of the appropriate regulatory authority.

#### **5. NATURAL RESOURCE CONSERVATION**

That the proposed plans have provided for the conservation of natural features, drainage basins and the protection of the environment of the area.

**6. COMPATIBLE DESIGN**

That the design elements of the proposed development are:

- a. Attractive,
- b. Suitable in relation to the physical site characteristics and style of other buildings in the immediate area, and
- c. Appropriate with the overall physical site characteristics of the community as outlined in the Plan of Conservation & Development.

**7. PUBLIC HEALTH, SAFETY, & WELFARE**

That the proposed use will not have a detrimental effect upon the public health, safety, welfare, convenience and property values.

**8. RESIDENTIAL IMPACT**

That, in the case of any use located in or directly adjacent to a Residential Zone, the proposed use or the proposed activities will not hinder or discourage the appropriate use or development of adjacent land and buildings in the Residential Zone or impair the value thereof after considering:

- a. The location and size of the proposed use,
- b. The nature and intensity of operations involved in or conducted in connection with the proposed use, or
- c. The site layout and the relation to access streets of the proposed use.

## **IX. SPECIAL REGULATIONS**

### **A. MOVING AND PROCESSING OF EARTH PRODUCTS**

#### **1. PURPOSE**

It is the purpose of this Section to regulate the excavation, removal, filling, grading, and processing of earth, sand, stone, gravel, loam, fill, clay, and other earth products in order to:

- a. Eliminate conditions that are detrimental to the public safety, health, and general welfare,
- b. Conserve and preserve natural resources, and
- c. Ensure that the land itself will be compatible for further useful purposes.

#### **2. REQUIREMENT FOR PERMIT**

Any proposed excavation, removal, filling, grading, or processing of earth, sand, stone, gravel, loam, fill, clay, and other earth products shall be required to obtain a Special Permit from the Planning & Zoning Commission except in direct connection with and in accordance with:

- a. Construction plans or grading plans approved by the Commission or with a valid building or health permit provided that the activity does not result in more than 1,000 cubic yards removed off site.
- b. Street, utility, or parking lot improvements will appropriate authorization.
- c. Removal and/or addition of up to 1,000 cubic yards of earth products within any calendar year from within the working area of a pre-existing and functioning farm. The removal and/or addition of more than 1,000 cubic yards of earth products within any calendar year from within the working area of a pre-existing and functioning farm shall not be exempted.
- d. A quantity of no more than one hundred (100) cubic yards of earthen material on any lot.
- e. Operation or maintenance of public improvements or facilities by the Town of Burlington.

#### **3. COMPLIANCE WITH PERMIT**

If any operation involving excavation, removal, filling, grading or processing of earth products shall not conform to the standards and conditions outlined in this Section or as applied by the Commission, the Commission may deny or rescind the Special Permit.

#### **4. APPLICATION REQUIREMENTS**

Applications for a Special Permit shall indicate:

- a. The purpose of the earth removal operation,
- b. The period of operation,
- c. The proposed dates of completion of major milestones (removal, rough grading, finish grading, stabilization, restoration),
- d. The amount of material to be removed by a registered professional engineer of,
- e. How the bonding requirements will be met and maintained through a letter from a bonding company or other appropriate entity,
- f. How the insurance requirements will be met and maintained by a letter from an insurance agent or company.

**5. GRANTING OF PERMIT**

Any approval granted under this section:

- a. Shall be valid for a period:
  - i. Established by the Planning & Zoning Commission
  - ii. Not to exceed two years from the date of approval
- b. May be renewed by the Commission prior to the expiration date for up to one year following submission from a Registered Professional Engineer of updated maps showing existing conditions and a written report regarding compliance with approved plans,
- c. Shall automatically terminate should the liability insurance policy lapse, and
- d. Shall not be granted if the applicant has previously demonstrated an inability to maintain and restore the site in accordance with the requirements of the Commission.

**6. PROVISION OF INSURANCE & BONDS**

- a. Before any excavation occurs, the applicant shall provide a letter to the Town providing permission to enter and inspect the property at any time.
- b. Before any excavation occurs, the applicant shall provide a certificate of insurance to the Town evidencing a liability insurance policy covering all operations to be conducted pursuant to the permit for the proposed site naming the Town of Burlington as an additional insured and subject to notice should the policy lapse, with a limit of not less than One Million (\$1,000,000) Dollars as to personal injury, including death, and One Million (\$1,000,000) Dollars as to property damage.
- c. Before any excavation occurs, the following bonds in amounts satisfactory to the Town Engineer and forms satisfactory to the Town Attorney shall be provided to the Town:
  - i. A cash bond or passbook savings account to guarantee erosion and sediment control during the operation and until released by the Commission, and
  - ii. A cash bond, passbook savings account, performance bond, or letter of credit to guarantee the restoration of the site until released by the Commission.
- d. Such bonds shall guarantee the completion of the project in accordance with the approved plans and timetable, including stabilization and restoration of the site.
- e. Such bond shall be released once the earth removal has been completed, the site has been stabilized in accordance with the approved plans, and Mylar as-built plans have been provided to and approved by the Commission.

**7. HOURS OF OPERATION**

Unless otherwise specified by the Commission for exceptional cause, operating hours (truck loading, processing, and similar activities) shall be limited to the hours of 8AM to 5PM Monday through Friday. Equipment may be lubricated and warmed up prior to 8AM.

**8. MINIMUM STANDARDS AND CONDITIONS**

- a. All operations shall be carried out in accordance with the maps and plans as approved by the Commission, unless waived by the Commission. No material shall be stockpiled, equipment operated, or structures located beyond the limits of the specific area approved by the Commission. The

- applicant shall provide for reasonable means of screening operations from the view of highway traffic and neighboring property owners.
- b. All measures for erosion and sedimentation control, surface restoration and construction procedures shall equal or exceed those contained in "Connecticut Guidelines for Soil Erosion and Sediment Control" January 1985, as amended.
  - c. At no time shall more than five (5) acres be opened within the lot.
  - d. All excavation, removal, filling or grading shall be located at least fifty (50) feet from any property line, public street, and road or highway right-of-way. There shall be no stockpiling or materials within one hundred (100) feet of any property line, public street, road, highway or right-of-way.

**9. OPERATIONS & RESTORATION**

- a. Operations shall not result in excessively steep slopes, pits or depressions, soil erosion, sedimentation, improper drainage, dust, wind erosion, or other conditions which would impair the reasonable reuse and development of the lot or which would impair or damage the use of adjacent or neighboring lots or streets or would cause health or sanitary hazards.
- b. Temporary slopes shall not exceed 1 vertical to 1 horizontal at the end of any workday.
- c. Finished slopes shall not exceed a 1 vertical to 3 horizontal slope.
- d. The required slope may be increased or decreased by the Commission where appropriate for soil stability, safety, and reasonable reuse and development of the lot.
- e. Upon completion of operations or any substantial portion thereof:
  - i. All debris, overburden and loose boulders shall be buried or removed from the lot,
  - ii. All disturbed areas shall be graded to conform with the approved finished grades on the Grading Plan,
  - iii. All areas shall be covered with topsoil or loam to a depth of not less than 4 inches,
  - iv. All areas shall be seeded with a perennial rye grass or similar cover crop,
  - v. Ground cover shall be maintained until the surface is completely stabilized with a dense perennial growth and there exists no danger from erosion, and
  - vi. Any additional planting measures, required at the discretion of the Commission, have been installed and maintained.

**10. BUILDINGS, STRUCTURES & IMPROVEMENTS**

- a. During the operation, all accesses to the operation shall be barred by a structural gate.
- b. No buildings or structures related to the earth products operation shall be erected on the premises except as shown on the approved plan.
- c. Any such buildings and structures shall be located a minimum distance of one hundred (100) feet from any property line, public street, road, highway or right-of-way.
- d. Any such structure shall be removed from the premises not later than sixty (60) days after termination of the operation or expiration of the special permit, whichever is sooner.
- e. The removal of any such building or structure or other improvement shall be guaranteed by the provision of an adequate bond.

**11. TEMPORARY ON-SITE PROCESSING**

- a. No screening, sifting, washing, crushing or other forms of processing shall be conducted on any premises, except as specifically authorized by the Commission and subject to such conditions and restrictions as are consistent with the standards and conditions of these Regulations.
- b. The Commission may, as its discretion, limit the hours of operation and the duration of the operation of any processing activities.
- c. Unless modified by the Commission, all processing equipment and machinery shall be located a minimum distance of four hundred (400) feet from any property line or public street, road, highway or right-of-way.
- d. No fixed processing machinery or equipment shall be permitted, erected or maintained on the premises.
- e. Any temporary processing equipment shall be "transportable," with "self-contained power," meaning, it shall be on wheels and able to operate on its own self-contained power, requiring no concrete or steel foundations or permanent structures of any kind for support.
- f. The initial location on site of any temporary processing equipment shall be shown and labeled on the construction plans submitted to the Commission.
- g. If a stone crusher is desired, only a jaw-type no longer than 12 X 36 inches is permitted; no gyrators, roll or impact crushers of any size are permitted.
- h. No other machinery not required for the operation shall be on site unless specifically approved by the Commission.
- i. All machinery and equipment shall be maintained in good repair and operated or stored in such a manner as to minimize noise, vibrations, smoke, dust, unsightly conditions and any other nuisance.
- j. Such machinery and equipment shall be dismantled and removed from the premises by the owner not later than sixty (60) days after the termination of the processing operations or expiration of the special permit, whichever is sooner.
- k. The applicant shall provide a fence or embankment or other screening methods, where necessary, for the reasonable means of screening said proposed processing operations from the view of the highway and neighboring property owners.

**12. ENFORCEMENT**

If an inspection finds that any aspect of the approved plan has not been adhered to, the following procedures shall be used:

- a. The Commission or its designee shall notify the applicant by certified mail of such permit violation and the applicant shall promptly remedy such conditions.
- b. If the applicant fails to take affirmative steps to address or remedy the violation within 10 days of such notice, the Commission or its designee shall, by certified mail, send a Notice to Comply apprising the applicant and the company issuing any bond that failure to immediately address the violation and bring the site into compliance will result in action by the Commission to void the Special Permit and cause the posted bond to be called.
- c. If within ten days following receipt of an Order To Comply, the applicant still refuses or fails to comply, the Commission shall schedule a Show Cause Hearing and provide notice to the applicant,

- d. At the Show Cause Hearing, upon receiving testimony, the Commission may declare the Special Permit to be null and void and may thereupon declare the bond to be in default,
- e. The Commission may then take whatever steps are necessary to call such bond and to undertake such improvements necessary to bring the site into conformance with these Regulations.

## **B. HOME OCCUPATIONS IN RESIDENTIAL ZONES**

### **1. PURPOSE**

These regulations are intended to permit professional offices and customary home occupations as a Special Permit in residential zones, when appropriate.

### **2. PLAN REQUIREMENTS**

Applications for a professional office or a customary home occupation are specifically exempted from the site plan requirement of Section X provided that the application is accompanied by the following information:

- a. An "as built" survey of the property,
- b. A statement of the total square footage of the dwelling excluding unimproved attic, garage and unfinished basement areas,
- c. A statement of the square footage of the dwelling devoted to living area, and
- d. A statement of the square footage of the dwelling devoted to existing non-residential uses, including professional offices, customary home occupations, etc.

### **3. USE REQUIREMENTS**

- a. Such uses may be approved by the Commission and be operated by the applicant provided that the use shall:
  - i. Be limited to one per dwelling, inclusive of existing non-residential uses,
  - ii. Be limited to an area not to exceed 20% of the living area of the dwelling, which shall not include unimproved attic and basement areas and garages.
  - iii. Be granted only to a specific applicant and shall not run with the land,
  - iv. Be carried on entirely within the dwelling by occupants thereof;
  - v. Employ not more than two non-residents of the premises,
  - vi. Be clearly incidental and subordinate to the use of the dwelling for residential purposes by the occupants thereof;
  - vii. Generate only limited patronage visiting the premises, or infrequent shipments by common carrier, relative to current normal traffic levels;
- b. Such uses may be approved by the Commission and be operated by the applicant provided that the use shall not:
  - i. Change the residential physical site characteristics of the dwelling or the peculiar suitability of the particular use within the neighborhood;
  - ii. Create objectionable noise, odor, vibrations, or unsightly conditions;
  - iii. Create interference with radio and television reception in the vicinity;

- iv. Create health or safety hazards;
  - v. Include outside storage;
  - vi. Be carried on or located within the garage portion of the main building or within a detached accessory building;
  - vii. Display products in windows, doors, or the exterior of the premises, or signs advertising products or services.
- c. Home occupation uses shall not include beauty salons, barber shops, animal grooming, kennels, massage parlors, dry cleaning, laundry, or retail sales of any type.

**C. PLACEHOLDER FOR FUTURE REGULATIONS**

**D. MULTI-FAMILY DWELLINGS**

**1. PURPOSE**

These regulations are intended to permit the establishment of multi-family dwellings as a Special Permit in certain zones, when appropriate.

**2. LOCATIONAL CRITERIA**

- a. The minimum lot area for multi-family dwellings shall be 4.75 acres.
- b. The applicant shall demonstrate how such multi-family development will serve as a transitional use and intensity between single-family and commercial or industrial development.
- c. Access to a public street shall be provided by a strip of land not less than 50 feet wide.
- d. The lot shall be served by adequate sewage and water supply;

**3. SITE DEVELOPMENT STANDARDS**

- a. The minimum buildable land area per dwelling unit shall be 10,000 square feet or, in the case of Elderly Housing, 6,000 square feet per dwelling unit.
- b. No building shall be closer than 60 feet to any street or lot line;
- c. The minimum distance between buildings shall be 50 feet, unless specifically reduced by the Commission, but in no case less than 35 feet;
- d. No building shall exceed a height of 35 feet above the ground;
- e. No building shall contain more than 8 dwelling units;
- f. Each dwelling unit shall be provided with at least two parking spaces provided as follows:
  - i. A two or more space carport or enclosed garage,
  - ii. A one-car carport or enclosed garage and a dedicated parking space for not less than one additional car.
  - iii. In a multi-family dwelling for the elderly, dedicated exterior parking spaces may be provided.
  - iv. Carports and/or enclosed garages shall be set back at least 20 feet from the travel portion of the access roads in order to provide a backup or visitor space.
- g. Each dwelling unit shall contain not less than 650 square feet of living area in which there shall be no more than one bedroom. For each additional bedroom, the overall area of the dwelling unit shall be increased by at least 200 square feet.



**4. OPEN SPACE & LANDSCAPING REQUIREMENTS**

- a. Each lot line shall be have a landscaped area at least 20 feet wide, planted with a mixture of evergreen and deciduous trees and shrubs, which shall be property maintained;
- b. Open space for the use of tenants shall be provided at a minimum rate of 600 square feet per dwelling unit.
- c. Except for housing for the elderly, a designated play space for children shall be provided with not less than 400 square feet in area for each family housed,
- d. Such open space or spaces shall be protected by suitable walls or planting from parking areas, driveways, garages, service areas and streets;

**E. CLUSTER DEVELOPMENT**

**1. PURPOSE**

It is the purpose of this section to permit variations in residential developments which would not otherwise be possible; permit flexible site design so that development may be constructed in harmony with and preserve natural site features; preserve significant open space; and permit residential developments which are sensitive to parcel configuration, topography, natural features, and the surrounding neighborhood.

**2. PROCEDURE**

- a. Cluster developments may only be permitted by the Commission as a Special Permit and the Commission shall determine that all specific conditions of Section VIII are met.
- b. Applications that propose subdivision of the property shall submit plans of the proposed subdivision complying with the Subdivision Regulations of the Town of Burlington.
- c. Before any building permits are issued for buildings in a given phase, a bond in a form and amount satisfactory to the Commission shall be submitted by the developer to guarantee the construction of the site improvements, provision of as-built drawings of site improvements, and to cover erosion and sediment control.

**3. PERMITTED USES**

- a. Single-family dwellings
- b. Playgrounds, recreation areas, parks, open spaces, and natural areas
- c. Accessory uses and structures; such as private garages, swimming pools, clubhouses, recreation facilities, and other structures and facilities; which are customarily incidental and subordinate to the principal uses.

#### 4. AREA AND HEIGHT REQUIREMENTS

Density	Gross Density shall not exceed that of the existing zone.
Minimum Parcel Size:	10 acres
Maximum Lot Coverage:	15% on the overall parcel 30% on individual lots
Maximum Building Height:	35 feet
Maximum Building Height:	2 ½ stories

#### 5. LAND USE AND SITE DEVELOPMENT REQUIREMENTS

- a. Open Space  
Consolidated open space shall be provided within a Cluster Development as much as possible. Areas not committed to residential use and containing significant natural features shall be preserved through the use of conservation easements or through dedication to the Town of Burlington, if requested, or suitable conservation organizations. Substantial roadside buffers shall be encouraged, where appropriate, to preserve Burlington's rural character.
- b. Roads  
All roads shall be built to the structural specifications of the Subdivision Regulations of the Town of Burlington. Main roads within the development shall be public, but cul-de-sacs may be private. The Commission may modify the width of pavement, curbs, and drainage requirements for private cul-de-sacs upon recommendation of the Town Engineer.
- c. Utilities  
All utilities shall be underground.
- d. Water & Sewer  
An adequate water supply and adequate sewage disposal capability, as determined by the Director of Health, is required.
- e. Buffering  
A landscape buffer shall be provided around the perimeter of the property and the Commission may require additional perimeter buffering in sensitive areas at its discretion. Where variations in topography, natural features, existing vegetation or compatible land uses obviate the need for such buffer, the Commission may modify or waive this requirement.
- f. Landscaping  
The Commission may require suitable landscaping within a Cluster Development to assure privacy of individual residential units.
- g. Building Locations  
All buildings erected in a Cluster Development shall observe the following location requirements:
  - i. All buildings adjacent to public streets shall observe the front yard setback requirements established in Section IV.A. of these Regulations.
  - ii. All buildings shall be set back at least 10' from any property line within a Cluster Development.

- iii. Principal buildings shall also be separated at least:
    - 30 feet or the height of the building, whichever is greater, from another principal building, or an accessory building on a separate lot;
    - 10 feet or the height of accessory building, whichever is greater, from an accessory building on the same lot; and
    - 30 feet from the edge of pavement of any private street.
  - iv. Accessory buildings shall be located at least 20 feet from the edge of pavement of any private street, or other accessory building.
  - v. Garages exiting directly onto cul-de-sacs shall have driveways at least 20 feet in length.
  - vi. Porches and decks shall observe the above separation requirements.
  - vii. The Commission may modify the requirements of this section provided that in the Commission's sole discretion, the public health, safety and welfare are safeguarded.
- h. Living Area  
The living area requirements of Section IV shall apply.
- i. Maintenance  
In Cluster Developments, the applicant shall present sufficient information to the Commission to demonstrate that adequate provisions have been made for the sustained maintenance of the development in general and also for the sustained maintenance of the roads and open space.

**F. TELECOMMUNICATION FACILITIES**

**1. PURPOSE**

These regulations are intended to regulate the siting and operation of telecommunication facilities as defined in Section 16-501 of the CT General Statutes as amended, to:

- a. Serve the public interest, convenience, and necessity while protecting community interests and character,
- b. Provide for locations consistent with the Plan of Conservation & Development and these Regulations, and
- c. Minimize adverse visual effects through design, siting, and screening.

**2. GENERAL**

The following requirements apply to any telecommunication facility except:

- a. Those which come under exclusive Federal, State, or jurisdictional authority,
- b. Cellular facilities as mentioned from time to time, as defined in CFR Title 47, Part 22;
- c. Wireless Personal Communications Service (PCS) facilities as defined in U.S. CFR Title 47, Part 24 as amended from time to time by future court decisions or state law enactments.
- d. Privately-owned telecommunication structures, such as satellite signal receiving units; Am-FM radio antennae, short wave, or ham radio installations that are:
  - i. No higher than two times the building height stated for each zoning district,

- ii. No greater than four feet in diameter or height in residential areas; and
- iii. No greater than 78.75 inches (two meters) in diameter or height in commercial and industrial areas.

Any new facility co-located on an existing facility shall require a Site Plan application to the Commission. Any other telecommunication facility shall require a Special Permit application and a Site Plan application to the Commission.

### 3. SITING HIERARCHY

The regulations are intended to promote the following facility hierarchy:

<b><i>Priority</i></b>	<b><i>Location</i></b>
Highest	Industrial and business districts Town-owned property Public utility facilities Open space land
Lowest	Residential districts
Lowest	Historic districts

<b><i>Priority</i></b>	<b><i>Characteristics</i></b>
Highest	Where existing topography, vegetation, or structures provide appropriate screening
Lowest	Other sites

<b><i>Priority</i></b>	<b><i>Design</i></b>
Highest	On or in existing structures Co-location on existing telecommunication towers
Lowest	New towers

### 4. APPLICATION REQUIREMENTS

- a. Basic Documentation  
In addition to the basic requirements of Section X, these Regulations, the applicant shall submit;
  - i. Documentation that it is a licensed carrier authorized by the Federal Communications Commission to construct, and operate, and provide Telecommunication services from the proposed type of facility,
  - ii. Documentation that any licensed wireless carrier(s) authorized by the FCC would use a tower constructed by a non-licensed or non-carrier (speculative) tower company.
  - iii. Documentation that municipal and public safety departments were offered the opportunity to locate their facilities on the proposed telecommunications tower,
  - iv. A copy of any proposed leases, agreements, or letters of intent to use for a proposed facility. Copies of any proposed arrangement may be submitted with cost figures redacted.
- b. Site Selection Information  
Any application shall include the following:
  - i. Maps showing:
    - The extent of existing and planned communications coverage in Burlington and adjacent communities including detailed

- propagation (at -70 dBm and -95 dBm) and antenna separation analysis,
- The location of existing telecommunication facilities,
- The location of the site search area at 1:24,000 scale, and
- The location and service area of the proposed telecommunication facility.
- ii. A written narrative describing the following:
  - The need for the proposed facility (area of inadequate coverage, signal strength, other);
  - The siting criteria used for the proposed facility, sites identified (alternatives), and reasons for the selection of the proposed site.
  - The process by which other possible sites in the search area were considered and/or eliminated for legal, technological, economic, environmental, and other reasons.
- c. Site Design Information
 

Any application shall include the following:

  - i. A written narrative describing the following:
    - A description of the proposed telecommunications facility and any associated equipment (such as transformer, emergency generator, air conditioner),
    - The design criteria used for the proposed facility, including site search criteria;
    - Reasons for the selection of the proposed design (tower, antenna)
    - The process by which other possible designs were considered and/or eliminated for legal, technological, economic, or other reasons;
    - Technological alternatives to the proposed facility and the economic or other implications associated with those alternatives;
    - How the proposed facility complies with the concept of multiple use and/or concealment and how tower sharing or co-location would facilitate the telecommunication needs of municipalities and other entities to reduce the need to construct additional telecommunication towers;
    - How the proposed telecommunications tower has been designed to be extended and/or accommodate additional service providers in the future;
    - How additional service providers will be accommodated on the proposed telecommunications tower in the future; and with potential effects on the characteristics of the facility and the surrounding environment,
    - Any requirements of other government agencies regarding illumination, colors, airport approach surfaces, or other requirements.
  - ii. Maps showing:
    - The proposed facilities and closest occupied buildings,
    - Proposed access including nearest public street, and
    - Any other land uses on the proposed site;

- iii. A recent aerial photograph at a scale of 1:2400 showing the proposed facility location and surroundings areas within 1,000 feet of the proposed facility,
  - iv. Drawings showing:
    - Scaled elevation drawings of the proposed facilities (including tower, existing and proposed antenna mounting locations, ice shields, lights, guy cables, associated equipment shelters, and other structures relevant to the facility).
    - The number and type of antennae that can be accommodated (proposed and future, if known) as well as the proposed location of all mounting positions for co-located antennas and the minimum separating distances for antennas,
    - Topographic profiles at no more than 10-foot contours (running up/down slope and cross slope, at a minimum) showing the location of the proposed facilities and sight lines in relation to surrounding areas and structures within 500 feet,
    - A colored plan or plans clearly indicating the proposed color of any existing features or proposed facilities or equipment
  - v. Architectural or photographic rendering of the proposed facility.
- d. Additional Relevant Information
- Any application shall include the following:
- i. A written statement by a certified radio frequency engineer:
    - Indicating the radio frequency electromagnetic power densities at the tower base and nearest property boundary of all proposed antennae, equipment, and facilities operating at maximum power calculated in accordance with FCC OET Bulletin 65 Edition 97-01, as amended,
    - Each successive new wireless carrier, co-locating on any facility, shall demonstrate that the combination of the electromagnetic, radio-frequency power densities from all existing and proposed antennae operating simultaneously at full output power, will comply with FCC standards.
    - Stating that the facility will comply with radio frequency emissions standards, and
    - Describing the impact on public health and safety associated with radio emissions (signal frequency, intensity, electromagnetic radiation power density from all antennas operating simultaneously at maximum output power);
  - ii. A written statement by a certified structural engineer describing the tower structural integrity;
  - iii. Consideration of future use or re-use of the site with provisions for facility removal and site restoration;
  - iv. Proof of mailing of a copy of the legal notice regarding the proposed telecommunications facility to abutting and other property owners within 500 feet of the proposed facility at least ten days prior to the public hearing.

**5. STANDARD FOR TELECOMMUNICATION FACILITIES**

- a. Overall Location
  - i. In reviewing an application, the Commission may require the applicant to investigate alternative locations not previously presented and report back to the Commission on their feasibility.
  - ii. Unless waived by the Commission, each telecommunications tower shall be sited below visually prominent ridgelines.
- b. Height
  - i. All accessory structures associated with telecommunication facilities shall not exceed the height requirements of the zoning district in which the structure is located, except as otherwise provided in this section.
  - ii. The Commission may permit telecommunication tower structures including support features such as antennas, aircraft obstruction lights, ice shields and cable guards to extend to a height of not more than 200 feet in height, provided such facility shall not interfere with an airport approach surface.
  - iii. The height of a telecommunications tower structure shall not exceed 125 percent of the linear distance from the tower's base to any adjoining property line unless modified by the Commission.
  - iv. In reviewing an application, the Commission may require the applicant to simulate the telecommunications tower structure height during daylight hours by balloon or other method that will evaluate scenic impact and may require the applicant to publish a legal notice informing the public of the date of such simulation.
- c. Co-Location
  - i. A telecommunication provider shall co-locate on an existing communication tower whenever space is available on such structure, pursuant to the provisions for such sharing as cited in CGS 16-50aa.
  - ii. A telecommunications tower shall be designed to provide for a minimum of three co-locations by multiple users unless modified by the Commission.
- d. Construction
  - i. If located in a residential zone, a telecommunications tower structure shall be a monopole design unless otherwise approved by the Commission.
  - ii. Tower design and construction shall be subject to all applicable standards of the American National Standards Institutes ANSI/EIA-222-F manual, as amended.
  - iii. No future antenna additions shall exceed these specifications and wind loading characteristics without tower structural reinforcement and Commission approval.
  - iv. Telecommunication tower structures and associated support features shall have either a galvanized finish or be painted in a non-contrasting gray, blue or other neutral color or otherwise camouflaged in a manner approved by the Commission, to blend as much as possible with the surrounding environment.
  - v. The Planning and Zoning Commission may condition the construction of a tower by a continuous-use-time restriction.

- e. Illumination
  - i. No illumination of any telecommunications tower structure shall be permitted unless specifically requested by the applicant and specifically approved by the Commission.
  - ii. No signs or lights shall be installed on a telecommunication tower structure unless recommended by the Federal Aviation Administration or any other governmental agency having jurisdiction and approved by the Commission.
  - iii. Limitations on illumination shall be made a condition of any approval provided such illumination conforms to all FAA specifications and standards and town requirements.
- f. Site Location & Design
  - i. The location of all structures associated with telecommunication facilities shall be subject to Site Plan approval.
  - ii. All associated structures shall comply with the setback requirements of the underlying zoning district.
  - iii. New buildings used for the housing of telecommunications equipment shall not exceed 250 square feet per carrier in area nor exceed 8 feet in height with a flat roof or 15 feet in height for a pitched roof and shall be finished to a look compatible with the zone unless modified by the Commission.
  - iv. No new telecommunication tower facility shall be established within 200 feet from an existing unrelated building unless modified by the Commission.
  - v. No commercial wireless telecommunication site shall be located within 500 feet of a parcel containing a playground or school, which is primarily attended by persons under 18 years of age. The Commission may, in its discretion and by vote of 5 of 7 of its members, waive this requirement for an area designated as the playground, when the limits of the playground area within the parcel are located more than 500 feet from the commercial wireless telecommunication site. When considering such waiver requests, the Commission may consider future playground development proposals for any portion of parcel.
  - vi. Any telecommunications tower structures shall be designed to collapse upon itself, and shall be designed to fall entirely on the parcel of which it is located.
  - vii. All utilities shall be located underground unless otherwise approved by the Commission.
- g. Antennae
  - i. Panel antenna shall not exceed sixty inches in height by twenty-four inches in width by twelve inches in depth.
  - ii. Dish antenna shall not exceed four feet in diameter.
  - iii. Façade-mounted antennae may be attached to a non-residential building or structure provided it shall not:
    - Project more than three feet beyond the wall or façade,
    - Project above the Comice line.
  - iv. Roof-mounted antennae may be attached to a non-residential building of structure and shall be set back at least 10 feet from the roof edge.
  - v. Antenna shall be disguised from view of shall blend with the materials and color of the building to the extent possible



- vi. The above criteria may be modified by the Commission as a Special Permit when adequate information is provided as to why such modification is technically necessary.
- h. Landscaping and Screening
  - i. Unless modified by the Commission, all associated structures shall be screened from public view by ornamental shrubs, evergreen trees, fences, walls, or other landscaping to maintain a natural-looking environment.
  - ii. Additional landscaping and screening around the facility may be required by the Commission.
  - iii. Telecommunication tower facilities shall be enclosed with a chain link security fence, a minimum of eight feet in height unless modified by the Commission.
- i. Bonding Requirements
  - i. A bond shall be required prior to the construction of any facility to ensure that any required repair, replacement, or removal shall be accomplished.
  - ii. The bond shall identify the Town as an Additional Insured and shall provide for 90 days written notice to the Commission before terminating the bond.
  - iii. The face amount of the bond shall be determined by Town staff.
  - iv. The Commission shall accept a bond in an amount and with security and conditions satisfactory to it. All such bonds shall be subject to the approval of the Town Attorney.

Definition for the purpose of this section, a Bond shall mean one of the following; subject to the approval of the Commission:

- a. A Bond secured by a passport savings account.
- b. A Bond secured by an irrevocable letter of credit
- c. Any other form of security satisfactory to the Commission.
  - i. *Letters of Credit:* The Commission may authorize the use of Letters of Credit of address bonding requirements, provided the following terms and conditions are met:
    - No letter of Credit shall be accepted in an amount less than \$100,000;
    - At least ten (10) percent of the Commission's bond requirements shall be posted as a cash bond with agreement;
    - All Letters of Credit shall be from a bank licensed in the State of Connecticut that is considered a safe risk by the Commission and the Board of Selectmen. In making this determination, consideration shall be given to the bank's financial record, including total assets, surplus and undivided profits, capitalization ratio, loss reserves and other related financial information deemed appropriate. The Commission and Board of Selectmen also may consider rating service information and other relevant information pertaining to the acceptability of the bank. A Letter of Credit shall be accepted from a bank with a ration of risk-based capital divided by risk-based assets of less than ten percent (see Section 36a-333 CGS as may be amended).
    - All Letters of Credit shall be confirmed, irrevocable and shall be subject to sight payment. The term for the Letter of Credit shall

- be for at least one year beyond the completion date cited in a required bond agreement between the telecommunications facility owner and the Town.
- All Letters of Credit shall be accompanied with a bond agreement, which includes project approval references and terms acceptable to the Commission with staff assistance. Said bond agreement shall be referenced in the Letter of Credit and shall authorize the Commission to obtain funds secured by the Letter of Credit for non-compliance with conditions of approval, approved plans and removal or any provision of the bond agreement.
  - A Letter of Credit shall specify that if the Town elects to demand payment and if an Act of God required that the bank be closed, the date of expiration and the collection terms shall be extended for a minimum of sixty-five (65) days after the bank is reopened.
- ii. *Failure to Complete Removal:* Where a Bond has been posted and the improvements have not been installed or removed within the terms of such Bond, the town may thereupon declare the Bond to be in default and require that all the improvements be installed or removed at the time of the Bond is declared to be in default.
  - iii. *Partial Release:* When and if the Town Engineer determines that a substantial portion of the improvement or removal called for in the final plan approved by the Commission has been completed, he may recommend one or more partial releases of a portion of the surety, the balance to be sufficient to guarantee completion or removal of the improvements. Such partial release shall be authorized by the Town Manager's Office upon recommendation of the Town Engineer. Releases shall be granted in amounts in excess of \$1,000. In no event shall a Bond be released below 10% of the actual cost of improvements.
  - iv. *Final Release:* Bonds will not be released until the Town Engineer has submitted a Certificate stating that all required removal has been satisfactorily completed.

## 6. MAINTENANCE AND ABANDONMENT

- a. Improvements associated with any telecommunications facility shall be regularly inspected and maintained.
- b. The facility owner shall submit to the Commission or its designee, an annual report, due by each anniversary date of the approval of the application indicating:
  - i. Any changes in facility ownership, owner's representatives, address, or parent company;
  - ii. Whether the facility is in use;
  - iii. That the facility has been inspected on a regular basis and the inspection dates of the facility during the past year;
  - iv. The actual measurements of power densities at various locations around the facility and a statement that the facility is in compliance with standards for radio frequency, electro-magnetic radiation power densities at the designated frequencies and power levels;
  - v. Whether the facility is in compliance with the conditions of any approval;

- vi. That contact was made with the Zoning Enforcement Officer to identify any issues with regard to the telecommunications tower, who was contacted, what the issues are, and detailing the proposed responses to any issues.
- c. The owner shall, upon reasonable notice, permit the Zoning Enforcement Officer to periodically inspect the facility.
- d. In the event that the Zoning Enforcement Officer shall determine that any component of a telecommunication facility is unsafe or is not in compliance with any requirements, the owner shall, within 30 days of written notification, repair, replace or remove the facility or the unsafe condition to the satisfaction of the Zoning Enforcement Officer.
- e. An owner of an unused tower shall provide an annual statement describing the status of the tower, whether it remains available to future users or will be dismantled and removed. Any telecommunications facility not used, maintained, inspected, shall be considered abandoned and shall be removed by the owner within ninety days following notification and site restored.
- f. In the event that owner fails or refuses to repair, replace or remove the facility within 30 days of notification by the Planning and Zoning Commission, the Commission shall notify the applicant that the bond will be utilized for such repair, replacement or removal.
- g. After repair, replacement, or removal by the Town and restoration of the site, any remaining bond amount shall be released.
- h. Upon final removal of the facility by the owner, the outstanding bond amount shall be released.

**7. ADDITIONAL CONSIDERATIONS**

- a. The Commission may, at its sole discretion, require the technical expertise and study of an independent third party when reviewing either a special permit or site plan application pertaining to telecommunication facilities or in verifying any information submitted in conjunction with any application. The cost related to any study or verification shall be incurred by the applicant.
- b. The applicant shall provide any additional information required by the Commission in a timely manner.
- c. The Commission may take into consideration the findings or recommendations of any State or regional agency.

## **G. BREWERY AND FARM BREWERY**

### **1. PURPOSE**

These regulations are intended to permit breweries in the I, CB, NB Zones by Special Permit and Farm breweries in the R-44, NB and I Zones by Special Permit. Farm Breweries will help preserve agriculture by sourcing ingredients used in the brewing process on site and from local providers. This includes grains, hops, fruits, honey and other organic adjuncts. Permitting breweries and farm breweries in the right locations and buildings to preserve the physical site characteristics of Burlington while supporting economic development.

### **2. PLAN REQUIREMENTS**

Applications for breweries and farm breweries are subject to the Special Permit Section VII and Site Development Plan provisions and requirements of the Zoning Regulations.

### **3. GENERAL STANDARDS**

- a. Wastewater management design shall be approved by the CT Department of Energy & Environmental Protection and by the Bristol-Burlington Health District.

### **4. MINIMUM LOT REQUIREMENTS FOR BREWERIES IN THE NB, CB, I ZONES**

- a. The minimum area, yard & height requirements for buildings used in connection with breweries shall conform to standards for the zone the property is located in.

### **5. STANDARDS FOR FARM BREWERIES IN THE R-44, NB AND I ZONES**

- a. The narrative outlining the proposed business and operations plan shall be submitted.
- b. The minimum lot area shall be 5 acres.
- c. The location and appearance of brewery structures shall be consistent with the overall character of the lot and/or surrounding neighborhood.
- d. The minimum distance for buildings used in connection with Farm Brewery operations shall be 100' from a lot line unless specifically reduced by the commission but in no case less than 35'
- e. The minimum parking requirements shall in accordance with the requirements for retail stores and service establishments, Section VII B of regulations.
- f. Signage shall conform to requirements of Section VII, Site Development Regulations.
- g. Outdoor storage of products, materials and refuse shall be screened for view with fencing, wall or hedge/shrubs.
- h. Property lines shall have a vegetated buffer area at least 20 feet wide, planted with a mixture of evergreen and deciduous trees and shrubs, which shall be properly maintained.

## **X. ADMINISTRATION**

### **A. PLANNING & ZONING COMMISSION**

#### **1. GENERAL**

- a. Applications to the Commission shall be submitted on forms prescribed with supporting plans, materials and other information required by these Regulations.
- b. Applications, signed by the Applicant or an authorized agent, shall be submitted to the Commission at a regular meeting or at the office of the Building Official.
- c. Applications shall be accompanied by the appropriate fee(s) as established by the Commission.
- d. Proceedings on applications shall be conducted in accordance with the provisions of Chapter 124 of the Connecticut General Statutes, as amended.
- e. The Commission shall hold a public hearing on any application for a Special Permit, Zone Change, or Amendment to Zoning Regulations.
- f. Where a proposed development or activity requires multiple applications, the Commission may conduct the public hearings simultaneously or in the order they deem appropriate.
- g. On any application for a Special Permit or Zone Change, the applicant shall:
  - i. Provide written notice to all adjacent property owners at least ten (10) days prior to the scheduled public hearing and shall submit proof of mailing (on forms obtained from the post office) to the Commission at the public hearing,
  - ii. Post a sign or signs on the premises which is the subject of the application at least twelve (12) days before the commencement of the public hearing,
  - iii. Obtain such signage from the office of the Building Official,
  - iv. Locate and maintain the signage so as to be visible and readable from the street or highway upon which property has frontage for the full time of the required posting.
  - v. Submit an affidavit at the public hearing that the signs were posted in accordance with these requirements,
  - vi. Remove such sign or signs within ten (10) days after the completion of the hearing,
- h. An application shall not be considered complete until all of the required items have been submitted and received by the Commission at a regularly scheduled meeting.
- i. An incomplete application or an application submitted without the requisite fee shall be denied if such application is not completed or fee paid before the commencement of the public hearing.
- j. In approving any application except for a Zone Change, the Commission may attach conditions and safeguards to its approval.

- k. The Commission may:
  - i. Retain an architect, landscape architect, or professional land use planner to review, comment, and guide its deliberations on an application, and
  - ii. Require that the applicant:
    - Deposit funds with the Commission for such review, or
    - Reimburse the Commission for the cost of such review.

**2. SPECIAL PERMIT APPLICATION**

- a. Each application for a Special Permit shall, unless waived by the Commission, be accompanied by a Site Plan Application.
- b. Whenever the Commission acts upon a Special Permit, it shall state upon its records the reason for its decision.
- c. Any use for which a Special Permit has been granted shall be deemed to be a permitted use in the zone in which such use is located provided that such approval shall affect only the specific activity for which such approval was granted.
- d. Any approved Special Permit shall become null and void if the Special Permit activity or any construction or renovation required prior to activity is not commenced within 12 months of the date of approval and an extension of time has not been granted by the Commission.
- e. No Special Permit shall remain valid if the activity has not commenced within 24 months of the date of approval.

**3. SITE PLAN APPLICATION**

- a. Site Plan applications shall be submitted on forms supplied by the Commission for any development of buildings, structures, activities, or uses designated in the Regulations as requiring Site Plan Approval.
- b. Approval may be granted for work which is to be commenced and/or finished in phases provided that no Building Permit shall be issued for any approved phase until a bond with security has been accepted by the Commission to ensure completion and independent viability of that phase, regardless of the state of completion of any other phase.
- c. An applicant shall be encouraged to delineate contemplated future additions or phased expansion and accompanying parking, landscaping, lighting, storm drainage on the initial application.
- d. Applications for Site Plan Approval shall be accompanied by:
  - i. A description of all proposed uses.
  - ii. Approval of, a copy of an application to, or a statement that no permit is required from the Inland Wetlands and Water Courses Commission,
  - iii. A written statement that the applicant has met in the field with the State Department of Transportation concerning any proposed construction within the State Highway.
  - iv. Five copies of detailed plans for review by the Commission and its designees that comply with the requirements of Appendix A.
- e. The Commission may require the submission of additional information as is deemed necessary to make a reasonable review of the application with regard to:
  - i. *Soil conditions* – including locations and depth of rock ledge, ground water conditions, and other such information,

- ii. *A soils-engineering investigation* – including a report addressing the nature, distribution, and strength of existing soils and conclusions and recommendations for grading procedures and design criteria for corrective measures,
  - iii. *Easements and/or rights-of-way* – including copies of any instrument evidencing such a right and a statement that the applicant has notified such parties of the proposed alterations to the parcel and the impact such alterations would have on the right.
- f. In the review of site plans the Commission shall give specific consideration to the design of the following:
  - i. *Traffic Access:*  
That all proposed traffic access ways are:
    - Adequate but not excessive in number,
    - Adequate in width, grade, sight distances, alignment and visibility; and
    - Not located too near street corners or other places of public assembly.
  - ii. *Circulation and Parking:*
    - That adequate parking and loading spaces are provided for vehicles of any persons connected with or visiting the use, and
    - That the interior circulation system is adequate to provide safe accessibility to all required off-street parking.
  - iii. *Landscaping and Screening:*
    - That all playground, parking and service areas are reasonably screened at all seasons of the year from the view of adjacent lots and streets and
    - That the general landscaping of the site is in character with that generally prevailing in the neighborhood.
  - iv. *Illumination:*  
That lighting from the installation of outdoor flood or spot lighting and illuminated signs:
    - Are of a reasonable intensity of illumination for the purpose served and
    - Will be properly shielded so that such lighting will not adversely affect any abutting property or public street.
  - v. *Physical Site Characteristics and Peculiar Suitability:*  
That the physical site characteristics and peculiar suitability of the proposed use, building, and/or outdoor signs will be in general harmony with the surrounding neighborhood and that of the Town of Burlington.
- g. No work shall be commenced until:
  - i. Record Mylar plans have been submitted by the applicant,
  - ii. The applicant has filed a bond with the Commission in an amount acceptable to the Town Engineer and the Commission and form acceptable to the Town Attorney guaranteeing completion of those items specified by the Commission and these Regulations, and
  - iii. The Chairman of the Commission has affixed his signature to the record Mylar plans.
- h. Site plan approval shall become null and void in one year from the date of approval if the activities have not commenced and the site plan shall be considered to be disapproved.

- i. Bonds will not be released until:
  - i. The release has been requested, in writing, by the developer,
  - ii. The Highway Superintendent has submitted a letter stating that all required improvements have been satisfactorily completed and that all conditions and requirements of the Commission's approval have been satisfied.
  - iii. The applicant's engineer or surveyor has certified to the Commission, through submission of a set of detailed "Record" plans on translucent cloth or polyester film that all public improvements are in accordance with submitted site plans.
- j. Proposed modifications to approved site plans shall be submitted to the Zoning Enforcement Officer for review. Minor changes may be approved by the Zoning Enforcement Official or submitted to the Commission for review. Major changes (additional building area, alteration of building location) shall be submitted to the Commission for additional review.

#### **4. CHANGE IN USE OR STRUCTURE APPLICATION**

- a. All additions to existing uses or structures, including any modifications to parking, grading, storm drainage, planting or signing, as well as such changes in or revisions to approved Site Plans, must be submitted to the Town Engineer and Zoning Enforcement Official for review. Such activities may then be referred to the Commission for approval.
  - i. When an applicant is proposing to reuse an existing building, unit, or storefront within a multi-tenant, or complex style development that was part of a previously approved site plan, the applicant may request a waiver from Section X.3, and or Appendix A, including subsections, of these regulations. The section shall not apply to sites that contain one business or a single use.

#### **5. CONCEPT PLAN APPLICATION**

- a. At any time prior to submission of a formal application, an applicant shall have the right, but shall not be required, to meet informally with the Commission at either a regular or special meeting to discuss a proposed application.
- b. An informal conference with the Commission can be obtained by submitting a letter to the Commission at a regular meeting specifically requesting such a conference and being placed on the agenda of a subsequent meeting.
- c. Such an informal discussion is recommended in order to facilitate general review of the factors and problems affecting the site plan before the applicant proceeds with formal application and final plans and documentation required for formal consideration by the Commission.
- d. The informal review is provided as a courtesy to the applicant in the belief that plans or concepts presented in preliminary rather than final form, and alterations or changes suggested by the Commission, may be made more readily and economically.
- e. The nature, details, and degree of accuracy of submitted information, studies, reports and maps, shall be at the option of the applicant. It should, however, be recognized that the value of the conference to the applicant will reflect and be directly related to the amount of preliminary data provided at the conference.



- f. Neither informal plans nor the informal review by the Commission shall be deemed to constitute any portion of the official and formal procedure of reviewing and approving site plans.
- g. The Commission shall take no action either to approve or disapprove such proposed site plans on the basis of such informal conference.
- h. Any plans, maps or other documents discussed by the Commission at the informal conference shall be retained by the applicant.

**6. ZONE CHANGE APPLICATION**

- a. The boundaries of any Zone District established hereunder may from time to time be amended, modified, or changed by the Commission on its own initiative or by petition.
- b. Unless initiated by the Commission, all petitions for a change of zone must be made by the owners of record of the property involved, their authorized agents, or the holder of an option to purchase.
- c. Any petitions for amendment shall be submitted in writing at a regular meeting of the Commission on forms prescribed.
- d. Applications shall be accompanied by:
  - i. Three (3) copies of a Class "D" survey map prepared at 24" x 36" at the same scale as the Assessor's maps and,
  - ii. The names, addresses and zip codes (when available) of all parcel owners as per the latest Assessor's records, keyed by parcel number, and
  - iii. The appropriate application fee, except that the Commission shall be exempt from any application fee.
- e. The maps shall show:
  - i. Existing zone district lines (depicted by a heavy, broken line)
  - ii. Property for which the zone change is requested (shown in a shaded pattern)
  - iii. A line representing the locus of points 500 feet in all directions from the parcel(s) for which the change in classification is requested
  - iv. Lots and streets lying wholly or partially within 500 feet in all directions
  - v. Appropriate legend indicating the specific request as well as the name of the applicant and owner(s) of land included in the proposed change
  - vi. Lot or parcel numbering consistent with the system used by the Assessor's Office
  - vii. North arrow and location key map at a scale of 1" = 1000'
  - viii. The Town line, when located within 500 feet of a proposed zone change
  - ix. Appropriate professional certification and clarification by a land surveyor
- f. Any amendment or change may be adopted only after due notice and public hearing in accordance with the provisions of Chapter 124 of the Connecticut General Statutes.
- g. In approving any change in the Zoning Map, the Commission shall be guided by the adopted Plan of Conservation & Development.
- h. No petition for amendment which has been rejected by the Commission shall be heard again within one year from the date of rejection except that the Commission may grant a rehearing before one year if it finds, on facts presented in writing, that a material change in the situation justifies this action in the interest of the public as well as the petitioners.

## **7. TEXT CHANGE APPLICATION**

- a. These Regulations may from time to time be amended, modified, changed or repealed by the Commission on its own initiative or by petition.
- b. Any petitions for text amendment shall be submitted in writing at a regular meeting of the Commission on forms prescribed and shall be accompanied by the following:
  - i. 10 copies of the precise wording of the existing and proposed text, and
  - ii. The appropriate application fee, except that the Commission shall be exempt from any application fee.
- c. Any amendment or change may be adopted only after due notice and public hearing in accordance with the provisions of Chapter 124 of the Connecticut General Statutes.
- d. No petition for amendment which has been rejected by the Commission shall be heard again within one year from the date of rejection except that the Commission may grant a rehearing before one year if it finds, on facts presented in writing, that a material change in the situation justifies this action in the interest of the public as well as the petitioners.

## **B. ADMINISTRATION BY STAFF**

### **1. ZONING PERMIT**

- a. An application for a Zoning Permit shall be submitted to the Zoning Enforcement Officer prior to:
  - i. The construction, reconstruction, enlargement, extension, moving or structural alteration of any building, sign, or other structure (other than a permitted fence).
  - ii. The change of use of any building, sign or other structure (other than permitted fence).
  - iii. Any commercial use or occupancy.
  - iv. Any change in commercial use or occupancy.
  - v. Any change in use of any land, building or other structure or part thereof.
- b. A Zoning Permit is not required for repairs or alterations as to existing buildings or structures, provided that such work does not increase the floor area of any building or structure and does not change the use thereof.
- c. An application for a Zoning Permit shall be accompanied by a plot plan certified by a land surveyor showing such information as necessary to enable him to decide whether the proposed building, alteration or use complies with all the provisions of these Regulations and including, at a minimum, the following:
  - i. The actual dimensions of the lot to be built upon,
  - ii. The exact size and location of the existing buildings and buildings proposed to be erected,
  - iii. The dimensions of all open spaces and established building lines, and
  - iv. Existing and proposed water supply and sewage disposal on the premises for which the application is made and within 100 feet of the applicant's premises.

- d. If the Zoning Enforcement Officer finds the proposed use, building or other structure in compliance with these Regulations, he shall issue a Zoning Permit, provided no such Permit shall be issued for a use requiring a Special Permit until such Special Permit has been granted.
- e. A Zoning Permit shall automatically become void if construction is not started within a period of one year and shall expire two years from date of issue. A new Permit must be obtained if construction is not completed within two years.

**2. REASONABLE ACCOMODATIONS FOR PERSONS WITH HANDICAPS**

- a. All setback, coverage location, and use requirements of these Regulations may be modified by the Zoning Enforcement Officer for the alteration, construction, and/or modifications necessary to provide access for persons with handicaps or such other modifications of these Regulations as may be necessary to meet the requirements of the Americans with Disabilities Act and Fair Housing Act. Once the reasonable modification is no longer required, all improvements to land, buildings, and structures not in compliance with these regulations shall be removed within 90 days.
- b. The Applicant for such modification shall publish a legal notice in a newspaper having substantial circulation within the Town of Burlington containing:
  - i. A description of the building, use or structure that has received a modification,
  - ii. The nature of such modification,
  - iii. The location of the building, use or structure, and
  - iv. A statement that any aggrieved person may appeal such modification to the Zoning Board of Appeals within 15 days of such publication.
- c. The Zoning Enforcement Officer will give the Applicant a letter granting the modification(s) which shall be filed on the Land Records in the Office of the Town Clerk within 15 days after the appeal period referred to in X.B.2.b.iv has expired.

**3. BUILDING PERMIT**

- a. No building or structure shall be erected, altered or moved until an application therefore has been approved by the Building Official and a Building Permit issued.
- b. No Building Permit shall be issued unless a Zoning Permit has been issued.
- c. No Building Permit shall be issued unless the Health Officer or his agent has approved any existing or proposed water or sewer systems.

**4. CERTIFICATE OF ZONING COMPLIANCE**

- a. An application for a Certificate of Zoning Compliance shall be submitted to the Zoning Enforcement Officer prior to:
  - i. The issuance of any Certificate of Occupancy by the Building Official,
  - ii. The renewal or change of a non-conforming use.
- b. An application for a Certificate of Zoning Compliance shall be accompanied by:
  - i. A plot plan as required for a Zoning Permit,

- ii. A letter from the Town Highway Superintendent, or his designee, stating that all site improvements, as approved by the Commission as part of a site plan, have been completed.
- c. The Zoning Enforcement Officer shall issue a Certificate of Zoning Compliance upon finding that:
  - i. The building, structure, sign or use is in compliance with an approved site plan,
  - ii. Special Permit, and with these Regulations,
  - iii. The use legally existed at the time of the adoption of these Regulations, or
  - iv. The renewal or change of the non-conforming use is in conformity with the provisions of these Regulations.
- d. A Conditional Certificate of Zoning Compliance may be issued:
  - i. When winter conditions cause exceptional hardship from the strict application of this section and such conditions delay completion of some required work that is not essential to protection of public health, safety or welfare,
  - ii. For individual buildings within a Special Permit area that are in compliance with the provisions of this Section even though other structures in the complex are not yet in compliance, or
  - iii. Provided a Bond or other surety in an acceptable amount and form has been deposited with the Commission under terms specified in these Regulations.
- e. A Certificate of Zoning Compliance shall be deemed to authorize a use and is required for both initial and continued occupancy and use of the building or land to which it applies, and shall continue in effect as long as such building or land and the use thereof is in full conformity with the provisions of these Regulations and any requirements pursuant thereto.
- f. A Certificate of Zoning Compliance shall become null and void thirty (30) days from the date of the Zoning Enforcement Officer serving notice of any violation of any of the provisions or requirements of these Regulations and a new Certificate of Zoning Compliance shall be required for any further use of such building or land unless:
  - i. The violation is corrected within said thirty (30) days, or
  - ii. It is shown that the violation does not exist.
- g. A record of all Certificates of Zoning Compliance shall be kept on file in the office of the Zoning Enforcement Officer.

## **5. CERTIFICATE OF OCCUPANCY**

- a. No building or structure or any addition or alteration thereto hereafter erected shall be occupied or used, in whole or in part, for any purpose until a Certificate of Occupancy shall have been issued by the Building Official.
- b. Every application for a Certificate of Occupancy shall submit a written statement from the local Health Official approving the finished water and sewer systems.
- c. An application for a Certificate of Occupancy shall be accompanied by a plot plan as required for a Zoning Permit.
- d. No Certificate of Occupancy shall be issued unless a Certificate of Zoning Compliance has been issued.
- e. No Certificate of Occupancy shall be issued for any dwelling unit until the right-of-way to such building is made accessible to 4-wheel vehicular traffic.

## **C. ENFORCEMENT**

### **1. AUTHORITY**

- a. These Regulations shall be enforced by the Planning & Zoning Commission.
- b. The Commission may appoint a Zoning Enforcement Officer as the Commission's duly authorized agent for enforcement of these Regulations.
- c. The Zoning Enforcement Officer is hereby authorized to inspect and examine any building, structure, place, or premises and to order, in writing, the remedying of any condition found to exist there in violation of any provision of these Regulations.

### **2. VIOLATIONS**

- a. If the Zoning Enforcement Officer shall find that any of the provision of these Regulations is being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation, and ordering the action necessary to correct it.
- b. The Zoning Enforcement Officer shall order:
  - i. Discontinuance of illegal use of land, buildings, structures, additions, alterations, or structural changes thereto,
  - ii. Discontinuance of any illegal work being done, or
  - iii. Shall take any action authorized by these Regulations to ensure compliance with or to prevent violation of its provisions.
- c. Penalties for illegal acts shall be as provided in the Connecticut General Statutes.

## **D. BOARD OF APPEALS**

### **1. POWERS AND DUTIES**

The Zoning Board of Appeals shall have the following powers and duties:

- a. To adopt, from time to time, such rules and procedures as may be deemed necessary to carry into effect the provisions of these Regulations.
- b. To hear and decide appeals in conformity with the terms of these Regulations where it is alleged there is error in any order, requirement, decision or determination by the Zoning Enforcement Officer in the enforcement of these Regulations.
- c. To determine and vary the application of the Zoning Regulations in harmony with their general purpose and intent and with due consideration for conserving the public health, safety, convenience, welfare and property values solely with respect to a parcel of land where, owing to conditions especially affecting such parcel, but not affecting generally the district in which it is situated, a literal enforcement of such regulations would result in exceptional difficulty or unusual hardship so that substantial justice will be done and the public safety and welfare secured.
- d. The Board shall have such other powers and duties as provided in the Connecticut General Statutes.

## **2. PROCEDURES**

- a. Any application to the Board shall be submitted in writing on forms prescribed and available at the office of the Building Inspector/Zoning Enforcement Officer.
- b. Appeals from any order, requirement or decision of the Zoning Enforcement Officer shall be filed within fifteen (15) days of the rendition of such order, requirement or decision.
- c. Completed application forms shall:
  - i. Be filed in duplicate with the Town Clerk and
  - ii. Be accompanied by the appropriate application fee, and
  - iii. Include the data necessary for a clear understanding and intelligent action by the Zoning Board of Appeals.
- d. A Public Hearing shall be held on all applications for variance with the following conditions:
  - i. Post a sign or signs on the premises which is the subject of the application at least twelve (12) days before the commencement of the public hearing,
  - ii. Obtain such signage from the office of the Building Official upon receipt of a cash deposit,
  - iii. Locate and maintain the signage so as to be visible and readable from the street or highway upon which property has frontage for the full time of the required posting.
  - iv. Submit an affidavit at the public hearing that the signs were posted in accordance with these requirements,
  - v. Remove such sign or signs within ten (10) days after the completion of the hearing,
- e. Proceedings on applications shall be in accordance with the provisions of Chapter 124 of the Connecticut General Statutes.
- f. All parties in interest or citizens may appear in person, or by agent or attorney;
- g. The concurring vote of four members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Zoning Enforcement Officer, to decide in favor of the application of any matter upon which the board is required to pass under these Regulations, or to vary the application of these Regulations.
- h. In granting any variance, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards in conformity with these Regulations.
- i. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of these Regulations and punishable under the Regulations.
- j. Approval of a variance under this Section shall be conditioned upon the applicant's filing of the variance on the Burlington Land Records within 30 days of the publication of the notice of the approval as required by the Connecticut General Statutes.

## **3. VARIANCES**

A variance from the terms of these Regulations shall not be granted by the Board of Appeals unless and until the Board shall make a written finding in its minutes as to all of the following:

- a. That special conditions and circumstances exist that are peculiar to the land, structure, or buildings involved and are not applicable to other lands, structures, or buildings in the area;

- b. That these special circumstances relate to the condition of the land or parcel;
- c. That the special conditions and circumstances are not related to the circumstances of the applicant and have not resulted from the actions of the applicant or any predecessor in title;
- d. That the special circumstances constitute an exceptional difficulty or unusual hardship not of the applicant's making and are not solely a financial detriment;
- e. That literal interpretation of the provisions of these Regulations would deprive the applicant of rights commonly enjoyed by other properties in the same district;
- f. That granting the variance requested will not confer upon the applicant any special privilege or use that is denied by these Regulations to other lands, structures, or buildings in the same district.
- g. That these circumstances justify the granting of the variance,
- h. That the variance, if granted, is the minimum variance that will make possible the reasonable use of the land, building, or structure; and
- i. That the granting of the variance will be in harmony with the general purpose and intent of these Regulations, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

**4. ADDITIONAL REQUIREMENTS FOR USE VARIANCES**

- a. A variance shall not be granted which would permit a use that would not otherwise be allowed unless the applicant demonstrates that no reasonable use of the subject property is possible under any permitted use.
- b. No use variance shall be granted by the Zoning Board of Appeals which would permit:
  - i. A use prohibited either implicitly or explicitly by these Regulations;
  - ii. The expansion of a non-conforming use;
  - iii. The number of dwelling units on a lot to exceed the maximum allowed in the zone in which the lot is located; or,
  - iv. A use otherwise allowed by Special Permit in the zone in which the use is located.
- c. In instances where a use variance is proposed, written notice shall also be given, by registered or certified mail, of said hearing, by the applicant to all owners of property within 200 feet from any boundary of the property which is the subject of the application;
- d. Prior to any action on a use variance the Board of Appeals shall submit the application for such use variance to the Planning and Zoning Commission and any report submitted by the Commission shall be read at the Public Hearing and be a part of the record of application.

**5. LIMITATIONS**

No non-confirming use of the neighboring lands, structures or buildings in the same district, and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance;

**E. VALIDITY & EFFECTIVE DATE**

**1. REPEALER**

Any previously enacted “Zoning Regulations of the Planning and Zoning Commissions of the Town of Burlington”, and all amendments thereto are hereby repealed and replaced with these Regulations as of the effective date hereof.

This repeal shall not affect or impair any act done, offense committed or right accruing, accrued or acquired or any liability, penalty, forfeiture or punishment incurred prior to the times such repeal took effect, but the same may be enjoined, asserted, enforced, or prosecuted as fully and to the same extent as if such repeal had not been effected.

**2. SEPARABILITY**

Should any phrase, clause, or section of these Regulations be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of any other phrase, clause or section of these Regulations.

If a court of competent jurisdiction finds the application of any provision of these Regulations to any use, land or improvement to be invalid or ineffective in whole, or in part, the effect of such decision shall be limited to the person, property or situation immediately involved in the controversy and the application of any such provision to other persons, property or situations shall not be affected.

**3. EFFECTIVE DATE**

Zoning Regulations were originally adopted in Burlington with an effective date of March 7, 1958.

These Regulations, and any amendment or change hereto, shall be in full force and effect from the date established by the Commission in accordance with the Connecticut General Statutes.



## APPENDIX A - SITE PLAN REQUIREMENTS

### 1. GENERAL

Each plan submitted shall:

- a. Be prepared by, and bear the seal(s) of a registered professional as appropriate for the type of drawing submitted,
- b. Be on a sheet size of 24" by 36",
- c. Be drawn to a scale of not more than 40 feet to the inch or 100 feet to the inch in the case of an earth removal application,
- d. Contain a title block with property address, names of applicant and owner, date of map
- e. Contain a north arrow, graphic and written scales, and an approval block.
- f. Contain a location key map, at a scale of one inch equals 1,000 feet, showing the property and all surrounding property, zoning districts, Town lines, and streets within 500 feet.
- g. Be updated to reflect the date, number, and content of any revision.

### 2. PROPERTY SURVEY

An A-2 property survey plan shall be submitted showing the following information unless specifically waived by the Zoning Enforcement Officer or the Commission:

- a. Certification by a licensed land surveyor,
- b. Date of survey,
- c. Total acreage of the parcel.
- d. Location and names of owners of record of abutting property and subdivisions, including those located across public or private streets.
- e. Location of all existing monuments and pins and the Town Line, where applicable.
- f. Lengths and directions of present property lines, with dimensions on all lines to the hundredth of a foot; all bearings or interior angles to the nearest second, and the central angle, tangent distance and radius of all curves.
- g. Rights-of-way, easements, or other property encumbrances or appurtenances including the names of the affected party and the volume and page where the instrument evidencing such right is recorded in the land records.

### 3. SITE DEVELOPMENT PLAN

A site development plan shall be submitted showing the following information unless specifically waived by the Zoning Enforcement Officer or the Commission:

- a. The professional seal of a registered professional engineer or a licensed landscape architect as appropriate for the type of information presented,
- b. Natural Resource Information
  - i. Existing and proposed contours at two foot intervals, based on field data or aerial photogrammetry with proper ground control,
  - ii. Spot elevations at high and low points for a distance at least 100 feet beyond the construction limits;
  - iii. Location of existing waterbodies, water courses, swamps and marshes with the direction of flow and water surface elevations within the property and for at least 50 feet beyond the boundary lines,
  - iv. Accurate delineation of all soil types designated as Inland Wetlands,
  - v. Delineation of flood hazard areas, and

- vi. Any existing trees greater than 12 inches in caliper.
- c. Infrastructure Information
  - i. Existing and proposed sewage disposal systems, wells and other uses on the subject property and adjacent properties for a distance of 100 feet from the boundary.
  - ii. Size, top of frame, and invert elevations for all existing and proposed culverts manholes, or catch basins,
  - iii. Existing streets and appurtenances adjacent to or abutting the property, including walls, fences, pins, and monuments of both sides of such streets, locations and width of pavement, utility poles and their numbers, storm drainage structures, public utilities, driveways, intersections with other streets and street lights.
  - iv. Existing and proposed storm drainage, sanitary sewer and water supply facilities and easements including the location of all facilities as proposed in Burlington's Plan of Conservation & Development.
- d. Development Information
  - i. Existing and proposed buildings on the subject property and adjacent properties for a distance of 100 feet from the boundary.
  - ii. Recognized landmarks, including walls, fences, private roads and ways on the property and adjacent properties for a distance of 50 feet.
  - iii. Location and height of all existing and proposed structures including signs and lighting.
  - iv. Location of all uses not requiring a structure.
  - v. Permanent bench mark plus an additional permanent elevation reference for every 5 acres, or part thereof.
  - vi. Fences or embankments where necessary for the protection and safety of vehicular and pedestrian traffic.
- e. Traffic and Parking Information
  - i. Location of driveways, loading and parking areas showing the number of spaces.
  - ii. Proposed interior traffic circulation system, adequately designed to provide safe accessibility to all required off-street parking as well as providing police and fire protection to all structures, equipment and materials.
  - iii. Proposed provisions for pedestrian traffic including concrete sidewalks and/or easement where required by the Commission.
  - iv. Limits of areas to be permanently paved and provided with lip curbing, and parking and planting islands.

**4. LANDSCAPING PLAN**

A landscaping plan shall be submitted showing the following information unless specifically waived by the Zoning Enforcement Officer or the Commission:

- a. The professional seal of a licensed landscape architect or a licensed professional engineer.
- b. Existing Conditions
  - i. Present wooded areas indicated by a foliage line,
  - ii. Significant rock outcrops.
- c. Proposed Conditions
  - i. Details of landscaping showing the type, location and extent of all proposed planting or vegetation to be retained or otherwise provided for on the site in order to prevent erosion and related hazards.
  - ii. Buffer areas and means of screening development from the view of highway traffic and neighboring property owners.

**5. ARCHITECTURAL PLANS**

Architectural plans shall be submitted showing the following information unless specifically waived by the Zoning Enforcement Officer or the Commission:

- a. The professional seal of a licensed architect.
- b. Schematic architectural floor plans
- c. Exterior building elevations showing:
  - i. Proposed structures and/or changes to existing structures
  - ii. All exterior building materials, clearing labeled.

**6. ADDITIONAL PLANS**

The following additional information shall be submitted unless specifically waived by the Zoning Enforcement Officer or the Commission:

- a. Erosion and sediment control plans clearly showing:
- b. Proposed safeguards against wind and water erosion,
- c. Those areas where topsoil is to be preserved and seeding is to take place.
- d. Measures to minimize soil erosion and sedimentation resulting from land development that equal or exceed those contained in "Connecticut Guidelines for Soil Erosion and Sediment Control," January 1985.
- e. Construction details including:
- f. Cross-sections detailing the construction of proposed sidewalks, driveways, parking areas, storm drainage structures, and other site improvements.
- g. Storm drainage data showing drainage areas and estimated run-off of the area to be served by existing drainage facilities together with detailed plans and specifications of all proposed drainage facilities and other protective devices to be constructed in connection with proper drainage of the premises both during and after completion of the proposed operation.

**7. EARTH REMOVAL**

For applications involving the excavation, removal or filling of earth materials, the following additional information shall be submitted unless specifically waived by the Zoning Enforcement Officer or the Commission:

- a. The quantity of material to be removed,
- b. The limits of the proposed excavation, removal, filling, grading or processing with limit markers spaced a maximum of 200 feet apart and tied to the property boundary and/or major reference points with accurate bearings and distances.
- c. Detail of the proposed limit markers that shall equal or exceed 2" x 2" wood posts, brightly painted extending minimum of two feet above the surface of the ground.
- d. The proposed location of a permanent bench mark plus an additional permanent elevation reference for every five acres, or part thereof.
- e. Storm drainage data showing all existing and proposed drainage facilities to ensure proper drainage of the premises both during and after completion of the proposed operation.
- f. Buffer areas and adequate provision for lateral support of adjacent properties.
- g. Fences or embankments where necessary for the protection and safety of vehicular and pedestrian traffic.
- h. Proposed vehicular access to and egress from the site and proposed work roadways within the site.
- i. The limits of any proposed processing and the specific location of any proposed processing equipment.
- j. Location of topsoil test pits together with individual soil profiles.

## **APPENDIX B - CENTRAL BUSINESS OVERLAY ZONE REGULATIONS**

### **1. GENERAL**

The Burlington Central Business Overlay Zone is an overlay zone encompassing all zoned Central Business Districts. The use of land, buildings and other structures within a Central Business Zone Overlay District shall be conducted in conformity with the underlying Central Business District Regulations and with these additional Central Business Overlay Zone Regulations and Burlington Central Business District Design Guidelines. No lot shall be used, any new building constructed, or any existing building substantially improved or enlarged until the Commission makes a determination that it complies with the procedures and informational requirements of this Section.

In the event of any conflict between the Central Business Zone Regulations and the Central Business Overlay Zone Regulations and Design Guidelines, the Commission's interpretation of its regulations shall be final. It is the Commission's intent that these regulations augment, not supersede, existing zoning regulations; the requirements of the underlying zoning regulations shall prevail.

Central Business District means any zoning district designated "Central Business Zone" ("CB") as established by the Burlington Zoning Regulations and the "Zoning Map Town of Burlington" as amended.

### **2. PURPOSE**

The purpose of these Central Business Overlay Zone Regulations is to promote and accommodate revitalization and aesthetic enhancements and to provide for design review within the Central Business Overlay Zone. This review is not intended to discourage or prohibit the use of property. Rather, its purpose is to enhance the physical site characteristics, landscape and architecture quality of Central Business District consistent with the Plan of Conservation and Development and the Burlington Central Business District Design Guidelines to promote economic development and growth objectives.

### **3. OBJECTIVES**

The objectives of these regulations are to:

- a. Make recommendations for an appropriate pattern and form of compatible land uses; preclude certain inappropriate and inconsistent uses and activities; and, encourage, oversee and guide development in Central Business Districts.
- b. Assist property owners and developers; ensure review of proposals for coordination and conformity with other existing and future development.
- c. Encourage State and local government to make necessary public infrastructure improvements.
- d. Encourage, assist and coordinate efforts of private and quasi-public groups, such as an association of business merchants, a garden club, service organization or other group, in their efforts to maintain an attractive, cohesive and safe central business district.

**4. ACTIVITIES AND USES COVERED**

Any construction of any new building, any substantial building improvement or enlargement or any change of use requiring site plan or special permit approval as required by these Regulations, located within a Central Business Overlay District, is subject to the architectural requirements of, and eligible for consideration for special provisions of, the Central Business Overlay Zone Regulations. Advisory Committee review of plans for each new building or structure, substantial building improvement or enlargement, or change of use shall cover the following, to the reasonable satisfaction of Commission:

- a. The design and placement of the building in relationship to the adjacent buildings and public streets.
- b. The maintenance of public views.
- c. The use of paving materials, sidewalk treatments and landscape enhancements.
- d. Façade improvements based on the design guidelines herein. These improvements include façades facing a public street.
- e. The color, size, height and proportion of new buildings and proposed modifications to existing buildings.
- f. Parking layout, sidewalk location and pedestrian accessibility.
- g. Signs: both free standing and attached to building façade.
- h. Lights: both free standing and attached to building façade.
- i. Awnings and awning signs.
- j. Roofing material, color, texture, shape and size.
- k. Access and Circulation.
- l. Proposed use.

**5. PROCEDURE**

The Commission may, in its sole discretion, on an application by application basis, forward a complete application to an Advisory Committee established or designated by the Commission, for an advisory, non-binding report made to the Commission. Any such report shall be completed within 35 days of the date of receipt of the application by the Commission. Failure of the Advisory Committee to report within the prescribed time period shall be taken as a favorable review. In the case of an unfavorable report the Advisory Committee shall record its reasons and transmit them with its report to the Commission.

**6. APPLICATION**

An application for site plan and/or special permit approval involving new construction, substantial building improvements or any change of use within the Central Business District shall comply with the "Burlington Central Business Design Guidelines" contained hereinafter and include the following information:

- a. *Description of materials:* Color scheme and texture of major building materials, exterior wall elevations of all adjacent structures, drawn at a minimum scale of 1/8 inch equals 1 foot. In lieu of drawings, photos of like treatments may be submitted.
- b. *Streetscape Façades:* Detailed drawing showing design, color, texture and type of materials of proposed building façade facing the public or private street drawn at a minimum scale of 1/8 inch equals 1 foot.
- c. *Signs:* Detailed drawing showing design, size, color, texture and type of materials. Lettering style, size and color for wall signs shall also be included as well as the illumination and light intensity. Notation as to uniformity of the signs, placement and size consistency with adjacent signs shall also be presented.

- d. *Utilities:* The location of all utilities serving the building such as transformers, HVAC units, gas and electric meters.
- e. *Location:* The placement of new or substantially improved or enlarged buildings in relationship to surrounding properties, public views from roadways and nearby public spaces and parking.
- f. *Lighting:* The design, location and illumination of buildings and light standard fixtures and their consistency with light styles existing in the Central Business District.
- g. *Compatibility:* A statement detailing the proposed new building's or substantially improved building's compatibility with the New England Village nature of the surrounding area in the Central Business Zone and with the "Burlington Central Business Design Guidelines" contained herein and applicable portions of the Burlington Plan of Conservation and Development.
- h. *Architectural Plans:* Except as may be modified or waived by the Commission, all applications involving new construction, substantial exterior renovations, alterations and/or building enlargements shall be accompanied by appropriate drawings, including elevations, representing building façade designs, details and materials, fenestration organization, overall heights, floor to floor and other pertinent dimensions, window treatments, signage design, graphics and colors, etc., all drawn to an accurate scale. Outline specifications describing the proposed building materials and building envelope system shall be provided.
- i. *Sidewalks:* Design and layout.

## 7. **SPECIAL PROVISIONS**

Properties which meet the requirements of these Central Business Overlay Zone Regulations and Burlington Central Business District Design Guidelines will be eligible for consideration by the Commission, in its sole discretion, the following incentives to facilitate improvements and uses subject to final approval of the Commission:

- a. Replace the required minimum front yard setback of 30 feet to where the building front, excluding unenclosed entry canopies and structures, must be no more than 30 feet from street edge exclusive of on-street parking, or no more than 5 feet from street right-of-way if right-of-way extends beyond 30 feet from the street..
- b. New construction and substantial improvements or enlargements of buildings which provide access and pedestrian sidewalks from the lot may be accepted from any requirement to provide additional new parking and may permitted to share existing parking.
- c. Lowering the parking ratio.
- d. Eliminating side yard setbacks to permit "zero" lot line development. In order for a side yard setback reduction to be approved, applicant must demonstrate compliance with the applicable building and fire safety code for the proposed building.
- e. Modify minimum frontage and lot area when it is determined that the construction, improvement or enlargement or use is compatible with surrounding properties, adds to a block of buildings to create a strong street edge, or creates a street level store front.
- f. Permit off-site parking within the street right-of-way for a limited number of spaces if the Commission determines that the location of the spaces improves street level retail uses, improves pedestrian access, is safe and/or will not impede traffic.

**8. TRAFFIC AND PARKING MANAGEMENT PLAN**

Applicants for Site Plan approval in a Central Business District may be required, at the Commissions discretion, to submit a Traffic and Parking Management Plan which addresses the following. No such study need be provided unless requested.

- a. Traffic impact analysis containing present roadway conditions, existing and projected traffic volumes (ADT, A.M. and P.M. Peaks), existing volume capacity ratios, existing and projected levels of services, site generated traffic and distribution and accident experience.
- b. Parking analysis which contains number of spaces for the proposed development as required by these regulations, the location of the proposed parking, provisions for joint use parking arrangement if any, submission of written agreements for joint use or offsite parking if any, provisions for alternative modes of transportation such as van pools, varied work shifts, public transit.

**9. DESIGN GUIDELINES**

The desired image or theme for Burlington’s Central Business Districts is the New England village. This theme is associated with certain visual elements and organizing principles. The retention of a central town green and the enhancement of a consistent look or architectural theme in a Central Business District is a conscious goal herein.

- a. Architectural styles are to have a colonial theme with a strong sense of history and tradition. Building materials may include clapboard, shingle, brick and stone. Roofs are flat or steeply pitched. Fenestration is to be vertically proportioned.
- b. Modern buildings undergoing renovation, improvement or enlargement or new construction should be renovated or constructed with compatible materials, colors and signage, consistent with the standards set throughout the Central Business District.

**10. SIGNAGE**

In order to accommodate both pedestrian and vehicular signage needs, a hierarchical signage system for any Central Business District is established. Larger signs may be located to announce the district, extend welcome, indicate merchants located within, and give directions to public parking. This may occur, for example, at strategically located “gateway” elements. Once within the District, individual store signs can identify the merchandise available within. These pedestrian signs should be smaller scaled and appropriately sized for the storefront they announce. Larger and more garish signs are usually associated with the commercial strip and the automobile and are to be discouraged and not allowed. Backlit, translucent canopies, neon, flashing digital signs or other similar signs should be discouraged and not utilized.

Signs must be constructed and placed in conformity with the Burlington Zoning Regulations and must be located so they do not obscure architectural features of historic buildings. In order to create some sense of harmony throughout the District, the same design criteria should be applied to all buildings.



## APPENDIX C - BURLINGTON CENTRAL BUSINESS ZONE DESIGN GUIDELINES

### 1. BUILDING PLACEMENT

- a. The placement of buildings towards the front of the lot and parking space to the rear is strongly encouraged.
- b. Primary entrances to buildings should be oriented toward the front sidewalk and street.

### 2. BUILDING ARTICULATION

- a. The building street wall must provide significant modulation in horizontal and vertical rhythms that facilitates a lively relationship between materials, light, shadow, texture, and solids and voids. Such modulation may include, but is not limited to: windows; doors; building bulb-outs; building recesses; façade materials; and specific architectural elements such as columns, cornices, sills, distinct bands between floors, and other ornamentation. As a general rule, building modulations should occur at least every 25 to 30 feet of street wall length.
- b. Buildings shall have a significant level of transparency along the ground floor fronting on any sidewalk or street. In general, the ground floor façade should be broken up by windows, doors, or other transparent elements that are subdivided appropriately, where practical. Utilization of plate glass is permitted but the inclusion of grills or other means of creating the look of small panes is strongly encouraged.
- c. Mechanical equipment located outside of a building must be screened from view on all sides in a manner that is architecturally consistent and integrative with the associated building.
- d. Flat roofs are discouraged. Roof treatments shall be harmonious with the built form of the surrounding area. Cornices, roof terraces and other architectural elements that aid in visually terminating the roofline of a building are strongly encouraged and shall be continued around the entire perimeter of the building.
- e. Bay windows, balconies, and other functional or ornamental architectural elements may project a maximum of three (3) feet beyond the front property set-back line. Awnings must be professionally manufactured and mounted. They must be well maintained, and the awning frame must be located no lower than seven feet six inches (7'6") above the ground. Bright colors are acceptable, but gaudy or loud patterns on awnings are not allowed.

### 3. FAÇADE DESIGN

- a. Façade material for buildings within the Central Business Zone should reflect the preponderance of material types used in the center of Burlington. The use of brick, stone and wood in the building façades is strongly encouraged. Other materials may be utilized provided they produce a level of detailing and quality construction consistent with building façades of brick, stone and wood.
- b. The colors of façade materials of a building should generally coordinate with, but not necessarily match, the colors used in other building façades along the same block. Unusual, bright, or contrasting colors should be limited to the details of the building façade.

**4. PARKING**

- a. Surface parking lots should be located to the rear of buildings.
- b. Consolidated parcels with common access for ingress, egress and parking purposes are strongly encouraged. (See Section V. A., Zoning Regulations)
- c. Parking lots adjacent to a street must have a low screening wall, hedgerow or similarly opaque feature of three to four feet in height along the length of the parking lot boundary line facing public right-of-way and a four foot-wide landscaped buffer strip between the parking area and the back of the sidewalk. Acceptable materials for a screening wall include decorative concrete, stone, brick or ornamental ironwork, the wall, hedgerow or other feature may be open in places to allow free movement of pedestrians into, through and out of the parking area. The general overall design of a screening wall should complement the surrounding building architecture.
- d. Front yards are not to be removed or used for parking.

**5. ADDITIONS TO AND RENOVATIONS OF EXISTING BUILDINGS**

- a. New additions to existing buildings should be constructed in accordance with these guidelines. Construction of additions should seek to minimize the loss of historic materials on exterior walls. The building finish used for the addition should be similar to the existing structure in the material, quality, color and dimension. If an addition will have too overwhelming an impact upon the architecture and/or the historic qualities of an existing building, visual separation of the addition and the existing structure should be employed to protect the nature of the building.
- b. The scale of an addition should be at a scale compatible with the existing building.
- c. Damaged or deteriorated significant architectural features should be repaired rather than replaced. If replacement is necessary, the new material should match the material being replaced.
- d. The architecture of the additions should complement the existing historic character while still remaining a product of their own time period.
- e. Reuse of existing residential structures for commercial purposes must not diminish the unique village architectural qualities of the Central Business Zone.

**6. TRANSITION AREA**

Building design on any lot in the Central Business zone which abuts an adjacent zone should complement the density and design of the Central Business District while providing a smooth transition to the less intense surrounding uses.

## APPENDIX D - BURLINGTON SPECIFICATIONS FOR DRIVEWAYS

1. A driveway serving private property and intersecting with a street or state road shall be constructed in such a manner that it does not interfere with the existing drainage, the movement of traffic or the removal of snow from the abutting street. The owner and/or contractor shall maintain and protect the vehicular and pedestrian traffic during construction for the full length of the project, provide sufficient travel lanes and pedestrian pass ways to move traffic and maintain construction signs and barricades approved by the current The Manual of Uniform Traffic Control Devices so as to forewarn traffic of the construction.
  - a. Prior to issuance of such a permit, the applicant shall submit plans satisfactory to the Zoning Enforcement Officer for the design and construction of the Apron and the remainder of the driveway where there exists a reasonable question regarding any aspect of the construction within the Apron or the remainder of the driveway the Zoning Enforcement Officer may require plans prepared by a licensed, professional engineer, certifying to their compliance with applicable regulations of the Planning & Zoning Commission and Engineering Standards.
2. The driveway will be constructed in such a manner that it does not permit runoff of water from the abutting street or road to enter the property or adjacent properties.
3. A temporary "tracking pad" using 1 ¾" stone and 12' in length, covering the width of the proposed driveway shall be constructed so as to prevent material being tracked onto the street or road.
4. All slopes within the Town's right-of-way shall be no steeper than 2:1 and shall be covered with a minimum, four (4) inches of topsoil and suitably seeded with a permanent grass type seed mixture or planted with other acceptable vegetative ground cover to prevent erosion. A sedimentation/erosion control plan may be required; such plan shall be submitted prior to issuance of the Curb Cut Permit. Field adjustments may be required to this plan.
5. No more than one combination entrance and exit will be allowed for any property with frontage of less than fifty (50) feet. Parcels having frontage from fifty (50) feet to one hundred (100) feet may be permitted one (1) curb cut to be used by separate driveways. Lots with frontage in excess of one hundred (100) feet shall conform to such driveway layouts as the Town shall approve.
6. Driveways shall not encroach a property within three (3) feet from any property line, except in the case of a shared driveway.
7. Driveways shall not enter a street or road within twenty-five (25) feet of an intersection or corner (exemptions must be in writing and approved by the DOT, the Police Department or Highway Department, as applicable).
8. Driveways shall maintain a minimum sight distance of two hundred (200) feet in both directions. This minimum length may be increased or decreased by written permission of the Town Engineer.

9. Driveways shall be paved for a distance of fifteen (15) feet into the private property from the edge abutting street or road paved surface and shall be designed in a manner so as to confine the surface water to the gutter areas and permit free flowage of the water in drainage ways of the street or road.
10. The minimum corner radius at the intersection of a street or state road and sides of a driveway shall be five (5) feet. Each driveway shall meet the edge of the street road or at an angle of not less than 75 degrees nor more than 105 degrees.
11. The grade in the Apron\* shall be not more than a 3% and shall be paved with a material approved by the Director of Public Works, but shall not include millings. Beyond the Apron the maximum grade shall not exceed ten (10%) percent except that a grade of greater than 10% but not more than 15% may be permitted for up to 100 feet provided such section of excessive grade is paved with material approved by the Director of Public Works.
12. The width of a driveway, (not including the flared portion), shall be a minimum of twelve (12) feet up to a maximum of twenty-four (24) feet.
13. Where culverts are required within the Town right-of-way, such culverts will be such size, (not less than fifteen (15) inches in diameter), as to adequately convey surface runoff and shall be expected to withstand AASHTO H-20 loadings. The minimum cover over the top of the culvert shall be a minimum one (1) foot unless otherwise approved by the Town. Inlet and outlet ends shall have flared ends with 6" rip-rap stone.

\*The driveway area from the edge of the paved street or road surface to a line parallel to and fifteen feet from the paved road surface.

## APPENDIX E - DRIVEWAY PERMIT REGULATIONS

1. The Zoning Enforcement Official and the Public Works Director or designee is the authorized representative of the Commission.
2. Permit Applications for driveway installation or improvement, including for a curb cut permit, will be required when installing a new driveway. If the Town's right of way or street needs to be excavated, a Road Excavation Permit will be required also from the Public Works Director.
3. A permit or permits are needed for: Installing a new driveway
4. The Town's duly authorized representatives must inspect the site of the proposed work before any permits for construction is issued.
5. The amount of the fee, payable to the Town of Burlington, for Curb Cut permits shall be: \$25.00 per driveway.
6. All work shall be performed in accordance with the requirements of the Specifications for Driveways (Appendix D).
7. A cash bond shall be posted by the applicant or applicant's contractor to insure completion of work within the "Apron" (the driveway area from the paved road surface edge back a distance of fifteen (15) feet, including the curb cut, as required in paragraph 9 hereof. Failure to complete the construction in accordance with these regulations shall result in the bond reverting to the Town and the work shall be completed within the Apron by the Town.

The bond schedule is as follows:

Driveways without culverts \$1500.00

Driveways with culverts \$2000.00

No permit shall be granted by the Town until the receipt of the cash bond to ensure the completion of the work. Said bond will be held for 180 consecutive calendar days after the completion of the work.

8. A Certificate of Insurance must accompany the permit application: no permit shall be issued until the Town has received this Certificate.
9. The work within the Apron shall be completed as promptly as possible after the first cut is made but no later than one (1) year after the issuance of a permit. All construction work covered by the permit will be subject to the inspection and approval by the Town. An extension of time may be granted by the Town upon written request by the owner showing good cause of up to an additional six (6) months. Said extension shall not be unreasonably withheld.
10. No dirt, gravel or other material shall be allowed to wash onto or be deposited on the Town roadway; said material will be removed promptly by the owner. Should the owner fail to remove said material, the Town of Burlington may remove said material and make repairs to the Town road that may be necessary. In such event the Town of Burlington shall charge the owner full cost of said removal and repair, and if payment is not received before 180 days after completion, shall thereafter deduct its costs from the Bond sum.

- 11.** No Zoning permit will be issued unless a driveway permit has been issued with the appropriate cash bond.
- 12.** No Certificate of Occupancy shall be issued until the Town approves the work, the granting of an extension under paragraph 9 notwithstanding.
- 13.** In the event that the applicable Zoning Regulations or Subdivision Regulations provide different specifications than the specifications herein, or provided for in Appendix D, then the more stringent requirements shall govern.