

TOWN OF CORNWALL ZONING REGULATIONS

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GENERAL REQUIREMENTS AND ADMINISTRATION

1.1 Statement of Purpose

The purposes of the Cornwall Zoning Regulations (hereinafter "these Regulations") as provided for in the Connecticut General Statutes, Chapter 124 and as adopted by the Cornwall Planning and Zoning Commission (hereinafter "the Commission") are as follows:

- .1 to promote and conserve the health, safety and welfare of the citizens of the Town of Cornwall (hereinafter "the Town");
- .2 to facilitate adequate provision for transportation, drainage, schools, parks, open space and other public requirements;
- .3 to conserve and maintain the value of land and buildings, and to promote the most appropriate uses of land and buildings especially as recommended in the *Town Plan of Development* as amended and adopted by the Commission;
- .4 to preserve and protect farmland and support The Right to Farm as described in Connecticut General Statutes Section 19a-341, that is, no agricultural or farming operation shall be deemed to constitute a nuisance provided such operation follows generally accepted agricultural practices.
- .5 to conserve natural features and resources including private and public water supply and to preserve historic sites;
- .6 to encourage housing opportunities for all citizens;
- .7 to provide adequate light and air, prevent overcrowding of land, undue concentration of population and congestion in the streets, and to lessen the danger of fire and flood.

1.2 General Requirements

- .1 Except in conformity with these regulations,
 - a. no land, building or other structure shall be used, designed for use, and no building or other structure shall be constructed, reconstructed, enlarged, extended, moved or structurally altered;
 - b. no lot or land shall be divided, diminished, sold, encumbered or conveyed;
 - c. no required setback, open space, off-street parking or loading space shall be established or altered.

1.3 Administration

These regulations shall be administered by the Planning and Zoning Commission or its authorized agent, the Zoning Enforcement Officer (ZEO). The Commission or its agent shall receive applications, issue Zoning Permits and Certificates of Compliance, and collect fees required by these Regulations. The Zoning Enforcement Officer shall keep an administrative log or record.

- .1 The Commission or the Zoning Enforcement Officer shall be authorized to cause any building, structure, place or premises to be inspected and examined and to order in writing the remedying of any condition found to exist therein or thereon in violation of any provision of these Regulations or, when the violation involves grading of land or the removal of earth, to issue, in writing, a cease and desist order to be effective immediately.

1.4 Zoning Permits

No structure shall be erected, moved, enlarged or changed to another use, and no use shall be established or changed until the Commission or Zoning Enforcement Officer has certified in writing that these Regulations have been complied with.

- .1 A zoning permit shall be issued by the Commission or Zoning Enforcement Officer upon receipt of a completed application and the appropriate fee, if all of the provisions of these Regulations and the subdivision regulations of the Town of Cornwall are complied with. A zoning permit application form is available from the Town Office.
- .2 For a single-family dwelling or a permitted accessory structure or use, a zoning permit application shall be made. The application shall include a plot plan showing property owner and adjacent owners, size and location of buildings (existing and proposed), sanitary sewage facilities, water supply, proposed driveway locations, proposed use of property and such other information as the Commission may deem reasonably necessary to determine and provide for the enforcement of these Regulations.
- .3 For uses other than single-family dwellings or permitted accessory structures and uses, the zoning permit application shall be accompanied by a site plan. Such site plan shall conform to the specifications of Article VI of these Regulations and shall be reviewed and approved by the Commission before a zoning permit is issued.
- .4 A zoning permit or site plan permit shall be void one year after the date of approval unless the use is begun or actual construction has begun and is being diligently pursued to completion. Actual construction is the excavation and construction of a basement cellar or foundation and the actual placing of construction materials in their permanent position and fastened in a permanent manner.
- .5 No building permit or combined zoning and building permit shall be issued by the Building Official until the Commission or its Zoning Enforcement Officer has certified in writing, through the issuance of a Certificate of Compliance, that the provisions of these Regulations have been complied with.

1.5 Violations and Penalties

- .1 If any building or structure has been erected, constructed, altered, converted or maintained, or any building, structure or land has been used, in violation of any provision of these Regulations, the Commission or the Zoning Enforcement Officer, in addition to other remedies, may institute an action or proceeding to prevent such unlawful erection, construction, alteration, conversion, maintenance or occupancy of such building, structure or land or to prevent any illegal act, conduct, business or use in or about such premises.
- .2 The owner or agent of any building or premises where a violation of any provision of these Regulations has been committed or exists, or the lessee or tenant of an entire building or entire premises where such violation has been committed, or exists, or the owner, agent, lessee or tenant of any part of the building or premises in which such violation has been committed or exists, or the agent, architect, builder, contractor or any other person who maintains any building or premises in which any such violation exists, shall be fined not less than ten nor more than one hundred dollars for each day that such violation continues; but, if the offense is willful, the person convicted thereof shall be fined not less than one hundred dollars nor more than two hundred and fifty dollars for each day that such violation continues, or imprisoned not more than ten days for each day such violation continues or both; and the Superior Court shall have jurisdiction of all such offenses, subject to appeal as in other cases.
- .3 Any person who, having been served with an order to discontinue any such violation, or having been served with a cease and desist order with respect to a violation involving grading of land or removal of earth, fails to comply with such order immediately, or continues to violate any provision of these Regulations specified in such order shall be subject to a civil penalty of five hundred dollars, payable to the Treasurer of the Town of Cornwall.

1.6 Other Permits

Other permits in addition to a zoning permit may be required before the applicant can begin the proposed construction or use. Examples of such other permits are those concerned with driveways, wetlands, water and sewer facilities, fire protection, building code, and health code. Determining what other permits are required and obtaining those permits is the responsibility of the applicant.

1.7 Interpretation of Regulations

These regulations shall be held to be minimum requirements, adopted for the promotion of public health, safety and welfare. Wherever the requirements of these Regulations are at variance with the requirements of any other lawfully adopted rules, regulations, ordinance, deed, restrictions or covenants, the most restrictive shall apply.

ARTICLE II ZONES AND ZONING MAP

2.1 Zones

For the purpose of these Regulations, the Town is divided into the following zones:

- R-1 Residential (minimum lot size - 1 acre)
- R-3 Residential (minimum lot size - 3 acres)
- R-5 Residential (minimum lot size - 5 acres)
- GB General Business
- HR Housatonic River Overlay Zone
- AP Aquifer Protection Overlay Zone
- FH Flood Hazard Area Overlay Zone
- PC Planned Conservation Zone
- CP Cornwall Plains Zone

2.2 Zoning Map

- .1 The boundaries of the zones are shown on the map entitled *Zoning Map, Town of Cornwall*: dated July 9, 2001, and on file in the office of the Town Clerk. The above map and any amendments thereto are hereby made a part of these Regulations. Any facsimile maps are not official and are for convenience only.
- .2 When in accordance with these Regulations, an amendment is made that changes a zone boundary, such change shall be made on the Zoning Map immediately after the amendment has been approved by the Commission together with the entry on the Zoning Map as follows: "Amended to (date)," such date to be the effective date of said amendment.

2.3 Boundaries of Zones

Where there is uncertainty as to the boundaries of zones as shown on the Zoning Map, the following rules shall apply:

- .1 Zone boundary lines are intended to follow lot lines or center lines of streets, rights-of-way and watercourses.
- .2 Where the boundary lines are shown approximately on the location of property lines and the exact location of the boundary is not indicated by a dimension, then the property or lot line shall be the zone boundary.

- .3 Where the boundary is shown parallel to a street such boundary shall be interpreted as running parallel to the nearest street line and at such distance therefrom as indicated on the Zoning Map. If not indicated, such distance shall be 300 feet in an R-1, and GB Zone and 500 feet in an R-3 and R-5 Zone.
- .4 Where a lot of record falls into two or more zones, any use allowed in either zone shall be permitted on the lot, but in no case shall uses allowed in one zone but prohibited in the other be extended more than 100 feet into the Zone prohibiting such use.

2.4 Housatonic River Overlay Zone

- .1 Boundaries — The Housatonic River Overlay Zone comprises an inner corridor and an outer corridor with boundaries as shown on the map on file at the Town Office, entitled *Zoning Map, Town of Cornwall: dated July 9, 2001*. The Housatonic River Overlay Zone is superimposed on the zones established in Section 2.1.
- .2 Within the boundaries of the Housatonic River Overlay Zone the requirements of the overlay zone shall apply in addition to the requirements of the underlying zones. In the event of a conflict of land use requirements, the more restrictive requirements shall apply.
- .3 The Inner Corridor represents the combined area of the 100-year flood hazard zone and the streambelt as determined by the Litchfield County Soil Conservation Service on the basis of soil type criteria.
- .4 The Outer Corridor represents that portion of the immediate river watershed lying between the Inner Corridor and the top of the valley ridge, and delineated by lines drawn from peak to peak along the ridge line.

2.5 Aquifer Protection Overlay Zone

- .1 Boundaries — The boundaries of the Aquifer Protection Overlay Zone are shown on the map entitled *Zoning Map, Town of Cornwall*, dated July 9, 2001, on file at the Town Office and are based upon studies completed by the U.S. Geological Survey and other water quality protection programs.
- .2 Within the boundaries of the Aquifer Protection Overlay Zone the requirements of the overlay zone shall apply in addition to the requirements of the underlying zone. In the event of a conflict of land use requirements the more restrictive shall apply.

2.6 Flood Hazard Area Overlay Zone

- .1 Boundaries — The boundaries of the flood hazard overlay zone are shown on the *Flood Hazard Boundary Map (FHBM)* for Cornwall dated January 1, 1976, or as shown on any officially published revision of this map.
- .2 Within the boundaries of the Flood Hazard Area Overlay Zone the requirements of the overlay zone shall apply in addition to the requirements of the underlying zone. In the event of a conflict of land use requirements, the more restrictive shall apply.

2.7 Planned Conservation Zone

- .1 **Boundaries, Uses and Requirements** — The boundaries and requirements permitted in a Planned Conservation Zone shall be established by the Commission upon petition by an applicant in accordance with the procedures, standards and requirements set forth in Article XI. Uses permitted in a Planned Conservation Zone shall be limited to single family attached dwelling units and accessory uses and other related uses as specified in the regulation establishing the Zone.

ARTICLE III

PERMITTED USES AND SPECIAL PERMIT USES FOR ALL ZONES

This Article lists the uses which are permitted by right and by special permit in each zone.

All uses are subject to the minimum lot and dimensional requirements of Article IV, unless otherwise specified.

Uses requiring a site plan are subject to the requirements of Article VI.

Special permit uses require a public hearing, submission of a site plan, and are subject to the general and specific requirements of Article VIII.

For certain uses, the supplemental requirements of Article V will also apply.

3.1 Uses Permitted in Any Zone

- .1 The following uses are permitted in any zone:
 - a. farms, provided that no building or structure used for housing livestock or poultry or storage of fertilizer or manure shall be within 60 feet of any street line or 100 feet of any property line.
 - b. necessary non-commercial excavation as defined and provided for in Article XIV of these Regulations.

3.2 Uses Not Permitted in Any Zone

Uses of land or structures not clearly permitted in the various zones are prohibited. This shall include, but not be limited to, the use, storage and disposal of nuclear weapons or products associated with nuclear weapons and nuclear energy, experimental or commercial (except medical applications of nuclear material), or radioactive wastes or nuclear components of any kind.

3.3 Special Permit Uses Permitted in Any Residential Zone

- .1 The following special permit uses shall be subject to a public hearing, submission of a site plan as specified in Article VI and the general and specific requirements for Special Permits as provided in Article VIII:
 - a. Town buildings
 - b. public utility lines, substations and buildings
 - c. firehouses and libraries
 - d. cemeteries and churches
 - e. Town parks and playgrounds
 - f. educational, religious, philanthropic uses, (but excluding correctional institutions) operated by a nonprofit corporation or a government entity
 - g. municipally operated dwellings used to house indigent welfare clients

- h. hospitals, convalescent homes or rest homes
- i. accessory apartments
- j. conversion of residences and/or structures to apartments
- k. room and board or bed and breakfast establishments
- l. shop and storage use by a contracting or building tradesman (no special permit required for this use in a commercial zone).
- m. home occupations.
- n. lots for single family residential use located on a Private Street as provided for in the Subdivision Regulations, or for two lots served by a common accessway.
- o. Town or non-profit sponsored affordable multi-family housing.
- p. antennas, towers, and wireless communication facilities.

3.4 R-1 Residential Zone

The land in the R-1 Zone is generally relatively level, well drained, and accessible to highways and/or village centers.

- .1 Uses Permitted in the R-1 Zone:
 - a. single-family dwellings together with such other structures or uses which are accessory thereto. See also Section 6.1.1.
 - b. signs and parking areas subject to the requirements of Section IX
- .2 Special Permit Uses Permitted in the R-1 Zone:
 - a. any special permit use listed in Section 3.3.

3.5 R-3 Residential Zone

Natural limitations for development vary widely within the R-3 Zone. Generally the land in this zone consists of hilly upland areas with a good road network, open spaces and agricultural land.

- .1 Uses Permitted in the R-3 Zone:
 - a. any use permitted in the R-1 Zone
 - b. cabin as defined in Article XVI
- .2 Special Permit Uses Permitted in the R-3 Zone:

The following special permit uses are permitted in the R-3 Zone subject to a public hearing, submission of a site plan as specified in Article VI, and the requirements for Special Permits as provided in Article VIII:

 - a. any special permit use listed in Section 3.3
 - b. outdoor recreational areas such as ski areas, golf courses, riding stables and recreational campgrounds

- c. roadside produce stands, greenhouses, garden centers, nursery or landscape services including the sale of plants, whether grown on the premises or not, and related supplies and services and the sale of farm produce and related products which are primarily grown by the owner
- d. permanent sawmills for limited commercial use, subject to the requirements of Article VIII, subsection 8.20.
- e. antique shops
- f. Town or non-profit sponsored lots.

3.6 R-5 Residential Zone

Much of the land in this zone is State forestland and not available for development, or unsuitable for development, due to severe natural limitations, including steep slope, exposed or shallow bedrock and wetlands.

- .1 Uses Permitted in the R-5 Zone:
 - a. any use permitted in the R-3 Zone
- .2 Special Permit Uses Permitted in the R-5 Zone:
 The following special permit uses are permitted in the R-5 Zone subject to a public hearing, submission of a site plan as specified in Article VI and the requirements for Special Permits as provided in Article VIII:
 - a. any special permit use listed in Section 3.3
 - b. any special permit use permitted in the R-3 Zone
 - c. commercial kennels and veterinary hospitals.

3.7 GB General Business Zone

These zones are located in village center areas and permit a variety of business uses.

- .1 Uses Permitted in the GB Zones:
 - a. Farmers' Markets subject to compliance with the standards set forth in Article V Section 11 of the zoning regulations.
 The following uses are permitted in the GB Zones and shall be subject to submission of a site plan as specified in Article VI:
 - b. any use permitted in a residential zone
 - c. retail stores and trades
 - d. personal service establishments
 - e. business, professional and financial offices
 - f. signs and parking areas subject to the requirements of Article IX.

- .2 Special Permit Uses Permitted in the GB Zone:
The following uses shall be subject to a public hearing, the submission of a site plan as specified in Article VI and the requirements for a Special Permit as provided in Article VIII:
 - a. any special permit uses listed in Section 3.3
 - b. hotels, motels and restaurants
 - c. gasoline stations, motor vehicle dealers and repairers
 - d. apartment use in a business building

3.8 HR Housatonic River Overlay Zone

The purpose of this zone is to protect the floodprone and environmentally sensitive Housatonic River Corridor. This zone has been defined and is protected through a uniform local land use regulation set up by the neighboring towns bordering the Housatonic River as set forth in Section 8:24.

- .1 Uses Permitted in the HR Overlay Zone:
The following shall be permitted uses within the Inner Corridor subject to the requirements of the underlying zone and the standards set forth in Section 8.24.2:
 - a. Open space uses which do not require moving, removing or otherwise altering the position of earth, stone, sand, gravel or water, except for flood control or erosion control measures.
 - b. Game management, fishing and hunting where permitted; camping and picnicking in specified areas.
 - c. Farming, plant nurseries, pastures, golf courses, trails, forest management, horticultural and other agricultural uses that do not significantly alter the natural character of the corridor.
 - d. Maintenance or reconstruction of existing public ways and bridges.
- .2 Special Permit Uses Permitted in the HR Overlay Zone:
All other uses allowed by these Regulations in the underlying zones located within the Housatonic River Inner Corridor shall be permitted by special permit subject to a public hearing, submission of a site plan as specified in Article VI and the requirements for Special Permits in Article VIII.

3.9 AP Aquifer Protection Overlay Zone

Land uses which pose a potential threat to groundwater supply should not be permitted within this zone in order to protect these supplies for drinking water use.

- .1 Uses Permitted in Aquifer Protection Overlay Zone:
Any use permitted in the underlying zone shall be permitted except those principal or accessory uses which could pose a threat to the quality of groundwater in aquifers or discharge areas identified by the U.S. Geological Survey and as shown on the Aquifer Protection Overlay Zone Map

.2 In addition:

- a. Road salt storage and loading facilities are prohibited except in weather-tight buildings.
- b. Disposal of waste in sanitary landfills and dumps is prohibited.
- c. Disposal of septage in lagoons is prohibited.
- d. New underground fuel storage is prohibited.
- e. No part of a subsurface sewage disposal system shall be located closer than 100 feet from any surface watercourse, or the minimum distance required by the State Health Code, whichever is greater.
- f. All areas designated for the loading, handling, or storage of toxic wastes (including areas where motor vehicles may be repaired or serviced), shall have a ground or floor surface designed to collect and contain accidental spills of toxic materials.

3.10 FH Flood Hazard Area Overlay Zone

The purpose of this zone is to avoid an increase in flood hazard due to any change or alteration of a land use or structure in the Town of Cornwall, and to assure that the Town will maintain its eligibility under the National Flood Insurance Program as administered by the Federal Emergency Management Agency (FEMA).

.1 Uses Permitted in the FH Flood Hazard Area Overlay Zone:

Any use permitted in the underlying zone shall be a permitted use in the Flood Hazard Area Overlay Zone. All uses permitted in the FH zone shall be subject to the *Flood Insurance Program Regulations of the Town of Cornwall*, and the submission of a site plan according to Article VI. Said site plan shall include references to any base flood elevation data available from a federal, state or other source until such other data is provided by FEMA. Based upon flood elevation criteria, all uses within the flood hazard area shall be subject to the following requirements:

- a. Residential and non-residential structures shall have the lowest floor (including basement) elevated to or above the base flood level or
- b. Non-residential structures shall have the lowest floor level flood-proofed to or above the base flood level.
- c. New and replacement water supply systems shall be designed to eliminate infiltration of flood waters into the systems.
- d. New and replacement on-site septic systems shall be located to avoid impairment during flooding, and all utilities shall be located to avoid flood damage.

3.11 CP Cornwall Plains/Town & Special Use Zone

This zone is established to allow the productive re-use of large institutional buildings located in the village center where such use will maintain the residential and historic character of the village center. Only uses that generate a volume and type of traffic compatible with the residential character of the village center and the safety of residents shall be permitted.

.1 Uses Permitted in the CP Zone:
The following uses are permitted in the CP Zone and shall be subject to the submission of a Site Plan as specified in Article VI:

- a. Town buildings
- b. Town parks and playgrounds

.2 Special Permit Uses Permitted in the CP Zone:
The Special Permit uses listed as follows and as provided in subsection .3 below are permitted in the CP Zone.

All Special Permit uses shall be subject to a public hearing, submission of a Site Plan as specified in Article VI, the requirements for Special Permits as provided in Article VIII, and .4 *Standards and Criteria for Special Permit Uses in the CP Zone* specified in this section:

- a. public utility lines
- b. libraries
- c. churches
- d. educational, religious, philanthropic uses (excluding correctional institutions) operated by a nonprofit corporation or a governmental entity
- e. home occupations
- f. Town or nonprofit sponsored affordable housing
- g. bed and breakfast establishments provided that the total number of rooms shall not exceed 15 for each, and that each shall have a resident manager on the premises.

.3 Other Special Permit Uses Permitted in the CP Zone:
In addition to the above list of Special Permit uses, such other uses which in the judgment of the Commission meet .4 *Standards and Criteria for Special Permit Uses in the CP Zone* may be permitted as a Special Permit.

Uses which are considered to be generally compatible with the purpose and standards of this zone and therefore may be permitted under this section include but are not limited to: professional business or financial offices; apartments; elderly housing; nursing homes, life care or similar facilities; artisans' studios or workshops.

.4 Standards and Criteria for Special Permit Uses in the CP Zone:
The following standards and criteria shall apply to all Special Permit uses in the CP Zone:

- a. Traffic. The applicant shall demonstrate that the projected volume and type of traffic associated with the proposed use will be compatible with the village residential character of Cornwall Plains.

Where required by the Commission to determine compliance with the above state standard, the applicant shall provide a report prepared by a licensed traffic engineer. The report shall project the volume, type and timing of traffic generated by the proposed use, and shall assess the impact of traffic and parking on the site and surrounding village center.

The Commission shall deny an application for any use which it determines will generate a volume and/or type of vehicular traffic incompatible with the residential nature of Cornwall Plains. Of special concern are uses that generate truck traffic. No use which requires regular truck delivery of goods, supplies or other material shall be permitted, except where the Commission determines that the frequency of such deliveries, and the size of the trucks involved can be effectively limited and controlled in a manner that will not be disruptive to the residential neighborhood. It shall be the applicant's responsibility to demonstrate the means of limiting and controlling truck traffic.

The Commission may attach conditions to the Special Permit where such are necessary to ensure conformance with the purposes and standards of this regulation. Such conditions may include, but shall not be limited to, the number of vehicular trips per day, and the size and type of the delivery vehicles permitted.

- b. Limits on New Construction. The boundaries of the CP Zone are established to encompass existing large institutional buildings and the green space and parking areas historically associated with them. Accordingly, the intent of this zone is to permit productive use of these large buildings, but not the construction of new principal buildings.

Approved accessory buildings and structures, including additional parking areas, may be permitted, provided their size, scale and appearance is consistent with the character of the rural village residential center.

- c. Parking. All parking shall be provided off-street in locations that are landscaped and wherever possible screened from the street and surrounding residences. Where new parking areas are proposed, the applicant shall document the parking needs of the proposed use. Where the Commission determines it is necessary, the applicant shall provide a report documenting parking needs prepared by a licensed traffic engineer.

The number and size of parking spaces required shall be determined by the Commission. The Commission may as a condition of the Special Permit allow a reduction in the number of parking spaces or other parking/ loading standards required under Article IX, or require shared parking where it determines that the parking areas proposed are:

- adequate for the actual parking needs for the proposed use, AND
- consistent with the residential nature of the village center area.

All-weather gravel surface parking areas are encouraged. Wherever it is practicable, proposed parking areas shall not be paved with concrete or blacktop.

- d. Exterior Modifications. Minor additions and modifications to existing buildings may be permitted provided such are consistent with the character and appearance of the building or are proposed to improve the appearance of a building consistent with the historic character of the village center.

The applicant shall submit an architectural rendering of any proposed exterior modification, accessory structure or building.

- e. Lighting and Landscaping. All lighting and landscape improvements shall be designed to be compatible in appearance and size with the village residential area. The light from all exterior lighting fixtures shall be shielded and contained on the premises. A lighting plan shall be submitted providing details and specifications for all exterior lighting fixtures.

Where required by the Commission, a landscape buffer shall be provided to screen new parking areas, accessory buildings or structures or other activity areas from the street and/or surrounding residences. A landscape plan shall be submitted showing the location, type and size of proposed plantings.

- f. Signs. All signs shall be of a size and type compatible with the residential village scale. A rendering of all exterior signs shall be provided.

- g. Water and Septic. The applicant shall provide a comprehensive water and septic assessment prepared by a qualified professional engineer showing that the existing or proposed water and septic systems will be adequate for the proposed use.

Where shared use of a septic system is proposed, the applicant shall provide a plan for the management of the common septic system.

- h. Lot and Dimensional Requirements. The minimum lot and dimension requirements for the CP Zone shall be the same as those for the R-1 Zone, with the following modifications of Lot Coverage:

- No more than 30% of the area of a lot in the CP Zone shall be covered by buildings, concrete, blacktop or similar paved parking areas or other impervious surfaces.
- A maximum of 50% lot coverage may be permitted where:
- lot coverage in excess of 30% is surfaced with an all-weather material other than concrete or blacktop impervious surfaces, AND
- the Commission determines that the proposed parking areas can be effectively screened from the street and/or surrounding residences.

- i. Noise. For the purposes of compliance with the Torrington Area Health District Noise Regulations, the CP Zone shall be treated as if it were a residential zone.

- j. Notwithstanding other requirements of these regulations in this zone, there may be no more than one principal building and one principal use on a lot.

ARTICLE IV
MINIMUM LOT AND DIMENSION REQUIREMENTS
FOR ALL ZONES⁴ (IN FEET)

4.1 Each lot shall contain at least one buildable area. (ED 10/01/03)

4.2 All structures and septic systems shall be located within a buildable area except accessory structures with a footprint under 250 square feet and wells which may be located outside of the buildable area, and as allowed by Sections 4.3, 4.4 and 4.6.

4.3. For lots which legally existed prior to the adoption of sections 4.1 and 4.2 above, as evidenced by deed recorded in the office of the Town Clerk, the buildable requirements of Sections 4.1 and 4.2 shall not apply to the expansion of existing structures.

4.4 For lots which legally existed prior to the adoption of Sections 4.1 and 4.2 above, as evidenced by deed recorded in the Office of the Town Clerk, new structures that cannot be placed in a buildable area may be constructed provided a special exception is obtained from the Commission. In deciding on the special exception, the Commission may impose such conditions that most closely conform to the buildable area requirements.

4.5. Each lot shall conform to the minimum lot areas and dimension requirements shown in Table 4.1 below. Where a lot crosses a Town boundary, all the requirements of Section 4 must be met on the portion of the lot within the Town.

4.6. The Commission may allow, by special exception, structures and septic systems outside of the buildable area if the placement will:
a. result in less grading and other disturbances to the natural environment, or
b. preserve a scenic view or significant natural feature.

TABLE 4.1 MINIMUM LOT AREAS AND DIMENSION REQUIREMENTS

Zone:	<u>R-1</u>	<u>R-3</u>	<u>R-5</u>	<u>GB</u>
Min. Lot Size (acres)	1	3	5	1
Min. Buildable Area (sq ft)	20,000	20,000	20,000	20,000
Min. Side of Buildable Area Rectangle (ft)	100	100	100	100
Min. Lot Width(ft)	150	200	250	150
Min. Front Setback	25	40	50	25
Min. Side Setback	25	40	50	15
Min. Rear Setback	25	40	50	30
Max. Height	45	45	45	45
Max. Lot Coverage ¹	15%	10%	10%	30%

Notes:

¹ Outside storage of vehicles and equipment shall not cover more than 10% of the lot.

ARTICLE V SUPPLEMENTARY REGULATIONS

5.1 Definition

These are regulations that apply to more than one zone, or to a specific use or class of uses, regardless of their location in the town.

5.2 Minimum Livable Floor Area (See definition in Article XVI.)

The following minimum square footages shall be required:

- .1 Single-family dwelling - 800 square feet
- .2 Accessory apartment - 350 square feet; more depending on number of bedrooms
- .3 Apartment unit created as a result of a conversion - 450 square feet; more depending on number of bedrooms
- .4 Cabins and other temporary dwellings - 250 square feet
- .5 Municipally operated dwellings used to house indigent welfare clients - 350 square feet.

5.3 Minimum Accessway

- .1 **Definition and Purpose.** Each lot shall have an accessway meeting the requirements of these Regulations. An accessway shall be defined as a minimum corridor of land suitable for the location of a driveway connecting a street located in the Town of Cornwall and the principal building or use on the Lot. The purpose of this regulation is to assure that all lots with a principal building or use located in the Town of Cornwall shall have a convenient, safe, and suitable means of access and egress to the Town's system of public highways and streets.
- .2 **Minimum Requirements.** All accessways shall meet the following minimum requirements:
 - a. **Ownership.** The accessway shall be a part of the lot (in fee simple ownership), or a right of way or easement or a common accessway meeting the requirements of Article VIII, Section 8.22.
 - b. **Minimum Width.** The minimum width of the accessway shall be as specified in Article IV, Minimum Lot and Dimensional Requirements for all Zones. The requirement for minimum width shall apply at all points along the accessway beginning at the street line.
 - c. **Accessway and Lot Area.** For any lot with an accessway which has a width of 50 feet or less at any point, the area of the accessway shall not be included as a part of the lot area.

- d. Location and Design. Accessways shall be located and designed to accommodate a driveway meeting the requirements of these Regulations (Article X, Sec. 10.3). Lots in subdivisions shall also meet the requirements for Driveways and Accessways as set forth in Subdivision Regulations.

5.4 One Use Per Lot

Except as otherwise provided in this Article, only one principal building or use is permitted on one lot.

5.5 Mixed Uses

The Commission may allow more than one permitted non-residential use to be conducted on a single lot in a GB Zone provided all such activities are conducted within a single structure or attached structures, as in a shopping center or office building, the lot and the buildings thereon remain in single ownership, and all other requirements for the zone are complied with.

5.6 Junk

Commercial junkyards are prohibited. The outdoor accumulation or storage of trash, rubbish, debris, building materials, inoperable motor vehicles, parts of motor vehicles or construction equipment in such a manner as to be generally visible from the street or adjoining property is prohibited in all zoning districts.

5.7 Mobile Homes

- .1 Mobile home as a dwelling unit. A mobile home shall be considered as a single family dwelling unit and shall be a permitted use in all residential and commercial districts when it is attached to a permanent foundation. It shall be subject to the minimum lot size, floor area and other dimensional requirements applicable to a single-family dwelling.
- .2 Temporary use of a mobile home or trailer.
 - a. A single mobile home or trailer may be placed temporarily on a lot during the construction of a permanent dwelling on the same lot, provided:
 1. there is a valid permit for the dwelling
 2. the Health Official has approved provisions for both water supply and sanitary sewage disposal on the lot
 3. the mobile home is occupied by the lot owners or their immediate family
 4. a one-year time limit is observed; the Commission may extend this limit by 90 days if construction is being duly prosecuted.
 - b. A mobile home or trailer may be used temporarily as an on-site office or shop for any non-residential construction for which a permit has been obtained. The time limit shall be one year or until construction is completed, whichever occurs earlier.

- c. For a mobile home permitted on a temporary basis under either a. or b. above the Commission shall require the applicant to post a bond of \$1,000 to ensure that the mobile home is removed from the lot when the house or other building is completed. The bond shall be forfeited if the mobile home is not removed from the premises within 90 days after a Certificate of Occupancy has been issued for the completed dwelling, unless the Commission grants an extension for cause.

5.8 Yard Sales

Yard sales, garage sales, tag sales and the like are permitted by right, without a written permit, in any zone, provided there are no more than two on the same lot in any calendar year, and provided each sale lasts no longer than three consecutive days.

5.9 Tennis Courts and Swimming Pools

Tennis courts and like recreational facilities, swimming pools and their appurtenances, including, but not limited to decks, pumps, or bath houses, shall be subject to all the required setbacks of Article IV and require zoning permits.

5.10 Temporary Permits for Fairs, etc.

- .1 A non-profit organization or registered political party may by right, without a written zoning permit, hold a fair, sporting event, or any similar affair, on its own premises for a period not exceeding seven days, provided the profits are for civic, religious or philanthropic purposes.
- .2 The Commission may issue a permit to any of the above organizations located within the Town of Cornwall to hold an event, as described and limited above, upon premises other than their own.

5.11 Farmers' Markets

Seasonal outdoor farmers' markets shall be permitted on a temporary basis subject to a zoning permit on property located in a General Business Zone, or on town owned property, provided:

- .1 Items on display and offered for sale shall be limited to agricultural produce and goods.
- .2 It shall be open only between May 1st and November 15th, between the hours of 7 am and 7 pm, on Saturdays, Sundays, and State recognized holidays.
- .3 No permanent structure is constructed for the temporary farmers' market and there is no external evidence of the market when it is not in use except for advertising signs as permitted by these regulations.
- .4 A minimum of one off-street parking space shall be provided for every 100 square feet of vendor display area. The Commission may approve the joint use of an existing parking lot provided the applicant can document that there is adequate capacity available in the parking lot to safely support both the principal use and the farmers' market.

.5 A simple sketch plan shall be submitted showing the location of vendor display areas and parking. No more than 10 vendor display areas shall be allowed on an individual site.

.6 A vendor display area shall be defined as a temporary shelter or display fixture (tents, tables, etc.), set up for the sale of agricultural products and/or goods. Each vendor display area shall be less than 200 square feet in area.

A temporary zoning permit issued for this use shall be valid for one year.

5.12 Solar Access

Applicants are urged to consider solar access in the layout of features on the site plan. Building locations and positioning should be such that south-facing walls are not shaded by buildings, topographic features, or trees on the same or adjoining lots. Buildings should not be located where they would cast shadows on the buildable part of an adjacent lot between the hours of 9 a.m. and 3 p.m. on December 21 of any year.

5.13 Flag lots

Flag lots are allowed in the R-1, R-3 and R-5 Zoning Districts provided all of the following conditions are met.

.1 A flag lot shall be used for no more than one dwelling unit and one accessory apartment.

.2 The boundary line to which the accessway leads shall be considered the front boundary line of the flag lot.

.3 The accessway shall be a minimum of 50 feet wide. The Planning & Zoning Commission however, may require additional width to accommodate the construction, safe operation and maintenance of the driveway within the accessway.

.4 The maximum length of the accessway shall be 1,500 feet as measured from a "street" as that term is defined in these regulations, to the front boundary line.

.5 For driveways longer than 500 feet, pull-off areas to allow two vehicles to pass on the driveway may be required by the Commission to accommodate the safe operation of the driveway within the accessway and to accommodate fire and emergency vehicles.

.6 Driveways shall be designed to provide for proper drainage and to accommodate fire and other emergency vehicles. All driveway curves shall contain a minimum radius of 50 feet.

.7 No more than two accessways shall lie contiguous to one another. Contiguous accessways shall be separated from other individual or contiguous accessways by a lot which conforms to the minimum lot width requirements of the zone in which it is located.

.8 No flag lot shall be placed directly behind another flag lot.

.9 The owner of a flag lot must own the accessway in fee simple. However, in the case of contiguous accessways, the Planning & Zoning Commission may permit the use of a common shared driveway provided that the width of such driveway is divided between the two accessways, the responsibility of maintenance is equally shared and the rights to pass and repass shall be granted to each of the two owners using the common driveway.

.10 The Planning & Zoning Commission may require the provision of a landscape buffer along the accessway to protect existing homes from glare and noise.

.11 The Planning & Zoning Commission may require a site plan, driveway plan and profile, drainage plan and a map of surrounding properties in order to aid the Commission in determining compliance with this regulation.

ARTICLE VI SITE PLAN REQUIREMENTS

6.1 Applicability

- .1 Except for single-family dwellings, permitted accessory structures and uses on approved subdivision lots, an application for any permitted or special permit use, or any extension thereof, shall be accompanied by a site plan as prescribed in this Article. The Commission may require a Site Plan with an application for a single-family dwelling on any lot which is not part of an approved subdivision.
- .2 The site plan shall be approved by the Commission before it issues a zoning permit or special permit.

6.2 Decision Time Limit

A decision by the Commission on a site plan shall be rendered within 65 days after its receipt. The applicant may withdraw his site plan or may consent to one or more extensions, provided that the total period of any extension(s) shall not exceed two further 65-day periods.

6.3 Purpose of Site Plan

The site plan is intended to provide the Commission with information that will enable it to determine that the proposed activity is in conformity with the specific provisions of these regulations. A site plan may be modified or denied only if it fails to comply with requirements already set forth in the regulations.

6.4 Bond

The Commission may require a performance bond in an amount and in a form satisfactory to the Commission to guarantee satisfactory completion of drainage facilities, erosion and sediment control measures, parking and access features, walkways, recreation facilities, buffer strips, and any site improvements other than buildings. The Zoning Commission may, as a condition of approval of any modified site plan, require a bond in an amount and with surety and conditions satisfactory to it, securing that any modifications of such site plan are made.

- .1 The applicant shall provide an estimate of improvements to be bonded, together with a description of the basis for the estimate.
- .2 Where a bond is required, no zoning permit or special permit shall be issued until the bond is received.
- .3 The bond shall be held until its release is voted by the Commission. The Commission shall not release the bond until it has certified that all of the requirements of the permit have been met.

6.5 Time Limit on Construction

For any site plan approved on or after October 1, 1984, all work in connection with such site plan shall be completed within seven (7) years after the approval of the plan. The certificate of approval of such site plan shall state the date on which such seven-year period expires. Failure to complete all work within such seven-year period shall result in automatic expiration of the approval of such plan. "Work", for the purposes of this subsection, means all physical improvements required by the approved plan.

When a change is adopted in these Regulations or boundaries of zoning districts, no improvements or proposed improvements shown on a site plan for residential property which has been approved prior to the effective date of such change, either pursuant to an application for a special permit or otherwise by the Zoning Commission, and filed or recorded with the Town Clerk, shall be required to conform to such change.

6.6 Site Plan Requirements

- .1 The site plan shall be accurately drawn at a scale not to exceed 1"=100' on sheets not to exceed 24"x36". Any site plan which proposes design or construction of facilities for storm drainage, an erosion and sediment control plan, or site plan improvements such as a new accessway, parking areas, etc., shall be prepared by a Connecticut registered land surveyor, engineer, architect and/or landscape architect.
- .2 A site plan shall contain the following information as applicable:
 - a. name of applicant and owner of property.
 - b. scale and north arrow.
 - c. property boundaries, dimensions, circle, longest diagonal and mean width calculation, area, zoning classification, and zoning setback lines.
 - d. names of record owners of abutting properties.
 - e. a key map which clearly identifies the location of the property at a scale of not more than 1" = 2000'.
 - f. location and dimensions of all existing and proposed buildings, driveways, parking, loading and storage areas and drainage features. Location of fences and walls, natural and artificial water features, wetlands, and exposed ledge rock.
 - g. proposed signs, showing location, dimensions and means of illumination.
 - h. locations and methods of water supply and sewage disposal facilities.
 - i. proposed landscaped areas, including trees and shrubs to remain or to be planted.
 - j. certification by the Health Official concerning satisfactory conditions for sewage disposal, consistent with the State Health Code.
 - k. where grading is required, existing and proposed contours at two-foot intervals based upon field survey, unless the Commission agrees that ground surface conditions can be adequately represented by contours with larger intervals or by spot indications of elevations. Sufficient information shall be required to show existing and post-construction surface drainage patterns clearly.

- l. where there is a question concerning lot history, the Commission may require land record volume and page numbers for deeds to show property undivided since April 10, 1954.
- m. the Commission may choose not to require one or more of the above items if it agrees that the information is not needed.

ARTICLE VII
EROSION AND SEDIMENT CONTROL PLAN REQUIREMENTS

7.1 Applicability

- .1 A single-family dwelling that is not part of a subdivision shall be exempt from these soil and sediment regulations.
- .2 Except as stated in section 7.1.1, when the cumulative area to be disturbed is greater than one-half acre, a soil erosion and sediment control plan shall be submitted for certification with any application for development.
- .3 A lot in a subdivision shall be subject to the requirement for an erosion and sedimentation control plan both as part of the subdivision plan and as part of this application for a zoning permit.

7.2 General Requirements

- .1 The applicant shall describe in mapped and narrative form the measures to be taken to control erosion and sedimentation both during and after construction. The plan and its specific measures shall be based upon the principles and the minimum standards of the *Connecticut Guidelines for Erosion and Sediment Control (2002)* 11/12/2008
 - a. Mapped information as required below shall be shown separately or as part of the site plan and/or construction plan.

7.3 Plan Requirements

- .1 A narrative describing the following:
 - a. development project
 - b. time schedule for:
 1. all major construction activities, indicating the anticipated start and completion of development
 2. creating and stabilizing disturbed areas
 3. grading operations
 4. applying erosion and sediment control measures and facilities to the land
 - c. design criteria, construction details, detailed installation/application procedures and maintenance program for soil erosion and sediment control measures.
- .2 A site plan map to reveal:
 - a. existing and proposed topography
 - b. within the disturbed areas, topography contours at no less than two foot contour intervals based upon field survey
 - c. proposed site alterations, disturbed and cleared areas, except those filled or graded.
 - d. location of erosion and sediment control measures and facilities.

7.4 Issuance or Denial of Certification

The Commission shall either certify that the soil erosion and sediment control plan complies with the requirements and objectives of this regulation, or deny certification when the development proposal does not comply with these regulations.

Nothing in these regulations shall be construed as extending the time limits for the approval of any application under Chapters 124, 125A or 126 of the General Statutes.

Prior to certification, any plan submitted to the Commission may be reviewed by the *Northwest Conservation District*, which may make recommendations concerning such plan, provided such review shall be completed within 30 days of the Commission's receipt of such plan.

7.5 Conditions Relating to Soil Erosion and Sediment Control

Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan. The Commission may require a performance bond or other acceptable assurance to guarantee completion of the proposed erosion and sediment control measures.

All control measures and facilities shall be maintained in effective condition to ensure the compliance of the certified plan.

7.6 Inspection

Inspections by the Commission or its authorized agent during development shall ensure compliance with the certified plan and that control measures and facilities are properly performed, installed and maintained.

7.7 Erosion and Sediment Control Plan Definitions

- .1 ***Certification*** means approval by the Cornwall Planning and Zoning Commission that a soil erosion and sediment control plan complies with the applicable requirements of these Regulations.
- .2 ***Disturbed area*** means an area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.
- .3 ***Erosion*** means the detachment and movement of soil or rock fragments by water, wind, ice or gravity.
- .4 ***Inspection*** means the periodic review of sediment and erosion control measures shown on the certified plan.
- .5 ***Sediment*** means solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.
- .6 ***Soil*** means any unconsolidated material or organic material of any origin.

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

ARTICLE VIII SPECIAL PERMIT REQUIREMENTS

GENERAL REQUIREMENTS

8.1 APPLICABILITY

This Article sets forth the standards and procedures for Commission action on Special Permits uses.

Special Permit Uses as listed in Article III are considered special because they may prove to be incompatible with surrounding land uses unless established with special care and conditions.

The Commission must evaluate the impact of such uses upon neighboring uses and surrounding areas and reach a decision based upon the General Standards for all Special Permit uses and the Specific Requirements for the particular Special Permit use as set forth in this Article.

8.2 Application, Site Plan

Applications for special permits may be obtained from the Town Offices. All applications for special permits shall be accompanied by a Site Plan, as prescribed in Article VI of these Regulations.

8.3 Special Permit Involving Inland Wetlands

If an application for a Special Permit involves an activity regulated by the Cornwall Inland Wetlands and Watercourses Agency the applicant shall submit an application to the Inland Wetlands and Watercourses Agency no later than the day the application is filed with the Planning and Zoning Commission.

8.4 Required Hearing and Decision

The Commission shall conduct a public hearing on any application for a Special Permit. Such hearing shall commence within 65 days after receipt of such application and shall be completed within 30 days. The Commission shall render a decision on the application and related site plan within 65 days of completion of the hearing. The applicant may withdraw the application or may consent to an extension of any period specified in this paragraph, provided such extension shall not be longer than the original period.

The procedural requirements for considering a Special Permit application shall be as set forth in the Connecticut General Statutes, including the requirement for a Public Hearing. In addition, the applicant shall send notice of the Public Hearing to all adjacent property owners of record, including those directly across the road from the frontage of the subject property. Notice shall identify the subject of the Special Permit application, the pertinent section(s) of the Zoning Regulations, and the date, time and place of the Public Hearing. Notification shall be by certified return request mail postmarked no later than the fourteenth day before the hearing (counting both hearing and mailing days). A list of persons notified,

together with the return receipts from such mailings shall be presented to the Clerk or the Commission at or before the Public Hearing.

The Commission shall not render a decision on the application until the Inland Wetlands and Watercourses Agency has submitted a report with its final decision. In making its decision the Planning and Zoning Commission shall give due consideration to the report of the Inland Wetlands and Watercourses Agency.

Whether the Commission grants or denies a Special Permit it shall state the reasons for its decision upon its records.

Notice of the decision of the Commission shall be addressed by certified mail to the applicant, in writing, within 15 days after the decision. Notice of the decision shall be published within 15 days of the decision in a newspaper having a substantial circulation within the town.

A Special Permit may be granted subject to certain conditions. Failure to comply with the conditions of the Special Permit shall be grounds for revocation. (See Section 8.8.)

8.5 General Standards

- .1 The Commission may approve a Special Permit for specific uses listed in these regulations.
- .2 For all Special Permit applications the Commission shall take into consideration the protection of public health, safety, welfare and property values.
- .3 The proposed use and proposed buildings shall conform to the following standards:
 - a. All proposed structures, equipment or material shall be readily accessible for fire and police protection.
 - b. The character and intensity of the proposed use shall be in harmony with the appropriate and orderly development of the zone, neighborhood and Town, and shall not be detrimental to established properties in the neighborhood.
 - c. In making its decision, the Commission shall consider the following:
 1. The location, size and layout of the proposed use.
 2. The location, nature and height of buildings, walls and fences.
 3. The nature and extent of landscaping, buffering, lighting and signs.
 4. The location of access and parking.
 - d. Vehicular traffic and pedestrian activity to and from and in the vicinity of the use will not be hazardous or detrimental to the traffic characteristics of the neighborhood.
 - e. The applicant shall demonstrate that the following are adequate for the proposed use:
 1. proposed methods for the disposal of wastes.

2. proposed measures for the prevention of pollution of surface and ground water supplies.
 3. proposed measures for control of runoff to protect against flooding, icing and erosion.
 4. existing fire and police protection, transportation, water and sewer facilities, schools or other necessary public facilities.
- f. The Commission may refuse to grant a Special Permit if it has reasonable cause to believe that the number and character of Special Permit uses in the vicinity is such that the granting of a new Special Permit is detrimental to the public health, safety and welfare.
- .4 The Commission may prescribe appropriate conditions and safeguards to insure the accomplishment of the above general standards and objectives and any specific standards or requirements for individual Special Permit uses as set forth herein.
 - .5 Unless otherwise stated, Special Permit uses shall be conducted by the resident and members of the family only. Tenants are required to obtain the owner's written consent for the proposed use, and to submit this as part of the Special Permit application.
 - .6 A use involving the storage, use or disposal of hazardous materials shall be permitted only where the commission has determined that the proposed use will not pose a threat to ground water quality, nor cause or result in air pollution. Such determination shall consider the type of use, the amount and type of hazardous materials involved and the adequacy of plans submitted by the applicant for hazardous material use, storage and disposal.

Uses identified as posing a significant threat to ground water quality or air quality shall not be permitted. Uses identified by the State Department of Environmental Protection which pose a "substantial risk" or a "major threat" to ground water quality include, but are not limited to, furniture stripping, photo processing, beauty salons, major appliance repair. (*Protecting Connecticut's Groundwater— A Guide To Groundwater Protection For Local Officials*, Connecticut D.E.P., September, 1984).

- .7 Any use which will result in an increase in the volume of water used, which may impact ground water quality or result in an increased volume of sewage disposal shall be reviewed by the Torrington Area Health District. It shall be the responsibility of the applicant to provide documentation from the health district.
- .8 Applicants for Special Permit uses shall submit a written statement describing the type and nature of the use proposed. This shall include an estimate of the daily volume of client/customer visits, an estimate of traffic generated by the use and of parking needs, and such other information as the commission shall require to determine whether the proposed use qualifies under the standards and requirements of these regulations.

8.6 Guarantee of Performance

To assure conformity with all proposals, excluding buildings, shown on the Site Development Plan and other approved documents, a performance guarantee in the amount required by the Commission may be made a condition of the Special Permit. The condition

of approval shall specify when the performance guarantee will be posted, which shall be not later than the date that the applicant applies for issuance of the Zoning Permit

The performance guarantee may consist of one or more of the following: a savings deposit bank book, a letter of credit or other similar surety acceptable to the Commission and Town Attorney.

8.7 Recording

No Special Permit shall become effective until a copy thereof, certified by the Chairman or Secretary of the Commission, containing a description of the premises to which it relates and specifying the nature of the Special Permit including the zoning provision under which a Special Permit is granted, and stating the name of the owner of record, is filed with the Town Clerk and recorded in the Town's land records.

8.8 Violations and Revocation

Failure to adhere strictly to the documents, plans, terms, and/or conditions of an approved Special Permit shall be a violation of these regulations. The commission may revoke a Special Permit for due cause in accordance with the following procedures:

- .1 Revocation of a Special Permit. When the commission receives information from which it concludes there is probable cause to believe that the holder of a Special Permit is in violation of the requirements of these regulations and/or the terms and conditions of the Special Permit sufficient to warrant revocation of that permit, it shall send written notice by Certified Mail, Return Receipt Requested, to the holder of that permit advising the holder (a) of the facts from which the commission has determined that there is probable cause to believe violation has occurred and (b) the violations claimed to be involved and (c) the date, time and place for a public hearing on the possible revocation of that permit on account of these factors.

The notice, conduct and other incidents of such a public hearing shall conform to the provisions of General Statutes Section 8-3c as the same may be amended from time to time, governing hearings with respect to the granting of Special Permits, except that for purposes of the revocation hearing, the Zoning Administrator shall be deemed to be the applicant proposing revocation and the notice of probable cause for revocation shall be deemed to be the application. The revocation of a Special Permit shall not be effective until a copy of the revocation, certified by the commission, and containing a description of the Special Permit being revoked and the volume and page of the land records in which it was recorded pursuant to General Statutes, Section 8-3d, is recorded in the land records of the town.

SPECIFIC REQUIREMENTS

8.9 Educational, Religious, Philanthropic Uses, including Hospitals (excluding Correctional Institutions), Convalescent Home or Rest Home, Outdoor Recreation Areas such as Ski Areas, Golf Courses, Riding Stables, Commercial Kennels and Veterinary Hospitals

- .1 Specific standards and requirements for these uses:
 - a. Driveways shall provide safe access to and from public roads.

- b. Off-street parking areas shall be sufficient in size to ensure that no vehicles patronizing such establishments need park on a public road.
- c. No vehicular or pedestrian safety problems shall be created or aggravated, nor environmental quality be adversely affected.
- d. Water, sewer and storm drainage facilities shall be adequate to serve the proposed uses.
- e. The kind, size, location and height of structures shall not hinder nor discourage the appropriate use of adjoining property.
- f. The Commission may require planted buffer strips or other features designed to reduce the visual and/or auditory impact such uses may have on the area.

8.10 Accessory Apartments

- .1 Statement of Purpose and General Standards.
 - a. The purpose of this regulation is to broaden the Town's supply of smaller dwelling units by permitting an independent apartment unit within a single-family residence or an approved accessory structure. This type of dwelling unit will help meet an identified need for housing in Cornwall, especially for elderly and young adult individuals or couples.
 - b. Accessory apartments may be permitted by special permit in any residential zone according to the standards and conditions stated herein and other applicable requirements of these Regulations, all of which are intended to allow this use in a manner that will protect the community health, safety and welfare, and to retain the integrity of neighboring single-family residences.
- .2 Special Permit and Site Plan Requirements. An accessory apartment may be permitted by Special Permit subject to Site Plan review and the following specific standards and conditions:
 - a. Qualifications. In order to qualify and maintain a Special Permit, the residence or the accessory apartment must be owner-occupied for the duration of the permit.
 - b. Accessory Apartment in residence or accessory structure. No more than one accessory apartment shall be permitted on an individual lot. An accessory apartment may be within a residence or an accessory structure if the Commission finds that the residence or accessory structure is suitable for modification for residential use without adverse effect on the neighboring residences. The Commission may approve the creation of an accessory apartment in an existing single family residence or accessory structure where the existing structure does not meet the yard setback requirements.

- c. Independent Unit and Floor Area. The accessory apartment shall be an independent dwelling unit with its own complete kitchen and bath. The total livable floor area of the apartment shall be no less than 350 square feet and no greater than 1200 square feet. Upon completion of the accessory apartment, the total livable area floor area of the apartment shall be no greater than 40 percent of the total floor area of the primary residence. Accessory apartments shall be limited to an efficiency unit, one-bedroom or two-bedroom units, with an additional 125 square feet required for each additional bedroom.
 - d. Exterior Modifications. Modifications to a residence for accessory apartment use shall maintain the character and appearance of the exterior, especially the front, to the greatest extent possible. No new entrance shall be made to the front of the residence. An accessory structure which is modified for accessory apartment use shall blend in with the exterior character of the principal residence. Stairway and fire escapes shall be located only on the rear or side of the building and to the rear whenever possible.
 - e. Compliance with other Codes/Requirements. The applicant shall provide written approval from the Health Official certifying that the site's septic leach field system is suitable or can be modified to adequately treat the added volume of waste disposal from the proposed accessory apartment. The Commission may require that the applicant show the proposed apartment can meet other State and local codes.
 - f. Parking. Adequate off-street parking shall be provided, in no case fewer than three spaces for the principal residence and the accessory apartment.
 - g. Site Plan. The Site Plan shall be adequate to show the relationship of the residence to the lot, off-street parking, and access to the parking and the apartment. An interior floor plan shall also be provided which is adequate to determine total livable floor area and the layout of the proposed apartment.
- .3 Permit and Enforcement. The Special Permit shall be valid for the time period of the occupancy of the residence by the applicant/owner, subject to the following requirements:
- a. An application fee as required by these regulations has been received.
 - b. The Zoning Enforcement Officer, at the direction of the Commission and after notifying the applicant/owner, may inspect the apartment.
 - c. The special permit may be revoked by vote of the Commission after a public hearing called for due cause.
 - d. Upon sale of a residence for which a valid permit is in force, the new owner may apply for a transfer of the permit based upon reinspection of the apartment by the Zoning Enforcement Officer and decision of the Commission.

8.11 Conversion of Residences and/or Structures to Apartments

- .1 The orderly and regulated conversion of older residences and structures to apartments may be permitted by the Commission subject to the following specific standards and conditions:

- a. The intent of this regulation is to provide suitable, compatible alternative residential uses for larger, older residences and structures. Any conversion shall be accomplished in a manner that maintains the integrity of an existing building. A proposed conversion shall also blend with the character and scale of the adjoining residences and the existing neighborhood.
- b. The applicant shall show that the building was on the Assessor's List as of 1945.
- c. The use of such a converted home or structure shall be limited to residential use. No more than three dwelling units shall be permitted in any one conversion. No more than one residence or structure on an individual lot shall be permitted for conversion.
- d. Each apartment unit shall contain a minimum of 450 square feet for a one-bedroom or efficiency apartment, plus 125 square feet per additional bedroom. Each unit shall include complete kitchen and bath facilities.
- e. Adequate off-street parking shall be provided: two spaces each for the first two dwelling units and one for each additional unit. Parking shall be hidden from public view wherever feasible. The Commission may require the construction of fences and/or hedges to screen the parking area from public view.
- f. Fire escapes and outside stairways shall be located on the rear of the residence where practicable and shall not be located on any building wall facing the street.
- g. The Health Official shall certify that the existing or proposed modified subsurface sewage disposal system is adequate to serve the proposed use.

8.12 Apartment Use in a Business Building

- .1 Apartment use in a business building in a business district may be permitted by the Commission subject to the following specific standards and requirements:
 - a. The intent of this regulation is to provide for apartment use of business buildings in the business zones of Cornwall for the purpose of providing convenient housing, and utilizing space in an efficient manner.
 - b. The building shall be found by the Building Official and the Commission to be suitable for apartment use.
 - c. The lot area shall be sufficient to meet the requirements of the principal business use, plus two parking spaces for each apartment unit.
 - d. The space used for apartments must be secondary to the space used for business purposes.
 - e. Each apartment unit shall contain at least 350 square feet for one bedroom or efficiency apartment, plus 125 square feet of livable floor area for each additional bedroom. Apartments are not to exceed three bedrooms.
 - f. The applicant shall provide written approval from the Health Official certifying that the site's septic leach field system is suitable or can be modified to adequately treat the volume of waste disposal from the proposed apartment(s). The Commission may require that the applicant show the proposed apartment can meet other State and Local codes.

- g. Each apartment shall have outside access convenient to the parking area, and vehicular and pedestrian access to the lot. Units located on upper floors shall have at least one access to ground level for exclusive use of the apartment(s).

8.13 Room and Board or a Bed-and-Breakfast Establishment

The provision of rooms for transient visitors in an owner-occupied residence may be permitted by the Commission, subject to the following conditions:

- .1 In order to qualify for and maintain this Special Permit in a residence, the residence must be owner-occupied for the duration of the permit.
- .2 The lot shall be of adequate size and shape to provide one parking space for each guest room. Parking shall be located to the rear of the building where possible.
- .3 The building must be sound, safe and of adequate size to accommodate guest rooms without reducing below the required minimum the livable floor area for the principal residential use.
- .4 No more than three guest rooms shall be permitted.
- .5 The Health Official shall certify that the existing or proposed modified subsurface sewage disposal system is adequate to serve the proposed use.
- .6 Minor additions of no more than a total of 200 square feet may be made to the building for improvements related to and necessary for this special permit use.
- .7 At least one complete bathroom shall be accessible to the guest room or rooms.
- .8 The operation of a Room and Board or a Bed and Breakfast use shall require a written permit. This permit will be issued by the Commission following approval of the Special Permit. Willful failure to abide by these regulations is cause for the Commission to revoke such permit.

8.14 Roadside Produce Stands, Greenhouses, Garden Centers, Nurseries or Landscape Services

Roadside produce stands, greenhouses, garden centers, nurseries or landscape services may be permitted by the Commission, subject to the following conditions:

- .1 The minimum lot area shall not be less than three acres.
- .2 Landscaped buffer areas separating surrounding residential uses shall be provided where required by the Commission.

8.15 Gasoline Stations, Motor Vehicle Dealers and Repairers

Gasoline stations, motor vehicle dealers and repairers may be permitted by the Commission, subject to the following conditions:

- .1 The lot has street frontage of at least 150 feet.
- .2 Gasoline pump islands and other service equipment are located at least 50 feet from any street line.

- .3 The service area is separated from the street line by a buffer strip.
- .4 Lanes of ingress and egress are clearly defined by curbing.
- .5 No vehicles unfit for operation shall be stored on the premises for longer than 90 days.

8.16 Recreational Campgrounds

The layout and operation of recreational camping grounds shall conform to the provisions of Section 19-13-B97 of the Connecticut Public Health Code, as amended, and the following provisions:

- .1 The use of the premises shall not adversely affect the public health, safety, convenience or property values in the area.
- .2 The total area of the campground shall be not less than 30 acres. No more than 4.5 campsites shall be developed on one acre. No campsite shall be located within 200 feet of any public highway.
- .3 The Commission may require a buffer strip.
- .4 Only one permanent residence shall be permitted on the premises and shall conform in all respects to all other provisions of these Regulations.
- .5 No campsite or camper unit shall be occupied for more than four days out of any week, except during the normal camping season (April 15-September 30).
- .6 One or more service buildings shall be provided containing adequate toilet and bath facilities.
- .7 A commercial building offering services and merchandise for sale to patrons of the campsite may be provided if it is not advertised upon any public highway.
- .8 Site plan shall show the circulation pattern within the campsite and shall provide for access by emergency vehicles.
- .9 No camper unit or tent shall be located within 25 feet of any other camper unit or tent.
- .10 In addition to the requirements in Article VI the site plan for the campground shall include, but not be limited to, the following:
 - a. Name of owner, names of adjoining owners.
 - b. Number and dimensions of campsites.
 - c. Location of service buildings.
 - d. Location of commercial buildings.
 - e. Season of operation if seasonal.
 - f. Location of residence of custodian.
 - g. Location of buffer strips.

- h. Available water supply, capacity and test results.
- i. Location of proposed sewage disposal system approved by the Health Official.

HOME USES

The following sections provide for four categories of home uses beyond the primary residential use: Traditional Home Enterprise, General Home Occupation, Shop and Storage Use for local contractors or tradespeople, Major Home Business.

The purpose of these regulations is to implement the objectives and recommended policies of the town plan of 1987: "to permit commercial and economic development activities that will improve local employment opportunities in a manner that is consistent with Cornwall's small historic village center areas and its open, rural residential character."

Creating a favorable climate for local providers of services within the town is beneficial to residents, whether as providers or consumers. In addition, this group of townspeople and their families has historically made up a high proportion of emergency service and town board volunteers.

While these home uses share similarities, each has the potential to affect neighboring residential uses differently. Certain criteria are accordingly different, and an application for each use must be considered and decided separately.

8.17 General Standards For Home Uses

- .1 All home uses shall be clearly secondary to the use of the premises as a residence.
- .2 No home use shall be devoted primarily to retail sales. Retail sales may be permitted only where such sales are clearly incidental to the primary home use activity. Sales items shall be listed on the statement of use, with samples provided on request.
- .3 There shall be no external evidence of the home use other than one unlighted sign not to exceed two square feet, as permitted for a residence in a residential zone.
- .4 The home use located either in the dwelling or in an accessory building shall show neither the outward appearance nor the characteristics of a business. The appearance of structures on the lot shall not be altered in a manner that would cause the lot to differ from its residential character either by use of materials, construction, lighting, signs, or the emission of sounds, vibrations or odors.; nor shall electrical impulses create interference with radio or television reception in the area or fluctuations in line voltage off premises.

Buildings with a commercial appearance, size, and scale such as metal barns, Quonset huts, concrete block construction and the like are considered inconsistent with the rural residential nature of the town and shall not be approved for home use.

- .5 The home use may occupy an accessory building provided the location and appearance of the accessory building is consistent with the residential character of the lot and the neighborhood, and the applicant can demonstrate that the type and intensity of the proposed use in the accessory building will be consistent with the rural residential character of the neighborhood.
- .6 **Maximum Floor Area Requirements.** A home use located solely in a dwelling shall occupy a total floor area not exceeding 1/3 of the gross floor area of the dwelling. (Gross floor area shall not include the area of an attic or cellar not designed or arranged for human occupancy nor the area of any accessory apartment). A home use located solely in an accessory building shall occupy a gross floor area not exceeding 1/3 of the gross floor area of the dwelling. However, that portion of the accessory building devoted to storage related to the home use shall not be counted in the calculation of maximum gross floor area.
- .7 The application shall include floor plans clearly drawn to scale, showing the floor area and layout of the residence and/or accessory building, indicating the square feet devoted to the home use and storage for it.
- .8 Unless specifically permitted, there shall be no exterior storage of goods, supplies or other material associated with the home use.
- .9 The commission shall limit the number of off-street parking spaces and designate their location, and may specify screening as conditions of the Special Permit.

8.18 Traditional Home Enterprise

- .1 **Purpose.** The purpose of the traditional home enterprise use is to continue the local tradition of permitting the production and sale of home-made or home-grown goods and produce by the resident family of a dwelling in a residential zone. The primary qualifying criteria for uses permitted in this category is that the goods or product must be grown or made on the premises by the resident or resident family members only.

This regulation is designed to permit traditional home uses in keeping with rural residential neighborhood uses and to prohibit commercial retail businesses selling goods which are not home-produced.

- .2 **Uses permitted.** The following uses shall be permitted as a traditional home enterprise:
 - a. Preparation and sale of those products usually produced in a single home, garden farm, or nursery, provided that they are entirely created on the premises such as: home baking, needlework, dressmaking, tailoring, fruits and produce, home preserves and the like.
 - b. Preparation and sale of the products of artists and craftspersons based on individual talent, provided such are created entirely on the premises by the residents of the premises, such as painting and illustrating, wood carving and cabinet making, ceramics, writing, sculpture, ornamental glass, metalworking and the like.

- .3 Standards and Criteria. The following standards and criteria in addition to the General Standards listed in Sect. 8.5 shall be applied by the commission in reviewing and deciding upon any application for a traditional home enterprise Special Permit:
 - a. Sect. 8.17.1 through Sect. 8.17.9.

8.19 General Home Occupations

- .1 Purpose. The purpose of the General Home Occupation section of these regulations is to provide the opportunity for Cornwall residents to conduct a limited, small-scale professional or business activity in residential areas providing it does not jeopardize the public health, safety and convenience of the neighborhood or alter its residential flavor.

The General Home Occupation category of home use allows a wider range of activities than permitted under Traditional Home Enterprise and permits non-resident employees on the premises. Retail sales are permitted, but are strictly limited as secondary and incidental to the primary home use.

- .2 Standards and Criteria. The following standards and criteria, in addition to the general standards listed in section 8.5, shall be applied by the Commission in reviewing and deciding upon any application for a General Home Occupation.:
 - a. 8.17.1 through 8.17.9.
 - b. Those working on the residential lot in connection with the home occupation shall be limited to the resident members of the immediate family and no more than two (2) non-resident persons.
 - c. There shall be only one (1) commercially registered vehicle with a maximum capacity of one (1) ton permitted on the lot. Delivery and pick-up of materials and commodities by a commercial vehicle may be limited by the commission according to the nature and location of the home occupation use.

8.20 Shop and Storage Use by Contracting and Building Tradespeople

- .1 Purpose. The purpose of this section is to permit shop and storage use by contracting and building tradespeople, such as plumbers, electricians, contractors, painters and similar occupations. Shop and storage use in residential zones shall remain incidental to the work of such tradespeople off the premises.
- .2 Standards and Criteria. The following standards and criteria, in addition to the general standards listed in section 8.5, shall be applied by the Commission in reviewing and deciding upon any application for a special permit:
 - a. 8.17.1 through 8.17.9
- .3 No material or goods shall be stored or displayed in the front yard. The total outside storage area shall not exceed 10,000 sq. ft. in area and shall be located on the site plan.
- .4 The Commission may require landscape buffering of any planned outside storage area.
- .5 No additional off-street parking space shall be created between the street and the principal building.

8.21 Major Home Business

- .1 Purpose and Intent. A Major Home Business use is the most intensive level of a home use. It generates the type or volume of traffic or involves some other external impact which is not compatible with most residential locations in the Town of Cornwall.

It is recognized that in Cornwall certain residentially-zoned properties may be suitable for consideration for a Major Home Business use without altering the character of the neighborhood nor adversely affecting the public health, safety or convenience. Such properties are in locations and have the size, dimensions or other characteristics which would effectively insulate surrounding residentially-zoned property from the potential adverse effects of the Major Home Business use.

The specific purpose of this regulation is to provide the opportunity for Major Home Businesses in such select, qualified locations subject to conditions designed to protect the neighborhood. The general purposes for a Major Home Business shall be the same as set forth under *General Standards for All Home Uses*.

- .2 Standards and Requirements. In addition to the general standards of Section 8.5, the following standards and requirements shall be applied by the Commission in reviewing and deciding on an application for a Major Home Business Special Permit.
 - a. 8.17.1 through 8.17.9.
 - b. Only the resident owner shall be eligible to apply for and operate a Major Home Business.
 - c. A Major Home Business Special Permit shall be valid for a period not to exceed two years, and may be renewed by the applicant upon application to the Zoning Administrator, subject to the requirement that the Zoning Administrator record with the Special Permit a written finding that the use is being conducted in accordance with the conditions of the Special Permit.
 - d. Vehicular Access and Use. As a condition of the permit the Commission may limit the size of the vehicles to be used or stored on the site, and the number and hours of daily, weekly and/or monthly vehicular trips entering and leaving the property.
 1. Such conditions shall be made in consideration of the location of the site in relation to the State highway system and the Town streets providing access to the site.
 - e. In a decision to approve a Major Home Business, the Commission shall make a finding that the proposed use subject to the conditions of the Special Permit will be consistent with the rural residential character of the Town and the neighborhood.

In support of this finding the Commission shall state on the record its reasons for approval and shall cite the factors that qualify the site as suitable for the proposed use. These factors shall include but not be limited to:

1. the lot location in relationship to the existing and potential residential development,
2. frontage and access from a State highway or major Town road,
3. location of vehicular accessway to the site,

4. the length of the lot's street frontage,
5. the size and dimensions of the lot,
6. the setback of buildings from lot lines, the natural or proposed lot landscaping and terrain in relation to surrounding properties with a view to the lot.

OTHER USES

8.22 Lots for Single Family Residential Use in a Residential Zone located on a Private Street or for Two Lots Served by a Common Accessway

Any lot served by a Private Street or two lots served by a common accessway may be permitted by the Commission subject to the following specific requirements:

- .1 General. The applicant shall show that the design and layout of the subdivision with the proposed lots will be in keeping with the Town Plan of Development.
- .2 Specific. The applicant shall show that the subdivision with the proposed lots has been designed to preserve important natural resource features as identified on the Town Plan of Development maps and other studies adopted by the Commission including, but not limited to, streambelt lands, ridgelines, farmlands (especially active farmland) and will result in the preservation of the natural landscape along a Town road or a proposed subdivision road.
- .3 When necessary to satisfy the above stated criteria the Special Permit may limit the area within which the house, septic system leachfield, and driveway may be constructed.
- .4 For two lots served by a common accessway the following additional requirements shall apply.
 - a. The accessway shall not be less than 50 feet wide at all points.
 - b. The accessway shall be under joint fee simple ownership of the owners of the lots it serves or the accessway shall be under fee simple ownership of one of the lot owners with a right-of-way deeded to the other lot owner. A deed provision to this effect shall be submitted by the applicant for review and approval by the Commission's attorney, and the application approval shall be conditional upon the use of said deed provision.
 - c. In no case shall the area of the accessway be included in the calculation of the required minimum lot area.
 - d. No common accessway shall intersect with a street within a minimum of 250 feet of another common accessway intersection.

8.23 Antennas, Towers and Wireless Communication Facilities

This section of the Cornwall Zoning Regulations is printed as a separate document and is available from the Cornwall Town Clerk or Cornwall Planning and Zoning Office.

8.24 Housatonic River Overlay Zone

- .1 Inner Corridor General Requirements. No special permit shall be granted unless the Commission finds the proposed use will not:
 - a. create water and air pollution
 - b. increase erosion or sedimentation
 - c. create danger of flood damage
 - d. obstruct flood flow
 - e. damage fish or wildlife habitat
 - f. adversely affect any unique feature or natural resource.

- .2 Inner Corridor Standards. In determining the above, the following standards shall apply:
 - a. Air and Water Pollution Control. There shall be no land use which would adversely affect air quality through release of noxious fumes, gases, or other emissions, or through creation of significant amounts of dust or other particulate matter. No activity shall locate, store, discharge, or permit the discharge of any treated, untreated or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature, that run off, seep, percolate, or wash into surface, stream or ground waters so as to contaminate, pollute, or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness, or be harmful to human, animal, plant, or aquatic life.
 - b. Flood Control. Any use within the 100-year flood area shall conform to the Town of Cornwall's Flood Insurance Program Regulations.
 - c. Mineral Exploration and Excavation. In addition to the provisions of Articles VII and XIV, the following provisions shall apply. Mineral exploration to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods which create minimal disturbance. Sand, gravel and topsoil excavation shall be permitted only where such operation, with an accepted conservation plan developed with the County Conservation District, will not leave an objectionable scar on the landscape nor adversely affect an aquifer area.
 - d. New Subsurface Sewage Disposal Systems. No new subsurface sewage disposal system shall be located in areas with a minimum soil percolation rate faster than one inch per minute or slower than one inch in thirty minutes, or maximum ground water less than three feet below ground surface, or ledge rock less than five feet below ground surface, or soils with slopes exceeding twenty five percent or designated as wetland under the provisions of Section 22a-36 through 22a-45 of the General Statutes, as amended. Wherever fill is to be added, the percolation tests shall be made in the naturally occurring soil.
 - e. Erosion and Sediment Control. All activities involving construction or earth moving shall be conducted in accordance with Article VII.
 - f. Timber Harvesting. Extensive logging or clear-cutting of timber shall be permitted only when in compliance with a plan approved by the Commission.

.3 Outer Corridor Standards:

- a. Purpose. To establish review procedures for the issuance of zoning permits which will guard against pollution, erosion and sedimentation, and which will establish other basic safeguards on development activity that could adversely affect the Housatonic River, even though occurring at some distance from the River.
- b. Review Procedures. The following review procedures are required for uses permitted within the Outer Corridor by the Zoning Regulations:
 1. Activities involving construction or earth moving shall be reviewed with regard to soil types in exposed areas to determine whether provision must be made for erosion and sediment control in accordance with Article VII.
 2. Mineral exploration and excavation permits shall be reviewed according to criteria in Articles VII and XIV.
 3. All permits involving installation of subsurface sewage disposal systems shall be reviewed in order to establish that lot sizes are adequate to support them and to identify circumstances requiring special engineering as required by the State Health Code.
 4. All permits involving commercial or industrial construction shall be reviewed to assure that building location, site layout, landscaping and screening will be compatible with the rural and natural character of the Corridor area.

8.25 Town or Non-profit Sponsored Affordable Multi-Family Housing

- .1 The purpose of this Special Permit is to provide the opportunity for Town-sponsored affordable multi-family housing in suitable locations subject to the following requirements:
 - a. The applicant for this Special Permit shall be either the Town of Cornwall or a Community Development Housing Corporation established pursuant to C.G.S. 8-217.
 - b. Where the site shall be served by an approved common septic and water system, the maximum average density shall be five dwelling units per acre for the site.
 - c. The number of dwelling units per building shall not exceed 6. An associated community building may be permitted as an accessory structure to the dwelling units.
 - d. The minimum front setback shall be 100 feet. The minimum side and rear setback shall be 50 feet. The maximum building height shall be 45 feet. All other minimum lot and area dimensional requirements shall be as provided in Article IV.

8.26 Town or Non-Profit Sponsored Lot

- .1 Purpose. The purpose of this Special Permit is to provide the opportunity for Town or non-profit sponsored affordable single family house lots in suitable locations, subject to the following standards and requirements:

- a. The applicant or co-applicant shall be either the Town of Cornwall or a Community Development Housing Corporation (CDC) established pursuant to Connecticut General Statute 8-217. The applicant shall show that any home constructed on the existing or proposed lot shall be subject to covenants or other legally binding measures which will restrict and limit the sale and resale of the house for affordable housing purposes, as defined by the Town or CDC.
- b. A Town or Non-Profit Sponsored Lot may be established in an R-3 or R-5 Residential Zone only, subject to the approval of the Torrington Area Health District and to the requirements of Article IV of these regulations, with the following exceptions:
 - Minimum Lot size: 1 acre
 - Minimum Circle: Not applicable
 - Minimum Square: 200 feet, within which there shall be no inland wetlands or watercourses as defined under the Cornwall Inland Wetlands Regulations.
- c. The limit on the number of lots on shared driveways or private streets may be increased by one where one of these lots is a Town or Non-Profit Sponsored Lot.

8.27 Permanent Sawmill for Limited Commercial Use

- .1 Statement of Purpose. The purpose of this amendment is to continue the policy of allowing commercial sawmills in the R-3 and R-5 Residential Zones under specific standards and requirements designed to limit the commercial use of a sawmill operation located in a residential zone and to minimize its impact on neighboring residential properties.
- .2 Statement of Use. The Special Permit application shall include a comprehensive statement of use describing the operations:
 - a. specifications for the saw and all equipment related to the proposed use (including, but not limited to, trucks)
 - b. identification of outside storage area, and
 - c. other information as required by these regulations or by the Commission.

The approved Statement of Use shall become a part of the special permit.

Applicants are encouraged to consult with the Torrington Area Health District in the preparation of an application. The Commission shall refer an application for a sawmill Special Permit and the Site Plan to the Torrington Area Health District for its comments not later than thirty-five days before the public hearing to be held in relation thereto. Any report submitted to the Commission at or prior to the conclusion of the public hearing shall be read aloud at the hearing. The report of the Torrington Area Health District is purely advisory.

- .3 Minimum Lot Size. The minimum lot size shall be 5 acres.

- .4 Employees. Employees permitted on the site at one time shall be limited to members of the family of the operator and no more than two outside employees.
- .5 Minimum Standards—Location and Operation
 - a. The sawmill facility shall be defined as the saw and related equipment (such as, but not limited to: planer, edger) or the building enclosing the operation. Sawmills shall be classified as a Class C #83 (Forestry Activities) land use and the noise levels emanating therefrom must not exceed the decibel readings for such use established by the Torrington Area Health District Noise Control Regulations.
 - b. It shall be the responsibility of the applicant to establish and maintain the sawmill facility in such a way that it will comply with the standards in the Noise Regulation. If necessary, noise reduction steps must be taken in order to comply with the standards. Prior to issuance of a Certificate of Zoning Compliance the Zoning Enforcement Officer shall request the Torrington Area Health District to certify compliance with its Noise Control Regulations. If at any time the sawmill operation exceeds the maximum allowable noise level, the Zoning Enforcement Officer shall issue a cease and desist order.
 - c. The sawmill building shall be set back a minimum of 200 feet from property lines located in residential zones and 75 feet from property lines located in the General Business Zones. Where it is demonstrated that the adjoining property is State Forest land, the Commission may approve a minimum setback of 50 feet.
 - d. The use shall be limited to one commercial saw and related equipment. The hours of operation of the sawmill facility shall be limited to those between 7:00 a.m. to 8:30 p.m.
- .6 General Standards for the Location of a Sawmill Building. The proposed sawmill shall be located to minimize noise and visual impact on surrounding neighborhood properties. Wherever possible, the sawmill location shall be selected on the basis of the following general standards:
 - a. located on a high point on the property in relation to surrounding properties.
 - b. buffered from surrounding properties by the widest possible band of trees.
 - c. set back the maximum distance possible from property lines.
- .7 Outside Storage. Any portion of the lot outside of an enclosed structure to be used for any equipment, material, product or by-product associated with the proposed operation shall be considered an outside storage area.
 - a. The outside storage area shall be clearly delineated on the Site Plan and shall be staked in the field.
 - b. The Commission may require a landscape buffer or other screening of any planned outside storage area.
 - c. Outside storage areas shall be located a minimum of 100 feet from any property line.
- .8 Vehicular Access and Use. Access shall be so arranged as to minimize danger to traffic and nuisance to surrounding properties.

- a. Because they will be serving a more intense use, existing accessways must be reviewed by the State DOT or the Board of Selectmen and its Road Foreman to determine consistency with State or Town standards. New accessways shall be governed by Article X of these regulations.
- b. The Commission may limit, as a condition of the permit, the size of vehicles and/or the number of daily, weekly or monthly vehicular trips associated with sawmill use entering and leaving the property. Such conditions shall be made in consideration of the location of the site in relation to the State highway system, the width of the Town streets providing access to the site and the nature of the neighborhood along the Town streets leading to the site. The application shall include a map showing the approach streets to be used by all trucks entering or leaving the property.
- c. There shall be no truck traffic between the hours of 5:30 p.m. and 7:30 a.m.

.9 Permit and Enforcement.

- a. The special permit shall be valid for a two-year period and may be renewed for additional two-year periods.
- b. The special permit may be revoked by a vote of the Commission after a Public Hearing called for due cause.

ARTICLE IX SIGNS AND PARKING

9.1 Statement of Purpose

This section regulates the size, dimensions, and location of signs according to the following purposes:

- .1 To avoid a clutter and confusion of signs which would detract from the rural appearance of the Town and the safety of the traveling public.
- .2 To permit signs in the General Business Zones in keeping with the size, scale, and historic character of the area.

9.2 Definition of Sign

Any device designed to inform or attract the attention of persons not on the premises.

9.3 Signs Not Regulated

For purposes of this regulation the following are not considered signs and are not subject to this regulation:

- .1 All signs erected by a public official in the performance of a public duty, and
- .2 Flags or insignia of any government, flags or banners of a church, club, or institution, or non-commercial decorative flags.
- .3 Emergency 911 identification signs, as may be required by state or local ordinance.
- .4 Displays including lighting erected in connection with the observance of specific holidays.

9.4 Application of Regulation

No sign visible from the street or adjoining property shall be established, constructed, reconstructed, enlarged, extended, or moved unless it is in conformance with these Regulations.

- .1 The Commission may order the removal of any signs that are not maintained or erected in accordance with the provisions of these Regulations.

9.5 Nonconforming Signs

- .1 A change in the information on the face of an existing nonconforming sign is permitted.
- .2 A nonconforming sign which is removed shall not be re-established.

9.6 Types of Signs Permitted

The types of signs permitted under these regulations are defined as follows:

- .1 Wall Sign. A wall sign is a sign on or attached flush to a wall of a building or a sign on a canopy. Wall signs attached to a building shall be parallel to and no more than 12 inches from the wall.
- .2 Projecting Sign. A projecting sign is a sign attached to and projecting from a wall of a building by more than 12 inches.
- .3 Free-standing Sign. A free-standing sign is a sign fixed to the ground and not attached to a building.
- .4 Window Sign. An unlighted sign which is attached to or less than twelve inches from the indoors surface of a window and faces the outside.

9.7 Measurement of Maximum Sign Area and Freestanding Sign Height

The following shall apply in measuring maximum sign area for each sign type:

- .1 Wall Sign: For a wall sign applied to or attached to a building or a canopy sign, the entire display area (including the distinguishing background color or border area) shall be used in computing the sign area.
- .2 Projecting and Free-standing Signs: Where the sign has two display faces the area of only one display face shall be counted in computing the maximum sign area if:
 - a. The sign faces are identical, and
 - b. the sign faces are parallel, or the interior angle formed by the faces is forty-five degrees or less.

Where the sign faces form an interior angle of more than forty-five degrees, the area of all display faces shall be counted in computing the maximum area permitted.

For the purpose of measurement, the sign area shall include the entire display face and the decorative trim.

- .3 Free-standing signs shall be a maximum of 10 feet in height from ground level to the top of the sign.

9.8 General Requirements for All Signs

- .1 Sign shall relate to the premises: The message on the sign shall relate to the premises on which the sign is located, except for certain “off-premises” and “temporary” signs specifically provided for in this regulation.

- .2 Lighting: The source of all lighting shall be external to the sign and shall be a white light only and the light source (bulb, tube, reflector, etc.) shall be designed, located, and shielded so that it is not visible from the property line. For example, signs with exposed neon tubes shall not be permitted.
- .3 Signs Not Permitted:
 - Flashing, rotating, or revolving signs, with the exception of barber poles,
 - Signs attached to roofs or projecting above the roof line,
 - Any sign erected on a tree or utility pole, or painted on a rock or other natural feature
 - Any sign suspended between poles which consists of a spinner(s) or pennants which move in the wind.
 - Signs which are illuminated by any flashing, intermittent, or moving light, including those giving public service information such as the time, date, temperature, weather, or similar information.
- .4 No sign shall be located so that it will cause danger to traffic on a street by obscuring the view.
- .5 Signs must be constructed of good material, firmly supported, maintained in good condition and repair, and removed when the purpose for which they were erected no longer exists.

9.9 Signs Permitted in All Zones Without A Zoning Permit

The following signs of convenience and necessity are permitted in all zones without a zoning permit provided the sign is established and maintained in accordance with the requirements stated herein.

- .1 One identification sign for the name of the premises, name and address of the occupant of the premises. Maximum area = 2 sq. ft.
- .2 Trespassing or security signs and signs directing and guiding traffic and parking to a premises or lot subject to the following:
 - Signs shall not include advertising matter,
 - No limit on the number of signs not visible off premises,
 - Signs visible off-premises are limited to one per driveway for security and one no-trespassing sign per 40 feet of continuous property boundary,
 - Maximum area = 2 sq. ft. each sign at driveways for traffic and parking and 1 sq. ft. for each trespass and security sign,
 - Town traffic control and parking signs shall be exempt.

- .3 One sign painted on the wall of a farm building displaying the name of the farm provided the farm building meets the minimum front setback requirements. Maximum area = 6 sq. ft.
- .4 One temporary sign for sale, lease or rental of the premises on which the sign is located. If the lot has continuous street frontage exceeding 600 feet, two signs are permitted, if the signs are located at or near either end of the frontage. Maximum area = 6 sq. ft. each sign.
- .5 One temporary sign citing the name of contractor, architect, and/or engineer placed on the premises where construction, repair, or renovation is in progress. Maximum area = 6 sq. ft.
- .6 Election posters. Temporary signs not exceeding 20 square feet in aggregate, placed in connection with political campaigns, to be removed within ten days after the day of the vote.
- .7 Temporary signs advertising a major local public or semi-public event sponsored by a civic, religious or non-profit organization provided the sign shall have a maximum area of 32 sq. ft. and shall be displayed for a period not to exceed 35 days before the event and 2 days after the event.
- .8 Signs for yard sales, as allowed in sec. 5.8 of the Zoning Regulations, to be removed within two days of the end of the sale.
- .9 One on-premises sign, not to exceed 12 square feet, advertising a farm stand.

9.10 Signs Permitted in All Residential Zones Subject to a Zoning Permit or Special Permit

- .1 One sign identifying a permitted home occupation indicating the name of person(s) and/or profession or business. Maximum area = 4 sq. ft.
- .2 One identification sign on a lot for a multiple dwelling structure(s). Maximum area = 4 sq. ft.
- .3 One identification sign for a subdivision. Maximum area = 6 sq. ft.
- .4 For non-residential uses allowed by Special Permit in a residential zone:
 - a. Non-residential Special Permit uses, such as bed and breakfast use, or for a legal non-conforming use located in a residential zone, one identification sign. Maximum area = 12 sq. ft.

9.11 Signs Permitted in All Zones Subject to a Zoning Permit

- .1 Off-premises signs for purpose of identifying and/or directing traffic to local governmental services, religious, educational, or institutional facilities, non-profit service organizations or farm stands subject to the following:
 - a. One off-premises sign permitted per use,

- b. Maximum area per sign = 2 sq. ft.
 - c. Off-premises signs shall be located at the intersection of major streets. The Planning and Zoning Commission shall request the review and comment of the Board of Selectmen on a proposed off-premises sign, and shall not approve such a sign where opposed by the Board.
 - d. The owner of the property where the sign is to be placed must consent to the placement.
- .2 A commemorative plaque or sign indicating an historic place or point of interest by a bona fide historical agency. Maximum area = 16 sq. ft.
- .3 Charitable, religious, government, educational, institutional or non-profit service uses subject to the following:
- a. One sign per major entrance to such use, with a maximum area per sign of 16 square feet.
 - b. One bulletin board up to 16 square feet.
 - c. All signs are to be set back a minimum of 5 feet from the property line.
- .4 Signs advertising a major local public or semi-public event by a civic, religious, or non-profit organization where:
- a. The proposed sign has a maximum area greater than 32 sq. ft., or
 - b. It is a banner, or a sign of any other type, to be located over a public street, and/or
 - c. The period of display exceeds 35 days before the event or two days after the event.
- A zoning permit for such a sign may be issued by the Zoning Administrator, where the event is of general benefit to the Town, or for public convenience, necessity or welfare.

9.12 Requirements for Signs in General Business Zones

- .1 Maximum Number of Signs on a Lot — 1 free-standing sign, and 1 projecting or wall sign per business occupying the lot.

Free-standing Sign:

Minimum setback = 5 ft. from the property line

Maximum height = 10 feet measured from ground level to top of the sign

Maximum area shall be according to the number of businesses on the lot:

one business = 12 sq. ft.

two businesses = 16 sq. ft.

more than two businesses = 24 sq. ft.

Projecting Sign:

Maximum area = 12 sq. ft.

Maximum projection = no more than 5 feet from the face of the building, nor higher than the wall to which the sign is attached.

Wall Sign:

Maximum area = not to exceed 15% of the wall area to which the sign is attached

Maximum height = top of the wall to which the sign is attached

Maximum projection = no more than 12 inches from the face of the building

Window Sign:

Maximum area = no maximum

- .2 Banner for commercial uses. One banner with the word “SALE” or “OPEN” or a decorative banner (logo or symbol) appropriate to the use may be permitted on a commercial lot provided that:
 - a. The size of the banner may not exceed 3 ft. by 5 ft.
 - b. The location of the banner shall not obstruct traffic sight lines and the location shall be approved by the Zoning Administrator.
 - c. The business owner shall apply for a permit from the Zoning Administrator.

- .3 Composite Sign. A group of three or more stores, offices or other uses which are designed as a unit, such as a shopping center, may, subject to a Special Permit, erect and maintain one composite sign.

The composite sign shall identify the complex and individual tenants thereof and may be located at each entrance. The area of the composite sign shall be determined by the commission in consideration of the number of tenants, location of the sign in relation to the street and the surrounding streetscape. No composite sign shall exceed 48 square feet.

- .4 Composite off-premises sign. In the GB Zone a composite off-premise sign may be approved as a Special Permit by the Commission for the purpose of providing identification and direction to commercial uses which do not have frontage on a main street. The Special Permit shall be subject to the following standards and requirements:
 - a. The composite sign shall be permitted at street intersections and shall be constructed and maintained as specified in the permit. The Planning and Zoning Commission shall request the review and comment of the Board of Selectmen on a proposed off-street sign located in a town-owned right of way, and shall not approve such a sign where opposed by the Board.
 - b. The application shall include a rendering of the proposed sign and the applicant shall demonstrate to the satisfaction of the commission that the size, location and design of the sign is compatible with the historic and rural character of the village centers.

PARKING AND LOADING

9.15 Off Street Parking

- .1 All premises hereafter developed shall have parking space covered by an all-weather surface off the street right of way. Each parking space shall be at least nine by twenty feet, and have adequate maneuvering area and unimpeded access to a street or highway.
- .2 All required parking spaces shall be located on the same lot as the building served, except for non-residential parking which may be located within 300 feet of the building served.
- .3 Parking spaces shall be provided according to the following minimums:
 - a. Single-family residence: two parking spaces.
 - b. Accessory apartments and other dwelling units: as specified in Article VIII.
 - c. Home occupations: as specified in Article VIII.
 - d. Retail stores and personal services establishments: one parking space for every 100 square feet of business floor area, exclusive of storage space.
 - e. Restaurant, night club, bar, grill or other eating place: one parking space for every four seats.
 - f. Offices, financial institutions and similar business buildings: one parking space for every 250 square feet of floor area, exclusive of storage space.
 - g. Industrial buildings: one space for each 500 square feet of gross floor area or for every two employees, whichever is greater.
 - h. Motels or other places for transient lodging: one space for each guest unit and one space for every two employees.
 - i. Churches, lodges, and places of public assembly: one space for every five seats.
 - j. Convalescent homes, hospitals, etc.: one space for every three beds.
 - k. Institutions, recreational facilities, clubs and similar uses: one space for every three guests, patrons, students, clients or members.

9.16 Off Street Loading

On any lot developed for business, industrial, or institutional use there shall be adequate space suitably located on the lot for the loading and unloading of goods and materials. In determining the adequacy and suitability of location, the Commission shall consider the nature of the use, volume of vehicular and pedestrian traffic and the location of the principal building in relation to the street.

ARTICLE X
UTILITIES, STREETS, DRIVEWAYS, AND LANDSCAPING

10.1 Water Supply

Where an application involves connecting to, or the creation or expansion of a water company owning, leasing, maintaining, operating, managing or controlling any pond, lake, reservoir, stream or distribution system for the purpose of supplying water on a regular basis to no fewer than 15 service connectors or 25 persons, and to no more than 250 service connectors or 1,000 persons, then a copy of the Certificate of Public Convenience from the Connecticut Department of Public Utility Control and the Connecticut Department of Health Services shall be submitted to the Commission as a part of the zoning permit application.

10.2 State Highway Connection

Where an application involves a proposed *street*, driveway, or storm drainage system that joins a State highway, the applicant shall present to the Commission a copy of a letter or other evidence that the construction plans and an application for a permit have been approved by the Connecticut Department of Transportation.

10.3 Streets and Driveways

- .1 Where a proposed use will generate more than 25 vehicle trips per day the Commission may require the applicant to provide a traffic study prepared by a traffic engineer to show that the street serving the proposed use has an adequate traffic-carrying capacity and can safely accommodate the proposed use.
- .2 All buildings and uses shall be so located as to be accessible by emergency vehicles. The Planning and Zoning Commission bears no responsibility for the condition of a private street or driveway, nor for its continued maintenance in a passable state.
- .3 Only one driveway shall be permitted to serve an individual lot, unless the Commission finds that more than one is desirable for safety reasons. Applicants are encouraged to arrange common access with adjoining properties, and the Commission may approve temporary access designs when a more desirable permanent access serving more than one property appears achievable in the future.
- .4 Applications for a driveway zoning permit shall include a sketch or drawing showing the proposed location and work to be done. The sketch or drawing shall be in sufficient detail to facilitate an on site inspection by the Zoning Enforcement Officer. The Commission may require the submission of detailed plans, specifications, and other engineering data with the application when deemed necessary. The Commission may also forward proposed driveway plans to the Cornwall Volunteer Fire Department, Board of Selectmen, or other parties for review.

- .5 Where an application involves a proposed driveway that intersects a town street, no zoning permit for such application shall be issued until the applicant provides a copy of a "Permit to Disturb a Town Highway" from the Cornwall Board of Selectmen. Driveways shall be provided with a bituminous concrete apron or equivalent within the street right of way (not required if the existing street is not paved). No driveway shall be closer than 40 feet to another driveway on the same side, nor 50 feet from a street corner. The Commission may require drainage improvements necessary to prevent surface water runoff from adversely affecting neighboring properties or town streets.
- .6 No driveway shall contain any portion having a grade greater than fifteen percent (15%) along the length. All portions of driveways with slopes over ten percent (10%) shall be paved to a minimum width of eight feet with bituminous concrete asphalt or equivalent. An A-2 survey of the grades may be necessary under questionable circumstances as determined by the Zoning Enforcement Officer.
- .7 Any driveway with slopes exceeding ten percent (10%) shall have a detailed design prepared by a Professional Engineer which addresses location, existing and proposed grades, drainage, base materials and paving, erosion controls, and construction details. Where paved driveways are installed they shall be crowned and pitched to direct runoff flow to adjacent porous areas such as grass, vegetated swales, or filter strips.
- .8 A turnaround area shall be provided on each lot to avoid backing into the street, except that this requirement may be waived where it is determined that lot topography or shape makes this requirement impractical. Driveways shall have a minimum radius of centerline curvature of 50 feet to accommodate emergency equipment.
- .9 All driveways shall have a minimum travel way width of eight (8) feet, and a minimum cleared width of twelve (12) feet for emergency vehicle passage. In addition, all driveways shall have a vertical clearance between the ground and any overhead obstruction of at least twelve (12) feet for the entire length of the driveway.
- .10 Every reasonable precaution shall be exercised throughout the period of driveway construction to prevent, control, and abate erosion, siltation, sedimentation, and pollution of all waters. The type of sedimentation control system shall be at the contractor's option unless the Zoning Enforcement Officer orders a specific type of sedimentation control system. Driveway side slopes shall not exceed a slope of three horizontal to one vertical (3:1) unless retaining walls or other stabilizing measures are provided.
- .11 Any driveway over 300 feet in length shall be designed to permit a fire truck to turn around and exit going out in a forward direction.
- .12 A maximum of two lots may be served by a common driveway. Within the R-3 and/or R-5 zone, the Commission may allow by special permit not more than four lots to be served by a private street in accordance with Section 6.5 of the Cornwall Subdivision Regulations. Roadways providing access to more than four lots shall be public roads, except the Commission may permit up to eight (8) lots on a private street in a Planned Conservation Zone per Section 11.10 of these regulations.

10.4 Landscaping

In order to minimize the visual impact of development on one lot upon another lot, screening may be necessary even in residential zones between similar residential uses. The Commission may require planted buffer strips along a property line where the proposed land use, including driveways or parking, is or may be incompatible or dissimilar to that of an adjoining property. Such landscaped buffer strip shall be suitably planted with trees or shrubs so that within two years the incompatible or dissimilar use will be fully screened from adjacent yards and/or the street. Acceptable existing trees shall be preserved and supplemented by additional plantings as deemed necessary by the Commission to meet the requirement of privacy of adjacent yards and to eliminate noise, dust and objectionable lighting. The Commission may vary the above requirements as to planting in accordance with the effectiveness of screening proposed and the architectural character of the neighborhood in which the use is located.

ARTICLE XI PLANNED CONSERVATION ZONE

11.1 General

A Planned Conservation Zone, or PC Zone, may be authorized within an R-3 or R-5 Residential Zone in accordance with the procedures, standards and conditions hereinafter specified and only for the following purposes and under the following criteria.

11.2 Statement of Purpose

The Planned Conservation Zone is established for the purpose of permitting the creative development of land in the Residential Zone for single family homes according to a site plan that conserves substantial areas of valuable natural resources and open spaces including, but not limited to:

- active farmland and farmland soils
- rural, natural, scenic, and historic sites
- views, and vistas especially along public streets, and
- other natural resources and cultural or environmentally sensitive areas as identified in the Town Plan of Development.

11.3 Submission Requirements

A petition to establish a PC Zone shall be submitted in writing accompanied by the following:

- .1 Report.
A written report explaining how the proposed PC Zone will meet the purposes stated in 11.2 above and be consistent with the Town Plan.
- .2 Regulation and supporting documentation.
The applicant shall prepare and submit a proposed regulation to be applicable within the proposed PC Zone which shall be in a form suitable for adoption as an amendment to these Regulations, containing the following:
 - a. A suitable boundary description and Class A-2 survey map of the boundary of the proposed PC Zone. (Note: During preliminary discussion and prior to submission of a formal petition the applicant may present a Class D survey of the proposed Zone boundary.)
 - b. a map showing all land defined in section 11.8 of this regulation as "not buildable". Measurements of the total area of the PC Zone, the area defined as "not buildable" and the balance of the area in the PC Zone which shall qualify as "buildable" in accordance with section 11.8 of this regulation.

- c. An accurate delineation of the area to be permanently protected as open space which area shall consist of a minimum of 50% of the "buildable" land in the Zone as delineated in accordance with the standards set forth in section 11.8 of this regulation.
 - d. An accurate delineation of the proposed land use areas for buildings and development.
 - e. A comprehensive statement of the precise use of land, buildings and other structures to be permitted within the Zone and proposed areas for building and open space as identified above.
 - f. Standards and requirements for the area, location and bulk of buildings and other structures, and the area of lots, shape of lots and access to lots.
 - g. Any other regulatory provisions necessary to carry out the purpose of the Zone.
- .3 General Plans.
Three copies of a Site Development Plan as specified in the subdivision Regulations shall be submitted.
- .4 Fee.
An application or petition fee as specified in the Town schedule of fees for land use applications.

11.4 Procedure

A petition to establish a Planned Conservation Zone constitutes a request for legislative action to amend these Regulations. The petition shall be submitted to the Commission and shall be signed by the owner(s) of all the lots within the proposed Zone. Upon receipt of a petition the Commission shall hold a public hearing and act on the petition in accordance with the procedures required for a zoning boundary and regulation amendment as specified in the C.G.S. and these Regulations.

11.5 Findings and Approval

A PC Zone may be approved by the Commission only upon finding that the proposed Zone will meet the applicable purposes and criteria of this Section and that it is in accordance with the Town Plan of Development. Notice of adoption of a PC Zone shall be given in the same manner as required for the adoption of an amendment to these Regulations and the Zoning Map.

11.6 Detailed Plans

After approval of a Planned Conservation Zone and prior to issuance of a Zoning Permit the applicant shall submit a Site Development Plan prepared in accordance with the specifications of the Subdivision Regulations. The Site Development Plan shall show location of all buildings and improvements.

The Site Development Plan shall be at a scale of 1"= 40' and shall provide sufficient detail and information necessary to assure that the plan can be developed as proposed by the applicant and in compliance with the standards and requirements of the adopted Planned

Conservation Zone regulation and the standards set forth in this regulation. The Commission may require that house site, driveway, septic system and other improvements be located in the area as shown on the Site Development Plan.

Other information to be provided shall include a Subdivision Map, Sediment and Erosion Map and where necessary a Construction Plan and Profile all as specified in the Subdivision Regulations.

11.7 Maximum Dwelling Units, Location, and Minimum Area Requirements

The following standards are applicable to petition to establish a PC Zone and a Site Development Plan within a PC Zone.

- .1 Maximum number of dwelling units. The number of dwelling units approved within a PC Zone shall not exceed the number that could be established as the sum of single detached dwellings for one family on approved building lots in the pre-existing Residential Zone under the requirements of these Regulations in effect at the time of the PC Zone approval by the Commission.
- .2 Location and Minimum Land Area. The proposed PC Zone shall be located in the R-3 and/or R-5 Residential Zone. The total land area shall be more than 10 acres, not including inland wetland and watercourses as shown on the Cornwall Inland Wetlands and Watercourses map.
- .3 Setback. A fifty-foot setback is required along the boundary of any PC Zone.

11.8 Minimum Permanent Open Space and Protected Land

- .1 The petition and regulation establishing a PC Zone shall provide that a minimum of fifty (50) percent of the total "buildable" area within the PC Zone shall be permanently protected from building or development.

For the purpose of this regulation all land in the PC Zone shall be considered "buildable" except where it is classified as "not buildable" according to the following standards and criteria:

- a. All 100-year flood hazard areas (Flood Zone A) as defined by FEMA and as shown on maps on file in the Cornwall Town Hall,
- b. Outside of the 100-year flood hazard area, 65% of all inland wetland and watercourses as defined on the Cornwall Inland Wetlands and Watercourses Map,
- c. 50% of all land with a slope in excess of 25% as shown on the USGS topographic map for the Town of Cornwall, and
- d. 50% of all land consisting of soils classified as shallow to bedrock by the USDA, Soil Conservation Service and as shown on the USDA, SCS, Soil Survey for Litchfield County.

11.9 Standards for Protection of Open Space

The PC Zone regulation shall provide for open space according to the following standards and requirements.

- .1 The provisions for protection and maintenance of open space will be binding on all future owners of the open space land.
- .2 Said provisions will not be affected by any change in zoning or land use.
- .3 Said provisions may be enforced by adjoining land owners or the Town by appropriate action for damages or equitable relief and will be perpetual.
- .4 Said provisions will assure appropriate maintenance of the open space land to the satisfaction of the Commission.
- .5 Said provisions shall provide that the legal instrument (trust, easement or covenant) providing for all of the above may not be modified, altered, amended, or changed without written approval of the Town meeting, or such municipal officers or agencies as may be successors, and with the unanimous approval of the property owners in the Planned Residential Zone.
- .6 Said provisions shall also provide that if maintenance, preservation and/or use of the open space area no longer comply with the above requirement, the Town may take all necessary action to assure compliance and assess the association all costs incurred by the Town for such purposes.

11.10 Standards for Design and Construction of Roads

The standards and the procedural and inspection requirements for a private street as set forth in the subdivision regulations shall apply to a private street in a PC Zone with the following exceptions:

- .1 The Commission may permit up to 8 lots on a private street
- .2 Where in the opinion of the Commission a reduction in the width of cleared right of way will benefit the purpose of conservation of farmland or other valuable open space, the commission may permit such a reduction.

ARTICLE XIV
EXCAVATION OF EARTH MATERIALS

14.1 General Provisions

- .1 These regulations shall be applied to promote the following purposes:
 - a. To regulate and control the excavation and removal of soil, loam, sand, gravel, clay, rock or any other earth material from land on premises in the Town of Cornwall.
 - b. To control and regulate all excavation and removal of earth materials so as to prevent the creation of any safety or health hazard, including but not limited to soil erosion, stagnant water, water pollution, excessive drainage runoff to adjoining or adjacent property and to preserve land values.
- .2 No excavation or removal of earth material from land or premises shall be commenced or conducted except in accordance with and subject to these regulations.
- .3 For the purposes of this Article:
 - a. "excavation" shall mean the severance from the earth's surface or removal from the ground of soil, loam, sand, gravel, clay, rock, topsoil or any other earth material.
 - b. "topsoil" shall mean earth materials, including loam, which are arable and constitute the surface layer of earth material.
- .4 Permits under this section of these regulations shall not be required for:
 - a. The construction of a well, driveway, utility line, fence, approved subdivision road or the landscaping of premises when in conjunction with a use permitted by the Zoning Regulations, and provided said construction does not result in the removal of more than 300 cubic yards of earth material from the premises.
 - b. Earth material moved from one to another part of the same premises, when it is reasonably necessary for the purpose of farming or landscaping.
 - c. An excavation which is made solely for a foundation or cellar hole, provided that no more than 300 cubic yards of earth material is removed from the premises, not including an amount equal to the volume of the building or other structure being constructed below grade.

14.2 Commercial Earth Excavation Permit

The following sections of this article, 14.3 to 14.5, are retained for the sole purpose of regulating existing commercial non-conforming earth excavation operations. No new commercial earth excavation operations are permitted in any zones in the Town of Cornwall. The effective date of this amendment is January 1, 1998.

14.3 Application Requirements

- .1 A survey prepared by a licensed land surveyor and/or licensed Professional Engineer, to be drawn at a scale of not less than 1" equals 40' and describing the following:
 - a. location of existing and proposed roads and the proposed means of access.
 - b. location of existing and proposed waterbodies, wells and septic systems;
 - c. the details on regrading and revegetation of the premises;
 - d. the area for stockpiling topsoil.
- .2 The existing contours and elevations and the final contours and elevations at 2' intervals. The final future restored contours and elevations thereof.
- .3 Soil data, including boring logs and locations to finished grade shown on the permit contour plan. Such data shall show soil types and ground water table elevations.
- .4 Provisions for proper surface and sub-surface drainage during excavation and after completion.
- .5 The acreage or square footage of the actual area to be excavated and the volume of material to be removed in cubic yards. Where the applicant expects to continue excavation under a renewal permit, the total volume in cubic yards of all material expected to be excavated shall be provided.
- .6 An estimate of the number, type and capacity of trucks and identification of other equipment to be used on the site. Location of existing and proposed access to the site and interior roads.
- .7 The location and type of existing structures.
- .8 Details of grading and erosion control during construction, and for final grading and planting of the site to prevent erosion and otherwise stabilize and restore the premises subject to the requirements of Article VII.
- .9 Written authorization to the Commission for inspection of the site at any reasonable time by a duly authorized representative of the Commission.
- .10 The application shall contain full information regarding the standards and regulations plus other such information as the Commission may require.

14.4 Standards and Regulations Concerning Conduct of Operation

In considering any application the Commission shall evaluate the effect on adjacent property, property values, the public health and safety and the potential future use of the premises, the specific purposes set forth in Section 14.1.1., and the general purposes of the regulations. The Commission may approve a plan only when it is satisfied that the purposes of these regulations will be met and that the following conditions will be complied with:

- .1 All operations shall be conducted on the premises between the hours of 7:30 a.m. and 5:30 p.m., seasonal time only, Mondays through Saturdays inclusive. No operation is to take place on Sundays and those legal holidays set by the State Labor Commission.
- .2 No more than 4 acres may be opened up and excavated at one time without specific authorization from the Commission.
- .3 No stationary machinery shall be erected or maintained within 100 feet of any property line, permit area line or street line.
- .4 No excavation shall take place within 50 feet of any property or street line regardless of elevation, and no shrubbery, grass or trees shall be removed from the 50 foot strip until restoration begins.
- .5 Where leveling-off is the intent of the permittee and where doing so would improve the properties of both the permittee and the adjacent property owner, the owner may, after formal application and approval by the Commission, excavate and grade within the 50 foot setback area.
- .6 Where there is a commercial earth excavation operation, either new or existing, adjacent to another such operation, either existing or formerly mined, the Commission may require the owner/operator of the contiguous properties to "mine through," removing the materials within the 50 foot buffer strips and blend the contiguous property line into a common grade.
- .7 A Connecticut licensed surveyor shall stake all corners of the permit area. A secondary staking shall be required 45 feet inside the permit area, in a manner acceptable to the Commission, in order to maintain the 50 foot setback.
- .8 When the depth of the excavation exceeds 20 feet, the distance from the property line or street line shall be increased not less than 1 foot for each additional vertical foot of excavation.
- .9 When excavation and/or removal operations are completed, or if a permit has expired and/or has not been renewed, the excavated area shall be graded to within 25 feet of the permit line, adjacent property line and/or street lines, so that the slopes and disturbed areas shall be no steeper than 1:3 (vertical to horizontal). A layer of topsoil shall be spread over the excavated areas, excepting exposed rock surfaces, to a minimum depth of 3 inches, in accordance with the approved final grading plan. The Commission may approve other such methods in writing. Restoration shall take place within the year following the completion of work or the expiration/non-renewal of a permit. Said area shall be maintained in a stabilized condition for a period of one year before the final bond shall be released by the Commission.
- .10 No building, except a field office or temporary shelter for machinery shall be erected on the premises, and no screening, washing, crushing or other form of processing shall be conducted upon the premises. Any office, temporary shelter, or machinery shall be removed from the premises within six months of the completion, expiration or non-renewal of a permit.

- .11 At all stages of the operation proper drainage shall be maintained to prevent the collection and stagnation of water and to prevent harmful effects upon surrounding properties or roads. Blocked drainage ditches or culverts, or erosion on any highway shall be immediately removed by the owner or operator of the site. Should the Commission be required to cause the removal of such material for the safety of the public or for any other reason, the cost of such work shall be paid by the owner and/or operator of the site.
- .12 During the period of excavation and removal, barricade fences or a grassed berm, at least six feet in height, shall be erected, as deemed necessary by the Commission or the Zoning Enforcement Officer, for the protection of pedestrians and vehicles. As well, such barricades, fences or berms may be required to further buffer adjacent properties from the operation.
- .13 At no time shall an overhang be permitted on any face, and at no time shall slopes in excess of 1:3 (vertical to horizontal) be present on any face, except the face where active excavation is being carried on.
- .14 During the period of excavation and removal, the owner and/or operator of the site shall provide, at his own expense, such special police, flagman, barricades and fences for the protection of pedestrians and vehicles, as deemed necessary by the Commission or the Zoning Enforcement Officer to protect the public health, safety, convenience and property values.
- .15 Truck access to the excavation shall be so arranged as to minimize danger to traffic and nuisance to surrounding properties. That portion of any access road within the area of operation shall be treated to minimize dust. The Commission may require a hard surfaced road to ensure further control of dust.
- .16 Proper measures shall be taken to avoid noise and air pollution. Such measures may include limitations upon the stockpiling of excavated materials upon the site.
- .17 The owner and/or operator shall be liable for the cost of repairing any damage to any public highway resulting from its operation.
- .18 The Commission may require other appropriate safeguards necessary to protect the public health, safety, convenience and property values.
- .19 No topsoil shall be removed or sold from the site.
- .20 The owner and/or operator shall be responsible for the costs of monitoring and measuring required by this section.

14.5 Permit Approval and Renewal

- .1 Permit approval may be granted in two stages by the Commission: Permit approval to the owner may be granted only after submission of all the required documents and requested information and the necessary public hearing. Permit approval to the operator may be granted only after his furnishing to the Commission evidence of proper bonding and insurance.

- .2 Before a permit is issued, the applicant and his operator shall post, separately, a surety in a form acceptable to the Commission or a performance bond in form and amount satisfactory to the Commission, with a bonding company licensed to do business in the State of Connecticut, as surety conditioned on the carrying out of all the above conditions and any other safeguards imposed, and providing that, in case of default, the surety company shall take any and all necessary steps to comply with said conditions. The Commission, as it deems fit, may require surety bond, cash bond, or a combination of the two.
- .3 No permit shall be issued for a period exceeding one year. Permits may be renewed for additional one-year periods upon application to the Commission and payment of a \$50.00 fee. Areas previously worked upon for extraction of earth materials shall not be reopened for a period of five years after closure.
- .4 Updated contour maps may be required by the Commission prior to the renewal of the permit.
- .5 The Commission, or the Zoning Enforcement Officer, may require an "As Is" Contour Map at any stage of the operation.
- .6 An "As Built" Contour Map, prepared by a surveyor licensed in the State of Connecticut, showing conformity with the requirements for restoration, may be required prior to the release of any bonds.
- .7 If the excavation is abandoned for 12 months, or if no substantial activity, as determined by the Commission and the Zoning Enforcement Officer, takes place within 12 months after the granting or renewal of the permit, the permit may be revoked. Prima facie evidence of activity shall be the excavation of 3,000 cubic yards of material per year.

ARTICLE XV
NONCONFORMING LOTS, STRUCTURES AND USES

15.1 Statement of Intent

- .1 Regarding the nonconforming uses located on Route 7 in Cornwall it is the intent of these Regulations to permit such nonconformities to continue, to expand or change per section 15.8.
- .2 Within the zones established by these Regulations there exist lots, structures and uses which were lawful before these Regulations were adopted or amended, but which would be prohibited, regulated or restricted at present. It is the intent of these Regulations to permit such nonconformities to continue until they are removed or changed to a less nonconforming use per sec. 15.5.2.c, but not to encourage their survival.
- .3 It is further the intent of these Regulations to prevent the extension of nonconformities, or their use as grounds for adding other structures or uses prohibited elsewhere in the same zone. Under this regulation an application for a Special Permit shall be required for the following:
 - a. a proposed use which is a change from one use classification to another (office to retail, personal service to retail, etc.);
 - b. expansion of the floor area or additions to an existing building or expansion of parking or loading areas;
 - c. change of use classification to a light industrial use.

For the purpose of this section a “light industrial use” shall be “a use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial production.”

- .4 Nonconforming uses are declared by these Regulations to be incompatible with permitted uses in the zones involved.
- .5 A Site Plan shall be required except where the Commission determines that the application does not involve or require changes to the Site Plan.

The applicant shall submit a floor plan showing changes to the interior of the building(s), and a written statement describing the proposed use, its precise nature and the activities on the site.

15.2 Definitions

- .1 ***Nonconforming Lot:*** A parcel of land which does not conform to the area and/or dimensional requirements of these Regulations, and which has been owned since the effective date of these Regulations.

- .2 ***Nonconforming Structure:*** A structure, the size or location of which is not permitted by any provision of these Regulations for the zone in which it is located, but which was legally in existence at the effective date of these Regulations.
- .3 ***Nonconforming Use:*** Any use of land or structures or portions thereof, which is not permitted by these Regulations in the zone where it is located, but which was legally in existence at the effective date of these Regulations.

15.3 Restrictions on Nonconforming Lots

- .1 A nonconforming lot may be used, and a structure thereon may be constructed, reconstructed, enlarged, extended, moved or altered, provided that the use or structure shall conform to all other requirements of these Regulations.

15.4 Restrictions on Nonconforming Structures

- .1 A nonconforming structure shall not be enlarged except in conformity with these Regulations.
- .2 A nonconforming structure damaged or destroyed by fire, flood, explosion, Act of God or the public enemy may be restored and used as before.
 - a. Restoration of nonconforming structures shall not further reduce established setbacks nor increase their cubic contents or the lot area occupied.
- .3 A nonconforming structure which is moved for any reason and for any distance shall thereafter conform to the regulations for the zone in which it is located.

15.5 Restrictions on Nonconforming Uses

- .1 A nonconforming use of land, where no structure is involved, may be continued, provided that:
 - a. it shall not be enlarged or increased, nor moved, nor extended to occupy more land than at the effective date of these Regulations.
 - b. if it is changed to a conforming use, future use of the land shall be in conformity with these Regulations.
 - c. any structure erected in connection with the nonconforming use shall be in conformity with these Regulations.
- .2 Nonconforming uses of structures, or of structures and land in combination:
 - a. A structure, the use of which is nonconforming, shall not be enlarged, extended, altered, reconstructed or moved, unless the use therein is changed to a conforming one.
 - b. A nonconforming use may be extended only throughout those parts of the structure which were manifestly arranged or designed for such use at the effective date of these Regulations. No such use shall be extended to occupy any land outside such building.

- c. A nonconforming use may be changed to a conforming use, or, subject to the approval of a Special Permit, to another nonconforming use determined to be less nonconforming than the present nonconforming use. If there is no present use, the basis shall be the immediate prior use, not any past or potential use.

In making this determination, the Commission shall find that:

- 1. The proposed use by its nature shall not generate a greater volume of traffic, nor a more intense type of traffic, and
 - 2. The proposed use is more suitable to the site and the neighborhood than the present use, based upon the recommendations in the Town Plan of Development.
- d. If the nonconforming use of a structure is changed to a conforming use, or if the structure is moved any distance for any reason, then its future use shall be in conformity with these Regulations.
 - e. If the structure in which the nonconforming use is maintained is removed, the subsequent use of the land on which it stood, and the subsequent use of any structure thereon, shall be in conformity with these Regulations.
 - f. Any structure legally nonconforming in use which is damaged or destroyed by fire, flood, explosion, Act of God or the public enemy may be restored and the use continued, but not to any greater extent than in the previously existing structure.

15.6 Repairs and Maintenance

- .1 Work may be done on nonconforming structures, or that part of a structure containing a nonconforming use, provided that cubic content is not increased.
- .2 If such a structure or portion thereof becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared unsafe and unlawful by any duly authorized official, it shall not thereafter be restored, repaired or rebuilt except in conformity with the Regulations for the zone in which it is located.
- .3 Nothing in this Article shall be deemed to prevent the restoration of any structure or portion thereof to a safe condition, upon the order of any official charged with protecting the public safety.

15.7 Construction in Progress

Nothing in this Article shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of these Regulations, and upon which actual construction has been carried on and which shall be completed within one year of said date.

15.8 Nonconforming Uses Located on Route 7

Nonconforming uses located in buildings existing on the effective date of this amendment (2-17-98) and located on lots with frontage and access from Route 7 in Cornwall shall be eligible for a change in use or building expansion subject to the following requirements:

- .1 Statement of Purpose and Reasons. The purposes and reasons for this regulation are:
 - a. to provide the opportunity, within defined limits, for change and expansion of nonconforming uses with frontage and access to Route 7.
 - b. to permit such change or expansion while maintaining the rural and scenic character of the Route 7 entryway corridor to Cornwall and protecting water and other natural resources.
 - c. a change of use and/or expansion of a nonconforming use is limited to the Route 7 corridor for the following reasons:
 - Rte 7 is the most heavily traveled road in Cornwall,
 - a portion of the corridor was previously zoned for industrial use but was only sparsely developed for that use.
 - this amendment is consistent with the recommendations of the town plan.

- .2 A Special Permit application shall be required for change of use or building expansion. The application shall be subject to a public hearing, submission of a Site Plan as specified in Article VI and requirements for Special Permits in Article VIII.

Under this regulation an application for a Special Permit may be submitted for the following:

- a. expansion of a building containing an existing nonconforming use.
- b. expansion of a building proposed as part of a change of use application.
- c. change of use to retail store or trade.
- d. change of use to personal service establishment.
- a. change of use to business, professional or financial offices.

- .3 Special Permit Requirements.

A building containing a nonconforming use existing as of the date of this amendment shall qualify under this section and may be considered for expansion or change of use subject to the following Requirements

- a. No new buildings shall be approved and no outside storage or display of vehicles, equipment, supplies, merchandise other evidence of commercial use shall be permitted.
- b. A building designed and formerly used for residential purposes may be expanded, provided the expansion retains its residential appearance.
- c. The Site Plan shall be based on an A-2 survey of the lot area and lot boundaries.
- d. Maximum Lot Coverage and Impervious Surface. For any lot less than 3 acres in area on the date the use on the lot became nonconforming, the maximum lot coverage shall be based upon such lot area.

For any lot *in excess* of 3 acres on the date the use on the lot became nonconforming, the calculation of the maximum lot coverage shall be based upon a lot area of 3 acres.

The applicant shall provide written certification shown on the Site Plan of the area of the lot on the date the use on the lot became nonconforming.

- e. The following setback, building height and coverage requirements shall apply to any proposed building expansion. The Site Plan shall include a table showing a comparison of the following required and the proposed setbacks and other dimensional requirements.

Requirement	All Zones, except R-1 in feet or %	R-1 Zone
Minimum Front Setback	100' (*)	50' (*)
Minimum Side Setback	75'	50'
Minimum Rear Setback	75'	30'
Maximum Building Height	30'	30'
Maximum Lot Coverage	15%	15%

(*) Where the actual Front Setback of the building on the lot as it existed on the date the use became nonconforming is less than the above minimum, additions to the building may be permitted to the side of the building behind the front setback line. If the building is located entirely behind the Front Setback line, additions may be permitted to the rear of the building only.

- f. Impervious surface. The site plan shall show and calculate the total existing and proposed impervious surface on the site plan. (Gravel or other porous parking lot or access road surfacing materials shall not be considered impervious.)

Where the site has more than 20% impervious surface a stormwater management plan prepared by a qualified engineer shall be submitted. Such plan shall use non-structural methods for treatment of stormwater wherever practical.

The Commission shall not approve a lot with more than 20% total impervious surface, unless it is demonstrated to the satisfaction of the Commission that the development will not result in degradation of ground or surfacewater quality. In no case shall impervious surface coverage exceed 30%.

- g. No change of use or expansion of a use shall be permitted that requires use, handling or disposal of hazardous materials as defined herein.
- h. For an application involving parking areas or exterior lighting visible from Route 7 or a neighboring residential building, the Commission may require a landscape and lighting plan.

Applicants are encouraged to consult with a landscape architect in preparation of landscape and lighting plans. Where the size and scope of the addition or changes to the site are significant, the Commission may require that the plan be prepared by a Connecticut licensed landscape architect.

The landscape plan shall provide plantings, existing and proposed, that will screen the view of the parking area from Route 7 and neighboring residential buildings. Native trees and shrubs shall be used where possible.

The lighting plan shall show the location, height and intensity of all fixtures, which shall be made compatible with the building design and rural character of the area. Maximum light level at the lot line shall not exceed 0.2 foot candles, measured at ground level. Luminaries shall be shielded to provide down lighting in all areas visible from the road or neighboring properties.

Wooded areas, historic sites, scenic viewpoints and other areas of scenic significance identified on the site in the Route 7 Scenic Byways Corridor Management Study for Cornwall shall be identified on the Site Plan.

- j. The applicant shall provide a design plan for the building exterior. Where the area of the addition is in excess of 200 square feet the Commission may require that the plans be prepared by a Connecticut licensed Architect.

The plan shall show how the addition to the existing building is compatible with both it and surrounding properties in terms of height, massing, roof shapes, window proportions, siding and building materials.

- k. Parking shall be provided in accord with the parking requirements of these regulations and shall be shown on the Site Plan.

Where the site has adequate area for required parking, but it is demonstrated to the satisfaction of the Commission that actual parking demand is less, the Commission may reduce the number of parking spaces commensurate with actual need.

New parking areas shall be provided preferably to the rear of the building, or to the side if there is no useable space to the rear. Parking lots containing ten or more spaces shall be planted with at least one tree per eight spaces, no smaller than 2" caliper at chest height, each tree being surrounded by not less than 40 sq. ft. of permeable, unpaved area.

ARTICLE XVI

DEFINITIONS AND INTERPRETATIONS

16.1 General

The following definitions and rules shall be used in the interpretation of the requirements of these regulations. Words not defined in this article shall have the meaning commonly applied to them.

When there is a question on the meaning of a word the Commission may by resolution determine the meaning of a word using the definition set forth in the latest edition of Webster's unabridged dictionary and giving due consideration to the express intent of these regulations.

16.2 Rules

- a. Words used in the singular shall include the plural and the plural the singular, and words used in the present tense shall include the future tense.
- b. The word "shall" is mandatory and not discretionary.
- c. The word "may" is permissive.
- d. The word "lot" shall include the words "plot" and "parcel."
- e. The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."
- f. The phrase "these regulations" shall refer to the entire Zoning Regulations and amendments.
- g. Uses of land, buildings or structures not clearly permitted in the various zones are prohibited.

16.3 Definitions

Accessory Use or Structure.

A use or structure which is subordinate to, and is used for purposes customarily incidental to, those of the principal use or structure on a lot.

Accessway.

A strip of land fronting on a street that serves as the means of obtaining access to the usable portion of a flag lot. The accessway is part of the lot which it serves. (ED 10/01/03)

Application.

A completed form, as provided by the Commission, together with all maps, plans, narrative statements and attachments as required by these regulations, which is submitted to the Commission or its authorized agent for approval.

Buildable Area.

A rectangular area of a lot that contains no wetlands soils, waterbodies, watercourses, utilities or access easements, rights of way or any naturally occurring slope exceeding 25% as measured using 2 foot contour intervals. (ED 10/01/03)

Building.

Any structure having a roof and intended for the shelter, housing or enclosure of persons, animals or materials.

Cabin.

A building having a design, floor area, facilities and/or character suitable for seasonal or temporary living purposes, and which is occupied for not more than 120 days during any one calendar year.

Camping Unit.

A vehicle designed, used, or intended for temporary use for camping, recreation, travel and/or vacationing, and is or can be mounted on wheels or self-propelled, but shall not include a mobile home.

Certificate of Occupancy.

A written approval given by the Town Building Inspector which certifies that a building is in compliance with the State Building Code and is suitable for either occupancy or its intended use.

Certificate of Zoning Compliance.

A written approval given by the Commission or its authorized agent which certifies that a use, structure and/or lot is in compliance with the requirements of the Zoning Regulations.

Club.

An organization catering exclusively to members and their guests, provided that the purpose of the club is not conducted primarily for gain, and that no commercial activities are conducted, except as required generally for membership and purposes of the club.

Commission.

The Planning and Zoning Commission of the Town of Cornwall.

Dwelling.

A building designed for or used exclusively as permanent living quarters for one or more families.

Dwelling Unit.

A dwelling or part of a dwelling occupied or intended to be occupied by one family.

Family.

One or more persons occupying a single dwelling unit, provided that no such family shall contain more than five persons unrelated by blood, marriage, legal adoption or foster arrangements.

Farm.

Any tract of land used for farming activities, including buildings and other structures used for raising, or incidentally for selling, agricultural commodities.

Farming.

Farming shall include raising of agricultural products; livestock, poultry and dairy products; forestry products; activities incidental to ordinary farming, such as maintenance of buildings and equipment; handling, processing or delivering to market, or direct sale of commodities, but exclude the slaughtering of animals not raised on the premises; and as further defined by Connecticut General Statutes Section 1-1(q).

Flag Lot –

A lot which has less than the minimum required lot width on a street and which is accessed by an accessway. (ED 10/01/03)

Hazardous Materials

Means any substance or combinations of substances which because of quantity, concentration or physical, chemical or infectious characteristics, poses a significant present or potential hazard to water supplies or to human health if disposed into or on any land or water, including groundwater, in the town. Any substance deemed a “hazardous waste” under the Connecticut General Statutes or the Regulations of Connecticut State Agencies shall also be deemed a Hazardous Material for the purposes of these regulations. Hazardous Materials also include, but are not limited to:

General:

- Substances which are toxic, flammable, corrosive, explosive, radioactive or infectious;
- Acids and alkalies outside the pH range of 2 to 10;
- Petroleum products, including fuels and waste oils;
- Synthetic organic chemicals;
- Any solid material which if exposed to water will leach or dissolve to form a hazardous material as defined above.

Exceptions: hazardous materials used in conjunction with residential use of property for non-commercial purposes or for the handling or storage of agricultural chemicals in the ordinary course of agriculture or farming operations as defined in Section 1-1 (q) of the Connecticut General Statutes, as amended.

Health Official.

The individual or organization officially recognized by the Town as responsible for administration and enforcement of the State Health Code and/or any local health-related requirement (e.g. Torrington Area Health District or other local or state official).

Junkyard.

The term "junkyard" shall include any junkyard, motor vehicle junk business and motor vehicle junkyard as defined in the General Statutes of the State of Connecticut. The term shall also include any place for storage or deposit, whether in connection with a business or not, for two or more unregistered motor vehicles.

Livable Floor Area.

The sum of the gross horizontal area on each of the several floors of a dwelling which have a structural head room of six feet, six inches or more, are provided with heat and are suitable for year around occupancy.

Lot.

A lot is defined as a parcel of land which is either owned separately from any contiguous parcel as evidenced by the conveyance recorded in the Land Records of the Town, or is a building lot shown on a subdivision map approved by the Commission and filed in the Office of the Town Clerk. A group of public, institutional, commercial or industrial buildings under the same ownership may be considered as occupying the same lot.

Lot Line, Front –

The lot line separating the lot from a street. (ED 10/01/03)

Lot Width –

The horizontal distance between side lot lines measured at the minimum required front yard setback line, at the front lot line and at all points along the side lot lines between the front yard setback line and the front lot line. (ED 10/01/03)

Mobile Home.

A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers. The term includes but it is not limited to, the definition of "mobile home" as set forth in regulations governing the Mobile Home Safety and Construction Standards Program.

Motel.

A one-story building providing lodging, with or without meals, and intended primarily for the accommodation of transients, and so designed that access to each guest unit is direct from common corridors or the outside.

Parking Space.

A 9' x 20' area covered by an all-weather surface. Each parking space must have adequate maneuvering area and unimpeded access to a street or highway.

Permanent Sawmill.

A sawmill of any description which is permanently installed, or to which materials are brought from off the property.

Setback.

The minimum distance that a structure may be situated from a boundary line, this distance forming a buffer zone inside the lot perimeter.

Street.

A public or private thoroughfare including road, highway, drive, lane, avenue, place, boulevard or any other way that affords the principle means of access to abutting property. (ED 06/15/01)

Structure.

Anything constructed or erected which requires a location on the ground or attachment to something having a location on the ground. This includes swimming pools, satellite dishes and tennis courts, but not fences.

**ARTICLE XVII
APPEALS AND VARIANCES**

17.1 Appeals

Any person may appeal to the Zoning Board of Appeals when it is alleged that there is an error in any order, requirement, or decision made by the Commission or the Zoning Enforcement Officer related to the enforcement of these Regulations.

17.2 Variances

Any person seeking a variance from the literal enforcement of these Regulations may apply to the Zoning Board of Appeals for a variance. Said Board may, after consideration of a variance application in accordance with Sections 8-6 and 8-7 of the General Statutes, approve or deny a variance.

**ARTICLE XVIII
AMENDMENTS**

18.1 Procedure

Amendment of these regulations, including the Zoning Map, maybe petitioned by any person or persons, or may be initiated by the Commission. Amendments may be made by the Commission after public notice and hearing in accordance with Section 8-3 of the General Statutes. The Commission is not required to hear any petition or petitions relating to the same changes or substantially the same changes more than once in a period of twelve months.

18.2 Notice

No fewer than ten days prior to any hearing concerning a petitioned change of any zone boundary, a copy of the legal notice relating to the hearing shall be mailed to owners of record at the last address known to the tax collector of lands adjoining and directly across the street from the area of the proposed zone change. Responsibility for mailing notices shall be the applicant's, and mail receipts shall be presented to the Commission or to the Zoning Enforcement Officer prior to or at the hearing.

**ARTICLE XIX
SEPARABILITY**

19.1

Should any section or provision of these Regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of these Regulations as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

ARTICLE XX
EFFECTIVE DATE AND LIST OF SUBSEQUENT AMENDMENTS

These Regulations supersede Regulations adopted by the Commission on June 6, 1940, as subsequently amended. These Regulations shall take effect on July 10, 2000.

List of Subsequent Amendments:

<u>Section</u>	<u>Substance</u>	<u>Effective Date</u>
10	Driveway Regulations	June 12, 2001
16	Definition of Street	June 12, 2001
2	Zoning Map Update	July 11, 2001
3 and 5.11	Farmers' Market	January 18, 2002
16	Definitions of Accessway, Buildable area, Flag lot, Lot width and lot line front	October 1, 2003
4.1-6	Buildable area modifications	October 1, 2003
5.7 1-11	Flag lots	October 1, 2003
8.10	Accessory apartments modifications	April 30, 2005