

SECTION I

TITLE, AUTHORITY AND PURPOSE

1.1 Title

These regulations shall be known as the "Zoning Regulations of the Town of Canterbury, Connecticut", and are herein referred to as "these Regulations.

1.2 Authority

These Regulations are enacted pursuant to the provision of Chapter 124, Connecticut General Statutes, Revision of 1977, as amended.

1.3 Purpose

The purpose of these Regulations includes, but is not limited to the following: To promote the health, safety, general welfare and convenience of the community; to lessen congestion in the streets; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population and to facilitate the adequate provisions for transportation, water, sewerage, schools, parks and other public requirements; to conserve the value of building; to encourage energy efficient patterns of development through the use of solar and other renewable forms of energy and energy conservation; to encourage the most appropriate use of land throughout the Town of Canterbury; and to regulate the height, number of stories and size of buildings and other structures, the percentage of the area of the lot that may be occupied, the size of yards, courts and other open spaces; the density of population and the location and use of buildings, structures, and land for trade, industry, residence or other purposes, and the height, size and location of advertising signs and billboards within the Town of Canterbury.

1.4 Interpretation

In their interpretation and application, the provisions of these Regulations shall be held to be the minimum requirements adopted for the promotion of public health, safety and welfare. It is not intended by these Regulations to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws, regulations or ordinances, except those specifically repealed by these Regulations, or with private restrictions placed upon property by covenants running with the land (to which the Town is a party). Where these Regulations pose a greater restrictions upon land, buildings or structures than is imposed or required by such existing provisions of regulations, ordinances, contracts or deeds, the provisions of these Regulation shall control.

SECTION II DEFINITIONS

2.1 General Rules of Construction:

The following general rules of construction shall apply to the provisions of this Regulation:

The singular number includes the plural and the plural, the singular, unless the context clearly indicates the contrary.

Words used in the present tense include the past and future tenses, and the future, the present.

The word "**shall**" is mandatory, the word "**may**" is permissive

The word "**building**" or "**structure**" includes any part thereof, and the word "**building**" includes the word "**structure**".

The word "**lot**" includes the words "**plot**" or "**parcel**" or "**tract**".

The words "**used**" or "**occupied**" include the words "**intended**", "**designed**" or "**arranged**" to be used or occupied.

2.2 Terms Defined

For the purpose of this regulation, certain terms and words are hereby defined.

Accessory Apartment - a second dwelling unit contained on the same lot as a single-family residence and which is clearly subordinate to the main dwelling unit.

Accessory Building - a detached subordinate building (or portion thereof), the use of which is incidental to that of a main or principal building and located on the same lot therewith.

Accessory Uses - a subordinate use which is incidental to the main use of a building and located on the same lot with such main building or use.

Adult Book Store - An establishment having a substantial or significant portion of its stock in trade, books, magazines, films for sale or viewing on premises by uses of motion picture devices or any coin-operated means and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical area".

Adult Entertainment Cabaret - A public or private establishment which is licensed to serve food and/or alcoholic beverages, which feature topless dancers, strippers, male or female impersonators, or similar entertainers, or acts relating to "Specified Sexual Activities" or "Specified Anatomical Area", for observation by patrons therein.

Adult Mini-Motion Picture Theater - An enclosed building with a capacity for less than 50 persons used regularly and routinely for material having a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Area", for observation by patrons therein.

Adult Motion Picture Theater- An enclosed building with a capacity for more than 50 persons used regularly and routinely for material having a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Area", for observation by patrons therein.

Agriculture - the cultivating of the soil, and the raising and harvesting of the products of the soil including nursery and greenhouse products, horticulture, forestry, and the raising of livestock and poultry, and the necessary accessory uses for packing, treating, and storing the produce, or the sale of produce and related items, provided, however, that the operation of any such accessory use shall be secondary to that of normal agricultural activities.

Apartment House - a dwelling containing separate living units for three (3) or more families having separate or joint entrances, services, and facilities.

Building - any structure having a roof and intended for the shelter, housing or enclosure of persons, motor vehicles, boats, animals, materials, or equipment.

Building Line - a line parallel to the abutting street at a distance equal to or greater than the setback requirements for the front yard.

Building, Principal or Main - a building in which the principal use of the lot on which it is located is conducted, or is intended to be conducted.

Building Area - the ground area enclosed by the walls of a building together with the area of all covered porches and other roofed portions.

Building Height - the vertical distance between a horizontal plane running through the highest point of the roof and the finished lot grade.

Co-location- The location of wireless communication facilities of more than one provider on a single site.

Commercial Recreation Facility - any building or structure used to accommodate indoor or outdoor recreation uses including bowling alley, tennis courts, hand-ball courts, squash or racquetball courts, swimming pools, whirlpools, gymnastic or exercise equipment, baseball batting cages, miniature golf courses, golf driving ranges and water slides where such uses are conducted as a business for profit, but excluding game arcades and massage parlors.

Commission - the Town of Canterbury Planning and Zoning Commission.

Convalescent Home, Rest Home, Nursing Home - a dwelling where persons are housed or lodged and furnished meals and nursing care for hire.

Dwelling - a building containing one (1) or more dwelling units permanently attached to a permanent frost-proof foundation the same as for a stick-built house.

Dwelling Unit - a room, or group of rooms, occupied or intended to be occupied as separate living quarters by one (1) family, and containing independent cooking facilities, sleeping facilities, sanitary facilities, and a minimum seven-hundred-fifty (750) square feet of floor area.

Family - a single person keeping house separately or any number of individuals related by blood, marriage or adoption, living and cooking together as a single housekeeping unit, provided that a group of not more than five (5) persons keeping house together, but not necessarily related by blood or marriage, is considered a family for the purpose of these Regulations. A roomer or boarder to whom rooms are rented shall not be considered a member of a family.

Floor Area - the sum of the gross horizontal areas of the several floors of a building measured from the exterior faces of exterior walls. Habitable floor area for residential use also includes: 1) basement or cellar which is used primarily for year-round living accommodations, 2) stairways, 3) closets, 4) halls, 5) top half-stories provided that the height shall not be less than seven and one-third (7 1/3) feet, such areas are connected by a permanent inside stairway and not less than one-third (1/3) of the area is used for sleeping, study, or similar active use.

Frontage - a property line that is also a street line.

Garage - Private - an accessory building used for the storage of motor vehicles and not used for the making of repairs for profit.

Grade - the average level of the finished ground adjoining the walls of a building.

Home Occupation, Customary - any home industry or service occupation conducted for gain within a dwelling unit and carried on by the resident thereof with the employment of no more than two (2) non-habitants, which use is clearly incidental and secondary to the residential structure and does not change the character or appearance thereof including: the office of a physician, surgeon or dentist provided no patient is hospitalized or housed overnight; the office of an architect, lawyer, engineer, accountant or other recognized professional person or trade person, dressmaking, millinery and similar domestic homemaking activities that are a customary adjunct to housekeeping; beauty shop or barber shop; handicraft, art, needlework and similar arts-and-crafts-type occupations carried on by the residents of the premises and clearly secondary to the residential use.

No use for which a Special Exception is required as per Section II 2.2, Section V.3, and Section VIII of these Regulations can be considered a Home Occupation.

Hotel - a building designed as the temporary abiding place for more than ten (10) persons or providing five (5) or more sleeping rooms in which lodging is provided for compensation with or without meals.

Industrial Park - an area of twenty-five (25) acres or more in which one (1) or more industries or offices form a unit for which a site plan of development is required.

Industry - a productive enterprise, the principal activities of which are the processing, manufacturing, fabricating, assembling or construction of goods including associated administration, management, research, freight handling, storage and distribution.

Junk - discarded material, equipment, machinery, vehicles, waste, rubble or refuse which may or may not be used or useful in some form.

Kennel - any structure or premises on which five (5) or more dogs over four (4) months of age are kept for commercial purposes.

Laboratory - a building or group of buildings in which are located the facilities for scientific research, investigation, testing, and experimenting, but not including the manufacture of products for sale

Lot - a lot is defined as a parcel of land which is owned separately from any adjoining lot or lots as evidenced by deed or deeds recorded in the land records of the Town of Canterbury or which is shown as a building lot on a subdivision map approved by the Town of Canterbury or which is shown as a building lot on a subdivision map approved by the Town of Canterbury Planning and Zoning Commission, and recorded in the land records of the Town of Canterbury and which conforms in all respects to the requirements of these Regulations and any amendment hereto.

Lot Corner - a lot situated at the intersection of two (2) or more streets whether public or private.

Lot Interior - a parcel of land situated generally behind a lot fronting on a street accessible to the street only over an access strip.

Lot Lines - the property lines bounding the lot.

Lot Line, Front - all dividing lines between a street and the lot shall be considered front lot lines.

Lot Line, Rear - the line bounding a lot at the rear and approximately parallel to and at the maximum distance from the front lot line.

Lot Line, Side - the line or lines bounding a lot which extend from the street towards the rear in a direction approximately perpendicular to the street. In the case of corner lots, or through lots, all lines extending from streets shall be considered side lot lines.

Lot, Through - a lot having both front and rear yards abutting on a street.

Lot, Width - the distance between the sidelines of a lot measured either along the front lot line or along the building setback line whichever is the greater.

Motel, Motor Court - a building or group of buildings containing one (1) or more guest rooms having separate outside entrances for each room or suite of rooms and for each of which rooms, automobile parking space is provided on the premises and in which lodging is provided compensation.

One-family Detached Dwelling - a house accommodating but a single dwelling unit and having no party wall or walls in common with an adjacent house or houses.

Professional Offices - rooms or buildings used for office purposes by members of any recognized profession including, but not limited to, the following occupations: accountancy, architecture, art, chiropody, chiropractics, city planning, dentistry, electrology, engineering and surveying, healing arts, industrial design, insurance, law, medicine, music, optometry, osteopathy, pharmacy, real estate, science, teaching and theology.

Retail Commercial Establishment - any building or structure in which one (1) or more articles of merchandise or commerce are sold to the ultimate consumer for direct consumption and not for resale, including, but not limited to, grocery store, tire store, hardware stores, farm equipment and machinery sales, ceramics, hobby stores, drug stores, antique stores, plant stores, and meat markets.

Rooming or Guest House - a building with no more than five (5) guest rooms where lodging and meals are provided for compensation to persons other than members of the family of the proprietor.

Service Establishment - any building or structure which is used for the performance of a service, including but not limited to the following: banking and bank-related functions, insurance carriers, agents, brokers and services, real estate and related services, personal services such as laundering, dry cleaning, photographic services, beauty and barber services, funeral and crematory services, restaurant, apparel repair, alteration and cleaning pick-up services, shoe repair services, repair services including automobile repair and service including the sale of gasoline and automobiles; the sale of appliances, machine parts and products; furniture repair services; construction services; a slaughterhouse; a saw mill and a lumber yard.

Special Exception - a special exception is a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, or prosperity. Such uses may be permitted in such zoning district as special exceptions, if specific provision for such special exceptions is made in this Zoning Regulation.

Specified Anatomical Areas – are defined as a less than completely and opaquely covered: i) human genitals, public region; ii) buttock, and iii) female breasts below a point immediately above the top of the areola; b) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities – are defined as a) human genitals in a state of sexual stimulation arousal; b) acts of human masturbation, sexual intercourse or sodomy; or c) fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

Street - an improved right-of-way accepted for public use by lawful procedure and suitable for vehicular travel; or a proposed street shown on a subdivision plan approved by the Commission.

Structure - anything constructed or which is located on, above or beneath the ground including electric line poles, bridges and anything located on, above or beneath the water which is not primarily used or intended for navigation, but excluding driveways, sidewalks, parking areas, curbing and fences which are less than eight (8) feet in height.

Swimming Pools - a structure designed or intended to hold water for swimming purpose with the surface area of one-hundred (100) square feet or more and a depth in excess of two (2) feet.

Towers- A structure, whether freestanding or attached to a building or another structure, that is used to support equipment used to collect, transmit and/or receive telecommunications or radio signals.

Two-Family Dwelling - a detached building accommodating two (2) dwelling units, designed for occupancy by not more than two (2) families.

Use - the principal purpose for which a lot of the main building thereon is the designed, arranged, or intended and for which it is or may be used, occupied or maintained.

Variance - a variance is a relaxation of the terms of the Zoning Regulations where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of these Regulations would result in unnecessary and undue hardship.

Wireless Telecommunication Facility – The equipment and structures involved in receiving or transmitting electromagnetic waves associated with wireless telecommunication services.

Wireless Telecommunication Services – Services associated with the transmission and/or reception of wireless telecommunications. These services may include, but are not limited to cellular, personal communication services specialized mobilized radio and paging.

Yard, Front - an open unoccupied space extending across the full width of the lot between the front wall of a building and the front lot line. Porches shall be considered as part of the main building.

Yard, Rear - an open unoccupied space extending across the full width of the lot between the most rear building and the rear lot line.

Yard, Side - an open unoccupied space between a building and the side lot line extending from the front yard to the rear yard.

SECTION III ZONING DISTRICTS

- 3.1** Section 8-26 of the Connecticut State Statutes provides that the Planning and Zoning Commission of any municipality " may use soil survey maps of the Soil Conservation Service of the United States Department of Agriculture as a standard in determining land use, planning, zoning or development regulation". Consequently, upon completion of a detailed analysis of land use characteristics within the Town of Canterbury, the Commission has determined that zoning shall be by performance rather than district. Therefore, for the purpose of these Regulations, all land within the Town of Canterbury and the permitted intensity of use of all such land shall be determined by the information contained within the Advance Soil Survey maps for the Town of Canterbury as prepared by the Soil Conservation Service and indicated on the Town's Plan of Development. (The Appendix which follows these Regulations contains a listing of soil types which are classified as Well-Drained, Moderately Well-Drained, Poorly-Drained, Very Poorly-Drained, etc. as referred to in Section 5.6 of these Regulations.)

The Town's Plan of Development shall serve as a guide to indicate what soil types are expected to exist on each parcel or lot within the Town of Canterbury and what the Planning and Zoning Commission has determined to be the desired density of development and use of each given lot or parcel. In recognizing the limitations and inaccuracies of the soil mapping techniques delineated in the Plan of Development, the Commission has provided a process in Section 5.6 of these Regulations by which the minimum lot size, lot width and lot frontage requirements may be modified if a more accurate determination of the soil types existing on any given parcel or lot is provided at the time a subdivision or re-subdivision approval is requested or a building permit is applied for.

3.2 Land Under Water

The boundary of each district shall include any land under any lake, pond, or stream lying therein, and shall also include any land extends under navigable waters as far as the ownership thereof extends under other provisions of law.

SECTION IV GENERAL PROVISIONS

4.1 Compliance with Regulations

No land, building, or part thereof shall hereafter be used, and no building or part thereof or other structure shall be constructed, reconstructed, extended, enlarged, moved or altered except in conformity with these Regulations. Every lot shall have an area, width, and front, side, and rear yards at least as large as set forth in the applicable paragraphs hereof, except as otherwise specifically provided in these Regulations. No building or buildings shall occupy in the aggregate a greater percentage of the lot area nor be greater in height, than as set forth in the applicable paragraph hereof, except as otherwise specifically provided in these Regulations.

4.2 Reduction of Lot Area or Dimensions

No lot shall be diminished nor shall any yard, court or other open space be reduced except in conformity with these Regulations.

4.3 Existing Businesses

Any business which was in existence prior to February 1, 1976, which may be permitted as a special exception under Section 5.3 of these Regulations shall be recognized as and considered a permitted use if a statement is submitted to the Canterbury Planning and Zoning Commission in accordance with the requirements of Section 8.5 of these Regulations to show any proposed enlargement of existing business. Any proposed change of use on land containing an existing business to a business other than that existing on February 1, 1976, shall be treated as a special exception.

Any business existing before February 1, 1976, which has not filed a statement on the form provided for such purposes, must do so by December 31, 1985 or become a non-confirming business.

Any business in existence as of February 1, 1976, that has enlarged or changed its use, must file a statement and site plan by December 31, 1985 or become a non-confirming business.

4.4 Open Spaces Required for Each Building

Except as specifically provided herein, no part of any yard or other open space required about any building may be included as part of a yard or other open space required for any other building.

4.5 Use on a Lot

Not more than one (1) principal use shall be permitted on any single lot.

4.6 Agricultural Uses

Nothing in these Regulations shall prohibit the construction or use of any building or buildings for agricultural purposes as defined in Section 2.2 of these Regulations, provided that such building meets the requirements of Sections 5.2.6, 5.4 and 5.6 of these Regulations.

4.7 Height Limitation

No building shall be constructed, reconstructed, extended, enlarged, moved or altered in any way so as to be in excess of thirty-five (35) feet in height above the average finished lot grade.

4.8 Limitations on Permitted Professional Office and Home Occupation Uses in a Dwelling Unit

Professional offices and home occupations in dwelling units shall conform to the following standards and conditions:

- 4.8.1** The floor area used for the professional offices and home occupation in a dwelling unit shall not exceed twenty-five percent (25%) of the dwelling units floor area.
- 4.8.2** There shall be no evidence outside the dwelling except permitted signs and required off-street parking that the dwelling contains a professional office or home occupation.
- 4.8.3** Such uses shall not create objectionable noise, odor, dust, smoke, fumes, vibrations, electrical interference or unsightly conditions noticeable off the premises.
- 4.8.4** A home occupation conducted in an accessory building shall require a special exception and shall have the same floor area requirements as in a dwelling unit.
- 4.8.5** Adequate off-street parking shall be provided as deemed necessary by the Commission. The Commission shall take into consideration the nature of the proposed professional office or home occupation in determining parking requirements.
- 4.8.6** In reviewing applications for professional offices or home occupations, the Commission shall consider the potential impact of traffic generation, noise and such other conditions that might adversely affect the health, safety and welfare of the neighborhood.
- 4.8.7** Such uses as restaurants, taverns, barber shops, beauty parlors, massage parlors, tourist homes, nursing homes, funeral homes, vehicle and boat repair shops, animal hospitals, martial arts schools and dancing schools shall not be deemed to be home occupations.
- 4.8.8** No use determined to be a Special Exception as per Section 2.2 definitions (page 9); Section 5.3 (pages 22-23) and Section VIII of the Regulations can be considered as a Home Occupation.

4.9 Storage of Waste Material

No waste or scrap material, debris, abandoned machinery, junk or similar unsightly material shall be stored or allowed to accumulate in any open space not screened from public view by either a fence, wall, or evergreen hedge or outside a completely enclosed building on any lot within the Town of Canterbury, but this provision shall not apply to the temporary storage of waste material from a construction operation being legally executed on the same premises.

- 4.9a.** All gasoline storage tanks with a capacity of two hundred seventy-five (275) gallons or greater, and all propane, natural gas or fuel oil storage tanks with a capacity of greater than one thousand (1000) gallons are prohibited unless approved by the Zoning Enforcement Officer.

Furthermore, storage tanks for gasoline on any lot having a total capacity exceeding two hundred seventy-five (275) gallons or storage tanks for fuel oil on any lot having a total capacity exceeding one thousand (1,000) gallons must meet NFPA-30 standards which require review by the Town Fire Marshall and must

meet current Federal E.E. and Connecticut DEP standards for storage tanks. Tanks may be placed above ground or underground based upon ground conditions and proposed use.

No storage tanks for natural gas or propane on any lot shall exceed a total capacity of one thousand (1000) gallons, unless approved by the Zoning Enforcement Officer.

4.10 Existing Lots

The provisions of these Regulations relative to required lot area, required lot width and required frontage shall not prevent the construction of an otherwise permitted building or the establishment of an otherwise permitted use on a lot which, at the time of the adoption of these Regulations (April 5, 1974) and continuously thereafter, was owned separately from any adjoining lot, as evidenced by deed recorded in the Land Records of the Town of Canterbury. However, if the building to be constructed and/ or used cannot meet the front, side or rear yard requirements of these Regulations, a variance shall be secured from the Board of Appeals.

4.11 Restoration of Existing Buildings

Nothing in these Regulations shall prevent the restoration or reconstruction within one (1) year of a building damaged or destroyed by fire, explosion, or accident, subsequent to the adoption of these Regulations, to its condition prior to such damage or destruction nor prevent the restoration of an unsafe wall or structural member.

4.11a Driveways

Driveways shall be suitably paved ten (10) feet or more in from the street, and shall be constructed so as to prevent material from eroding into the street.

4.12 Construction Adjacent to Bodies of Water and Wetland Areas

4.12.1 No building except a boat house, pump house, and individual family sauna, shall be located within twenty-five (25) feet of any waterbody, watercourse, or wetland, or if subject to flooding, within twenty-five (25) feet of its highest flood line.

4.12.2 No part of any subsurface sewage disposal system shall be located within fifty (50) feet of any moving watercourse or lake, wetland, or pond.

4.12.3 No lot or parcel on which inland areas, as defined in Section 22a-39-2 of the Connecticut State Statutes as amended, are located shall be subdivided or re-subdivided until adequate evidence is provided to the Town of Canterbury's Planning and Zoning Commission, that such subdivision or re-subdivision will not adversely effect any designated inland wetland areas. Adequate evidence shall be defined for the purpose of this section to be written record of action by the Town of Canterbury's Inland Wetland Agency indicating that the activities proposed in said subdivision plan will not adversely effect any inland wetland area or that such designation of wetlands on the subject property is incorrect and that wetlands do not, in fact, exist on the subject site.

4.12.4 No zoning permit, special exceptions and/or site plan as provided for in Section VIII of these Regulations shall be approved until adequate evidence is provided to the Town of Canterbury's Planning and Zoning Commission that approval of such permit, Special Exception and/or site plan will not adversely effect any designated inland wetland areas. Adequate evidence shall be defined for the purpose of this section to be a written record of action by the Town of Canterbury's Inland Wetlands Agency indicating that the activities proposed in said site plan or special exception will not adversely affect any inland wetland area or that such designation of wetlands on the subject property is incorrect and that wetlands do not, in fact, exist on the subject site.

The Commission may refer proposed Plans of development to appropriate municipal regional, state or federal agencies for comment and review.

4.13 Prohibited Uses

The following uses are expressly prohibited within the Town of Canterbury:

4.13.1 Oil refining

4.13.2 Manufacture of explosives, or highly flammable products.

4.13.3 Commercial distillation of bones, rendering of fat or reduction of animal matter.

4.13.4 Junk yard, refuse disposal area, other than the official town refuse disposal facility.

4.13.5 Industrial waste disposal or processing areas other than at the official town refuse disposal facility.

4.13.6 Any activity which produces unreasonable noise, odors, vibrations, fumes, electrical interference, or other noxious effects considered objectionable to the residents of the area.

4.14 Soil Erosion and Sediment Control

4.14.1 Activities Requiring a Certified Erosion and Sediment Control Plan: A soil erosion and sediment control plan shall be submitted with any application for development when the disturbed area of such development is cumulatively more than one-half (1/2) acre.

A single-family dwelling that is not part of a subdivision of land shall be exempt from these Soil Erosion and Control Regulations.

4.14.2 Erosion and Sediment Control Plan:

1. To be eligible for certification, a soil erosion and sediment control plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from storm water runoff on the proposed site based on the best available technology. Such principles, methods and practices necessary for certification are found in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended. Alternative principles, methods and practices may be used with prior approval of the Commission.
2. Said plan shall contain, but not be limited to:
 - A. A narrative describing:
 1. the development
 2. the schedule for grading and construction activities including:
 - a. start and completion dates
 - b. sequence of grading and construction activities
 - c. sequence for installation and/or application of soil erosion and sediment control measures
 - d. sequence for final stabilization of the project site
3. The design criteria for proposed soil erosion and sediment control measures and storm water management facilities and storm water management facilities

4. The construction details for proposed soil erosion and sediment control measures and storm water management facilities
 5. The installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities
 6. the operations and maintenance program for proposed soil and erosion and sediment control measures and storm water management facilities
- B. A site plan map at a sufficient scale to show:
1. the location of the proposed development and adjacent properties
 2. the existing and proposed topography including soil types, wetlands, watercourses and waterbodies
 3. the existing structures on the project site, if any
 4. the proposed area alterations including cleared, excavated, filled or graded areas and proposed structures, utilities, roads and, if applicable new property lines
 5. the location of and design details for all proposed soil and erosion and sediment control measures and storm water management facilities
 6. the sequence of grading and construction activities
 7. the sequence for installation and/or application of soil erosion and sediment control measures
 8. the sequence for final stabilization of the development site
- C. Any other information deemed necessary and appropriate by the applicant or requested by the Commission or its designated agent.

4.14.3 Minimum Acceptable Standards

- A. Plans for soil erosion and sediment control shall be developed in accordance with these Regulations using the principles as outlined in Chapters 3 and 4 of the Connecticut Guidelines for Soil Erosion and Sediment Control (1985) as amended. Soil erosion and sediment control plans shall result in a development that minimizes erosion and sedimentation during construction; is stabilized and protected from erosion when completed; and does not cause off-site erosion and/or sedimentation.
- B. The minimum standards for individual measures are those in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended. The Commission may grant exceptions when requested by the applicant if technically sound reasons are presented.

- C. The appropriate method from Chapter 9 Erosion and Sediment Control (1985), as amended, shall be used in determining peak flow rates and volumes of runoff unless an alternative method is approved by the Commission.

4.14.4 Issuance or Denial of Certification

- A. The Canterbury Planning and Zoning Commission (or the Windham County Soil and Water Conservation District) shall either certify that the soil erosion and sediment control plan, as filed, complies with the requirements and objectives of this regulation or deny certification when the development proposal does not comply with these Regulations.
- B. Nothing in these Regulations shall be construed as extending the time limits for the approval of any application under Chapters 124, 124A or 126 of the Connecticut General Statutes.
- C. Prior to certification, any plan submitted to the municipality may be reviewed by the Windham County Soil and Water Conservation District which may make recommendations concerning such plan, provided such review shall be completed within thirty (30) days of receipt of such plan.
- D. The Commission may forward a copy of the development proposal to the conservation commission or other review agency or consultant for review and comment.

4.14.5 Conditions Relating to Soil Erosion and Sediment Control

- A. Site development shall not begin unless the soil erosion and sediment control plan is certified and those control measures and facilities in the plan scheduled for installation prior to site development are installed and functional.
- B. Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan.
- C. All control measures and facilities shall be maintained in effective condition to ensure the compliance of the certified plan.

4.14.6 Inspection

Inspections shall be made by the Commission or its designated agent during development to ensure compliance with the certified plan and that control measures and facilities have been performed or installed according to the certified plan and are being operated and maintained. The Commission or its designated agent may require the permittee to verify through progress reports that soil erosion and sediment control measures and facilities have been performed or installed according to the certified plan and are being operated and maintained.

SECTION V

RURAL DISTRICT

5.1 General

The Town of Canterbury's Plan of Development shall indicate the approximate location of those areas classified as Well-Drained Soils and Moderately Well-Drained Soils and those are as classified as Wetland Soils as defined by the United States Department of Agriculture Soil Conservation Service and as listed in the Appendix to these Zoning Regulations. The minimum lot size, lot width and lot frontage as required in Section 5.6 of these Regulations shall be determined by the soil classification shown on the Plan of Development as adopted February 1, 1976. However, before any building permit is issued or any re-subdivision approval is granted, additional soil data in the form of percolation tests and deep test hole pits as required by the State of Connecticut Health Code for approval of on-site sewage disposal systems shall be submitted and other data as may be prepared by a soil scientist may be presented indicating the exact soil conditions which exist on the subject site.

All land must be developed in accordance with the requirements of Section 5.6b unless the results of such soil tests and soil reports indicate that soil types which are classified as Well- Drained and/or Moderately Well-Drained exist on the subject site. If the subject site contains Well-Drained Soils, then the requirements of Section 5.6a of these Regulations shall apply.

If land contains Wetlands Soils as shown on the Town's Plan of Development or the Town's updated soils map, or as shown as a result of the tests and data submitted in accordance with this section, no action shall be taken on any application for a subdivision or re-subdivision approval, or for approval of a special exception, and no building permit is to be issued until the application has been referred to the Town's Inland Wetlands agency in accordance with Section 4.12 of these Regulations.

5.2 Permitted Uses

The following uses are permitted by right in this district:

- 5.2.1 One-family detached dwelling.
- 5.2.2 Two-family dwelling.
- 5.2.3 Agricultural and forestry activities.
- 5.2.4 Home occupations as defined in Section 2.2 and in compliance with the conditions enumerated in Section 4.8 of these Regulations.
- 5.2.5 Religious or governmental uses.
- 5.2.6 Temporary stands for the display and sale of fruits, vegetables, flowers, honey or other agriculture products, provided such stand shall be located at least twenty-five (25) feet from any side lot line, at least ten (10) feet from the edge of the pavement and at least fifty (50) feet from any road intersection.
- 5.2.7 Temporary religious or entertainment gatherings such as festivals, horse shows, bazaars or fairs when sponsored by local non-profit organizations only.

5.2.8 Accessory apartments are allowed by right in all residential districts subject to the conditions specified in Section 5.6.d. A zoning permit must be obtained from the Zoning Enforcement Officer prior to building an accessory apartment or converting part of a single-family house into an accessory apartment.

5.3 Special Exceptions

The following uses may be permitted as a special exception subject to site plan review in accordance with Section VIII of these Regulations:

5.3.1 Professional offices as defined in Section 2.2

5.3.2 Private schools

5.3.3 Commercial sand and gravel removal and/or processing operations for which compensation is received.

5.3.4 Museums

5.3.5 Retail Commercial Establishment as defined Section 2.2.

5.3.6 Service Establishment as defined in Section 2.2.

5.3.8 Planned Industrial Park as provided for in Section VI of these Regulations.

5.3.9 Dwellings of three (3) or more dwelling units provided not more than six (6) dwelling units are contained within any one (1) building.

5.3.10 Kennels as defined in Section 2.2 of these Regulations.

5.3.11 Laboratories as defined in Section 2.2 of these Regulations.

5.3.12 Official town refuse disposal facility.

5.3.13 Recreational campgrounds which shall be defined as a facility designed, intended and used for outdoor camping and recreation for temporary periods of time by trailers, tents, or other recreational camping vehicles or equipment.

5.3.14 Any of the uses permitted under Section 6.2 of these Regulations.

5.3.15 Commercial recreation facility.

5.3.16 Commercial Fuel Storage Facilities

5.4 Minimum Yards

No building shall be located closer than fifty (50) feet from any front lot line nor twenty-five (25) feet from any side lot line or rear lot line, except in Section 6.6 of these Regulations.

5.5 Off-Street Parking

Off-Street parking shall be provided in accordance with the requirements of Section VII.

5.6 Minimum Lot Size, Minimum Lot Width, Minimum Lot Frontage

A. Minimum Lot Size

1. Minimum Lot Size shall be two (2) acres.

Within this lot shall be a contiguous area of forty-five thousand (45,000) square feet, exclusive of wetlands, watercourses, water bodies, areas within the 100 year flooding boundary, rights-of-way and easements. The forty-five thousand (45,000) square foot contiguous buildable area shall be in the shape of a rectangle with minimum dimensions of one hundred fifty (150) by three hundred (300) feet. Within the contiguous buildable area can be constructed a residential building, accessory structures, fixtures and supportive services such as water supply and sewage disposal.

2. Minimum lot width and frontage: Each lot shall have at least two hundred (200) feet frontage along any accepted town road and/or state highway existing prior to February 1, 1976, or any road shown on an approved subdivision or resubdivision plan.

- B.** The requirements contained within this section shall not apply to buildings developed in accordance with Section VI of these regulations.

C. Interior Lots:

1. All interior lots have a minimum of fifty (50) feet frontage and be twice the size; the access strip must be at least fifty (50) wide at all points and shall not be included in calculation of the lot area. Any access strip shall be at least four hundred (400) feet from any other access strip.

Within this lot shall be a contiguous area of forty-five thousand (45,000) square feet, exclusive of wetlands, watercourses, water bodies, areas within the 100 year flooding boundary, rights-of-way and easements. The forty-five thousand (45,000) square foot contiguous buildable area shall be in the shape of a rectangle with minimum dimensions of one hundred fifty (150) by three hundred (300) feet. Within the contiguous buildable area can be constructed a residential building, accessory structures, fixtures and supportive services such as water supply and sewage disposal.

2. Interior Lots of Record: Interior lots of record shall not be dived or diminished in area or in dimension except in conformance with these regulation. The use of legal access to interior lots or record shall establish such lots as non-conforming.

D. Accessory Apartments

1. Accessory Apartments are allowed by zoning permit and only when attached to a single-family dwelling by a common wall.
2. An Accessory cannot exceed six hundred (600) square feet of floor area. Only one Accessory Apartment shall be permitted per residential lot.
3. The subject site must have at least three (3) off-street parking spaces.
4. Each Accessory Apartment must be self-contained and shall have at least three (3) rooms (a separate kitchen or Kitchenette and bath plus one other room). Each unit shall also have a separate entrance to provide access to the new unit without passing through the main unit.

5. Owner of the house must occupy one (1) unit.
6. No more than two (2) people can occupy an Accessory Apartment.
7. The Commission may require that new doors and fire escapes be in the rear of the building.
8. The Northeast District Department of Health (NDDH) must determine that the septic system and well adequate to serve the additional Accessory Apartment as well as the original unit.
9. If a single-family residence which is being converted does not conform to all Zoning requirements, conversion must not increase the nonconformity.
10. Application for zoning permit for an Accessory Apartment shall be on the form provided by the Commission and must include the following:
 - a) A site plan to scale showing existing and proposed structures, well, septic, driveway, and property boundaries as well as all separating distances between each these features, and
 - b) A floor plan of the existing level to which the Accessory Apartment is attached or in which it will be contained plus a floor plan of the proposed Accessory Apartment showing all internal dimensions.
11. All aspects of these structures must meet all provisions of the Connecticut State Fire code as well as the Connecticut State Building Code (CABO) for one (1) and two (2) family dwelling units.

5.7.B.1 ACCESSORY APARTMENTS ON COMMERCIAL PROPERTIES

The purpose of this section is for the provision of security/management by the business owner, his manager or agent.

5.7.B.2 Accessory Apartment are allowed by Special Exception on all commercial properties (Section 8 of these Regulations) subject to the following standards:

- a. An accessory apartment on a commercial property shall be of such a size and in such a location that its use is clearly subOrdinate to the principal commercial use. An accessory apartment shall be no more than one-half the square footage or 1500 square feet, whichever is smaller, of the building area occupied by the principal commercial use(s).
- b. Only one accessory apartment per lot is allowed.
- c. Two separate entrances are required for the accessory apartment.
- d. Two dedicated parking spaces per apartment are required.
- e. Adequate lighting of both pedestrian and parking areas must be provided.
- f. Evidence satisfactory to the Commission shall be provided to show that acoustic and thermal insulation (i.e.) fire walls) will be provided between commercial and residential areas where appropriate and where required by law.
- g. Where dumpsters are proposed, dumpsters locations shall be shown on the site plan. All dumpsters shall be placed on a concrete pad and suitably screened with trees, shrubs, fencing, or by other appropriate means (e.g., the building itself). Appropriate waste removal services shall be provided by the owners of the property.
- h. Evidence satisfactory to the commission shall be provide to show that all health code and fire safety requirements for both the residential and commercial uses of the building must be met.

- i. For the purposed of this section, commercial properties are limited to the following sections of the Zoning Regulations:
 - 1. Section 4.3 Existing Businesses*
 - 2. Section 5.2.3 Permitted Uses (Agricultural and forestry activities)*
 - 3. Section 5.2.3 Permitted Uses (Home Occupations provision)*
 - 4. Section 5.2.5 Permitted Uses (Religious or governmental uses)*
 - 5. Section 5.3 Special Exception (permitted Uses)*
 - 6. All Commercial uses which are Non-Conforming

- j. A comprehensive site plan shall be provided as per Section 8.5 and 8.6 of the Zoning Regulations.

* Retyped with sections listed above as requested at approval on 12/8/94 – 3/15/95

SECTION Va

VILLAGE COMMERCIAL ZONES

5a.1 General

To encourage the development of commercial areas within the Town of Canterbury there is herein created the zonal designation of VILLAGE COMMERCIAL ("VC"). Areas of the Town may be rezoned to this designation pursuant to the provisions of Section XIII, and subject to the requirements of this section Va. Areas designated VC are intended to encourage the centralization of permitted commercial uses in said zone so as to provide for the orderly and controlled growth of the Town with due regard to traffic congestion, property values and environmental concerns.

5a.2 Permitted Uses

The following uses are permitted by right the VC zones:

- 5a.2.1** Retail commercial establishments in which articles of merchandise are sold to the ultimate consumer for direct consumption and not for resale, including, but not limited to grocery store, drug store, hardware store, clothing store, tire store, farm equipment store, florist, plant store, meat markets.

- 5a.2.2** Service establishments involving the delivery or performance of a service for a consumer or customer, including, but not limited to banks and financial institutions, insurance offices, personal service shops such as barbers, beauty parlors, shoe repair, garment repair, restaurant for on site food consumption, electronic repair shops, car dealers, gasoline and repair stations. There are excluded from service establishments in a VC zone uses such as saw mills, lumber yards other than garden and home accessory shops, slaughterhouses.

- 5a.2.3** Professional offices including, but not limited to medicine, dental, optometry, chiropody, legal, accounting, engineering, surveying, real estate, financial planning.

- 5a.2.4** Commercial recreation including bowling alleys, tennis, squash, or racquetball courts, swimming pools, gyms, miniature golf, but excluding golf courses, riding rinks, game arcades and massage parlors.

5a.3 Special Exceptions

The following uses may be permitted as a special exception subject to Section VIII, and site plan review in accordance with these regulations.

- 5a.3.1** Religious, governmental, private school, and museums.
- 5a.3.2** Shopping Centers as defined in Section 5a.4 of these Regulations.
- 5a.3.3** Elderly Housing Developments as defined in Section 5a.5 of these Regulations.

5a.4 Shopping centers

- 5a.4.1** A shopping center is herewith defined to be a lot with an area of not less than 2.0 acres on which is situated a building that may contain one or more of the uses enumerated in Sections 5a.2 and 5a.3.1 of these Regulations.
- 5a.4.2** A shopping center shall have 250 feet of frontage on a public highway, and the building situated on said lot shall have a front yard setback of 50 feet; sideline setbacks of 25 feet; and a rear lot setback of 25 feet, and a lot coverage ratio of building to lot of 25%.
- 5a.4.3** A shopping center shall have a central parking lot and the number of parking spaces shall be determined by Section VII of these regulations. The parking requirements shall be computed on the basis of each individual use. All other requirements of Section VII shall apply to a shopping center.
- 5a.4.4** One free standing sign shall be provided for all uses in the shopping centers, the size of said sign on one face shall equal two (2) square feet for each foot of frontage of the building on said lot; provided both sides of said sign may be utilized. Nothing contained herein shall prohibit signs attached to the facia of the building on the shopping center lot, provided each sign for each use in the shopping center shall not exceed 12 square feet. Signs shall not 35 feet in height and shall not exceed 64 square feet in area.

5a.5 Elderly Housing Project

The purpose of this subsection is to provide opportunities for the establishment of housing specifically designed and intended for use by the elderly in a VC zone with consideration of the special health, safety and general welfare needs of this element of the population. For the purposes of this section, housing for elderly persons is defined as dwelling units containing a minimum of kitchen, bathroom, and sleeping facilities for each unit. Persons using such housing shall be restricted to individuals and couples of which one is aged 55 years or older, or in the case of a Town elderly program, those persons as defined by State Statute. Housing for the elderly shall be permitted in a VC zone by special exception provided it meets the following conditions:

- 5a.5.1** Property used for the elderly housing shall have a minimum of ten (10) acres.
- 5a.5.2** The lot area requirement shall be 5,000 s.f. per dwelling unit, averaged over the total net acreage of the project site. No more than 30% of the gross site shall be covered by buildings.
- 5a.5.3** Property used for elderly housing shall have frontage on a Town-approved paved road.

- 5a.5.4** Buildings may be clustered, but no building shall be located closer than twenty-five (25) feet to another building, and no building shall be erected within fifty (50) feet of an abutting property line.
- 5a.5.5** A building or buildings containing elderly housing may be of one or two stories provided the following standards are satisfied:
- (a) A single story building shall not contain more than 24 elderly units, but may contain recreation facilities as provided in section 5a.5.17. An elderly housing development containing a single story building may be expended by such expansion shall not exceed 100% of the existing units, provided all other elderly housing requirements are satisfied.
 - (b) An elderly housing development may be in a two story building provided no building shall contain more than ten units.
- 5a.5.6** Access roads serving the project shall be built to the standards of the Town Road Ordinance.
- 5a.5.7** A minimum of one and one-half (1.5) off-street parking spaces shall be provided for each dwelling unit. Such areas shall be paved and curbed.
- 5a.5.8** Sewage disposal facilities shall be approved by the Northeast District Department of Health, and when required by the State Statutes or regulations promulgated thereunder by the Department of Environmental Protection and/or Health.
- 5a.5.9** Adequate lighting of all parking areas shall be provided.
- 5a.5.10** Refuse containers shall be of the dumpster type and located on paved platforms, screened from view. Refuse removal shall be the responsibility of the owner of the facility.
- 5a.5.11** Ramps shall be provided to permit easy movement of wheelchairs and all codes relating to the handicapped shall be satisfied.
- 5a.5.12** All units shall be connected to parking areas, recreation facilities and sidewalks by paved walkways wide enough to accommodate wheelchairs; they shall be a minimum of four (4) feet in width.
- 5a.5.13** All main entrances shall be constructed wide enough to accommodate wheelchairs, they shall be a minimum of three (3) feet in width.
- 5a.5.14** All main entrances shall maintain in a central location a register of the names and ages of all residents. Such register shall be open for inspection by the Zoning Enforcement Officer at any reasonable time. Age verification shall be by Birth Certificate or Baptismal Certificate.
- 5a.5.15** All such projects shall be suitably landscaped, all disturbed areas graded and seeded and all required streets, driveways and walkways paved prior to occupancy.

5a.5.16 All roads, walks, sidewalks, and parking areas within the development shall be maintained by the owner of the facility.

5a.5.17 A recreation building and facilities shall be provided

5a.5.18 All utilities shall be installed underground.

5a.5.19 The Commission may require as a condition of approval that an adequate financial reserve fund be established to insure proper maintenance and repair of any on site sewer and water system. In exercising its prerogative to require such a reserve fund the Commission may waive this requirement if the project is financed by a governmental agency that requires the maintenance of a reserve fund.

5a.6 Minimum Lot Size and Yards

5a.6.1 The following lot size, lot width, setbacks, and frontage shall apply to all permitted uses as defined in Section 5a.2 and 5a.3.1:

- (a) Minimum lot size: 60,000 square feet;
- (b) Minimum lot frontage: 150 feet;
- (c) Front yard setback: 50 feet;
- (d) Rear yard setback: 25 feet;
- (e) Side yard setback: 25 feet;
- (f) Height limitation: 35 feet;
- (g) Maximum ratio of building to lot area: 15%

5a.7 Parking

Parking requirements shall be in accordance with Section VII.

5a.8 Site Plan

No construction and/or development shall occur in a VC zone until a site plan has been approved by the Commission. Said site plan shall be in accordance with section 8.6 of the regulations. A public hearing may be held on a site plan involving a permitted use.

5a.9 Sanitation

All on-site water and sanitation requirements shall satisfy the Connecticut Public Health Code.

5a.10 Minimum Area and Location

No Village Commercial Zone shall be permitted unless it meets the following requirements:

- (a) Located on a State owned highway with a minimum of 200 feet frontage.
- (b) Has a minimum of ten (10) acres of which a minimum of five (5) acres of the land must contain soils classified as either well drained or moderately well drained by the Soil Conservation Service of the U.S. Department of Agriculture.
- (c) Minimum ten (10) acres shall be waived provided the parcel is abutting or directly across the street from an existing Village Commercial Zone and the parcel must have at least two (2) contiguous acres which are buildable.

SECTION VI

PLANNED INDUSTRIAL PARK

6.1 General

Planned Industrial Park shall be allowed within the Town of Canterbury as a special exception in accordance with the procedures described in Section VIII of these Regulations.

6.2 Permitted Uses

Any building or structure within a planned industrial park may be used for any of the following uses and no other:

- 6.2.1** Offices for professional, industrial and research use.
- 6.2.2** Warehousing, truck terminals and related facilities.
- 6.2.3** Printing, book binding and related uses.
- 6.2.4** Wholesale business or distribution plants.
- 6.2.5** Machine shops, sheet metal shops and metal fabrication.
- 6.2.6** Food manufacturing, storage and freezing.
- 6.2.7** Manufacture and processing of millwork and other wood products.
- 6.2.8** Casting of small, lightweight and nonferrous metal products.
- 6.2.9** Wearing apparel fabrication and processing.
- 6.2.10** Data processing, electronic processing.

6.3 Minimum Area

No less than twenty-five (25) acres must be included in any planned industrial park and at least fifty percent (50%) of the land must contain soils classified as either Well-Drained or Moderately Well-Drained by the Soil Conservation Service of the U.S. Department of Agriculture.

6.4 Access to State Highways

No planned industrial development park shall be permitted unless access to such park is from a State Highway, or provided in such a way so as not to create any dangerous or hazardous conditions on any existing Town road. If it is found that a dangerous or hazardous condition may be created on an existing Town road, the applicant shall be required by the Town to undertake such improvements at the applicant's expense as are deemed necessary to eliminate such conditions.

6.5 Buffer Area

A landscaped buffer area of at least one hundred (100) feet in width shall be provided adjacent to each property line of the parcel to be developed. All buffer areas shall be planted with a mixture of evergreen and deciduous trees and shrubs or preserved in its natural state so as to provide a reasonable opaque natural barrier at least ten (10) feet in height between the planned industrial park and adjacent properties.

6.6 Lot Size, Width and Setbacks

If the parcel on which a planned industrial park is to be developed is to be subdivided, each lot must be at least two hundred thousand (200,000) square feet in size. Minimum lot width at the building line shall be at least five hundred (500) feet, and no building shall be constructed closer than one hundred (100) feet from any front property line nor fifty (50) feet from any side or rear property line.

6.7 Access Streets and Parking

The dimensions and construction of all roads and streets within a planned industrial park, shall be in accordance with Section IV B of the Town of Canterbury's Subdivision Regulations and deeded to the Town. Parking shall be provided for all uses according to the requirements of Section VII of these Regulations.

6.8 Public Hearing Required

No approval shall be given to a planned industrial park until after the Planning and Zoning Commission has: (a) held a public hearing as required by Section 8.2 of these Regulations, and (b) determined that the applicant has met all of the conditions of Sections VI and VIII of these Regulations, and all other requirements of these Zoning Regulations are being complied with.

6.9 Site Plan Required

No planned industrial park shall be approved unless a site plan is submitted in accordance with Section 8.5 of these Regulations.

6.10 Modification to Approved Plan

Any modification to the approved plan shall require a new application.

SECTION VIa

COMMERCIAL RECREATION

6a.1 General

Commercial recreation shall be allowed within the Town of Canterbury as a special exception in accordance with Section VIII of these Regulations and the following requirements.

6a.1.1 The minimum tract area shall be fifty (50) acres.

6a.1.2 Evidence of adequate potable water supply and sanitary sewage disposal to provide for the maximum requirements of the proposed uses shall be submitted for approval by the Town Director of Health and by state agencies having jurisdiction.

6a.1.3 No structure except a single-family dwelling shall be less than one-hundred (100) feet from the nearest public highway or less than five-hundred (500) feet from the nearest dwelling located on land under other ownership.

6a.1.4 Off-street parking shall be provided as required in the Zoning Regulations. No parking areas shall be located less than forty (40) feet from a public highway, and where located less than one-hundred (100) feet from any other property line shall be protected by a landscaped buffer strip not less than forty (40) feet wide.

6a.1.5 The volume of sound from music and public address systems shall be so controlled as to prevent objectionable noise off the premises.

6a.1.6 Outdoor barbecue activities shall terminate at ten o'clock pm (10:00p.m.), and all other outdoor activities shall terminate at midnight.

6a.2 Permitted uses

6a.2.1 Out door athletic activities, including facilities for skating, skiing, sledding, swimming, squash and tennis.

6a.2.2 A golf course, of not less than nine (9) holes as a principal recreational use, and a par three (3) golf course or putting greens and driving range as accessory to a major recreational facility, but expressly prohibiting miniature golf, putting greens and driving ranges as a principal use.

SECTION VIb

Bed and Breakfast Establishments

- 6b.1** Bed and Breakfast establishments provide overnight accommodations to guests with the only meal provided being breakfast and then only to those same (overnight) guests. The owner of the business must reside on the subject property during all times that the Bed and Breakfast is operating. There shall be no more than three (3) non-habitants employed.
- 6b.2** Bed and Breakfast (B&B) establishments are approved by Site Plan Approval from the Commission subject to the requirements of Section 8.5 and 8.6 and other applicable sections of the Zoning Regulations and as established below.
- 6b.3** The Site Plan will be approved only if the Commission determines that the application meets the following standards:
1. The applicable Health Agency shall certify that applicable Health Codes are met, (kitchen, potable water supply and septic system).
 2. The Town Fire Marshall has certified or otherwise indicated that all applicable fire codes are met.
 3. A site Plan shall be submitted and shall provide information regarding parking. In addition to standard residential requirements, one parking space shall be provided for each rental bedroom. Parking areas shall be separated from property lines by a suitable landscaped buffer at least 10 feet wide.
 4. The operation shall not alter the residential nature of the neighborhood nor the character of the dwelling as a single-family residence.
 5. The refuse area shall be screened from view. This area shall be no closer than 20 feet to any property line and 50 feet to any dwelling on an adjacent lot.
 6. No more than 6 bedrooms shall be used for rental purposes.
 7. Occupancy by any guest(s) shall not exceed 14 consecutive nights.

(Retyped with approved change at meeting on 12/8/94 – 3/15/95)

PRIVATE CLUBS

6c.1 A private club is a facility whose primary purpose is to provide a home base/headquarters/meeting site/official operating address to a specific organization and its duly instituted membership. This same facility is however, rented to various outside groups for single events on a sponsorship basis only. Typical events for which the facility may be rented for are weddings, anniversaries, receptions, business meetings, retirement parties, etc. The rental of these facilities may include serving alcoholic beverages and food. Examples of a private club include the following: American Legion, ELKS Club, VFW, Knights of Columbus, and other similar fraternal organizations.

6c.2 Private Clubs shall be allowed in the Town of Canterbury as a Special Exception in accordance with Section VIII of these Regulations including the submission of a comprehensive Site Plan as per Section 8.5 and 8.6 (including the site plan checklist) and all other applicable sections of these Regulations. In addition the proposed project shall be approved only if it meets the following standard:

- A. **Minimum Area and Frontage**
The minimum lot area for a proposed Private Club shall be at least three (3) acres. Frontage at the street line shall be a minimum of two hundred (200) feet.
- B. **Access/Location**
No Private Club shall be permitted unless access to such facility is from a state highway (State Route 169, Route 14 and Route 688) or provided in such a way so as not to create any dangerous or hazardous conditions on any existing Town road. If it is found that a dangerous or hazardous condition may be created on an existing Town road, the applicant shall be required by the Town to undertake such improvements at the applicant's expense as are deemed necessary to eliminate such conditions. This determination shall be made jointly by the Town Road Foreman and the Town Engineer.
- C. **Setbacks**
No building or related structures shall be constructed closer than one hundred fifty (150) feet from the front property line nor thirty (30) feet from any side or rear property line.
- D. **Parking and Buffer Requirements**
Off street parking shall be provided at restaurant standards as follows: Twenty (20) parking spaces per 1000 square feet of Gross Leasable Floor Area (GLA). The dimensions of each individual space shall be as described in Section 7.3 of these Regulations. All parking areas shall be separated from property lines by a natural or suitably landscaped buffer area of at least forty (40) feet wide.
- E. **Health Code Requirements**
Evidence satisfactory to the Commission shall be provided to show that there is adequate potable water supply and on-site sanitary sewage disposal capacity for the maximum use requirements (22 persons). The kitchen, food storage and food preparation area shall be designed as per Section B-24 of the State Health Code, which covers restaurant quality and capacity. Approval of the plans for said facility shall be provided prior to zoning approval.
- F. **Any noise generated by outside activities such as picnic, barbecues, games, music, et. Shall be kept to a level so as not to be annoying to surrounding residential neighbors and in any case shall be stopped no later than 10:00 p.m.**

Approved November 9, 1995

**Section VI d
INDUSTRIAL DISTRICT**

6d.1 General

To encourage the orderly and centralized development of industrial areas within the Town of Canterbury, industrial districts shall be created to provide suitable areas for the operation of industrial uses with minimal negative impact to other types of neighboring land uses.

6d.2 Establishment of Industrial Districts

The establishment of an industrial district shall require a minimum of fifty (50) acres and its location shall be consistent with the Town of Canterbury Plan of Conservation and Development. Such land may be comprised of a single parcel or an assemblage of parcels, but it shall be contiguous. Such land may span across an approved state highway or town road but the area of the road shall not be used in the calculation of the fifty (50) acres. Any applicant submitting a zone change for an industrial zone, with the exception of the Town of Canterbury Planning & Zoning Commission, must have the consent of all landowners within the proposed district. In addition, the Commission shall not establish any industrial district without first taking into account the following:

- A. Traffic;
- B. Availability or potential availability of public utilities;
- C. Impact on property values;
- D. Physical suitability of the subject land area for development;
- E. Environmental impacts;
- F. Neighborhood acceptance weighed against community needs;
- G. Health and welfare of the town's residents; and
- H. Impacts on historic and cultural features of the community.

6d.3 Permitted Uses

The following uses are permitted by right within industrial districts provided that they do not:

- emit dust, ash, smoke, odors, gasses, or fumes into the air;
- transmit noise, vibration, or heat beyond the boundaries of the subject lot; or
- create dangers of radiation or hazardous waste in violation of accepted State and Federal regulations and standards.

The Commission may request additional information, including technical documents and studies, related to any proposed use, to better ascertain the potential impacts associated with particular industrial processes or activities.

6d.3.1 Manufacturing, including retail sales in conjunction with products manufactures on premises;

6d.3.2 Processing and assembling;

6d.3.3 Warehousing and storage;

6d.3.4 Wholesaling and distributing;

6d.3.5 Trucking and rail terminals;

6d.3.6 Professional and research offices; and

6d.3.7 Research laboratories and information technology industries.

6d.4 Special Exceptions

The following uses may be permitted by special exception pursuant to Section VIII. Special Exception uses are subject to site plan review and all other applicable requirements of this section.

6d.4.1 Commercial uses;

6d.4.2 Commercial recreational uses;

6d.4.3 Municipal facilities; and

6d.4.4 Official town refuse disposal facilities.

6d.5 Site Plan Approval

A site plan shall be submitted to the Commission for any proposed industrial use pursuant to Section VIII. No building, structure, parking lot, or outdoor use of land, except those proposed for use with an existing on-family dwelling, shall be used, constructed, enlarged, or moved prior to site plan approval by the Commission.

6d.6 General Standards

In addition to all other applicable requirements of this section and these regulations, each lot developed within an industrial district shall be required to comply with the following provisions:

A. Parking Areas

Employee parking shall be located in the rear and side yards only. No parking shall be located within twenty (20) feet of a property line. When deemed appropriate by the Commission, a twenty (20) foot wide strip, consisting of natural vegetation or six (6) foot tall evergreen trees and/or shrubs, shall buffer any parking area from a property line. A parking area over twenty thousand (20,000) square feet in size shall contain planted islands located in such a way as to visually break up the expanses of pavement and to assist in defining the circulation pattern therein.

B. Buffers to Residential Districts

Where an industrial district adjoins any residential district, a strip of land at least fifty (50) feet wide shall be left naturally wooded or planted with two (2) rows of six (6) foot tall evergreen trees and/or shrubs or landscaped in some other approved fashion so as to constitute appropriate buffering and screening. Such buffer strip shall contain no buildings, structures, or parking areas.

C. Loading Areas

All loading and unloading platforms and operations shall be located in the rear and side yards only. Areas used for loading and unloading shall be screened from adjacent roads and properties by appropriate buffering and screening. Such buffer strip shall contain no buildings, structures, or parking areas.

D. Outside Storage

All materials, merchandise, supplies, work in progress, finished or unfinished products, waste materials, commercial vehicles, or construction equipment stored outside shall be located in rear and side yards only. Such outside storage shall be screened from adjacent roads and properties by appropriate landscaping or fencing to be approved by the Commission.

E. Traffic

The Commission may require the applicant to provide a traffic study conducted by a qualified traffic engineer evaluating the impact of the proposed use on the safety and congestion of traffic flow on neighboring roads and on pedestrian traffic in the surrounding area. Additionally, such a study may be required to demonstrate the impact of any

proposed truck traffic on town roadways utilized by the proposed use. The Commission may require such measures as deemed appropriate to ensure pedestrian and vehicular safety, ease of travel, and roadway integrity. Such measures may include, but are not limited to: placing restrictions on the number, size, and frequency of trucks, trains, or other vehicles servicing a proposed use; and, requiring additional site design measures to enhance visibility and safety for pedestrians and other vehicles. Nothing within this regulation shall be construed to interfere with the jurisdiction of the Town of Canterbury Board of Selectmen over town roads and driveways.

F. Town Engineer Review

All site designs shall be subject to review by the Town Engineer.

6d.7 Interior Lots

Interior lots may be permitted in industrial districts subject to the following requirements:

A. Access

Interior lots shall be served by an access way not less than fifty (50) feet wide at all points having frontage on an approved state or town road. The driveway located within such an access way shall have a maximum grade of eight percent (8%). For driveway in excess of two hundred (200) feet in length, the Commission may require pull off areas that will allow two vehicles to pass or for other safety reasons. No driveway shall be over one thousand (1,000) feet in length unless this condition is waived by a $\frac{3}{4}$ vote of the Commission. Any access way to an interior lot shall be at least four hundred (400) feet from any other access way. No driveway for an interior lot shall be located within four hundred (400) feet of an existing residential use or within one hundred (100) feet of a residential district.

B. Lot Size

Interior lots shall consist of at least twice the required size of a minimum lot. The access way to the interior lot shall not be used in any calculation of lot size.

6d.8 Building Coverage

The aggregated building coverage on any lot in this district shall not exceed thirty percent (30%) of the total area of said lot.

6d.9 Off-Street Parking

Off-street parking spaces shall be provided for each lot within this district in accordance with Section VII.

6d.10 Signs

All signs are subject to the approval of the Commission and shall be constructed in accordance with Section IX where applicable.

6d.11 Rail Spurs and Sidings

Rail spurs and sidings shall be located no closer than two hundred fifty (250) feet from a residential district; four hundred (400) feet from an existing residential use; and, are prohibited within the buffer areas outlined in Section 6d.6(B). The Commission may waive this requirement where appropriate. The Commission may require special screening and/or noise abatement measures for rail spurs and sidings.

6d.12 Dimensional Requirements

Minimum Lot Acreage:	Three (3) acres
Public Street Frontage	Two hundred (200) feet
Lot Width at the Building Line:	Two hundred (200) feet
Maximum Building Height:	Thirty-five (35) feet with up to fifty (50) feet for stacks

Maximum Stack/Structure Height:	Fifty (50) feet
Front Yard Setback:	Fifty (50) feet
Side Yard Setback:	Fifty (50) feet
Side Yard Setback Abutting An Existing Residential Use:	One hundred fifty (150) feet
Rear Yard Setback:	Fifty (50) feet
Rear Yard Setback Abutting An Existing Residential Use:	One hundred fifty (150) FEET

6d.13 Prohibited Uses

The Commission may prohibit uses within an industrial district which it determines would result or has the potential to result in harm to persons, property, or the environment as a result of such use's normal operation. Prohibited uses include, but are not limited to:

- A. Industrial uses involving primary production and/or primary storage of the following products:
asphalt, cement, concrete ready mix, charcoal, fuel briquettes, aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black and bone black, creosote, hydrogen and oxygen, industrial alcohol, nitrates of an explosive nature, potash, hazardous plastics and resins, pyroxlin, rayon yarn, acids, coal, coke and tar products, petroleum and petroleum products, explosives and highly flammable products, fertilizer, gelatin.
- B. Industrial uses involving the following processes: nitrating of cotton or other materials; milling or processing of flour or grain, reduction or refining of petroleum or petroleum products, incineration of garbage or refuse, rendering of fat or reduction of animal matter, and the distillation of wood or bones.
- C. Industrial uses involving slag piles.
- D. Storage of explosives, except under license from the appropriate governmental agency.
- E. Junkyards, scrapyards, automobile salvage yards, refuse disposal areas, and industrial waste disposal/processing areas.

Adopted: July 26, 2002 (Effective: August 18, 2002)

SECTION VII OFF-STREET PARKING

7.1 Parking Facilities Required

7.1.1 Parking facilities off the street or highway right-of way shall be provided to serve all buildings and uses erected, moved, altered or enlarged and all premises otherwise developed after the adoption of these Regulations.

Such facilities shall be sufficient to accommodate the motor vehicles of all occupants, employees, customers and other persons normally visiting such building or premises at any one time and shall be provided in accordance with the following requirements:

7.1.2 For dwelling units - two (2) spaces for each dwelling unit. For permitted home occupations, spaces shall be provided as required for the occupational uses specified herein in addition to the spaces required for the dwelling.

7.1.3 For business or professional offices - one (1) space for each two-hundred (200) square feet of gross floor area.

7.1.4 For retail stores, personal services, shops and similar commercial uses - one (1) space for each one-hundred (100) square feet of gross sales or display area.

7.1.5 For restaurants - one (1) space for each seventy-five (75) square feet of gross floor area or one (1) per fifty (50) square feet of public floor area.

7.1.6 For churches and other places of public assembly - one(1) space for every three (3) seats.

7.1.7 For libraries, schools, museums and non-commercial art galleries - one (1) space for each five-hundred (500) square feet of gross floor area.

7.1.8 For industrial plants, wholesale establishments, warehouses and similar buildings - one (1) space for each seven-hundred-fifty (750) square feet of floor area, or one (1) space for each three (3) persons normally employed, which ever is greater.

7.1.9 For truck parking - adequate provision as determined by the Commission shall be provided for the loading and unloading of trucks serving any commercial establishments.

7.1.10 Motor Court - at least one (1) parking space for each quest room plus one (1) additional for each employee.

7.2 Location of Required Parking Facilities

Required parking facilities shall be located on the same lot as the building or use which they serve, or on other property not more than two-hundred (200) feet distant from the building or use being served which is under control or the individual operating the building or use being served.

7.3 Interior Driveways

Interior driveways shall be of adequate width to serve a particular design arrangement of parking spaces. Ninety degree (90) parking shall be used unless there is positive control of traffic directions.

The minimum width of interior driveways shall be as follows:

- 90 degree parking -- twenty (20) feet
- 45 degree parking -- eleven (11) feet
- 60 degree parking -- seventeen (17) feet
- 30 degree parking -- eleven (11) feet

SECTION VIII

SPECIAL EXCEPTIONS

8.1 Purpose

As stated in Section III of these Regulations, Canterbury's Zoning Regulations are based on performance rather than district. The entire town has been placed into a single district, and various uses are permitted by right. However, certain uses and features, because of the unique characteristics and impact, must be treated on a case-by-case basis.

Consideration of each application for uses listed under Section 5.3 of these Regulations must be reviewed individually to determine their particular impact upon neighboring uses and the surrounding area as compared with the public need for them in particular locations. Such uses and features are, therefore, treated as Special Exceptions.

8.2 Application for Special Exceptions

Applications for the approval of a Special Exception shall be filed with the Secretary or Chairman of the Town of Canterbury Planning and Zoning Commission at least ten (10) days prior to the Commission's next regularly scheduled meeting and shall be determined by a fee schedule adopted by the Planning and Zoning Commission of the Town of Canterbury adequate to cover the cost of advertising the application. The Planning and Zoning Commission shall not take action on a Special Exception until after a public hearing has been held in accordance with the requirements of Section 8-3c of the Connecticut General Statutes. Such hearing shall be held within sixty-five (65) days after the date of the above required hearing. The Commission may take action simultaneously on the Site Plan prepared for the subject property, however, approval of a Special Exception shall not constitute approval of a site plan unless specifically stated by the Commission.

8.3 Notification of Adjacent Property Owners

After making application and being given assignment for public hearing thereon, the applicant shall prepare a list of names and addresses of owners of all properties within the area which is the subject of the application and of all properties one-hundred-fifty (150) feet or less distant therefrom, all as shown on the latest grand list of the Town of Canterbury in the Assessor's Office (or the actual owners of record if otherwise known to the applicant). The applicant shall mail notifications of said pending application to at least one (1) owner of each such property not more than thirty (30) days or less than ten (10) days before the date set for the public hearing, by transmitting the text of the application, including the scheduled date, time and place of the public hearing. Evidence of such mailing shall be submitted, with the aforementioned list, in the form of United States Post Office Certificates of Mailing, to the Secretary of the Town of Canterbury Planning and Zoning Commission not less than seven (7) days prior to the hearing date.

8.4 Findings

A Special Exception shall not be granted until the Planning and Zoning Commission has determined that all of the following conditions have been satisfied.

8.4.1 Compliance with the Plan of Development for the Town of Canterbury - The proposed use is consistent with the objectives of the Plan of Development for the Town of Canterbury, and the intent and requirements of the Zoning Regulations on any amendment thereto adopted by the Town of Canterbury's Planning and Zoning Commission.

- 8.4.2** Adverse effects - The proposed use will not affect adversely the health and safety of residents or workers in the area and will not be detrimental to the use or development of adjacent properties or the general neighborhood.
- 8.4.3** Traffic movement - The proposed use will not impair the movement of through-traffic along the adjoining thoroughfare by creating congestion or reducing street capacities.
- 8.4.4** Orderly development - The proposed use will not result in a fragmentation of the area's development pattern, thereby creating unnecessary additional points of vehicular conflict with the adjoining highway and adversely affecting the orderly development of surrounding properties.
- 8.4.5** Property values and character - The proposed use will not depreciate adjacent property values and the character and extent of the proposed development will be in harmony with existing use of adjoining properties.
- 8.4.6** Parking and loading - The proposed use will provide off-street parking and loading facilities in accordance with section 7.1 of the Zoning Regulations.
- 8.5** Site Plan Requirement
No building, structure or site used by a business in existence prior to February 1, 1976, shall be enlarged or moved until a site plan has been approved by the Planning and Zoning Commission. Such plan shall be prepared in accordance with the requirements of Section 8.6 of these Regulations, and if all of the requirements of the Zoning Regulations are met, approval shall be given to the submitted site plan.
- 8.6** Content of Site Plan
A site plan consisting of a sketch drawn at a scale of one inch (1" equals forty feet (40)) shall be prepared that will include and show where applicable the following information:

 - A. All of the land in the lot together with any adjacent or contiguous parcels in the same ownership and with such detail of adjacent properties and public ways as will relate the subject premises to the neighborhood and to the street pattern within one-thousand feet (1,000') from the perimeter of the subject property. (Such information may be shown on a key map at a scale of one inch (1") equals one-thousand feet (1,000).)
 - B. The names of abutting property owners.
 - C. Proper provision for vehicular traffic, control of entrances and exits to adjacent streets, and parking as required in Section VII of these Regulations.
 - D. Indication of all existing and proposed buildings or uses on the subject site.
 - E. Adequate provision for storm water drainage, water supply, and sanitary sewage disposal.
 - F. Approval shall not be granted unless all conditions of these Zoning Regulations are met and sufficient information to indicate compliance with all requirements of these Zoning Regulations is provided.

8.7 Recording of Commission's Actions

The grounds for the Commission's action shall be stated in its record, and the Commission shall properly record the same by use of appropriate code numbers or symbols to indicate the area of the Special Exception of the Zoning Map.

8.8 Commencement of Construction

Unless construction is significantly begun within one (1) year from the date of approval of a site plan, no building permit is to be issued until a new site plan is approved and the original approval shall become null and void. However, approval may be extended for a period not to exceed an additional one (1) year at the discretion of the Planning and Zoning Commission.

8.9 Violation of Special Exceptions

Whenever the Commission shall find, in the case of any Special Exception heretofore or hereafter granted pursuant to the provisions of this Section, that any of the terms, conditions, or restrictions upon which such permit was granted are not being complied with, the Commission may rescind and revoke such permit after giving due notice to all parties concerned. Violation of a Special Exception shall constitute a violation of the Zoning Regulations.

SECTION IX

SIGNS

9.1 General

Signs shall announce only the name of the business and type of goods or specific brand of merchandise or product sold, services rendered or type of commercial establishment or home occupation which is being operated within the premises on which the sign is located. All signs shall be designed so as to compliment the village character of the Town of Canterbury. No sign shall make use of any kind of flashing, rotating or moving light. No existing sign of a non-residential nature shall be enlarged or altered and no new sign of a non-residential nature shall be erected or created unless it is in accordance with these Regulations.

9.2 Signs in the Rural District

No sign shall be permitted in the rural district unless it meets the requirements listed below.

9.2.1 Size

No sign shall exceed twelve (12) square feet in area and not more than one (1) sign shall be permitted on a single lot.

9.2.2 Location

No ground-mounted sign shall be erected within ten (10) feet of any property line and no portion of any such sign shall be permitted to project within this ten (10) foot setback area. Building-mounted signs shall be permitted as long as they do not project more than three (3) feet beyond the wall of the building to which they are attached, and do not overhand a public right-of-way.

9.2.3 Height

No portion of any ground-mounted sign shall be more than ten (10) feet above the ground. No portion of any building-mounted sign shall project above the roof line of the building to which it is attached and no roof top signs shall be permitted.

9.3 Temporary Signs

The following signs shall be permitted anywhere within the Town of Canterbury and shall not require a permit:

9.3.1 Construction signs

Which identify the architects, engineers, contractors and other individuals or firms involved with the construction, and do not include any advertisement of any products, and signs announcing the character of the building enterprise or the purpose for which the building is intended may be erected during the construction period. However, the total sign area on a given lot shall not exceed twenty (20) square feet. The signs shall be confined to the site of the construction only and shall be removed within fourteen (14) days after the beginning of the intended use of the project.

9.3.2 Real estate

Signs advertising the sale, rental or lease of the premises or part of the premises on which the signs are displayed, up to a total area of five (5) square feet. Such signs shall be removed within fourteen (14) days after the sale, rental or lease of the subject property.

9.3.3 Street banners

Advertising public entertainment or a public event, if approved by the Planning and Zoning Commission of the Town of Canterbury and only for locations designated by the Commission during and for fourteen (14) days before and seven (7) days after the event.

9.3.4 Window signs

Signs displayed within the window of a commercial establishment announcing an event or advertising merchandise sold within such establishment. Such signs shall contain no flashing lights nor be illuminated by any flashing lights. Window signs will also be interpreted to include a display of merchandise within the window of the establishment in which it is sold.

9.4 Exemptions

The following types of signs are exempted from the provisions of this Regulation, except for construction and safety regulations and the following requirements:

9.4.1 Public signs

Signs of a non-commercial nature and in the public interest, erected by, or on the order of, a public officer in the performance of his public duty, such as safety signs, traffic signs, memorial plaques, signs of historical interest and the like.

9.4.2 Institutional

Signs setting forth the name or any simple announcement for any public, charitable, educational or religious institution, located entirely within the premises of that institution, up to an area of twenty (20) square feet. Such signs may be illuminated in accordance with the Regulations contained hereinafter. If building-mounted, these signs shall be flat wall signs and shall not project above the roof line. If ground-mounted, the top shall be no more than ten (10) feet above ground level.

9.4.3 Integral

Names of buildings, dates of erection, monumental citations, commemorative tablets and the like when carved into stone, concrete or similar material or made of wood, bronze, aluminum or other permanent type construction and made an integral art of the structure.

9.4.4 Private traffic direction

Signs directing traffic movement onto a premise or within a premise, not exceeding two (2) square feet in area for each sign. Illumination of these signs shall be permitted in accordance with the Section hereinafter included on illumination. Horizontal directional signs on and flush with paved areas are exempt from these standards.

9.4.5 Vehicles

Signs on vehicles of any kind, provided the sign is painted or attached directly to the body of the original vehicle and does not project or extend beyond the original manufactured body proper of the vehicle.

9.4.6 Warning signs

Signs posted on private property warning a visitor or passer-by of imminent danger which one might incur if one entered onto the property or indicating directions to non-residents of property as to a method or speed of access on to or around the property or a sign prohibiting a given activity on a lot.

9.4.7 Mail boxes or street numbers

Serving the main building or structure on a lot, or sign indicating the name of the party in residence.

9.5 Non-conforming Signs

Signs existing at the time of the enactment of this Regulation and not conforming to its provisions, but which were constructed in compliance with previous Regulations shall be regarded as non-conforming signs and may be continued.

9.6 Prohibited Signs

Prohibited signs are signs which:

- a. Contain statements, words, or pictures of an obscene, indecent or immoral character, such as will offend public morals or decency.
- b. Contain or are in imitation of an official traffic sign or signal or contain the words "stop", "go slow", "caution", "danger", "warning", or similar words.
- c. Are of size, location, movement, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street sign or signal.
- d. Advertise any activity, business, product or service no longer conducted on the premises upon which the sign is located.
- e. Mechanically move in any manner or have a major moving part.
- f. Contain or consist of banners, posters, pennants, ribbons, streamers, strings of light bulbs, spinners or similarly moving devices.
- g. Swing or otherwise noticeably move as a result of wind pressure because of the manner of their suspension or attachment in such a way as to cause a potential hazard to public safety.
- h. Signs indicating uses not carried-on on the premises on which the sign is located nor indicating directions to off-premises locations.

9.7 Illumination of Signs

All signs shall meet the following requirements as pertain to illumination:

- a. The light from any illuminated sign shall be so shaded, shielded or directed that the light intensity or brightness will not be objectionable to surrounding areas.
- b. No signs shall have blinking, flashing or fluttering lights or other illuminating device which has a changing light intensity, brightness or color, except such as indicate the local time and/or weather.
- c. No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices.
- d. Neither the direct, nor reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public thoroughfares.
- e. No exposed reflective-type bulbs or incandescent lamp which exceeds fifteen (15) watts shall be used on the exterior surface on any sign so as to expose the face of the bulb, light or lamp to any public street or adjacent property.

9.8 Structural Requirements

All signs shall comply with the requirements of Article 14 of the State Building Code.

Section X
Nonconforming Use, Building, or Structures and Nonconforming Lots

- 10.1** Section 8-2 of the General Statutes was amended by Public Act No. 661 at the 1959 session of the General Assembly to provide that zoning regulations shall not prohibit the continuance of any nonconforming use, building or structure existing at the time of adoption of such regulations.

Any nonconforming use, building or structure legally existing at the time of the adoption of these regulations, or of any amendments thereto, may be continued but may not be moved, expanded or extended except as provided below.

Nonconforming is defined as a use, structure or building which lawfully existed prior to the enactment of these regulations, as amended, and which is maintained after the effective date of these regulations, although it does not comply with the regulations applicable to the area in which it is situated.

10.2 Nonconforming Use, Building or Structures

For a use to be considered nonconforming, that use must possess two characteristics: 1) the use must be lawful; and, 2) it must be in existence at the time the regulations making the use nonconforming were enacted. Also, the use must be actual and not merely intended.

- A. Any legally existing nonconforming building or structure that has been damaged or destroyed by fire, flood, explosion, act of God or the public enemy, collapse or other unintentional cause, including wear and tear, deterioration or depreciation, may be improved, reestablished, restored, reconstructed, repaired or rebuilt to the area, volume, occupation, and use it had at the time of the damage or destruction, provided such reestablishment, restoration, reconstruction, repair or rebuilding is completed within two years of the damage or destruction. The Zoning Enforcement Officer or the Commission may grant an extension of the two-year period for up to one additional year if the work has been at least fifty percent (50%) completed during the two-year period.
- B. Nothing in these regulations shall prevent the strengthening or restoring to a safe condition of any portion of a building or structure declared unsafe by a proper authority.
- C. No part of a nonconforming use, building or structure, if changed to conformance with these regulations may be changed back to nonconformance.
- D. A legally existing building or structure nonconforming as to the front, side and/or rear setback requirements or minimum lot size requirements of these regulations may be expanded, extended, or enlarged, provided any such expansion, extension or enlargement is no closer to the property line than the existing building or structure; does not create a public safety problem or health hazard, including but not limited to sight lines for the motoring public; and, is in conformity with all other requirements of these regulations. The right to expand, extend or enlarge shall not apply to any nonconforming use expressly listed as a prohibited use under these regulations.
- E. Any building or structure which is deemed nonconforming because of the location of the building in relation to the boundaries of the lot, must comply with all other existing zoning regulations, including use.

- F. A legally existing nonconforming use may be changed to a conforming use, provided a zoning permit has been issued for such change upon proper application. In no case shall any use be changed to a use that is prohibited by the Town of Canterbury Zoning Regulations, regardless of district and including, but not limited to Section 4.13 Prohibited Uses and Section 6d.13 Industrial District Prohibited Uses.
- G. All nonconforming uses shall be subject to the same regulations for building arrangement and operation as those that apply to conforming uses in the district which they are located.
- H. Where a nonconforming use abuts a residential lot, no outside storage of goods or refuse shall be permitted which would deteriorate the value of adjacent property by creating a nuisance.

10.3 Nonconforming Lots

Residential lots that are legally nonconforming, in that they have a lot size that is smaller than required in these regulations, may have a single dwelling unit constructed thereon, subject to all of the following:

- A. A zoning permit indicating conformity with these regulations as to front, side, rear setbacks and contiguous buildable area must first be obtained.
- B. Written approval from the Northeast District Department of Health indicating the suitability of the lot for a proposed sewage disposal system and well must be obtained.
- C. If applicable, approval for the proposed activity from the Inland Wetlands and Watercourses Commission, must first be obtained.
- D. The lot must be a lot of record that was owned separately and distinctly from any adjoining lot prior to June 6, 1968, as evidenced by a deed or maps legally recorded in the office of the Town Clerk of the Town of Canterbury and that has since remained in separate ownership; or the lot must be in a subdivision approved by the Canterbury Planning & Zoning Commission and legally recorded in the office of the Canterbury Town Clerk.

The foregoing provisions notwithstanding, on the date these regulations or any amendment thereto became effective, any lot of record that:

- 1) has a lot size smaller than required in these regulations;
- 2) is not part of a valid subdivision plan approved under the Town of Canterbury Regulations and filed or recorded with the Canterbury Town Clerk; and
- 3) does not have a dwelling or other principal structure legally constructed thereon, shall be deemed to be combined (merged) with any adjacent lot held in common ownership, such that the combined lot shall conform or more nearly conform to the lot size requirements of these regulations, as amended.

10.4 Abandonment of Nonconforming Uses

The abandonment of a nonconforming use requires the concurrence of two factors:

- 1) an intention to abandon; and
- 2) an overt act, or failure to act, which carries the implication that the owner does not claim or retain any interest in the right to the nonconforming use.

- A. Any nonconforming use which has been abandoned shall not thereafter be re-established. Any structure or land, or structure and land in combination, which was formerly devoted to a nonconforming use which has been abandoned, shall not again be devoted to any use other than those uses which are permitted in the district in which the structure or land, or structure and land in combination is located.

Revised: October 10, 2002

Effective: October 21, 2002

Section 10.B

Communication Towers and Antenna

10.B.1 Purpose

To provide for the location of wireless communication towers, antennas and facilities while protecting neighborhoods and minimizing the adverse visual and operational effects through careful design, siting and screening consistent with the provisions of the 1996 Telecommunication Act. This section of the Zoning Regulations is consistent with the with the Telecommunications Act of 1996 in that it does not discriminate among providers of functionally equivalent services, or regulate the placement, construction, and modification of personal wireless service facilities on the basis of environmental effects of radio frequency emissions to the extent that such facilities comply with FCC Regulations concerning such emissions. Other specific wireless telecommunication purposes as follows:

- A. To encourage use of nonresidential buildings and structures, such as water storage tanks.
- B. To encourage joint use of new or existing towers and facilities
- B. To avoid potential damage to adjacent properties from tower failure through engineering and careful siting of towers.
- C. To accommodate the need for wireless communication towers and antennas while regulating their location and number.
- D. To protect historic and residential areas from potential adverse impacts of wireless communication facilities.
- E. To encourage suitable design measures to minimize adverse visual effects of wireless communication facilities.
- F. To reduce the number of towers and/or antennas needed for the future.

10.B.2 Siting Preferences

The general order of preference for alternative facility locations shall range for "1" as the most preferred to "5" as the least preferred.

- 1. On existing structures such as nonresidential buildings/facades, water towers/tanks, utility poles, steeples, clock or bell towers, monuments, billboards, chimneys, bridges, grain, elevators, and silos.
- 2. On existing or approved towers.
- 3. On new towers located on property occupied by one or more existing towers. This recognizes and already proven good site, and implies that clustering or tower "farming" is more desirable than scattering or dispersal. However, with lower power PCS, which can require more antennas for coverage, clustering may not necessarily provide seamless coverage.
- 4. On new towers located in commercial or industrial zones.
- 5. On new towers located in residential zones.

10.B.3 Permitted and Special Exception/Site Plan Review Uses

The following uses generally pose a minimum adverse visual effect and shall be deemed permitted uses in all zoning districts subject to the standards in the Regulations.

- A. Wireless telecommunications facilities where the antenna is mounted on the rooftop or façade of a nonresidential building, provided the following standards are met:
 - 1. No change is made to the height of the building.
 - 2. Panel antennas shall not exceed sixty (60) inches in height by twenty-four (24) inches in width; whip antennas shall not exceed forty-eight (48) inches in height; and dish antennas shall not exceed thirty-six (36) inches in diameter.

3. Equipment cabinets and sheds shall meet the requirements of these regulations.
 4. Facilities shall be of materials or color that matches the exterior of the building, and shall blend into the existing architecture to the extent possible.
 5. Façade mounted antennas shall not protrude above the building structure and shall not project more than three feet beyond the wall or façade.
 6. Roof mounted antennas shall not exceed the highest point of the rooftop by more than ten (10) feet.
 7. Roof mounted antennas shall not occupy more than twenty-five percent (25%) of the roof areas in residential zones, and fifty percent (50%) in all other zones.
- B. Wireless telecommunication facilities where the bell is mounted on existing towers, water towers/tanks, utility poles, steeples, clock or bell towers, monuments, billboards, chimneys bridges, grain elevators, and silos, provided the following standards are met:
1. No change is made to the height of the structure.
 2. Panel antennas shall not exceed sixty (60) inches in height by twenty-four (24) inches in width; whip antennas shall not exceed forty-eight (48) inches in height; and dish antennas shall not exceed thirty-six (36) inches in diameter.
 3. Equipment cabinets and sheds shall meet the requirements of these regulations.
 4. Facilities shall be of a material or color that matches the exterior of the structure and shall blend into the existing architecture of these structures to the extent possible.
- C. Wireless telecommunications facilities where a tower is located on property occupied by one or more towers erected prior to the effective date of these telecommunication zoning amendments (July 29, 1999) provided the following standards are met:
1. The height of the tower to be erected shall not exceed the height of the tallest tower on the property.
 2. All attempts are made to co-locate the antenna on existing towers.
 3. Equipment cabinets and sheds shall meet the requirements of these regulations.
- D. All other placement of wireless communication facilities shall require a Special Exception/Site Plan Review and the following requirements:
1. All of the plans and information required for a permitted use wireless telecommunications facility site plan required for a permitted use wireless telecommunications facility site plan required in Section 10.B.4.A.
 2. A view shed analysis showing all areas from which the tower would be visible and if requested by the Commission, a simulation of the proposed site in order to help the Commission determine the visual impacts associated with the proposal.
 3. Documentation prepared by a licensed telecommunications systems engineer that no existing or planned tower or other structure can accommodate the applicant's antenna. For tall structures located within one-quarter radius of the proposed site, documentation that the owners of these locations have been contacted and have denied permission to install the antenna on these structures other than economic reasons.
 4. Proximity of the tower to residential structures.
 5. Nature of uses on adjacent and nearby properties within 1,000 feet.
 6. Surrounding topography within 1,000 feet at contour intervals not exceeding ten (10) feet.

7. Design of the tower with particular reference to design characteristics that have the affect of reducing or eliminating visual obtrusiveness.

10.B.4 Site Plan Requirements

All applicants to develop a wireless telecommunications facility, as a permitted use of Special Exception shall meeting the following site plan requirements (Section 10.B.4.a)

10.B.4.a Site Plan Requirements for Wireless Telecommunications Facilities

In addition to other appropriate review standards found in these regulations, the Commission, in reviewing application for wireless telecommunications facilities, shall consider:

- A. Detailed analysis of alternative sites, structures, access, and antennas as provided by the applicant. Particular attention will be placed upon the siting preferences found in Section 10.B.2 of these regulations
- B. Detailed propagation and antenna separation analysis relative to tower height.
- C. Tower sharing or co-location to facilitate the telecommunication needs of municipalities and other entities in order to reduce the need to construct additional towers. The Commission reserves the right to require the applicant to utilize the provisions of Section 16-50aa of the Connecticut General Statutes to achieve tower sharing.
- D. Assessment of tower structure type.
- E. Assessments of design characteristics/architectural treatments that mitigate reduce or eliminate visual impacts on adjacent areas.
- F. If located on a property listed on the National Register of Historic Places, preservation of the historic and/or architectural character of the landscape or any structure.
- G. Consideration of future use or re-use of the site, with provisions for facility removal and site restoration. In addition the following information shall be submitted for each application where applicable. The Commission may require independent engineering/technical review of submitted materials at the applicant's expense.

Additionally, the following information shall be submitted for each application where applicable. The commission may require independent engineering/technical review of submitted materials at the applicant's expense.

- A. A map indicating the service area of the proposed wireless telecommunications site. A map indicating the extent of the provider's existing and planned coverage within the Town of Canterbury, and a map indicating the search radius for the proposed wireless telecommunications site, including the location of tall structures within on quarter mile of the proposed site.
- B. A report from licensed telecommunications systems engineer indicating why the proposed site location is necessary to satisfy its function in the applicant's proposed wireless telecommunications system.
- C. A plan showing where and how the proposed antenna will be affixed to a particular building or structure.
- D. Details of all proposed antenna and mounting equipment including size and color.
- E. Elevations of all proposed shielding and details of material including color.
- F. An elevation of all proposed equipment buildings, boxes or cabinets. Details of all proposed fencing including color.
- G. Tower base elevation and height of tower.

- H. A design drawing, including cross section and elevation, of all proposed towers. A description of the tower's capacity, including the number of type of antennas it can accommodate as well as the proposed location of all mounting positions for co-located antennas and the minimum separating distances between antennas. The design shall indicate how the tower will collapse without encroaching upon any adjoining property if failure occurs.
- I. A report from a licensed telecommunication systems engineer indicating that the proposed wireless telecommunication facility will comply with FCC radio frequency emission standards and that the installation will not interfere with public safety communications.
- J. All proposed landscaping, if appropriate, with a list of plant materials.
- K. Proposed access to the site.

10.B.5 General Standards

The wireless telecommunication facility standards enumerated below shall be followed:

- A. The tower and/or antenna shall be erected to the minimum height necessary to satisfy the technical requirements of the telecommunications facility. Documentation of the minimum height needed, prepared by a licensed telecommunications systems engineer, shall accompany an application. The Commission may require the submission of propagation modeling results to facilitate its review of tower height.
- B. A tower must comply with the setback requirements of the zone in which it is located, or be set back from all property lines a distance equal to the height of the tower, whichever is greater.
- C. A Telecommunications facility may be considered as either a principal or accessory use. The minimum lot area of the construction of a new tower shall be that of the zone in which it is located. More than one tower on a lot may be permitted if all setbacks, design and landscape requirement are met for each tower. A telecommunications facility may be located on leased land as long as there is adequate ingress and egress to the site for service vehicles, and such access is documented in a deed easement presented to the Commission.
- D. All towers in residential zones shall be a monopole design unless otherwise modified and approved by the Commission. The Commission may require that a monopole be designed and treated with architectural materials so that it is camouflaged to resemble a woody tree with a single trunk and branches on its upper part, or other suitable art sculpture as determined by Commission.
- E. Towers not required FAA painting or markings shall be painted in a non-contrasting blue, gray or other neutral colors.
- F. No lights or illuminations shall be permitted unless required by FAA.
- G. No signs or advertising shall be permitted on any tower or antenna, except "No Trespassing", warning, and ownership signs are permitted at ground level.
- H. The proposed support structure shall be required to accommodate a minimum of three users unless it is determined to be technically unfeasible based upon information submitted by the applicant and verified by the Commission. These users shall include other wireless communication companies, and local police, fire and ambulance companies.
- I. A proposed tower shall be designed and constructed to all applicable standards of the American National Standards Institutes, as amended.
- J. The Commission may require the use of Section 16-50aa of the Connecticut General Statutes to promote tower sharing.

10.B.6 Ancillary Buildings

All ancillary buildings associated with wireless telecommunication facilities shall comply with the following:

- A. Each building shall not contain more than 150 square feet of gross floor area or be more than eight (8) feet in height.
- B. Each building shall comply with the setback requirements for accessory buildings for the zoning district in which it is located.
- C. If located on the roof of a building, it shall be designed to blend with the color and design of the buildings to the extent possible.
- D. All ground level buildings, boxes or cabinets shall be surrounded by a chain link or comparable fence and be landscaped.

10.B.7 Abandonment

A wireless telecommunication facility not in use for twelve (12) consecutive months shall be removed by the facility owner(s) at their expense. This removal shall occur within 90 days of the end of such twelve (12) period. The Commission may require a bond or other surety satisfactory to the Town of Canterbury to guarantee removal, which shall be reviewed and renewed every two years. If these are two (2) or more of a single tower, this provision shall not become effective until all users cease utilizing the tower.

Adopted: June 10, 1999
Effective: July 15, 1999

Section 10.C

Adult Uses

10.c.1 Purposes

The intent of this section is to regulate uses which, because of their very nature, are recognized as having serious objectionable characteristics, particularly when several of them are concentrated could have a deleterious effect upon the adjacent areas. Allowing the uses by Special Exception is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. The primary control or regulation is for the purpose of preventing a proliferation of these uses in any one area.

10.c.2 Regulated Uses

- A. Regulated uses include all Adult Uses which include, but are not limited to , the following:
1. Adult Book Store
 2. Adult Entertainment Cabaret
 3. Adult Mini-Motion Picture Theater
 4. Adult Motion Picture Theater
- G. Adult use shall be allowed by Special Exception and subject to the following restrictions:
1. No such Adult use shall be allowed within 750 feet of another existing Adult Use. The 750- feet shall be the straight horizontal distance from any part of a building housing Adult Use, to any part of the other building housing Adult Use, as measure d by the Commission.
 2. No such Adult Use shall be located within 750 feet of the boundary of any residential dwelling. The 750 feet shall be the straight horizontal distance, as measured by the Commission, from any part of a building housing Adult Use to any boundary of a residential dwelling, as measured by the Commission.
 3. No such Adult Use shall be located within 1,500 feet of a pre-existing school, cemetery, park, library, museum, or place of worship.

The provisions above shall not be deemed to be retroactive, except that nay building or premises being used for Adult Uses as defined herein whose use for such purpose shall be discontinued for a period of 30 days shall thereafter conform to these regulations.

10.C.3 Exterior Display

No Adult uses shall be conducted in any manner that permits the observation of any material depicting, describing or relating to "special Sexual Activities" or "Specified Anatomical Areas", from any public way or from any property not registered as Adult Use. The provision shall apply to any display, decoration, sign, show window or other opening.

Adopted: 7/8/99

SECTION XI

ADMINISTRATION, ENFORCEMENT, FEES, PENALTIES

- 11.1** These Regulations shall be administered by the Planning and Zoning Commission or its appointed agent, who will be designated the Zoning Enforcement Officer.
- 11.2** No building shall be erected, moved, or structurally enlarged in area without a Zoning Enforcement Officer, issued in conformity with the provisions of these Regulations, unless he or she receives a written order from the Board of Zoning Appeals in the form of an administrative review or variance. Application for a Zoning Permit shall be made on a form provided for that purpose and obtainable in the Office of the Canterbury Town Clerk.
- 11.3** The Canterbury Planning and Zoning Commission or the Zoning Enforcement Officer, in addition to other remedies, may institute an action or proceeding to prevent the erection, alteration, reconstruction or to prevent the illegal occupation or use of buildings or land.
- 11.4** Fees to be charged for the issuance of zoning permits shall be as determined by a fee schedule adopted by a Town Meeting of the Town of Canterbury.
- 11.5** The penalties for violation of these Regulations shall be: a fine of not less than ten (\$10) nor more than one-hundred dollars (\$100) 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 (\$100) dollars, nor more than two-hundred and fifty dollars (\$250) for each day such violation continues, or imprisoned not more than ten (10) days for each day such violation continues, or both; or, the penalties prescribed in the Connecticut General Statutes, as amended, whichever is more severe.

SECTION XII

APPEALS

- 12.1** Any person contesting the enforcement of these Regulations, or any person seeking a variance from the literal enforcement of these Regulations because conditions especially affecting a particular parcel of land, but not affecting generally the district in which it is situated would result in exceptional difficulty or unusual hardship, may appeal for relief to the Board of Zoning Appeals of the Town of Canterbury.

SECTION XIII

AMENDMENTS

- 13.1** These Regulations may be amended by the Commission after proper public notice and public hearing in accordance with Section 8-3 of the General Statutes. Application for a zone change shall be made on the form supplied by the Commission and shall be submitted to either the Secretary or Chairman of the Commission at least ten (10) prior to the next regularly scheduled meeting and shall be accompanied by such fee as shall be determined by the Planning and Zoning Commission of the Town of Canterbury adequate to cover the cost of advertising and processing the application.

SECTION XIV

SEPARABILITY

- 14.1** 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.

SECTION XV

EFFECTIVE DATE

- 15.1** These Regulations shall take effect on Friday, April 5, 1974, at twelve o'clock noon (12:00pm) Eastern Standard Time.

15.1A Revised February 1, 1976 and December 2, 1985.