

CANTON

Zoning Regulations



Prepared for the

CANTON PLANNING AND ZONING COMMISSION

Town of Canton, Connecticut

Effective

May 12, 2014

Revised

January 31, 2019

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1. INTRODUCTION

1.1. Authority

These Regulations are adopted under the authority of Chapter 124 of the Connecticut General Statutes (CGS), as amended (CGS Section 8-1 et seq.).

1.2. Purpose

1.2.A. STATUTORY PURPOSES

These Regulations are adopted for the purposes set forth in CGS Section 8-2, as amended, including:

1. To promote the orderly growth and development of the Town in accordance with the adopted Plan of Conservation and Development;
2. To promote the health, safety and general welfare of the community, lessening congestion in the streets, prevent the overcrowding of land, avoid undue concentration of population, provide for light and air, and to facilitate the adequate provision for transportation, water, sewerage, schools, parks and other public improvements;
3. To divide the Town into districts with considerations as to the character of each district and its suitability for particular uses, so as to conserve the value of property and buildings and promote the most appropriate use of land throughout the Town;
4. To protect historic factors and existing and potential groundwater and drinking water supplies of the Town;
5. To assure that proper provision is made for sedimentation control and the control of erosion caused by wind or water;
6. To encourage the development of housing opportunities, including opportunities for multiple dwelling units, consistent with soil types, terrain and infrastructure capacity;
7. To promote housing choice and economic diversity in housing, including housing for both low and moderate income households, and shall encouraging the development of housing which will meet identified housing needs; and
8. To encourage: energy efficient patterns of development; the use of solar and other renewable forms of energy; and energy conservation.

1.3. Zoning Map

1.3.A. DISTRICTS

1. To accomplish the purposes of these Regulations, the Town of Canton is divided into different districts as enumerated within these Regulations.
2. The location and boundaries of zoning districts shall be as shown on the official Zoning Map, as may be amended from time to time, which is on file in the Office of the Town Clerk.
3. The official Zoning Map is hereby declared to be a part of these Zoning Regulations.
4. Any facsimile of the official map is intended for the convenience of the public only and shall not be considered to be the official Zoning Map of the Town.

1.3.B. BOUNDARY INTERPRETATION

1. If not clearly delineated on the official Zoning Map, district boundaries shall be construed in the following sequence:
 - a. following the center line of a street, railroad, right-of-way, or easement;
 - b. following property lines of record at the time of adoption of these Regulations or relevant amendments hereto;
 - c. where district boundaries are set back from street lines, they shall be considered as running parallel thereto, at distances shown or measured; or
 - d. following the lines of a particular physical feature including brooks, streams, flood plains, or steep slopes.
2. In the case of any remaining uncertainty regarding district boundaries on the official Zoning Map, the location of the district boundary shall be determined by the Commission by resolution.

1.4. Interpretation of Regulations

1.4.A. PROHIBITED IF NOT PERMITTED

1. Unless otherwise allowed by Section 8.3 of these Regulations, any use of land, buildings or structures not expressly permitted by these Regulations in a particular district is prohibited in that district.
2. Accessory uses which are not specifically permitted by these Regulations but which are customarily incidental and subordinate to a permitted principal use shall be permitted, unless specifically identified as prohibited elsewhere in these regulations, subject to any conditions as may be imposed by these Regulations.
3. Additional prohibited uses are identified in Section 8.1.

1.4.B. MINIMUM REQUIREMENTS

In their interpretation and application, the provisions of these Regulations shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience, and general welfare, unless the context clearly indicates that such provision is intended to be a maximum limitation.

1.4.C. STRICTEST STANDARDS CONTROL

1. In the event that there are found to be conflicting requirements within these Regulations, the most restrictive provision shall be applied.
2. The provisions of these Regulations may be superseded by other local, state, or federal laws or regulations.
3. These Regulations do not release a person from compliance with a more restrictive law, ordinance, easement, covenant, rule, regulation, or permit.

1.5. Conformity Required

1.5.A. USE

Unless otherwise allowed by Section 8.3 of these Regulations, no land and improvements thereon shall be used or occupied except in conformity with these Regulations for the district in which the land is located.

1.5.B. CONSTRUCTION

Unless otherwise allowed by Section 8.3 of these Regulations, no building, structure or other improvements or part thereof shall be constructed, moved, replaced, reconstructed, extended, enlarged, or altered except in conformity with these Regulations for the district in which the building or other structure is located.

1.5.C. PARCEL CHANGES

No land shall be sold or divided in a manner which results in either:

1. A use of all or a part thereof ceasing to conform to these Regulations or conforming to a lesser extent than prior to such sale or division; or
2. A dimensional standard or any other standard that does not conform to the requirements of these Regulations or conforms to a lesser extent than prior to such sale or division.

1.6. Administrative Provisions

1.6.A. SEPARABILITY

If any provision of these Regulations is ruled by a court of competent jurisdiction to be invalid, the effect of such decision shall be limited to the provision expressly stated in the decision to be invalid, and all other provisions of these Regulations shall continue to be valid and fully effective.

1.6.B. EFFECTIVE DATE

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

The effective date of these regulations is May 12, 2014.

2. DEFINITIONS

2.1. *Use of Terms*

2.1.A. DEFINITIONS TO BE APPLIED

For the purposes of these Regulations, the terms, phrases and words used in these Regulations shall be construed as defined in this section, unless the Commission finds that the term, phrase, or word is otherwise clearly qualified by its context.

2.1.B. GENERAL TERMINOLOGY

When consistent with the context, the following rules apply:

1. The word “shall” is mandatory.
2. The word “may” is permissive.
3. Words used in the present tense include the future and vice versa.
4. Words in the singular include the plural and vice versa.
5. Words in the masculine include the feminine, neuter and vice versa.
6. The words “parcel”, “property”, “lot”, “plot”, and “premises” have the same meaning.
7. The words “zone”, “zoning district”, and “district” have the same meaning.
8. The words “used for” include “arranged for,” “designed for,” “intended for,” “maintained for,” or “occupied for”.
9. The word “person” includes “individual”, “corporation”, “partnership”, “limited liability company”, “incorporated association” or any other similar entity.
10. Whenever a section number is referenced in these regulations, it shall be presumed to reference these regulations unless some other document is expressly indicated.

2.1.C. TEXT TO CONTROL

In the case of any difference of meaning between the text of a regulation and any caption, illustration, or table, the text shall prevail.

2.1.D. TERMS NOT DEFINED

For the purpose of these Regulations, words not defined in this section shall be interpreted by the Commission so as to:

1. Give them the meaning they may typically have in land use regulation usage after consulting one or more of the following, where such sources define terms for relevant and comparable purposes:
 - a. CGS, as amended;
 - b. State Building Code, as amended;
 - c. Black's Law Dictionary; and/or
 - d. The Illustrated Book of Development Definitions (Rutgers University, Center of Urban Policy Research, Piscataway, NJ), as amended.
2. Give them the meaning they have in common usage; or
3. Give the regulation, in the sole opinion of the Commission, its most reasonable application.

2.2. Defined Terms

A

Accessory – See “Principal & Accessory Related Terms”

Acre – An area containing 43,560 square feet.

Adult Related Terms

Adult Bookstore - An establishment in which more than ten percent (10%) of the inventory, whether for sale or rental, is adult material as defined in these Regulations.

Adult Cabaret - An establishment that features live performances that are characterized by the exposure of specific anatomical areas or the depiction or description of specified sexual activities, specified anatomical areas, or obscene activity.

Adult Material -

- (1) Books, magazines, periodicals, films and any other form of media that visually depict specified sexual activities and/ or specified anatomical areas; and
- (2) Live entertainment featuring exposure of specified anatomical areas.

Adult Mini-Motion-Picture-Theater - An enclosed building or part thereof with a capacity of fewer than fifty (50) persons, used for presentation of films, slide shows or other visual projections, 80 percent or more of which constitute adult material, or any of which depict obscene activities.

Adult Motion Picture Theater - An enclosed building or part thereof with a capacity of fifty (50) or more persons, used for presentation of films, slide shows or other visual projections, 80 percent or more of which constitute adult material, or any of which depict obscene activities.

Lingerie Modeling Studio – An establishment that provides the services of live models modeling lingerie to one or more individuals.

Obscene Activity – Patently offensive representations or descriptions of specified anatomical areas, or specified activities, normal or perverted, actual or simulated and/ or patently offensive representations or descriptions of masturbation, excretory functions, and lewd exhibitions of the genitals.

Sexually Oriented Retail Store - An establishment in which more than ten percent (10%) of the inventory, whether for sale or rental, is from: (a) adult material; (b) media or novelty items, gag gifts, toys, and paraphernalia that depict sexual activity, semi-nude bodies or specified anatomical areas; or (c) novelty items, gag gifts, toys, and paraphernalia that are designed or marketed for stimulating human genital organs, sexual arousal or sadomasochistic use; except for medical films or publications or art or photographic publications that devote at least 25% of the lineage of each issue to articles and advertisements dealing with subjects of art or photography.

Affordable Housing – See “Housing Related Terms - Affordable”

Agriculture Related Terms

Agriculture - The growing of crops; raising of livestock; and, the storing processing and sale of agricultural and horticultural products and commodities, including those defined in CGS § 1-1q as incidental to agricultural operations.

Agricultural Buildings and Structures - Buildings or structures used in connection with agriculture, including greenhouses, shelter for livestock and storage for farm machinery, equipment and supplies.

Farm - A parcel, or parcels, of land containing not less than three (3) acres under single ownership and/ or leasehold and used for agriculture..

Limited Farm - A parcel of land of less than 3 acres under single ownership or leasehold and used for agriculture.

Livestock - Grazing animals kept either in open fields or structures including cattle, horses, sheep, goats, llamas, alpacas and poultry.

Farm Stand, Limited – A structure, not more than 200 square feet, located on a residential or agricultural farm for the display and sale of agricultural products raised only on such farm. Sales of such products shall be limited to not more than six (6) months in any calendar year.

Farm Stand, General – A structure located on a farm, for the seasonal display and sales of agricultural products. Products sold shall have been grown on such farm or purchased from other farms or farmers markets.

Farmers Market – A seasonal public market use, the primary purpose of which is for farmers to offer for sale produce, vegetables, flowers, orchard products, breads and similar agricultural products directly to consumers. Additional vendors, demonstrations and presentations are permitted as being accessory to such market, however such vendors, or booths, in aggregate shall not account for more than 50% of the market.

Aquifer – A geologic unit capable of yielding significant amounts of water.

Arbor – a shelter formed or covered with vines

Special Flood Hazard Area – *See Section 6.3*

Attic – The part of a building that is immediately below and wholly or partly within the roof framing and is not a story or a half-story. *See “Story Related Terms”*

Automobile – a usually four wheeled automotive vehicle typically with passenger registration or any vehicle with motorcycle registration. For the purpose of these regulations the term “automobile” shall not be construed to include commercial vehicles, construction equipment or equipment designed to carry freight and goods.

B

Balconies – A platform projecting from the side of a building and enclosed by a railing.

Base Flood – See *“Flood Related Terms”*

Basement - A floor of a building that is either completely or partially below the ground level. A basement shall be counted as a story if the ceiling is more than five feet above average grade. See *“Story Related Terms”* and *“Grade, Average”*

Bed and Breakfast - Overnight accommodations and a morning meal in a dwelling unit (B & B) provided to transients for compensation.

Berm - An earthen bank used to provide a visual or noise buffer, or to provide other separation between uses, structures, or parcels.

Boarding House – See *“Housing Related Terms”*

Buffer Strip - A landscaped area used to separate elements, such as a parking lot from a building; and to provide relief from large expanses of pavement within a parking lot, along driveways, along property lines and other areas.

Building - Any structure having a roof supported by columns or walls and intended for shelter, housing or enclosure of persons, animals or property.

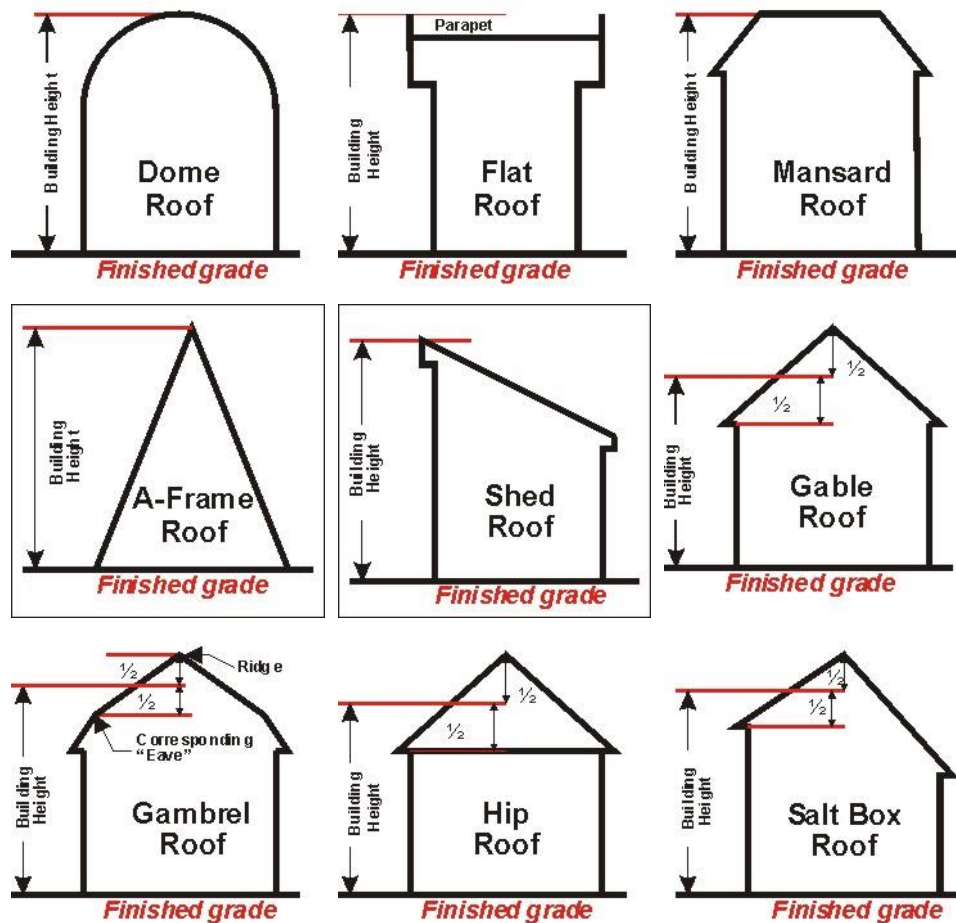
Building Code, State – The International Residential Code adopted by the State of Connecticut Legislature.

Building Coverage – See *“Coverage Related Terms”*

Building Height – The vertical distance from the finished grade for a building or other structure to the highest of the following elevations on the building or other structure:

- the elevation of the highest point of the highest dome, flat, mansard, A-frame, or shed roof, including the top of any parapet;
- for gable, gambrel, or hip roofs, the mean elevation of the roof (other than a dormer) with the highest mean elevation between its ridge and its corresponding eave; and
- for roofs which are salt box roofs, the mean elevation of the side of the salt box roof (other than a dormer) with the highest mean elevation between its ridge and its corresponding eave.

Diagram 2.1 - Building Height Measurement Diagrams



Building Line - A line on a parcel of land establishing the minimum setback for a building from a street line. A building line may or may not be coincidental with a street line.

Building Permit - A permit for construction issued by a Building Official upon application, authorizing the construction or alteration of a building or structure in accordance with the provisions of the State Building Code

C

Caliper – The diameter of a tree trunk measured five (5) feet from the top of the root ball.

Cemetery – Land used or dedicated to the burial of the dead, including mausoleums, and any accessory maintenance facilities, but excluding crematoriums and mortuaries.

Certificate of Zoning Compliance - A certificate issued by the Zoning Enforcement Officer certifying that a proposed (or existing) use of land or buildings constructed thereon conform to the requirements of these Regulations and that the same may be occupied and used as permitted herein.

Certificate of Occupancy (CO) - A document issued by the Building Official which allows the occupancy or use of a building and certifies that the structure has been constructed in compliance with applicable codes and ordinances.

CGS – the Connecticut General Statutes, as may be amended.

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

Commercial Vehicle – A vehicle that requires a commercial registration, or a combination registration where the vehicle is used for commercial purposes, regardless of the gross vehicle weight of such vehicle, or a vehicle which requires a commercial licenses to operate.

Commission – The Planning and Zoning Commission of the Town of Canton.

Concrete – Portland cement concrete.

Conservation Restriction - A limitation, whether or not stated in the form of a restriction, easement, covenant or condition, in any deed, will or other instrument executed by or on behalf of the owner of the land described therein, including, but not limited to, the State or any political subdivision of the State, or in any order of taking such land whose purpose is to retain land or water areas predominantly in their natural, scenic or open condition or in agricultural, farming, forest or open space use.

Convalescent Home - See *"Housing Related Terms"*

Corner Island -See *"Landscaped Island Related Terms"*

Coverage Related Terms

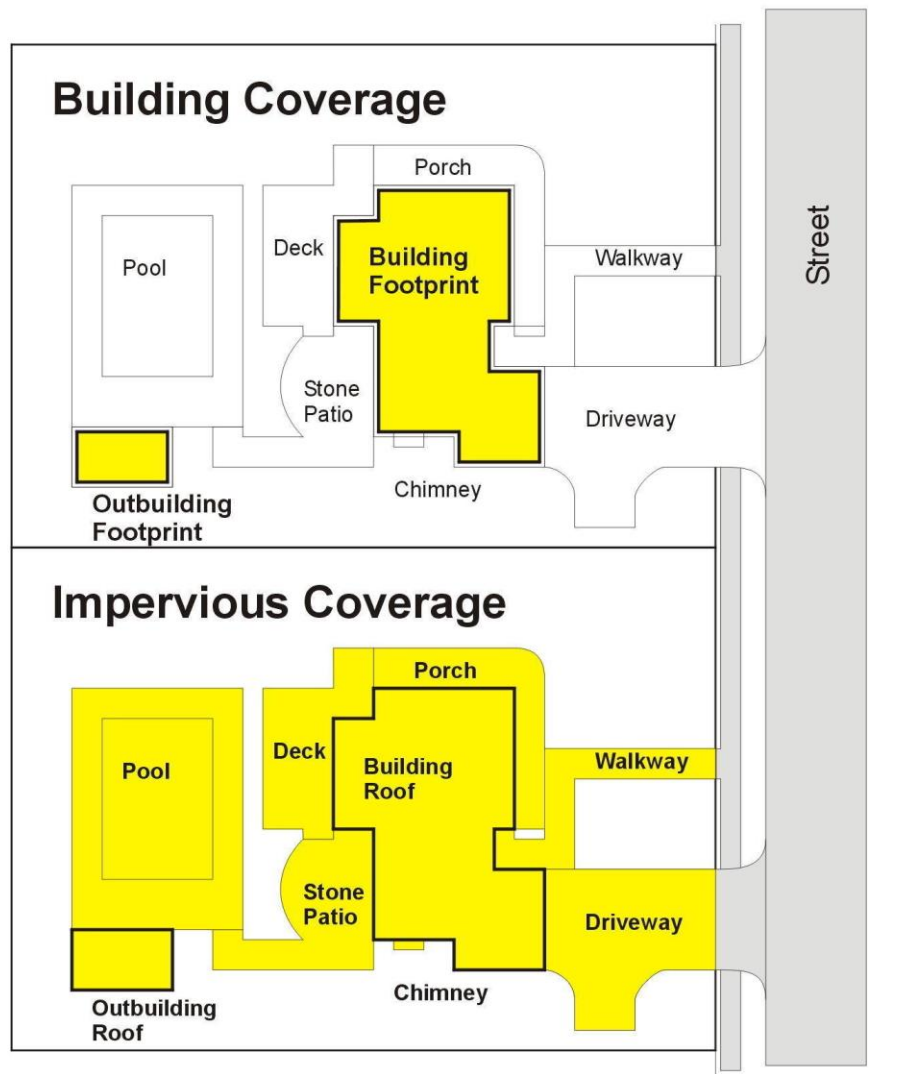
Coverage, Building - The total area of a parcel covered by buildings or roofed areas as measured along the outside wall at ground level. (see Table 2.1 and Diagram 2.2 for additional information)

Coverage, Impervious - The total area of a parcel covered by impervious surface. (see Table 2.1 and Diagram 2.2 for additional information)

Impervious Surface – A surface that has been compacted or is covered with a layer of material so that it is highly resistant to infiltration by water (has a percolation rate slower than 120 minutes per inch). Based on the submission of appropriate information by a professional engineer, the Commission may consider the following areas to be less than 100 percent impervious:

- Graveled areas which are driven on; and
 - Porous pavement, porous pavers and other permeable hard surfaces.
- (See Table 2.1 for additional information).

Diagram 2.2 – Coverage Diagrams



D

Day Camp - A building or structure, together with its parcel and its accessory uses, buildings and structures, used as an organized recreational facility for five (5) or more enrolled children other than the children of the resident family, but not furnishing sleeping quarters except for the resident family. *See "Residential Summer Camp"*

Day Care Related Terms

Day Care – The care of people on a regularly recurring but part-time basis (non-24 hour basis) in a place other than the person's own residence and which may require a license from the State Department of Health in accordance with CGS Section 19a-77, as amended.

Family Day Care Home – Day care provided in a single family home for not more than six (6) people and where the principal provider of the services resides on the premises.

Group Day Care– Day care provided in a single family home for more than six (6) people but not more than 12 people and where the principal provider of the services resides on the premises.

Day Care Center – A facility, other than a public or private school, which offers or provides a program of day care to more than 12 related or unrelated people.

Deck – An unroofed platform either freestanding or attached to a building that is supported by pillars or posts.

Development Related Terms

Development – Any alteration or man-made change to an improved or unimproved parcel including but not limited to changes to buildings or structures of any nature, storage of materials, fences or barriers of any nature, mining, dredging, filling, grading, paving, excavating, drilling, or clearing of vegetation.

Improved Parcel – A parcel which upon which a permanent structure is placed upon, a part of, or is affixed to.

Unimproved Parcel - A parcel without building and structures.

District – An area of land identified on the official Town of Canton Zoning Map having separate requirements as established by these Regulations.

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

Donation Drop Box - A weather protected container designed to receive and temporarily hold items that may include but are not limited to clothing, toys, books, and household goods intended to be donated to charity.

Drive-Through Facility – An establishment that by design, physical facilities, service, or packaging procedures encourages or permits customers to receive services, or obtain goods while remaining in their automobile.

Dwelling – See *“Housing Related Terms”*

Dwelling Unit – See *“Housing Related Terms”*

E

Earth Material - Topsoil, sand, loam, gravel, peat, stone or any other earth product.

Easement – A grant of one or more property rights by the property owner to and/or for use by the public, a corporation, or another person or entity.

End Island – See *“Landscaped Island Related Terms”*

Enlarge, Enlargement - Any addition to the floor area of an existing building, an increase in the size of any other structure, or an increase in that portion of a tract of land occupied by an existing use. "To enlarge" is to make an enlargement.

Erosion –The wearing away of land surface by the action of wind, water, gravity, ice, natural action or man-made activities or any combination thereof.

Excavation- Fill or removal in accordance with Section 7.5 of these Regulations

Extend, to Make an Extension - An increase or amplification, as distinguished from establishment or inception. "Extension" shall be deemed to include the expansion in the seasons or periods of use of a non-conforming seasonal use, or of a seasonal dwelling on a non-conforming lot; and any increase in the normal days or hours of operation, or any increase in the scope of services offered, of any non-conforming, non-residential use of land, buildings, or structures.

Existing Grade - See *“Grade, Existing”*

F

Family – One or more persons, related by birth, marriage, civil union, or adoption, living as a single housekeeping unit with kitchen facilities and other rooms used in common.

Family Day Care Home – See “Day Care Related Terms”

Farm - See “Agriculture Related Terms”

Farm Stand, Limited– See “Agriculture Related Terms”

Farm Stand, General See “Agriculture Related Terms”

Farmers Market – See “Agriculture Related Terms”

Fence or Wall - Any structure of wood, metal, stone, brick or other materials delineating or separating an area within a parcel of land or along property lines. A hedge or other trees, shrubs, or other plants serving a similar function shall not be deemed to constitute a fence or a wall. A wire or other material carrying an electrical current or barbs for the purposes of enclosing or creating a barrier between separate areas shall be considered a fence.

Fill - Earthen material brought to a site from a non-contiguous location so as to create a higher finished elevation anywhere on the site.

Finished Grade - See “Grade, Finished”

Flood Related Terms – See Section 6.2.D

Floor - The top surface of an enclosed area in a building, including basements and cellars (i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction.)

Footprint – The surface space occupied by a building or structure, including porches, decks, outdoor kitchens, garages, or any other impervious area, not including patios.

Full-Cut-Off Luminaire – See “Lighting/ Illumination Related Terms”

G

Garage - A detached accessory building or portion of a principal building for the parking and storage of automobiles.

Garden Apartment - Not less than four dwelling units in a building of not more than three stories, or a group of such buildings and uses accessory to such apartments. Dwelling units in garden apartments may be owned by a single owner or individually by tenants or both, but the land shall be held in a unified ownership. The term "garden apartment" shall include a condominium.

Gazebo - a freestanding roofed structure usually open on all sides.

Grade, Existing - The elevation of the ground level in it's, before development, construction, filling or excavation.

Grade, Finished – The actual or proposed elevation of the land surface after development. “Finished grade” shall be construed as that excavation or filling which is incidental to construction of the building on the site, and not excavation or filling for the purposes of obtaining greater building height. When the topography around a building or structure varies, the finished grade shall be determined by averaging the ground elevations within ten (10) feet of the building or structure.

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

Grass/Pavement Block System – Porous concrete or plastic paving blocks that allow the establishment of turf on their surface and the infiltration of stormwater while supporting motor vehicles.

Gross Floor Area - The total floor area contained within a building, outdoor storage area or outdoor display area, whether covered or not, as measured to the outside surface of the exterior walls or outside perimeter of the display or storage area.

Group Day Care Home – See “*Day Care Related Terms*”

Group Home – See “*Housing Related Terms*”

H

Hazardous Material – Any material or waste which may pose a present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed and any material which is defined as hazardous within the meaning of any federal, state, or local law, regulations or ordinance including, but not limited to chemicals which are subject to reporting requirements under Title III of the Super Fund Amendments and Reauthorization Act of 1986 (SARA), as amended.

Home Based Business – Any activity carried out for gain by a resident and conducted as an accessory use in such resident’s dwelling unit or on the premises.

Home Based Business, Major – A Home Based Business that exceeds a Minor Home Based Business in that such business shall not have more than three (3) nonresident (of the premises) full or part time employees working on the premises. Major Home Based Businesses are permitted in residential districts by special permit subject to the standards of Section 3.3.D.

Home Based Business, Minor – A Home Based Business located within the principal building and operated by the resident of the premises, shall not have more than one (1) nonresident full or part time employee working on the premises. Minor Home Based Businesses are permitted in residential districts by right, subject to the standards of Section 3.3.B.2.

Hotel and/or Motel – A facility offering transient lodging accommodations to the general public which may include additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities.

Housing Related Terms

Assisted Living - A facility that provides living units together with areas for communal dining, kitchen, meeting room, laundry and similar support areas for persons desiring assistance with basic “daily living” functions (e.g., dressing, dining, bathing).

Affordable Housing – As defined in CGS Section 8-39a, housing for which persons and families pay thirty percent or less of their annual income, where such income is less than or equal to the area median family income for the Hartford Primary Metropolitan Statistical Area (PMSA), as determined by the United States Department of Housing and Urban Development.

Affordable Housing Application - Any application made to the Commission in connection with an Affordable Housing Development by a person who proposes to develop such affordable housing.

Affordable Housing Development - A proposed housing development, as defined by CGS Section 8-30g as may be amended, that provides housing which is (a) assisted housing, or (b) a set-aside development.

Assisted Housing – Housing which is receiving, or will receive, financial assistance under any governmental program for the construction or substantial rehabilitation of low and moderate income housing, and any housing occupied by persons receiving rental assistance under CGS Chapter 138a or Section 1437f of Title 42 of The United States Code.

Boarding House – An owner occupied dwelling that provides for the renting of rooms or board to not more than three (3) paying guests, other than members of the owner’s family.

Congregate Housing - As defined in CGS Section 8-119e, as may be amended.
(Independent living (units) assisted by congregate meals, housekeeping and personal services who have temporary or periodic difficulties with one or more essential activities of daily living such as feeding, bathing, grooming, dressing or transferring).

Continuing Life Care Community - A facility licensed by the State of Connecticut to provide services which meet a need beyond the basic provisions for food, shelter, laundry, including, but not limited to, recreation, physical therapy, health services, and licensed nursing services.

Dwelling – A building or portion thereof used for residential occupancy.

Dwelling, Single-Family Detached - A Dwelling Unit for one family and having no party wall in common with an adjacent dwelling. Where a private garage or other accessory structure is attached to such building, it shall be considered as a part thereof.

Dwelling, Single-Family Semi-Detached - A portion of a building designed for and occupied exclusively as a Dwelling Unit for one family and having a party wall in common with one adjacent dwelling.

Dwelling Unit – A building or portion thereof which provides complete housekeeping facilities for one family. In general, a dwelling unit shall be inferred when there is a sleeping area, a separate kitchen or kitchen area and a separate bathroom or bathroom area with a toilet and a bathtub/shower.

Housing Related Terms (continued)

Group Home - A community residence as defined in CGS Section 17a-220 which is licensed under the provisions of CGS Section 17a-227, or a child-care residential facility and which is licensed under CGS Section 17a-145 to 17a-151, inclusive.

Multiple Dwelling Unit - A building designed and occupied exclusively as a residence for three (3) or more families. This definition includes condominiums, cooperatives, townhouses and garden apartments.

Non-Profit Housing For The Elderly – A dwelling unit or set of dwelling units exclusively designed for the needs of single people age 60 or over or couples with at least one member at least 60 or over. This housing shall be either non-profit or controlled profit under rent subsidy programs and shall conform to the applicable requirements of the sponsoring agencies of the Federal, State or Town government.

Nursing Home – *In Housing Related Terms, see Convalescent Home.*

Two-Family Dwelling - A building designed for and occupied exclusively as a residence for two (2) families living independently of each other.

Impervious Coverage – *See “Coverage Related Terms”*

Impervious Surface – *See “Coverage Related Terms”*

Interior Island - *See “Landscaped Island Related Terms”*

Island – *See “Landscaped Island Related Terms”*

Junk - Any scrap, waste, reclaimable material, or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed of, or for other use of disposition.

Kennel - *See “Pet / Animal Facilities Related Terms”*



Ledge Wall - a more or less flat rock protruding from the earth resembling a vertical cliff or slope

Licensed Medical Marijuana Dispensary - A pharmacist licensed pursuant to Chapter 400j of the CGS, who the Department of Consumer Protection has licensed to acquire, possess, distribute, and dispense marijuana pursuant to sections 1 to 15, inclusive, of “An Act Concerning the Palliative Use of Marijuana”.

Licensed Medical Marijuana Producer - A person or organization that is licensed as a producer by the Connecticut Department of Consumer Protection under section 10 of an “An Act Concerning the Palliative Use of Marijuana and whose purpose is to cultivate marijuana for palliative use and selling, delivering, transporting or distributing such marijuana only to licensed dispensaries under sections 1 to 15, inclusive of the above Act.

Lighting / Illumination Related Terms (See Diagram 7.4.C.1)

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

Full Cut-Off/ Fully Shielded Type Fixture - A luminaire emitting no light above the horizontal plane.

Glare - Light emitting from a luminaire with intensity great enough to reduce a viewer’s ability to see, may cause visual discomfort, to the viewer and in extreme cases causing momentary blindness.

Height of Luminaires - The height of luminaires shall be the vertical distance from the ground directly below the centerline of the luminaire to the lowest direct-light-emitting part of the luminaire.

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

Isodiagram - A graphical representation of points of equal illuminance used to show the level and evenness of a lighting design and to show how light fixtures will perform on a given site.

Landscape Lighting - Luminaires mounted in or at grade (but not more than 3 feet above grade) and used solely for landscape or walkway rather than any area lighting.

Lamp - The light source component of luminaires that produces the actual light.

Lighting Plan - A plan showing the location, height above grade, type of illumination, type of fixture, the source lumens, and the luminous area for each source of light propose.

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

Light Standard - A pole for mounting luminaires.

Light Trespass - Light from an artificial light source that is intruding into an area not owned by the owner of the property upon which the light source is located, or where such light otherwise does not belong.

Luminaire - A complete lighting system, and includes a lamp or lamps, standards and fixtures.

Lighting / Illumination Related Terms (continued)

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

Uplighting - Any light source that distributes illumination above a 90 degree horizontal plane.

Livestock - See *"Agriculture Related Terms"*

Loading Space - An off-street space or berth used for the loading or unloading of cargo, products, or materials from vehicles.

Lot Related Terms

Lot - A tract of land owned and recorded, and described within the recorded document, as a separate piece of land.

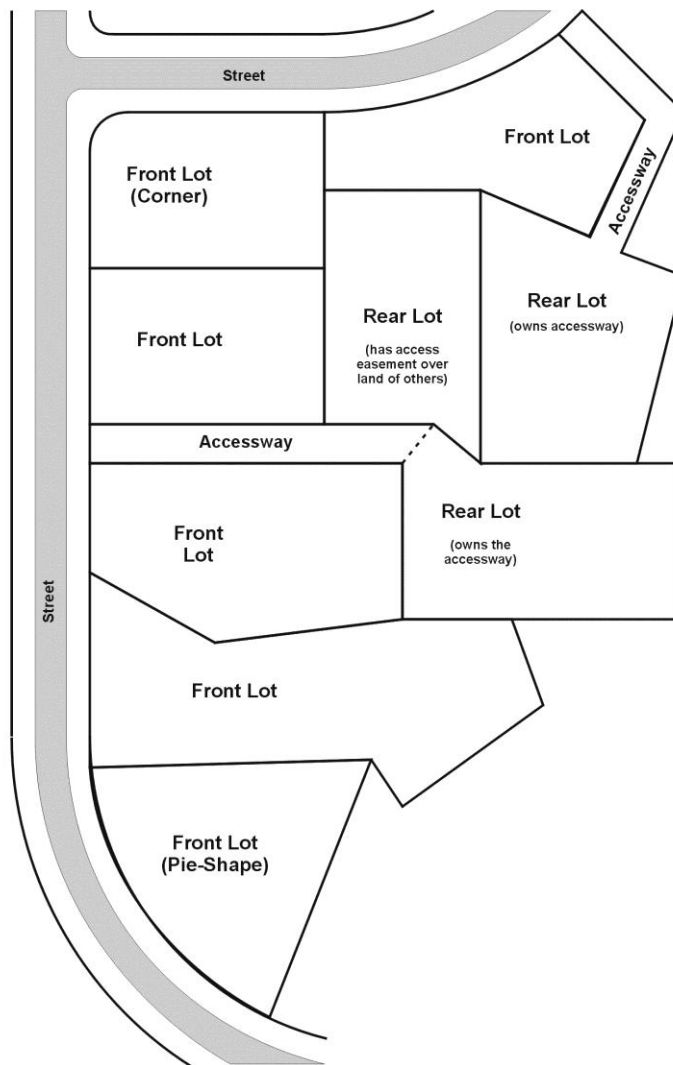
Lot, Corner - A lot located at the intersection of two or more streets.

Lot, Front - A lot which has the required frontage on a street.

Lot, Rear - A lot which has less than the required frontage on a street and of which the buildable area is located generally to the rear of other lots having frontage on the same street as said lot and having access to the street via an access way or a private right-of-way.

Parcel - See "Lot"

Diagram 2.3 – Lot Types Diagram



Lot Area – The horizontal area within the lot lines provided that:

- land used for streets, highways, easement for vehicular access, public or private right-of-way for vehicles, including street rights of way, shall be excluded;
- land or easements used for public utilities, and drainage may be included;
- seventy-five percent (75%) of the area used for compliance with the minimum lot area requirement shall be unencumbered by wetlands, watercourses, special flood hazard areas, or slopes greater than twenty percent (20%); and
- land in two or more zoning districts may be used to satisfy a minimum lot area requirement, provided that the requirement of the district requiring the largest lot area is met, but no land in a Residence District shall be used to satisfy a lot area requirement in any other District.

Lot Frontage – The length measured along the side of the lot abutting the street (the front lot line). In the case of a corner lot, frontage may be measured along both front lot lines. The minimum frontage for a front lot may be measured along the front yard setback line when:

- the side lot lines converge toward the street; and
- the average width of the lot exceeds the frontage requirement for the district in which it is located.

Lot Line Related Terms

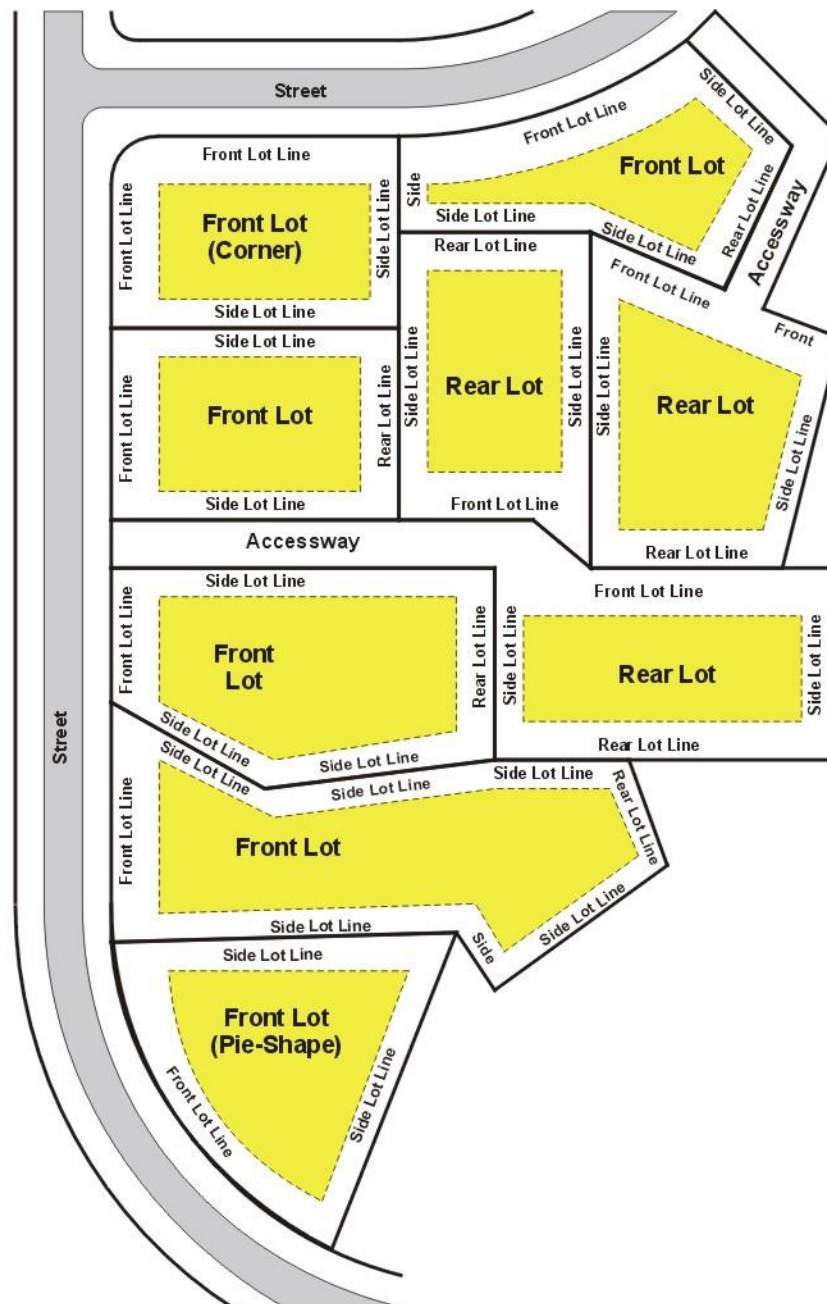
Lot Line - The property lines bounding a lot as defined herein.

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

Lot Line, Rear - A lot line which is most generally opposite the longest front lot line except that, on a pie-shaped lot or a corner lot, any lot line adjacent to the front lot line shall not be considered to be a rear lot line.

Lot Line, Side - Any lot line which is not a front lot line or a rear lot line, as defined herein.

Diagram 2.4 – Lot Line Diagram



M

Manufactured Housing – Factory-built, single-family structures that meet the National Manufactured Home Construction and Safety Standards Act (42 U.S.C. Sec. 5401), commonly known as the HUD (U.S. Department of Housing and Urban Development) code.

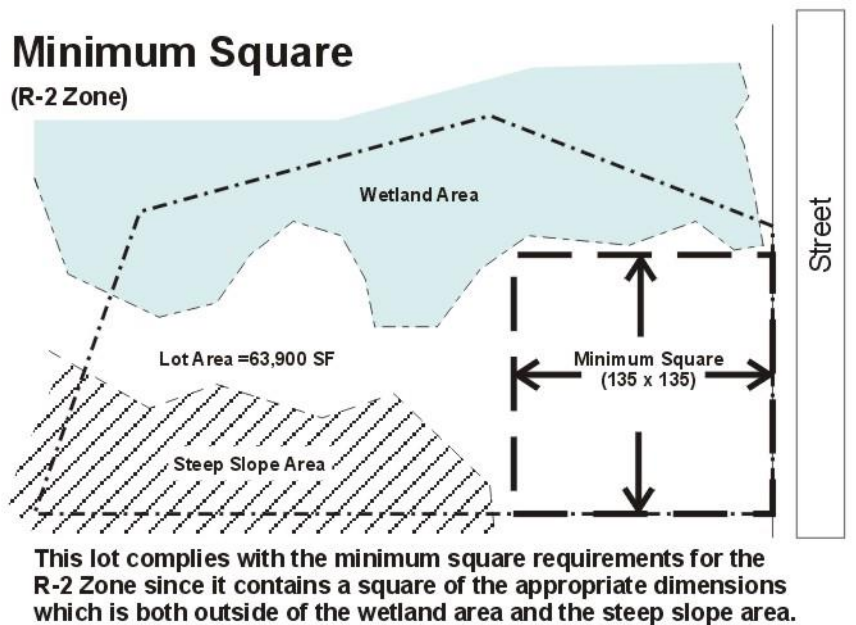
Marijuana – See “*Licensed Medical Marijuana Dispensary*”. See “*Licensed Medical Marijuana Producer*”

Massage Therapy - The manipulation of body muscle or tissue by range of motion, nonspecific stretching, rubbing, stroking, kneading, or tapping, by hand or mechanical device. Massage therapy may include the use of oil, ice, hot and cold packs, tub shower, steam, dry heat, or cabinet baths for the purpose of maintaining good mental and/ or physical health and condition.

Massage Therapy Establishment - Any building, room, place, or establishment other than a regularly licensed hospital or dispensary where nonmedical and nonsurgical manipulative exercises are practiced on the human body for other than cosmetic or beautifying purposes with or without the use of mechanical or bathing devices by anyone not a physician or surgeon or similarly registered status.

Minimum Square - a square area that will fit within the lot without utilizing lands designated as wetlands, watercourses, or slopes greater than twenty percent (20%).

Diagram 2.5 – Minimum Square



Motel – See “*Hotel*”

Motor Vehicle – a motor vehicle as defined per CGS 14-1 as amended

Multi-family Building - See “*Housing Related Terms*”

N

New Construction – See *“Flood Related Terms”*

Non-Conforming - Any structure, parcel or use legally existing at the time of the adoption of these Regulations as may be amended, which does not conform to the provisions of these Regulations.

Non-Profit Housing for the Elderly - See *“Housing-Related Terms”*

Nursing Home/ Convalescent Home - A facility that provides primarily in-patient care, treatment and/or rehabilitation services for persons recovering from illness or injury and/or persons who require regular assistance in personal care, including dressing, eating and health related matters but do not require the degree of care that is provided by a hospital

O

Open Space - Land protected from development by legislation, dedication, conservation or other legal means, which shall be used only for recreational, conservation, educational, agricultural, or other similar purposes.

Open Space (Clustered) Subdivision - A subdivision or resubdivision concentrating lots on a particular portion of a parcel so that at least one-third of the parcel remains as open space to be used exclusively for recreational, conservation, educational, agricultural or other similar purposes except that nothing herein shall prevent the commission from requiring more than one-third open space in any particular open space subdivision.

Outdoor Storage - The keeping, in an unenclosed area, of any goods, junk, material, equipment, merchandise, or vehicles in the same place for more than 24 hours.

Outdoor Display - The display of merchandise or products outside of a building or structure, including sidewalk sales and sidewalk displays, and outdoor dining.

Outdoor Wood-Burning Furnaces - An accessory structure or appliance, as defined by CGS § 22a-174k as amended, designed to be located outside living space ordinarily used for human habitation and designed to transfer or provide heat, via liquid or other means, through the burning of wood or solid waste, for heating spaces other than where such structure or appliance is located, any other structure or appliance on the premises, or for heating domestic, swimming pool, hot tub or Jacuzzi water. "Outdoor wood-burning furnace" does not include a fire pit, wood-fired barbecue or chiminea.

P

Parapet - A low protective wall or railing along the edge of a roof.

Parcel - See "Lot"

Parking Bay - A unit of parking consisting of a driveway together with the adjacent parking rows accessed directly from the driveway.

Parking Lot Area - The aggregate area of all parking spaces, parking rows, parking bays, driveways servicing parking spaces, access drives, landscaped islands (including end islands, interior islands, and corner islands), and buffer strips between bays of parking. Paved areas that primarily access service areas are excluded.

Parking Row - A unit of parking consisting of a single row of contiguous parking stalls and planting islands.

Parking Stall - A unit of parking accommodating one parked vehicle.

Patio - an area near a building, often paved (landscape pavers/ stone/ etc....), used for outdoor sitting

Patio, Open – a patio that is open to the sky.

Patio, Closed - a patio with a roof or covering designed to protect individuals from the elements. When attached to a permanent building it might be considered a porch.

Pergola - a structure consisting of posts supporting an open roof in the form of a trellis.

Permit - Written governmental permission issued by an authorized official, empowering the holder thereof to do some act not allowed without such authorization.

Personal Service Business - See "Service Business, Personal"

Pet / Animal Facilities Related Terms

Kennel - A place at which:

- One or more dogs are kept for remuneration or compensation of any kind except for a veterinary hospital which may keep dogs incidental to their medical treatment, or
- Two or more dogs not registered to a resident of the property are kept.

Pet Training and Day Care Facility - A commercial establishment at which common household pets are kept, maintained, or trained for monetary remuneration, and shall not include overnight boarding. A pet training or day care facility shall not include a kennel, pet store or veterinary hospital.

Veterinary Hospital – A place where animals are given medical care and the boarding of animals is limited to short-term care accessory to the hospital use.

Place of Worship - A building or group of buildings primarily used for the conduct of religious services and accessory uses and that is controlled by a religious body organized to sustain public worship and recognized as such for non-profit status by the Internal Revenue Service.

Plan of Conservation and Development – The Plan of Conservation and Development adopted by the Town of Canton, as amended, and all adopted detail portions of the Plan of Conservation and Development referred to in CGS §8-23 as amended.

Porch - A portion of a building which has a roof and a floor and is not enclosed by full walls.

Porch, Closed - A porch with screened-in or glassed-in openings.

Porch, Open - A porch that is open to the air without screened-in or glassed-in openings.

Preservation Restriction - A limitation, whether or not stated in the form of a restriction, easement, covenant or condition, contained in any deed, will or other instrument executed by or on behalf of the owner of land, including, but not limited to, the state or any political subdivision of the state, or contained in any order of taking of such land whose purpose is to preserve historically significant structures or sites.

Principal and Accessory Related Terms

Principal Building – The primary or predominant building on a parcel.

Principal Use – The primary or predominant use of a parcel.

Accessory Building – A building or structure subordinate and clearly incidental to the principal building or structure on the same parcel.

Accessory Dwelling Unit - A secondary dwelling unit, accessory to the principal dwelling unit on the same parcel. See “Housing”

Accessory Use – A use customarily incidental and clearly subordinate to a principal use on the same parcel.

Professional Architect, Engineer, Surveyor – An architect, engineer, or surveyor licensed by the State of Connecticut.

Professional Office - The office of recognized professions, such as doctors, lawyers, dentists, architects, engineers, artists, musicians, designers, teachers, and others who through training or experience are qualified to perform services of a professional nature.

Property – See “Lot”. See “Parcel”.

Public Works Facility – Land and/or buildings used by a municipal agency for the storage of materials and supplies used in the maintenance of public facilities, equipment, vehicles, streets or buildings, the storage, care, and maintenance of equipment and vehicles for the maintenance of public facilities, infrastructure, and buildings, and/or the support of employees. Examples of uses include, without limitation, offices; employee welfare facilities (locker, showers, toilet, lunch/break rooms, and training facilities); automobile, vehicle, equipment, and heavy equipment service facilities; workshop facilities; automobile, vehicle, equipment, and heavy equipment storage facilities; material storage facilities; yard storage facilities; fueling stations for municipal vehicles and equipment, and all other ancillary support structures required to meet the needs of the municipal or state agency.

R

Recreational Facility – A place designed and equipped for the conduct of sports and leisure-time activities

Recycling Facility - Land and structures where recycling of glass, metals, paper products, batteries, household hazardous waste, fertilizers and other items are removed from the waste stream for recycling or reuse.

Residential Summer Camp – A recreational camp operation including overnight and daytime camping in which the participants:

- a. live in "cabins" or other structures temporarily; and
- b. engage in customary youth camping activities such as, sports, water-based recreational activities, "arts and crafts", team-building activities, outdoor pursuits, adventure type activities, group activities, communal eating, and other activities associated with recreational camping. See *"Day Camp"*

Restaurant - An establishment used principally for the preparation and service of food and beverages for consumption either on or off the premises.

Restaurant, Class I - A restaurant that meets all of the following criteria:

- gross floor area is 1,500 square feet or less;
- seating capacity is 20 or less; and,
- food and beverages served on the premises are actually or expected to be consumed primarily off the premises.

Restaurant, Class II - A restaurant that meets all of the following criteria:

- gross floor area is 2,000 square feet or less;
- seating capacity is 50 or less; and
- food and beverages served on the premises are actually or expected to be consumed primarily on the premises.

Restaurant, Class III - A restaurant that does not meet all of the criteria of either a Class I Restaurant or a Class II Restaurant.

Retail Establishment - Any establishment with sixty percent (60%) or more of the gross floor area devoted to the sale or rental of goods or merchandise to the public.

Retail Store, Sexually Oriented - See *"Adult Related Terms"*

Retaining Wall – A structure constructed and erected between lands of different elevations to stabilize the surfaces, prevent erosion, and/ or to protect structures.

Rip-rap - Large stones used to stabilize earthen slopes to prevent erosion.

S

School - An institution whose primary function is the instruction of academic subjects to adults or children. The word "School" shall not be deemed to include an institution which is primarily a summer or winter camp, whose main function is enjoyment of physical activities with or without instruction, nor any other institution which has a primary function of providing recreational facilities.

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

Service Area - The area of a site or building customarily used for the loading and/or unloading of product, and for the collection and temporary storage of refuse commonly enclosed in dumpster units or compacting units.

Service Businesses – Establishments primarily engaged in providing services rather than the sale of products to individuals, business, industry, government, and other enterprises. Examples include but are not limited to personal, business, repair, and amusement services; educational services; and membership organizations.

Personal Service Business -- A service business whose principal use is the provision of services of a personal nature relating to the repair, adjustment, alteration, cleaning or servicing of items owned by or being provided to an individual customer including: barbershops; beauty salons; nail salons; day spas not including massage therapy; dry cleaning establishments; clothing rental; photographic studios; garment repair; tailoring; shoe repair; or other businesses primarily engaged in the provision of services of a personal and/ or domestic nature rather than the sale of products.
(Day care, tattooing, and massage therapy, and any other uses specifically referenced elsewhere by the name of such use, shall not be included as a personal services business.)

Setback - See "*Yard Setback*"

Sexually Oriented Retail Store - See "*Adult Related Terms*"

SF - Square foot or square feet.

Shopping Cart Corral - An enclosure for containing shopping carts within a parking lot.

Sidewalk Display – The outdoor display of merchandise for sale by a business use. See "*Outdoor Displays*"

Sidewalk Sales – Retail sales of a short-term and temporary nature conducted on the sidewalk property. See "*Outdoor Displays*"

Sign Related Terms (See Appendix 4 for photographic descriptions))

Sign – Any banner, billboard, display, flag, illumination, illustration, insignia, lettering, logo, pennant, picture, structure or other device, however made, displayed, painted, supported or attached, intended for use for the purpose of advertisement, identification, publicity or notice when visible from any street or from any lot other than the lot on which the sign is located and either (1) located out-of-doors or (2) located indoors and intended to be viewed from outside the building, or any building feature, including with limitation, roof, awning, or other special illumination, special colors or effects, or building or roof lines which serve to identify the Use or occupancy of any Building or site through a recognized motif or symbol.

The term "sign" includes vehicle signs. However, it shall not include any flag, pennant or insignia of any governmental unit, any traffic or directional signs located within the right-of-way of a street when authorized by the Town of Canton or State of Connecticut.

Sign, A-Frame – An upright, rigid supporting frame in the form of a triangle or an inverted V.

Sign, Area – The area of a sign shall be the entire area encompassed by the perimeter of the sign consisting of the best fit of not more than 5 rectangles, triangles or circles. Any sign may be double facing and only one face shall be counted in determining conformity to sign area limitations. The area of a three-dimensional sign shall be the sum of all sides or sign faces divided by 2. (See Diagrams 7.3.E.1, and 7.3.E.2).

Sign, Arcade – A sign suspended above and perpendicular to a covered sidewalk in a multi-tenant building, identifying an establishment to pedestrians on the sidewalk.

Sign, Awning – Fixed or movable devices attached to the building wall, constructed of fabric or metal and which are located above the storefront and designed to shade the sidewalk and storefront, and may include sign graphics or text printed on the exposed surfaces.

Sign, Barber Pole – A striped, oftentimes rotating, cylindrical sign used to identify a hair cutting establishment.

Sign, Channel-lit – A sign with “channel” letters using a light source fully contained within the “channel” constructed letters having a translucent face and opaque sides. Alternatively the letters may have an opaque face and translucent sides. No part of the letter may be open or transparent. “Channel” letters may be surface mounted or pin-mounted or bracketed off the wall surface or the face of the sign box.

Sign, Construction – A temporary sign erected on a site which designates individuals or firms relating to a construction project on the premises.

Sign, Directional – A sign which improves the flow and safety of vehicular and pedestrian circulation on a site through the use of messages such as parking in rear, drive through or shipping and receiving.

Sign, Flashing – Any Sign in which or upon which artificial light is not maintained stationary and constant in intensity and color at all times and specifically including signs that scroll, alternate, or otherwise move or change a message using lighting, screens, projections, or moving parts of any kind

Sign, Governmental – A sign erected and maintained pursuant to and in discharge of any governmental functions or required by law, ordinance, or other governmental regulations.

Sign, Ground – A freestanding sign placed on the ground or supported by a structure other than a building, such as an ornamental wall or fence.

Sign Related Terms Continued

Sign, Halo illuminated - A sign with individual and dimensional letters that is back lit and designed so no light projects through the sign and the light source is fully obscured within the letters of the sign.

Sign, Indirectly Illuminated - A sign illuminated either by an external, artificial light source projected upon the sign surface (floodlighting) or an artificial light source projected at the rear of an opaque surface (halo lighting).

Sign, Internally Illuminated - A sign illuminated by an internal, artificial light source (typically fluorescent, LED or incandescent light bulbs) which passes through a translucent surface, illuminating the copy and/or background.

Sign, Message Board/ Bulletin Board - A fixed wall or ground sign used to identify a business key products, services, or events, often seasonal or sale-related, but the message is allowed to be changed in conformance with these regulations, without requiring a sign permit each time the message is changed.

Sign, Menu Board - A sign that identifies specific products or services that may be ordered and obtained at a business, including sales at a drive-through facility.

Sign, Model Ground - A ground sign which is pre-approved by the Zoning Commission for immediate use as permitted in Section 7.3.D.1.e

Sign, Moving - Any sign, or any portion of any sign, which is not fixed or stationary, or which is capable of any movement whatsoever; excluding barber poles and clocks.

Sign, Multi-tenant - A free standing sign that identifies two or more establishments within a place of business.

Sign, Neon - A sign made of shaped glass tubing, illuminated by electrically charged neon or similar inert gases.

Sign, Off-site Promotional Model Ground - A promotional model ground sign limited to advertising either a bed and breakfast establishment or the sale of agricultural goods on a Residence District lot that is remotely located from the lot on which the sign is to be placed, as permitted in Section 7.3.D.1.f.

Sign, Off-Premises (Billboards) - A sign owned or operated by any person, firm or corporation engaged in the business of outdoor advertising for compensation for the use of such signs, or any sign advertising a commodity or activity not sold, produced or conducted on the lot.

Sign, Open - A flag or window sign indicating that an establishment is open for business.

Sign, Political – A temporary sign announcing or supporting political candidate or issues in connection with any national state, or local election.

Sign, Promotional Model Ground - A ground sign used to identify a business' key products, often seasonal or sale-related. Posts are anchored for public safety, but signage is changeable, as permitted in Section 7.3.D.1.f.

Sign, Public Interest - A temporary ground sign that advertises household sales, civic and philanthropic events.

Sign Related Terms Continued

Sign, Push Through – A sign with “push-through” letters which are translucent acrylic plastic letters inserted through the opaque face of a light cabinet; the face of the letters may be opaque or translucent. The fully contained light source within the light cabinet causes the translucent letter to glow and illuminates the face of the light box.

Sign, Real Estate – A temporary ground sign offering for sale or lease the property on which it is located or advertising a real estate development on the premises.

Sign, Roof – A sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and that project above the eave line of a building with a gambrel, gable, or hip roof.

Sign, Self-Standing – A sign that is a self-supported structure, erected on the ground and not accessory to any building or structure on the lot.

Sign, Sky – Any sign suspended in the air by means of a balloon or other lighter-than-air device.

Sign, Three Dimensional – Signs that consist of, or have attached to them, one or more three-dimensional objects (i.e. balls, cubes, clusters of objects, sculpture, or statue-like trademarks).

Sign, Vehicle – Any permanent or temporary sign affixed to, painted on, or placed in or upon any parked vehicle, parked trailer, or other parked device capable of being towed, which is obviously and conspicuously parked so as to advertise the business to the passing motorist or pedestrian; and the primary purpose of which is to provide additional on-lot signage, or is to serve the function of an outdoor advertising sign.

The primary purpose of such vehicle or equipment shall be presumed to be for the display of such signage if the vehicle/equipment meets one or more of the following:

- (a) Not in operating condition;
- (b) Not currently registered or licensed to operate on public streets;
- (c) Not actively used in the daily function of the business to which the signs relate;
- (d) Not properly parked in a designated parking space; or,
- (e) Used primarily as a static display for the display of such signage, except as otherwise authorized in subparagraph (d) in this section.

Vehicles and equipment engaged in active construction projects and the on-premise storage of equipment and vehicles offered to the general public for rent or lease shall not be considered to be vehicle signs

Sign, Wall or Attached – A sign mounted on the wall of a building.

Sign, Welcome New Business Model Ground – A temporary ground sign pre-approved by the Zoning Commission for a new business to use before permanent signage is erected.

Sign, Window – A sign painted on, affixed to, or placed within three feet of the interior face of a window or door and visible from the exterior.

Soil – Any unconsolidated mineral or organic material of any origin.

Soil Erosion and Sediment Control Plan – An overall approach that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.

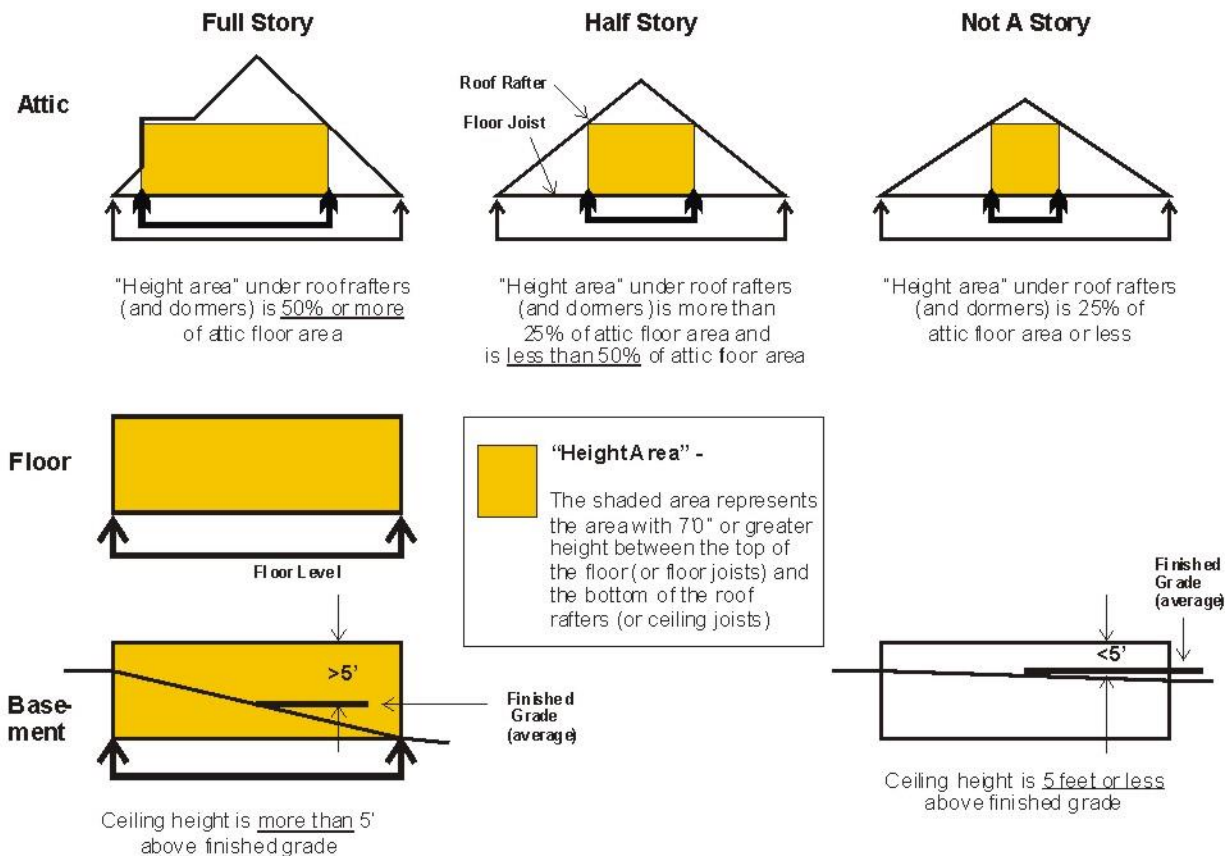
Special Permit – A permit that, upon approval by the Commission, allows a property owner to put his property to a use under conditions specified in these Regulations.

Story Related Terms

Story – The portion of a building, which is between the surface of a floor and the surface of the next floor above or, in its absence, the ceiling or roof above. A basement shall be counted as a story if the ceiling is more than five feet above the finished grade. An area under a roof shall not be considered a story or a half-story if the area under the roof (including dormers) has headroom of seven feet (7') or more for 25 percent or less of the total floor area.

Story, half – A space under a sloping roof where the area with headroom of seven feet (7') or more occupies more than 25 percent but less than 50 percent of the total floor area.

Diagram 2.6 – Story Diagram



Street – Any way which is an existing town or state highway or any way shown as a proposed public highway on a recorded subdivision map duly approved by the Planning Commission or Planning and Zoning Commission, which subdivision or portion thereof has not expired or otherwise been determined to be void.

Street Line – The dividing line between the street right of way and the parcel of land. Where such line has not been established, it is deemed for the purposes of these Regulations to be a line parallel to and twenty-five feet distant from the centerline of the traveled way or paved surface except at cul-de-sacs, turnarounds, and intersections where this distance may be increased by the Commission.

Structure – Anything constructed or erected which requires location on the ground or attachment to something having location on the ground. For the Flood Plain District, see the definition in Section 6.3 of these Regulations.

Substantial Improvement – See “Flood Related Terms”

T

Tattooing/ Tattoo Parlor – An establishment whose principal business activity is the practice of one or more of the following: placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin.

Terrace – an embankment with a level or nearly level top.

Terrace, Landscaped – an embankment with grass, flowers, or shrubbery planted on the level or nearly level top.

Trailer Related Terms

Travel Trailer – a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, camping, recreational and vacation uses, and when equipped for the road shall have a body width not exceeding eight (8) feet and which shall be eligible to be licensed/registered and insured for highway use.

Pick-up Coach or Pick-up Camper – a structure designed primarily to be mounted on a pick-up or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, camping, recreational and vacation uses only, and which shall be eligible to be licensed/registered and insured for highway use.

Motorized Camper/ Recreational Vehicle – a portable dwelling designed and constructed as an integral part of a self-propelled vehicle to be used as a temporary dwelling for travel, camping, recreational and vacation uses, and which shall be eligible to be licensed/registered and insured for highway use.

Tent Trailer – a folding structure, mounted on wheels to be used as a temporary dwelling for travel, camping, recreational and vacation uses, and which is eligible to be licensed/registered and insured for highway use.

Utility Trailer – a box, boat, horse or flat trailer designed to be towed by a non-commercial vehicle.

Commercial Trailer – is of a larger and heavier type trailer and shall include mobile office trailers, and trailers used as part of a business operation.

Trellis – a frame of latticework used especially for climbing plants

Town – The Town of Canton, Connecticut.

Unified Development Plan – Two or more contiguous parcels developed, operated and maintained as a single development.

U

Use – The purpose or activity for which land or buildings are designed, arranged, intended, occupied and/or maintained.

V

Veterinary Hospital – See *“Pet / Animal Facilities”*

W

Watercourse – As defined in CGS Section 22a-38, as amended.

Wetland – As defined in CGS Section 22a-38, as amended.

WPCA – Town of Canton Water Pollution Control Authority.

Y

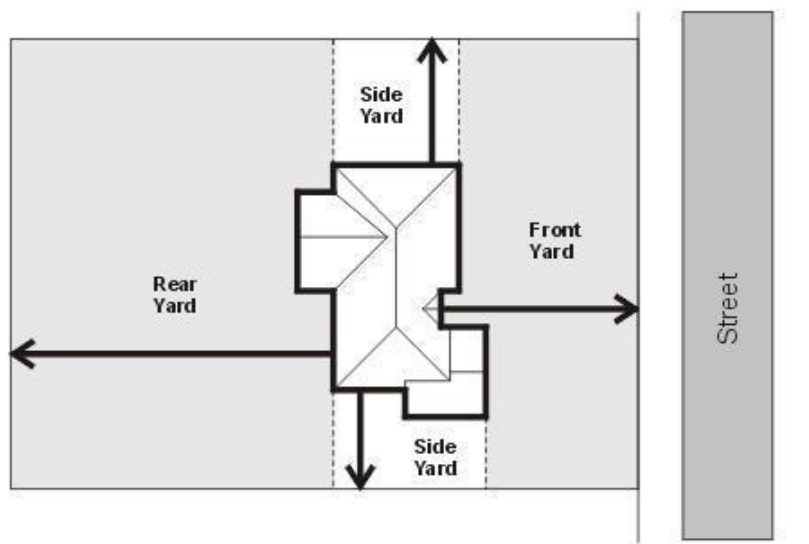
Yard – An area on the same property with a building which lies between said building and the nearest lot line (i.e. – the area defined from the structure outward). Also see “Yard Setback”.

Yard, Front – The area extending across the full width of a lot from the principal building or any covered porch, garage or addition which extends from the principal building to the front lot line.

Yard, Rear – The area extending across the full width of a parcel from the principal building or any covered porch, garage or addition which extends from the principal building to the lot line most opposite the front lot line. .

Yard, Side – The area from the principal building or any covered porch, garage or addition which extends from the principal building to a side lot line and located between the front yard and the rear yard.

Diagram 2.7 – “Yard” Location Diagram



Yard, Minimum Setback – The minimum distance required to be provided between a lot line and a building as measured from the appropriate lot line. (i.e. – an area defined from the property line inward). Also see “Yard”. (see Table 2.2 for exceptions to the minimum yard setback.)

Yard Setback, Corner Lots – A “corner lot” shall have 2 front yard setbacks and 2 side yard setbacks.

Yard Setback, Pie Shaped Lots – A “pie shaped lot” shall have 1 front yard setback and 2 side yard setbacks.

Diagram 2.8 – “Yard Setback” Location Diagram

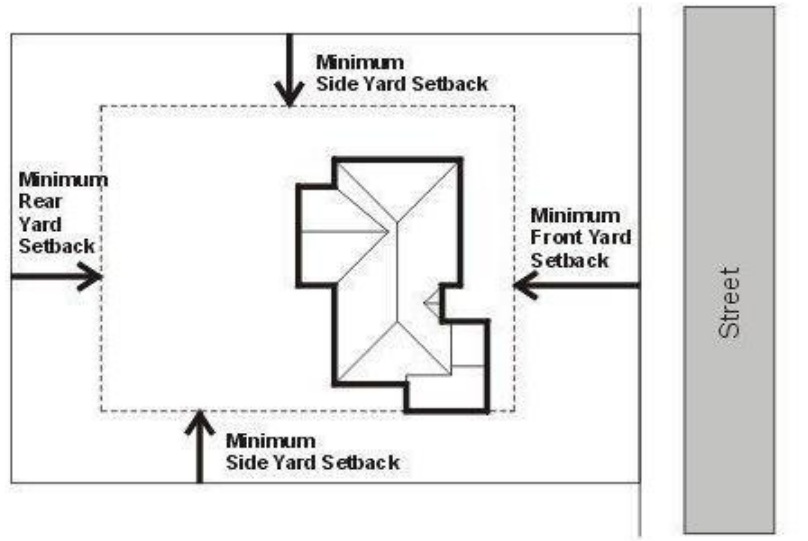
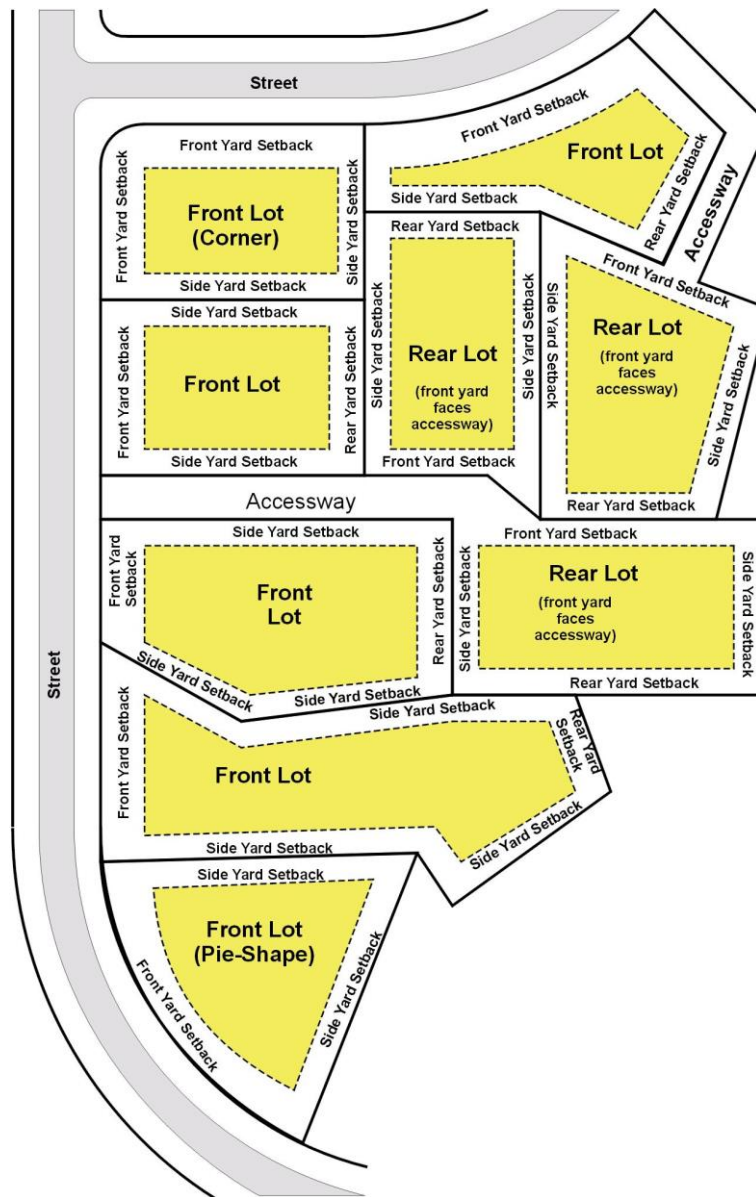


Diagram 2.9 – Multi-lot Yard Setback Configuration, Illustrated



Z

Zoning Board of Appeals (ZBA) – The Zoning Board of Appeals of the Town of Canton established under CGS 8-25.

Zoning Enforcement Officer (ZEO) – The administrative officer designated to administer the zoning ordinance and issue zoning permits and Certificates of Zoning Compliance, or his/her designee.

Zoning Permit – Various permits issued by the Zoning Enforcement Officer and shall include Pre-Construction Certificates, Certificates of Compliance, Sign Permits, and Home Based Business Permits, certifying that a use or any extension or alteration thereof, conforms to the requirements of the Zoning Regulations.

Table 2.1 – Coverage and Yard Setback Applicability

BUILDING(S)	Counts towards Building Coverage	Counts towards Impervious Coverage	Minimum Yard Setbacks Apply*
<ul style="list-style-type: none"> The surface area covered by all buildings on the lot (buildings, garages, outbuildings, etc.) except those specifically excluded in this table, as measured to the outside surface of the exterior walls. For a garrison colonial or similar cantilevered building, the measurement(s) will be made to the outermost wall(s). 	Yes	Yes	Yes
ROOF EAVES / OVERHANGS:			
<ul style="list-style-type: none"> If no portion projects more than 24 inches from the wall of the building. 	No	No	No
<ul style="list-style-type: none"> If any of the above criteria are not met 	Yes	Yes	Yes
CHIMNEYS:			
<ul style="list-style-type: none"> If the chimney projects no more than 30 inches from the wall of the Building, and If the chimney is no more than 7.5 feet wide 	No	No	No
<ul style="list-style-type: none"> If any of the above criteria are not met 	Yes	Yes	Yes
BOW OR BAY WINDOWS:			
<ul style="list-style-type: none"> If the bow or bay window portion, including any eave overhang of the window, projects no more than 24 inches from the wall of the building, <p>and</p> <ul style="list-style-type: none"> If the aggregate width of such windows on any façade of a Building shall not comprise more than 1/3rd of the width of that facade 	No	No	No
<ul style="list-style-type: none"> If any of the above criteria are not met 	Yes	Yes	Yes

Table 2.1 – Coverage and Yard Setback Applicability (continued)

OTHER BUILDING FEATURES:	Counts toward Building Coverage	Counts toward Impervious Coverage	Minimum Yard Setbacks Apply*
<ul style="list-style-type: none"> Gutters and leaders 	No	No	No
<ul style="list-style-type: none"> Columns, brackets, and pilasters if: <ul style="list-style-type: none"> such features are no more than 24 inches wide and, no portion projects more than 12 inches from the wall of the building, 	No	No	No
<ul style="list-style-type: none"> Columns, brackets, and pilasters if any of the above criteria are not met 	Yes	Yes	Yes
<ul style="list-style-type: none"> Other minor architectural features if no portion: <ul style="list-style-type: none"> projects more than 12 inches from the wall of the building, 	No	No	No
<ul style="list-style-type: none"> Other minor architectural features if any of the above criteria are not met 	Yes	Yes	Yes
DRIVES / WALKS:			
<ul style="list-style-type: none"> Driveways 	No	Yes	No
<ul style="list-style-type: none"> Porte cocheres or covered driveways 	Yes	Yes	Yes
<ul style="list-style-type: none"> Uncovered walkways (including wheelchair ramps) 	No	Yes	No
<ul style="list-style-type: none"> Covered walkways and breezeways as measured to the outside surface of the exterior walls or columns 	Yes	Yes	Yes
FENCES / WALLS:			
<ul style="list-style-type: none"> Fences (6 feet or less in height) 	No	No	No
<ul style="list-style-type: none"> Fences (more than 6 feet high) 	No	No	Yes
<ul style="list-style-type: none"> Freestanding walls (4 feet or less in height) 	No	No	No
<ul style="list-style-type: none"> Freestanding walls (more than 4 feet high) 	No	No	Yes

Table 2.1 – Coverage and Setback Applicability (continued)

BALCONIES / DECKS / PATIOS:	Counts toward Building Coverage	Counts toward Impervious Coverage	Minimum Yard Setbacks Apply*
<ul style="list-style-type: none"> Balconies provided : <ul style="list-style-type: none"> no portion projects more than 24 inches from the wall of the building, and, the balcony is not more than 7.5 feet wide 	No	No	No
<ul style="list-style-type: none"> Balconies if any of the above criteria are not met 	Yes	Yes	Yes
<ul style="list-style-type: none"> Decks if the deck surface at the outer edge is less than 18" in height above the adjacent finished grade measured at the edge of the deck 	No	Yes	No
<ul style="list-style-type: none"> Decks if the deck surface at the outer edge is 18" or more in height above the adjacent finished grade measured at the edge of the deck 	No	Yes	Yes
<ul style="list-style-type: none"> Open patios if: <ul style="list-style-type: none"> the patio surface at the outer edge is 18" or less in height above the adjacent finished grade, and such adjacent finished grade is not created through use of a retaining wall located within 4 feet of the patio 	No	Yes	No
<ul style="list-style-type: none"> Open patios if any of the above criteria are not met 	No	Yes	Yes
<ul style="list-style-type: none"> Roofed patios 	Yes	Yes	Yes
<ul style="list-style-type: none"> Awnings covering no more than 24 square feet in area per lot 	No	No	No
<ul style="list-style-type: none"> Awnings covering more than 24 square feet in area per lot 	Yes	Yes	Yes
<ul style="list-style-type: none"> Landscaped terrace if the wall is 4 feet or less in height, and set below a 1:1 incline from the lot line 	No	No	No
<ul style="list-style-type: none"> Landscaped terrace if the wall is greater than 4 feet in height or set above a 1:1 incline from the lot line 	No	No	Yes
<ul style="list-style-type: none"> Finished terrace if the terrace surface at the outer edge is less than 18" in height above the adjacent finished grade measured at the edge of the terrace 	No	Yes	No
<ul style="list-style-type: none"> Finished terrace if the terrace surface at the outer edge is 18" or more in height above the adjacent finished grade measured at the edge of the terrace 	No	Yes	Yes

Table 2.1 – Coverage and Setback Applicability (continued)

	TRELLISES / PERGOLAS:	Counts toward Building Coverage	Counts toward Impervious Coverage	Minimum Yard Setbacks Apply*
	• Trellises (24 square feet or less in area)	No	No	No
	• Trellises (more than 24 square feet in area)	No	No	Yes
	• Pergolas / arbors (24 square feet or less in area)	No	No	No
	• Pergolas / arbors (more than 24 square feet in area)	No	No	Yes
	PORCHES / GAZEBOS:			
	• Open porches (or roofed exterior landings) 24 square feet or less in area measured to edge of platform	No	Yes	Yes
	• Open porches (or roofed exterior landings) more than 24 square feet in area measured to edge of platform with no enclosed floor space above	Yes At 50% of the roofed area	Yes	Yes
	• Open porches (or roofed exterior landings) more than 24 square feet in area measured to edge of platform with enclosed floor space above	Yes	Yes	Yes
	• Closed porches	Yes	Yes	Yes
	• Gazebos	Yes	Yes	Yes
	STEPS / STOOPS / ENTRIES/ RAMPS:			
	• Unroofed exterior steps, stairs, and landings not exceeding 6 feet in length and 6 feet in width inclusive of an exempt porch	No	Yes	No
	• Unroofed exterior steps, stairs, or landings exceeding 6 feet in length and 6 feet in width inclusive of an exempt porch	No	Yes	Yes
	• Entryways for below grade access attached to the main building (i.e. - basement hatchway doors) that are no greater than 3 feet above finished grade or 6 feet in length and 6 feet in width	No	Yes	No
	• Entryways for below grade access attached to the main building (i.e. - basement hatchway doors) no greater than 3 feet above finished grade and no greater than 6 feet in length and 6 feet in width	No	Yes	Yes
	• Access ramps for the handicapped may be extended into any required yard setback, subject to the approval of the ZEO, upon demonstration by the applicant that there is no other reasonable alternative	No	No	No

Table 2.1 – Coverage and Setback Applicability (continued)

RECREATION FACILITIES:	Counts toward Building Coverage	Counts toward Impervious Coverage	Minimum Yards Setbacks Apply*
• Swimming pools or hot tubs	No	Yes	Yes
• At finished grade tennis courts, basketball courts, sports courts, or similar recreation surfaces	No	Yes	Yes
• Above finished grade recreation surfaces	Yes	Yes	Yes
ACCESSORY BUILDINGS / FEATURES:			
• One accessory building (such as a tool shed) of 100 SF or less in gross floor area as measured to the outside surface of the exterior walls	No	No	Yes
• Accessory buildings greater than 100 SF in gross floor area	Yes	Yes	Yes
• One or more additional accessory buildings totaling more than 100 SF in gross floor area	Yes	Yes	Yes
• Dog houses, playscapes, tree houses, and other minor structures which do not require a building permit	No	No	No
• Small accessory or ornamental features such as a bird baths, well casings, etc.	No	No	No
• Any dish antenna mounted off the ground on a base or riser on the ground	No	No	Yes
• Above ground propane tanks (up to 125 gallons)	No	No	No
• Above ground propane tanks (more than 125 gallons)	No	No	Yes
• Emergency generators, exterior HVAC equipment, pool equipment	No	Yes	Yes
• Concrete pads for emergency generators, exterior HVAC equipment, pool equipment	No	Yes	Yes

* Minimum Yard Requirements may be reduced for certain accessory buildings.

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3. RESIDENTIAL (R) DISTRICTS

3.1. Purposes

- A. The Residential (R) districts are intended to provide suitable areas primarily for residential uses and development appropriate to the environmental characteristics of the land and character of the neighborhood. The primary difference between the various R districts is to provide a variety in size and density of residential neighborhoods.. These districts are also intended to promote residences while taking into consideration topography, soils, wetlands, natural features, historic assets, agricultural heritage, availability and capacity of infrastructure, and other similar features.
- B. Certain non-residential uses may be allowed in R districts when such uses are compatible with nearby residential uses and preserve neighborhood character.

3.2. Principal Uses and Structures

3.2.A. PERMITTED AS OF RIGHT

1. **Conservation Uses** – Open space, natural areas and preserved lands including wildlife sanctuaries, flood protection facilities, conservation areas, pedestrian or bicycle greenway trails, and other lands in a natural condition.
2. **Agricultural Uses** – Agriculture and farming.

3.2.B. PERMITTED WITH ZONING PERMIT (STAFF)

1. **Residential Uses**
 - a. One (1) single-family dwelling unit per parcel.
 - b. A second single-family dwelling unit of no more than 3,500 square feet on any parcel of more than 50 acres where the Town has acquired development rights (an interest in the parcel limiting its development).

3.2.C. PERMITTED BY SPECIAL PERMIT AND SITE PLAN APPROVAL (COMMISSION)

1. **Residential Uses**
 - a. A boarding house.
 - b. A group home.
 - c. A continuing life care community home.
 - d. A two-family dwelling per parcel in the R-1 and R-SL District only.

2. Recreation Uses

- a. Riding stables, equestrian clubs, polo clubs provided that:
 - i. The parcel contains at least ten (10) acres;
 - ii. Any non-residential building shall be located at least 125 feet from any street line and at least 150 feet from any side or rear lot line; and
 - iii. Any storage of manure and any storage or use of any material producing odor or dust shall be located at least 200 feet from any lot line, and at least 300 feet from any wetland or watercourse.
- b. Horse shows provided that:
 - i. The parcel contains at least fifty (50) acres;
 - ii. Any non-residential building shall be located at least 125 feet from any street line and at least 150 feet from any side or rear lot line; and
 - iii. Any storage of manure and any storage or use of any material producing odor or dust shall be located at least 200 feet of any lot line.
- c. A day camp provided that:
 - i. There shall be a minimum of 2,000 square feet of site area for each camper;
 - ii. All buildings, structures, and areas of organized activity, such as baseball diamonds, basketball courts, riding areas, swimming pools, etc., shall be located at least 50 feet from all lot lines or street lines;
 - iii. The only residential uses permitted on the site shall be two (2) single family dwelling units, and such dwelling units shall comply with the applicable provisions of these Regulations for the District in which they are located; and
 - iv. No outdoor floodlighting or public address system shall be permitted.
- d. Residential summer camp provided that:
 - i. The parcel contains at least fifty (50) acres;
 - ii. At least forty percent (40%) of the gross land area of the camp is maintained for open space or passive recreational use;
 - iii. Active recreational areas shall be provided and shall be centrally and strategically located to the extent possible;
 - iv. Recreational facilities and buildings shall not be located within designated open space areas unless expressly permitted elsewhere by the Commission; and
 - v. A recreational facilities plan shall be submitted as part of the site plan.

3.3. Accessory Uses & Structures

3.3.A. GENERAL LIMITATION

1. Accessory buildings, structures and uses shall be located on the same lot as the principal building, structure or use to which they are accessory.
2. Accessory buildings, structures and uses shall not be located on a lot without the establishment of a permitted principal use, nor shall any new lot be created that has an accessory building, structure or use without a principal use.
3. Accessory uses and structures are permitted as provided in this section provided that:
 - a. Accessory buildings shall be included in the maximum building coverage specified in Table 3.4.F.1; and
 - b. Accessory structures shall comply with the minimum yard setbacks for accessory structures on Table 3.4.E.2.

3.3.B. PERMITTED AS OF RIGHT

1. **Agricultural and Animal Related Uses & Structures**
 - a. **Agriculture and farming operations.**
 - b. **Storage of vehicles and equipment** necessary for, used for, and accessory to agriculture and farming operations on a farm, provided such vehicles and equipment shall not be used elsewhere for non-farming purposes except for snow plowing.
 - c. **Limited Farm Stand** – A farm stand less than 40 square feet in area for the sale of agricultural products grown on the premises. Any such structure may be located in the front yard and shall be located at least ten feet (10') from any side lot line.
 - d. **Accessory Agricultural Buildings and Structures** provided that:
 - i. Such structures shall not be located closer than 100 feet from any street line and 50 feet from any lot line;
 - ii. Buildings housing livestock and/or animal waste and refuse on any parcel shall be located at least 100 feet from any lot line; and
 - iii. Agricultural buildings and structures greater than 1,000 square feet on a farm parcel of less than 3 acres and any limited farm parcel require special permit approval per Section 3.3.D.2.b.
 - e. **Domestic Animals** - Keeping of domesticated animals as pets by the residents for their personal enjoyment, but not including hooved animals or poultry.
 - f. **Farm Animals** - Hooved animals, poultry, and livestock on a farm or limited farm.
 - g. **Hooved Animals** - The keeping of hooved animals by the residents for their personal use and enjoyment provided that:
 - i. For horses, ponies, mules, donkeys, and cattle, the property lot shall contain two acres of land for the first such animal and an additional one acre of land for each additional animal;
 - ii. For llamas, alpacas, sheep, goats, swine or similar animals, the lot shall contain one acre of land for the first such animal and an additional 20,000 square feet of land for each additional animal;

- h. **Poultry** - The keeping of poultry by residents for their personal use and enjoyment provided that:
 - i. The lot shall contain at least one-half acre of land; and
 - ii. There shall be no more than ten (10) fowl per every one-half (1/2) acre.

2. Home-Based Business Uses

- a. **Home Based Business, Minor** – A home based business located within the principal dwelling and operated by a resident of the premises provided that:
 - i. The home based business shall not have more than one (1) non-resident (of the premises) full or part time employee working on the premises;
 - ii. The area devoted to the home based business shall not exceed thirty percent (30%) of the area of the principal dwelling, exclusive of garage, attic, and basement; and
 - iii. The home-based business shall not:
 - 1. produce any changes in the traffic characteristics of the neighborhood;
 - 2. have more than routine mail and incidental package delivery;
 - 3. have, use or store any equipment beyond what is normal to a single family residence;
 - 4. have, use or store any hazardous material beyond what is normal to a single family residence;
 - 5. have, use or store a trailer associated with the home based business beyond what is allowed by Section 3.3.B.6.c.
 - 6. produce any noise or electrical interference beyond what is normal to a single family residence;
 - 7. demonstrate any visible exterior evidence of the business (including, but not limited to, visibility of the contents of a garage by leaving a garage door open for extended periods of time), except as allowed by Section 3.3.B.3.a.iii or Section 3.3.B.3.a.i;
 - 8. result in the parking of more than one commercial vehicle on the lot or on adjacent street, beyond the limitations of Section 3.3.B.3.a.i; or
 - 9. have signs in addition to those allowed by Section 7.3.C.
- b. **Family Day Care** – A family day care home operated by a resident and licensed under the applicable provisions of the CGS, as amended.
- c. **Bed and Breakfast, Minor** - Bed and Breakfast provided that:
 - i. The owner of the Bed and Breakfast shall live on the lot;
 - ii. The Bed and Breakfast shall be limited to 3 or fewer guests;
 - iii. Rented rooms shall be accessed from within the structure;
 - iv. The structure and premises shall meet the minimum lot area and dimensional requirements for the district in which it is located; and
 - v. Such facilities shall not include provisions for cooking in the rented rooms.

3. Parking Uses & Structures

- a. **Outside Parking** – Outside parking of up to six (6) automobiles and one (1) commercial vehicle provided that:
 - i. Only one (1) commercial vehicle, with a gross vehicle weight rating of 14,000 lbs. or less operated by the owner and/or resident of the lot may be parked on a lot at any time;
 - ii. Such parking shall be in accordance with any other provisions of these Regulations and other applicable laws and ordinances, and
 - iii. No unregistered motor vehicle may be stored on a lot for more than thirty (30) days in a location where it is visible from the street or from adjacent lots.

4. Typical Accessory Structures

- a. **Minor Accessory Structures** – Minor accessory structures customarily and reasonably incidental to a permitted principal use (such as dog houses, swing sets, bird baths, etc.), excluding solar panels, windmills or other structures classified as being accessory elsewhere in these regulations.

5. Shed Uses

- a. **Minor Accessory Building** - one or more minor accessory building(s).

6. Other Accessory Uses

- a. **Outdoor Lighting** – Outdoor residential lighting in accordance with Section 7.4.
- b. **Tag Sales** – Tag sales and garage sales, provided that a tag or garage sale shall not exceed three (3) consecutive days and shall not exceed nine (9) calendar days in any one (1) calendar year.
- c. **Recreational Equipment Storage** – Storage of camping or recreational equipment such as a recreational boat, travel trailer, a tent trailer, campers, pick-up camper, or a recreational vehicle provided that:
 - i. At no time shall such equipment be occupied or used for living, sleeping or housekeeping purposes;
 - ii. There shall be no connections to any utility service, including electrical, heat, water and sewage disposal service;
 - iii. If such equipment is parked or stored outside of a garage, it shall only be parked or stored in a neat and orderly manner and shall only be parked in a location which conforms to the minimum yard setbacks for accessory structures as shown on Table 3.4.E.2;
 - iv. In Residence Districts parking or storage of any such equipment on any lot shall be limited to one (1) such piece of equipment per dwelling unit on the lot, except that one (1) additional utility trailer may be parked or stored per acre of lot area. Said trailers shall be registered in the name of and be the legal property of an occupant of the principal building on the lot; and,
 - v. Notwithstanding the provisions of these Regulations, any such trailers may be parked anywhere on the lot for servicing, cleaning, loading or unloading purposes for a period not to exceed three (3) days.
- e. **Equipment Storage** – Storage of non-farm vehicles, construction equipment (such as backhoes), or other equipment provided that such equipment is:
 - i. located within a garage or an accessory building; or
 - ii. screened from the street or from surrounding property.
- f. **Solar panels** - Building-mounted solar panel(s).
- g. **Temporary Storage** - A temporary storage structure of 1,025 cubic feet (8' x 8' x 16') or less for a period of up to sixty (60) days in any twelve month period, provided that such structure shall not be located in a required side yard setback or rear yard setback.
- h. **Storage of fuel** - Storage of liquid fuel in tanks having a capacity of 2,000 gallons or less provided such storage shall not be located in a required yard setback.
- d. **Additional Uses** - Other accessory uses customarily and reasonably incidental to a permitted principal use, unless otherwise prohibited, provided that any such use shall not be conducted in the front yard unless it is located at least 75 feet from the street.

3.3.C. PERMITTED WITH ZONING PERMIT (STAFF)

1. Accessory Dwelling Uses & Structures

- a. **Attached Accessory Dwelling** – One (1) accessory dwelling unit within or attached to the main dwelling unit provided that it conforms to all of the following requirements:
 - i. The owner of the lot shall occupy either the principal dwelling unit or the accessory dwelling unit;
 - ii. The area devoted to the accessory dwelling unit shall not exceed thirty percent (30%) of the area of the principal dwelling, exclusive of garage, attic, and basement;
 - iii. The accessory dwelling unit shall not be billed separately from the principal dwelling unit for utilities;
 - iv. The accessory dwelling unit shall be accessible from the principal dwelling by an operable door along a common wall;
 - v. The accessory dwelling unit shall not be located in a basement or story below the first floor unless more than 25% of the perimeter of the accessory dwelling unit opens to grade and the ceiling is more than five (5) feet above that grade;
 - vi. Only one accessory dwelling unit shall be permitted for each lot;
 - vii. No accessory dwelling unit shall be approved as part of a multiple dwelling unit or a multi-family development;
 - viii. The lot shall conform to the minimum lot area requirement for the district;
 - ix. The principal dwelling unit and the accessory dwelling unit shall comply with the building code and health and safety regulations;
 - x. Upon establishment of the accessory dwelling unit, the building shall:
 1. maintain the exterior appearance and style (roof line, roof pitch, building materials, window style and spacing, etc.) of a single-family residence;
 2. have any secondary entrance incorporated into the principal residence to reflect the architectural style of a single-family unit; and
 3. share access from the public right-of-way and parking facilities shall serve both the principal and accessory units.

2. Agricultural Uses

- a. **Limited Farm Stand** – Limited farm stand between 40 square feet and 200 square feet in area for the sale of agricultural products provided:
 - i. The farm shall contain not less than three (3) acres of land devoted to growing edible crops and agricultural produce that is available for sale on the farm;
 - ii. 70% of gross sales shall be from agricultural goods produced on the owner's farm.;
 - iii. Such farm stand may be located in the front yard and shall be located at least ten (10) feet from any side lot line;
 - iv. The extent and type of any products to be sold, any activities to be conducted, and any classes to be offered on the lot shall be clearly stated in the application or shall be considered to be prohibited; and
 - v. To ensure public safety, such farm stands are required to provide parking with adequate ingress and egress not in a public right-of-way (permeable parking surface is preferred).
- b. **Agricultural Processing Activities** – the storage, packaging, processing, or bottling of farm products grown on such farm.
- c. **Carriage, Wagon, and Sleigh Rides and Animal Petting Areas** – provided that parking is provided parking with adequate ingress and egress not in a public right-of-way (permeable parking surface is preferred).
- d. **Seasonal "Pick Your Own" Fruit and Vegetables** – provided that parking is provided parking with adequate ingress and egress not in a public right-of-way (permeable parking surface is preferred).

- e. **Temporary Events and Accessory Food Service** - such as a banquet, wedding, wine tasting, or similar event provided that:
 - i. such events shall be limited to no more than six (6) in any calendar year;
 - ii. such events shall not occupy more than 5,000 sq. ft. of gross floor area, including tents or other temporary shelters;
 - iii. no temporary structures, tents, accessory parking or other facilities necessary to conduct the event shall be located within 100 feet of the lot line;
 - iv. evidence must be submitted that any food service has been approved by the Farmington Valley Health District;
 - v. any temporary outdoor lighting necessary to conduct the event shall comply with Section 7.4;
 - vi. the use of a public address system more than once in any calendar year is prohibited unless letters of consent from abutting lot owners are submitted to the ZEO, or that it can be reasonably demonstrated to the ZEO that the use of such system will not create a nuisance to surrounding residences; and
 - vii. parking is provided parking with adequate ingress and egress not in a public right-of-way (permeable parking surface is preferred).

3. Home-Based Business Uses

- a. **Group Day Care Home** –A group day care home operated by a resident of the dwelling and licensed under the applicable provisions of the CGS, as amended, provided that:
 - i. There is at least 10,000 square feet of contiguous land available on the lot;
 - ii. Recreation area(s) and structures shall not be located within the front, side and rear yard setback requirements of the District;
 - iii. There is a landscaped buffer between the recreation area(s) and any adjacent residential properties; and,
 - iv. Parking and loading areas shall be provided as follows: 1 space per 4 residents, plus 1 space per employee/ caregiver.

4. Other Accessory Uses

- a. **Temporary Storage** - A temporary storage (60-120 days) structure of less than 1,025 cubic feet (8' x 8' x 16') for a period of more than sixty (60) days and less than one hundred twenty (120) days in any twelve month period provided that such structure shall not be located in a required side yard setback or rear yard setback.
- b. **Donation Drop Boxes** - One donation drop box may be located on a "Non-Residential Lot" (as defined under Section 6.4.B), or on a lot located within a "Residence District" occupied by an institutional use (such as a church, school, fire station, community center, or other similar use)subject to the following conditions:
 - i. No donation drop box shall occupy an existing required parking space, occupy or obstruct an existing travel or pedestrian way, or be located within a required landscape area;
 - ii. All donated materials shall be completely contained within the box;
 - iii. All boxes must be frequently emptied of donated items;
 - iv. There shall be no more than twenty donation drop boxes located within the Town with no more than five such boxes provided by any one organization;
 - v. No donation drop box shall be installed without the prior issuance of a zoning permit by the Zoning Enforcement Officer (ZEO). Such permit shall expire one year from the date of issuance, unless a request for renewal is submitted, and approved by the ZEO;
 - vi. Donation drop boxes are not subject to the provisions of Section 9.1, Site Development Plans; and
 - vii. Renewal of the zoning permit shall not be permitted for donation drop boxes that do not meet the standards of this section.

3.3.D. PERMITTED BY SPECIAL PERMIT AND SITE PLAN (COMMISSION)

1. Accessory Dwelling Uses

- a. **Attached Accessory Dwelling** - An accessory dwelling unit within or attached to the main dwelling unit which does not comply with the provisions of Section 3.3.C.
- b. **Detached Accessory Dwelling - One (1) accessory dwelling unit detached from the main dwelling unit provided that:**
 - i. The owner of the lot shall occupy either the principal dwelling unit or the accessory dwelling unit;
 - ii. The lot shall conform to the lot area, lot shape and frontage requirements for a lot in that Zoning District and the detached accessory dwelling unit shall be located on the same lot with the primary dwelling unit to which it is accessory;
 - iii. The accessory dwelling unit shall not be billed separately from the principal dwelling unit for utilities;
 - iv. No detached accessory dwelling unit shall be permitted in a basement or story below the first floor unless more than 25% of the perimeter of the accessory dwelling unit opens to grade and the ceiling is more than five (5) feet above that grade;
 - v. No detached accessory dwelling unit shall be permitted within any accessory buildings that that is located in the front yard or that does not meet the minimum yard requirements of Section 3.4.E;
 - vi. When a detached accessory dwelling unit is proposed within a local historic district, the building containing the detached accessory dwelling unit shall have received a Certificate of Appropriateness from the Historic District Commission before being issued a zoning permit; and
 - vii. There shall be approval by the Farmington Valley Health District, Canton WPCA, and or Water Company, of adequate provision of water supply and sewage disposal.

2. Agricultural Uses

- a. **General Farm Stand** - A general farm stand provided that:
 - i. At least 50% of gross sales shall be from agricultural goods produced on the owner's farm, or processed products made from raw materials that were produced on the owners farm, or purchased from other farms or farmers markets in the region;
 - ii. Such farm shall contain not less than three (3) acres of land devoted to growing edible crops and agricultural produce that is available for sale on the premises;
 - iii. The Farm Stand may be located in a front yard and shall not be located closer than ten (10) feet to any side lot line;
 - iv. The extent and type of any products to be sold, any activities to be conducted, and any classes to be offered on the premises shall be clearly stated in the application or shall be considered to be prohibited;
 - v. Outside displays and sales may include and shall be limited to agricultural goods or processed products at the farm stand, window sales of ice cream and baked goods with related tables and seating, seasonal agricultural products, flowers, and Christmas trees and wreaths;
 - vi. Inside displays and sales may include and shall be limited to vegetables, fruit, produce, flowers, organic produce, honey, herbs, nuts, jams, baked goods, coffee, dairy and poultry products, smoked meats, Christmas trees and wreaths;
 - vii. In addition to these agricultural products, the sale of locally produced arts and crafts items may be permitted;
 - viii. As an extension of the agricultural retail use, classes in agriculture and related subjects may be permitted;
 - ix. The design, architecture and aesthetics of any proposed farm stand structure shall reflect and be compatible with existing farm structures in Canton and the surrounding area; and

- x. Parking is provided parking with adequate ingress and egress not in a public right-of-way (permeable parking surface is preferred). Provided parking shall not exceeded 3 square feet in area for every one square foot of building footprint of the farm stand.
 - c. **Accessory Agricultural Buildings and Structures** - greater than 1,000 square feet on a farm parcel of less than 3 acres and any limited farm parcel.
 - d. **Commercial animal slaughtering** as part of an active farm.
3. **Home-Based Business Uses**
- a. **Major Home Based Businesses** - A Home Based Business provided that:
 - i. The operator of the Home Based Business shall live on the lot;
 - ii. The Major Home Based Business shall clearly identify how it will comply with the criteria established in Section 3.3.B.2.a and if it will not comply with those criteria, how it will accomplish the intended purpose;
 - iii. The Major Home Based Business shall clearly identify how it will comply with the special permit criteria of Section 9.2.E;
 - iv. The Major Home Based Business shall not have more than three (3) non-resident full or part time employees working on the premises;
 - v. The Commission may regulate the hours of operation;
 - vi. Any parking, loading or service areas, and number of commercial vehicles shall be clearly identified on a plan and the Commission may require that such areas be screened from the view of adjacent residential lots and from the street with landscaping or other features;
 - vii. Any material storage or equipment storage areas shall be clearly identified on a plan and the Commission may require that such areas be located inside a building and/or be screened from the view of adjacent residential lots and from the street with landscaping or other features;
 - viii. The Commission may specify the type, location and direction of any outside illumination;
 - ix. The Commission shall require evidence of adequate sanitary and water service facilities to accommodate employees, clients, and other uses; and
 - x. The parking and storage of more than one commercial vehicle shall not be allowed in R1, R2 and R-SL districts.
 - b. **Bed and Breakfast, Major** - Bed and Breakfast provided that:
 - i. The operator of the Bed and Breakfast shall live on the lot;
 - ii. The structure and premises shall meet the minimum lot area and dimensional requirements for the district in which it is located;
 - iii. Such facilities shall not include provisions for cooking in the rented rooms.
 - iv. There shall be adequate provisions for water supply and sewage disposal as approved by the Farmington Valley Health District and/or the Canton Water Pollution Control Authority;
 - v. The facility shall be compatible with the character of the surrounding area;
 - vi. The Commission may require parking areas to be screened by fences, walls or hedges;
 - vii. The Fire Marshal and Building Official shall find that the structure and premises are in satisfactory condition and capable of supporting the intended use; and
 - viii. As part of a Special Permit, application the applicant may apply for a Restaurant Class I, II, or III, outdoor dining, banquet facilities, alcohol sales, massage therapy, or personal service business specific to a spa, allowed under Section 4 when accessory to a Bed and Breakfast provided all other requirements for such uses have been met.

4. **Parking Uses**

- a. **Outside Parking** - Outside parking on a lot of:
 - i. more than six (6) automobiles;
 - ii. one (1) or more vehicle with a gross vehicle weight rating of 16,000 pounds or more.

5. **Energy Related Uses**

- a. **Solar Panels** - Ground-mounted solar panel(s) provided that such panel(s):
 - i. do not exceed fifteen (15) feet in height including all supporting structures;
 - ii. are not located within a front yard;
 - iii. are not located within any required yard setback;
 - iv. are fully screened from any adjacent lot line and the street line; and
 - v. are permanently anchored in compliance with the State Building Code.
- b. **Windmills** - Windmills accessory to a permitted use provided that:
 - i. The lot shall have at least one acre of land for each windmill;
 - ii. No lot shall have more than two (2) windmills;
 - iii. No windmill structure shall:
 - 1. exceed eighty (80) feet in total building height;
 - 2. be located within a front yard; and
 - 3. be located in any required yard setback.
 - iv. No rotor blade(s) shall extend closer than fifteen (15) feet to the ground surface;
 - v. The distance from the windmill to any lot line shall not be less than the height of the tower, including the top of the sweep of the blade system. The Commission may modify or waive this requirement if the tower is engineered to collapse in a manner that would not impact abutting lots;
 - vi. All power transmission lines from the tower to any building or other structure shall be located underground;
 - vii. Television, radio or other communication antennas may be affixed or otherwise made part of such wind energy conversion system, provided that such antenna shall not be installed higher than the top sweep of the blade system;
 - viii. No climbing pegs shall be located closer than 12 feet to the ground level at the base of the structure for freestanding single pole or guyed tower. A six-foot-high fence with a locking portal shall be required to enclose lattice towers;
 - ix. An automatic braking, governing or feathering system shall be required to prevent uncontrolled rotation at wind speeds greater than forty (40) miles per hour; and
 - x. The Commission may consider anticipated noise generation and its effect on surrounding properties.
- c. **Outdoor Wood Burning Furnaces** - Outdoor Wood Burning Furnaces, as defined by P.A. 05-227 CGS 22a-174k (as amended), within R-3 districts only.

6. **Other Accessory Uses & Structures**

- a. **Utility** - Utility structures, including new facilities and any major expansion over or in addition to existing facilities.
- b. **Temporary Facility** - A temporary building or use, including a non-conforming use, shown to be necessary pending construction of a conforming building or use, for one year, but renewal permits for successive periods of may be granted.

- c. **Equipment Storage** – Storage of non-farm vehicles, construction equipment (such as backhoes), or other equipment beyond the limitations of Section 3.3.B.6.e.
- d. **Storage of fuel** - Storage of liquid fuel in tanks having a capacity exceeding 2,000 gallons provided such storage shall not be located in a required yard setback.
- e. **Temporary Storage** - A temporary storage (more than 120 days) structure of less than 1,025 cubic feet (8' x 8' x 16') for a period of more than one hundred twenty (120) days in any twelve month period, provided that such structure shall not be located in a required side yard setback or rear yard setback.

3.4. Area and Dimensional Requirements

3.4.A. MINIMUM LOT AREA

Except as may be otherwise provided in these Regulations, a lot shall contain at least the lot area specified below for the Zoning District it is in:

Table 3.4.A - Minimum Lot Area

District	Front Lot		Rear Lot	
	Square Feet	Acres	Square Feet	Acres
R-1	21,780	0.5	32,685	0.75
R-2	43,560	1.0	65,340	1.5
R-3	87,120	2.0	130,680	3.0
R-SL	21,780	0.5	32,685	0.75

See definition of lot area for guidance on how to measure lot area.

3.4.B. MINIMUM SQUARE

Each lot shall be of such configuration that a minimum square (See Diagram 2.5 – Minimum Square) of 100 linear feet per side will fit within the lot.

Table 3.4.B - Minimum Square

District	Minimum Square (linear feet per side)
R-1	100
R-2	100
R-3	100
R-SL	100

3.4.C. MINIMUM LOT FRONTAGE

1. Except as may be otherwise provided in these Regulations, every front lot shall contain at least the following frontage upon a public street for the Zoning District in which the lot is situated:

Table 3.4.C - Minimum Lot Frontage

District	Minimum Frontage (Linear Feet)
R-1	100
R-2	150
R-3	200
R-SL	100

2. The minimum frontage for a front lot may be measured along the front yard setback line when:
 - a. The side lot lines converge toward the street; and
 - b. The average width of the lot exceeds the frontage requirement for the district in which it is located.
3. In the case of a corner lot, the minimum frontage shall be measured along both front lot lines,

3.4.D. REAR LOTS

1. Rear lots in residential districts may be permitted through the granting of a special permit by the Commission during the subdivision approval process. A special permit shall not be required for a lot not subject to subdivision.
2. Rear lots shall be permitted only in residential districts, provided that:
 - a. The rear lots conform to all requirements prescribed for the district in which they are located except that the front yard setback and the lot area shall be at least one and one-half times the minimum such requirement for the district. In computing lot area, the access way, whether owned in fee or over an easement area, extending from the front lot line to the public roadway shall not be counted towards satisfying this requirement;
 - b. The rear lots shall be provided with an access way at least 30 feet wide to a public street unless the access way serves more than one lot or if such lot is more than three times the minimum lot size required for the district in which case such access way shall contain at least 50 feet of width. The access way of land shall be owned in fee by the owner of the rear lot, except where:
 - i. the Commission approves more than one (1) rear lot and where such lots will utilize a common access way. In this instance, one of the approved rear lots shall own the access way in fee while the others shall be granted easement rights for access and the installation and maintenance of utilities; or
 - ii. the Commission determines that ownership of the access way by the rear lot is not necessary and that the rear lot is best served by an easement over the front lot.
 - c. Access ways serving rear lots shall have an adequate all-weather surface for their entire length and for a 10-foot width.
 - d. Common access ways may serve up to a maximum of two (2) rear lots and, where determined to be appropriate by the Commission, the two (2) adjacent front lots, and shall adhere to the following:
 - i. the common portion must be all-weather surface;
 - ii. the width of the access ways shall be a minimum of 12 feet; and
 - iii. a maintenance agreement shall be reviewed for appropriate elements and shall be filed in the Canton land records for the lots affected by such agreement prior to the issuance of any building permits for the lots affected.
 - e. A landscape buffer shall be provided within the rear lot and along the access way when the Commission determines such buffer is necessary to ensure that the development of rear lots will be in harmony with surrounding areas and protect existing dwellings; and,
 - f. Where a proposed rear lot abuts a front lot which is under the control of the applicant then such front lot shall observe a rear yard setback of 50 feet.

3. The Commission may modify the above requirements when it determines that the rear lots and the access thereto will be in harmony with the surrounding area and preserve the public health, safety, welfare and property values.
4. The Commission shall require a written comment for each rear lot from the Fire Marshal, Fire Chief, and Chief of Police as to the impact of the access way to each such rear lot on fire and police protection.

3.4.E. MINIMUM YARD SETBACKS

1. **Principal Structures** - Except as may be otherwise provided in these Regulations (see Table 2.1) every principal structure shall comply with the following required minimum yard setbacks.

Table 3.4.E.1 - Minimum Yard Setbacks, Principal Structures

District	Front Yard	Side Yard	Rear Yard
R-1	40 feet	10 feet	30 feet
R-2	40 feet	20 feet	30 feet
R-3	40 feet	20 feet	30 feet
R-SL	10 feet	10 feet	30 feet

2. **Accessory Structures** - Except as may be otherwise provided in these Regulations (see Table 2.1), every accessory structure shall comply with the following required minimum yard setbacks provided that no accessory structure shall be permitted within a required front yard (except farm stands, fences and walls per Section 3.4.E.6, and temporary storage).

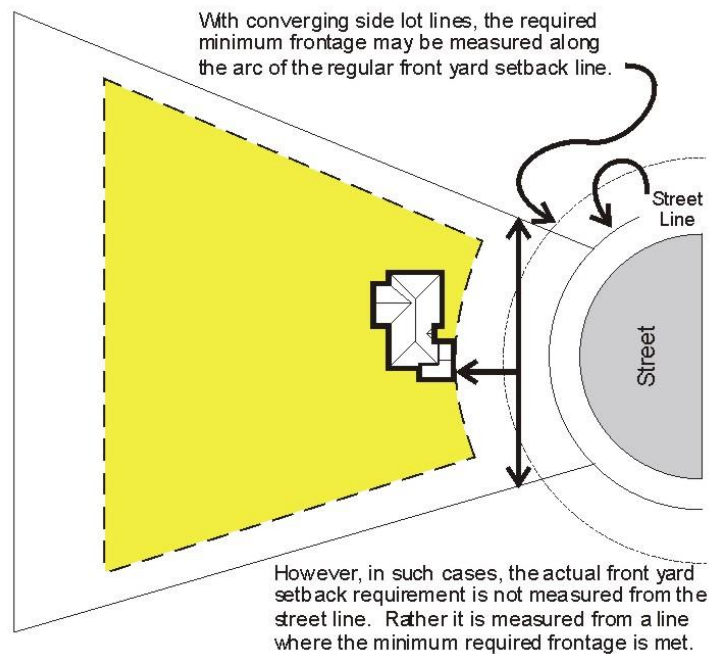
Table 3.4.E.2 - Minimum Yard Setbacks, Accessory Structures

District	Front Yard	Side Yard	Rear Yard
R-1	40 feet	10 feet	10 feet
R-2	40 feet	15 feet	15 feet
R-3	40 feet	20 feet	20 feet
R-SL	10 feet	10 feet	10 feet

3. **Additional Principal Structures Setback From Non-Residential Uses** - When a proposed residential subdivision abuts an existing non-residential use, the yard setback for a principal structure adjoining the non-residential lot shall be increased by twenty (20) feet. This additional setback may be waived by the Commission provided it finds that:
 - a. The design of the proposed residential lot(s) provides adequate separation and buffering between the proposed residential use and the existing and anticipated non-residential uses;
 - b. A suitable landscape buffer or berm will be provided to adequately separate and buffer the residential use from the existing and anticipated non-residential uses; and
 - c. Existing topography, natural vegetation, or other existing features of the lot(s) provide adequate separation and buffering between the existing and anticipated non-residential uses.
4. **Rear Yard Required** - A rear yard setback shall be required on every lot or portion thereof in a Residential District, except on a corner lot, a through lot, or a pie-shaped lot.
5. **Front Yard Setbacks On Corner Lots** - With respect to a corner lot, the front yard setback requirements shall apply to both abutting streets.

6. **Fences and Walls** - Required setbacks shall not apply to fences six (6') feet or less in height, per Table 2.1; however electric or barbed wire fences shall be set back from the lot line a minimum of 10 feet and shall comply with the provisions of Section 7.7. Required setbacks shall not apply to walls four (4') or less in height per Table 2.1.
7. **Front Yard Setback Exception** - When the minimum frontage for a front lot will be met along the front yard setback line instead of the street line (as per Section 3.4.C.2), the front yard setback shall be measured from a line parallel to the street line where the width of the lot equals the minimum width requirement for the Zoning District.

Diagram 3.4.E.1 - Front Yard Setback Exception



8. **Building Projections** - Typical residential building projections may extend into any required yard setback in accordance with Table 2.1.
9. **Front Yard Setback Exception in R-SL** - Expansions are allowed to the rear of a non-conforming structure (within the front yard setback) as long as the expansion is no more non-conforming.

3.4.F. MAXIMUM COVERAGE

1. Building coverage in the Residential (R) districts shall not exceed the following, except as may be otherwise provided in these Regulations:

Table 3.4.F.1 – Building Coverage

District	Maximum Building Coverage
R-1	Fifteen Percent (15%)
R-2	Fifteen Percent (15%)
R-3	Ten Percent (10%)
R-SL	Fifteen Percent (15%)

2. Except as may be otherwise provided in these Regulations, impervious coverage (in the Residential (R) districts) shall not exceed the following:

Table 3.4.F.2 – Impervious Coverage

Lot Area	Maximum Impervious coverage
Less than one (1) acre	50%
One (1) to two (2) acres	40%
Two (2) to four (4) acres	30%
More than four (4) acres	20%

3. Coverage Exception for Agricultural Buildings and Structures - The Commission may allow increases in building and impervious coverage, specific to agricultural buildings and structures, beyond the standards of Section 3.4.F.1 & 2, provided standards of Section 4.2.D.5 are met.

3.4.G. MAXIMUM HEIGHT

1. Except as may otherwise be provided in paragraphs 3, 4, 5, or 6 below, no principal building shall exceed the following maximum building height or number of stories:

Table 3.4.G.1 – Height, Principal Building

District	Maximum Height (feet)	Maximum Height (stories)
R-1	35	2.5
R-2	35	2.5
R-3	35	2.5
R-SL	35	2.5

2. Except as may otherwise be provided in paragraphs 3, 4, or 5, below, no accessory building shall exceed the following maximum building height or number of stories:

Table 3.4.G.2 – Height, Accessory Building

District	Maximum Height (feet) (if within Minimum Yard Setbacks for Accessory Structures (Table 3.4.E.2))	Maximum Height (stories) (if within Minimum Yard Setbacks for Accessory Structures (Table 3.4.E.2))	Maximum Height (feet) (if within Minimum Yard Setbacks for Principal Structures (Table 3.4.E.1))	Maximum Height (stories) (if within Minimum Yard Setbacks for Principal Structures (Table 3.4.E.1))
R-1	12	1.0	35	2.5
R-2	12	1.0	35	2.5
R-3	15	1.5	35	2.5
R-SL	12	1	35	2.5

3. **Height Exception for Architectural Building Elements** - The Commission may, by special permit, allow a maximum total building height:
 - a. Up to 50 feet for peaked roof forms; parapets over entrances; and mechanical equipment (including but not limited to water tanks; elevators and elevator mechanicals; and/or heating, ventilating, air conditioning or similar equipment) on a roof provided that such equipment:
 - i. does not occupy more than 25% of the area of the roof; and
 - ii. is screened from the view of adjacent residential properties and the street.
 - b. In excess of 50 feet for ornamental cupolas, belfries, chimneys, steeples, flag poles, towers and antennas (as regulated under Section 8.4), silos and water tanks.
4. **Height Exception for Agricultural Buildings and Structures** - Agricultural buildings and structures may be allowed to a height of fifty (50) feet as an accessory building, subject to the issuance of a zoning permit.
5. **Height Exception for Detached Accessory Dwellings** - The Commission may allow the maximum height requirement to be exceeded for a detached accessory dwelling (up to the height limitation for a principal structure) at the time the special permit for such accessory dwelling is reviewed.

3.5. Open Space Subdivisions

3.5.A. PURPOSE

This section is intended to enable more flexible residential development patterns which can help preserve Canton's rural character and preserve more open space while conforming to the overall residential density and open space objectives of the Town.

3.5.B. RECOMMENDED PROCESS

It is strongly recommended that, prior to the submission of a Subdivision application, that a pre-application meeting be requested with the Commission and Town Staff in order to evaluate the criteria and requirements contained in this section.

3.5.C. ELIGIBILITY CRITERIA

The Commission may allow for the development of an Open Space Subdivision where lots will not meet the dimensional standards of Section 3.4 provided that it finds that the Open Space Subdivision shall conform to the following requirements:

1. It contains at least five (5) acres if located in the R-2 District, and at least ten (10) acres if located in the R-3 District;
2. It complies in all respects with the Zoning Regulations and the Subdivision Regulations except as provided in this section;
3. Each lot shall have a water supply system approved by the Farmington Valley Health District, water company or other regulatory authority acceptable to the Commission; and,
4. Each lot shall have a sewage disposal system approved by the Farmington Valley Health District or Plan Review Approval by the Canton Water Pollution Control Authority.

3.5.D. GENERAL STANDARDS

1. A minimum of 33% of the subject parcel shall be designated and reserved in perpetuity as open space by one of the following:
 - a. Deeded to the Town;
 - b. Deeded to the Canton Land Conservation Trust, Inc.;
 - c. Held in corporate ownership by the owners of the lots within the subdivision and such other nearby landowners who may wish to become members of the corporation. However, membership in said corporation shall be mandatory for all residents of the proposed subdivision. In the case of corporate ownership, the developer shall include in the declaration or deed to the owners of the building lots the membership stipulation and the beneficial right of the use of the open space;or
 - d. A combination of the above.
2. Unless otherwise determined by the Commission, such open space shall be accessible to the public by street or pedestrian way;

3. Such open space shall not be fenced in, gated, separated, or fragmented in any way;
4. Unless otherwise approved by the Commission, provisions shall be made by the developer, prior to endorsement by the Commission, for the permanent disposition, reservation, operation, and maintenance of such open space land, and the recording of appropriate documentation in the Canton land records. Such provisions must be satisfactory to the Commission.

3.5.E. AREA AND DIMENSIONAL REQUIREMENTS

The height, area, and yard requirements of Section 3.4 shall apply unless and except as modified by this section:

Table 3.5.E – Dimensional Requirements, Open Space Subdivision

	R-2	R-3
Minimum Contiguous Buildable Area (acres) Areas consisting of wetlands, watercourses, or steep slopes in excess of 25% may not be used for compliance with this requirement.	0.25	0.50
Maximum Density (dwelling units / acre)	1.3	0.8
Minimum Lot Frontage (feet)		
• if on an existing street	75	100
• if on a new street internally located on the parcel	50	65
Minimum Front Yard Setback (feet)		
• if on an existing street	25	25
• if on a new street internally located on the parcel (feet)	15	15
Minimum Side Yard Setback (feet)	15	15
Minimum Rear Yard Setback (feet)	15	15
Maximum Building Coverage	30	30
Maximum Impervious Coverage	50	50
Minimum Open Space Percentage (percent)	33	33

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4. BUSINESS AND INDUSTRIAL DISTRICTS

4.1. Business District (B)

4.1.A. PURPOSE

The Business District is intended to provide areas for retail, offices, and service type uses.

4.1.B. USES PERMITTED BY ZONING PERMIT (STAFF) AND SITE PLAN APPROVAL (COMMISSION)

Zoning Permit Approvals

The following principal uses shall only be permitted by zoning permit approval in accordance with Section 9.8.B within existing buildings or structures in the Business District provided no building expansion is proposed and the parking requirements for the proposed use are satisfied by the existing parking facilities.

Site Plan Approvals

When new construction, or building expansion is proposed or the existing parking facilities for the proposed use do not comply with Section 7.2, the following principal uses may be permitted subject to site plan approval in accordance with Section 9.1:

1. Retail and Service Businesses (Excluding Drive-Through Facilities)

- a. Retail and service business up to 2,500 square feet of gross floor area.
- b. Personal service businesses up to 2,500 square feet of gross floor area.
- c. Massage therapy provided that:
 - i. all therapists who will be employed in the establishment shall provide the Commission/ ZEO with a valid license from the State of Connecticut (CGS 20-206b).

2. Office

- a. Professional offices.
- b. Banks not including drive-through facilities.

3. Restaurant

- a. Restaurant, Class I.
- b. Restaurant, Class II.

4. Mercantile Industrial

- a. Artists, artisans, craftspeople, and similar studio operations, including manufacturing, processing or assembling of artisan or craftsman goods such as jewelry, crafts, small food items, or other similar items typical of local merchants, for sale on the premises at retail and offsite via mail-order/ parcel post, up to 2500 square feet of gross floor area provided that such processes do not include the use of dangerous or noxious chemicals and/ or processes and does not produce noise higher than 45 dBA measured outside the building.

5. Hospitality

- a. Motels and hotels.
- b. Bed and Breakfast

6. Residential

- a. Accessory dwelling unit use on an upper story of a building with non-residential use on the first story.

7. Other

- a. Farmers market.
- b. Signs as allowed by Section 7.3.
- c. Outdoor lighting subject to the provisions of Section 7.4.
- d. Parking for up to 25 off street vehicles, located farther than 50 feet from a residential structure, subject to the provisions of Section 7.2.
- e. Temporary outdoor displays, sidewalk sales and sidewalk displays less than 200 square feet per business, subject to the provisions of Section 7.10.
- f. Storage of liquid fuel in tanks having a capacity of 2,000 gallons or less provided such storage shall not be located in a required yard setback.
- g. Donation drop boxes, subject to the provisions of Section 3.3.C.4.b.
- h. Accessory uses and structures customary and incidental to any use allowed by zoning permit.

4.1.C. USES PERMITTED BY SPECIAL PERMIT AND SITE PLAN APPROVAL (COMMISSION)

The uses below may only be allowed when granted a special permit by the Commission in accordance with Section 9.2:

1. Retail and Service Businesses (Excluding Drive-Through Facilities)

- a. Retail, service businesses and personal service businesses greater than 2,500 square feet, provided:
 - i. no single building contains more than 25,000 square feet of gross floor area (a larger single building size may be permitted under Section 5.0 Design Districts); and
 - ii. the aggregate total of all buildings on a lot shall not contain more than 65,000 square feet of gross floor area (a larger aggregate building size may be permitted under Section 5.0 Design Districts).
- b. Alcoholic beverage sales subject to Section 8.5.
- c. Veterinary hospital.
- d. Pet training or daycare facility.

4.1.C Uses Permitted by Special Permit and Site Plan Approval (Commission)

- e. Tattooing/ tattoo parlor/ body piercing provided that all necessary approvals are obtained from, and the applicant can show compliance with the standards and requirements of, the Farmington Valley Health Department and CGS pertaining to Tattooing, CGS 19a-92a.
- f. Outdoor display areas, beyond the limitations of Section 4.1.B.7.e, subject to the provisions of Section 7.10.
- g. Licensed medical marijuana dispensary.

2. Restaurants and Banquet Facilities

- a. Restaurant, Class III including banquet facilities.
- b. Outdoor dining when accessory to a Restaurant Class I, II, or III, beyond the limitations of Section 4.1.B.7.e subject to the provisions of Section 7.10.
- c. Greenhouses when accessory to a retail, mercantile or restaurant use.

3. Drive-Through Facilities

- a. Drive-through facilities for retail, services businesses, banks, offices, or restaurants class I, II, and III with drive-through facilities provided that the Commission finds that:
 - i. the drive-through facilities will not interfere with the safe use of the required parking spaces and their required drives, pedestrian movements, the access driveway from any public street, or traffic on any abutting public street;
 - ii. there is an adequate stacking area at least eighty (80) feet in length which is clearly segregated from any street access driveway, interior vehicular drive, or public street; and
 - iii. outdoor loudspeakers for each drive-in window shall not create unreasonable noise in relation to adjoining properties.
- b. Car wash (including self-service).

4. Mercantile Industrial

- a. Artists, artisans, craftspeople, and similar studio operations, including manufacturing, processing or assembling of artisan or craftsman goods, beyond the limitations of Section 4.1.B.4.

5. Industrial and Utility

- a. Manufacturing, processing or assembling of artisan or craftsman goods such as jewelry, crafts, small food items, or other similar items typical of local merchants, for sale on the premises at retail and offsite, greater than 2,500 square feet of gross floor area.
- b. Utility facilities including water supply pump stations, tanks and stand pipes and appurtenant structures.

6. Institutional

- a. Places of worship.
- b. Schools.

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7. Residential

- a. Day care centers and group day care provided the Commission finds:
 - i. such center provides a minimum of 75 sf of outdoor area per child;
 - ii. outdoor areas for children shall be fenced or protected for safety;
 - iii. recreation areas and structures shall not be located within any required minimum yard setbacks;
 - iv. a suitable landscape buffer is provided between the recreation area(s) and any adjacent residential properties;
 - v. such center provides a minimum of thirty-five sf per child of indoor space free of furniture except that needed for the children's purposes (exclusive of toilet rooms, bathrooms, coatrooms, kitchens, hall, isolation rooms or other rooms used for purposes other than the activities of the children);
 - vi. such center will comply with the physical plant requirements of the Regulations of Connecticut State Agencies Section 19a-7a as may be amended;
 - vii. sufficient parking and loading areas are provided; and
 - viii. such center shall provide the Commission/ ZEO with a valid license from the State of Connecticut which must be displayed in plain view in the place of business.

8. Recreation

- a. Theaters.
- b. Recreation and amusement facilities, indoor and outdoor athletic facilities, health and fitness clubs.

9. Storage

- a. Fully enclosed self-storage facilities, subject to the following:
 - i. customers shall gain access to storage units via the main entrance doors or the service dock area. No exterior doors will be provided to any unit;
 - ii. storage units shall be used for dead storage only. No activities other than rental of storage units and pick-up and deposit of stored items shall be allowed. No business use of any kind shall be conducted from storage units;
 - iii. all storage units will be located within the building and no direct access to the exterior shall be permitted;
 - iv. rental contracts shall prohibit the storage of flammable combustible, radioactive, explosive, or other hazardous materials;
 - v. no outside storage of any kind shall be permitted; and
 - vi. storage of motor vehicles is prohibited.

10. Automotive/ Repair Uses

- a. New Car Dealer, as defined by CGS Section 14-51 (1). Includes all motor vehicles, including trailers, having a GVW of 26,000 LBS or less.
- b. Used Car Dealer as defined by CGS Section 14-51 (2). Includes all motor vehicles, including trailers, having a GVW of 26,000 LBS or less.
- c. Repairer, as defined by CGS Section 14-51 (3). Includes all motor vehicles, including trailers, having a GVW of 26,000 LBS or less.
- d. Limited Repairer, as defined by CGS Section 14-51 (4). Includes all motor vehicles, including trailers, having a GVW of 26,000 LBS or less.

4.1.C Uses Permitted by Special Permit and Site Plan Approval (Commission)

- e. Gasoline filling stations.
- f. Motor vehicle renting and leasing.
- g. Customary maintenance and repair of company owned, leased or rented vehicles or equipment under the following conditions:
 - i. the maintenance and repair is subordinate and incidental to the primary use;
 - ii. all maintenance and repair will occur inside a building and all requirements of the State of Connecticut for raw materials or waste products handling will be met;
 - iii. such maintenance and repair shall not create unreasonable noise in relation to adjoining properties; and
 - iv. commercial maintenance and repair of large vehicles as a primary business is not permitted by this section.

11. Other

- a. Off-street parking beyond the limitations of Section 4.1.B.7.d subject to the provision of Section 7.2 except that this provision shall not apply to developments or subsequent modifications to developments initially approved by the Commission prior to May 12, 2014.
- b. Accessory uses and structures customary and incidental to any use allowed by special permit shall be allowed by zoning permit, provided such use or structure does not constitute a use allowed by special permit.
- c. Storage of liquid fuel in tanks having a capacity exceeding 2,000 gallons provided such storage shall not be located in a required yard setback.

4.1.D. AREA AND DIMENSIONAL STANDARDS

1. Except as may be otherwise provided in these Regulations, the following area and dimensional requirements shall be observed:

Table 4.1.D – Dimensional Requirements, Business District

Minimum Lot Area	30,000 square feet
Minimum Frontage	100 feet
Minimum Square	90 feet
Minimum Front Yard (see #2 below)	10 feet*
Minimum Side Yard	
• Not abutting Residential District (see #3 below)	15 feet
• abutting Residential District	30 feet
Minimum Rear Yard	
• not abutting Residential District	15 feet
• abutting Residential District (see #4 below)	50 feet
Maximum Building Coverage	25 percent
Maximum Impervious Coverage	50 percent
Maximum Height / Number of Stories (see #5 below)	35 feet 2.5 stories

* 10 feet from the front lot line with a minimum of 15 feet required from the edge of the roadway (curb line)

2. The Commission may, reduce the front yard setback if the Commission finds that the application is otherwise consistent with these Regulations and:
 - a. the pedestrian environment includes sidewalks, street lights, and landscaping between the street and the building;
 - b. the parking is located primarily in the rear and secondarily along the sides of the building; and
 - c. shared access with adjacent properties is provided.
 - i. by its terms is effective for as long as the reduced or waived side yard setback is in effect;
 - ii. has been reviewed and approved by the Town Attorney; and
 - iii. is recorded in the Canton Land Records.
3. The Commission may reduce the required side yard setback provided a shared access agreement is submitted to the Commission that meets the requirements of Section 4.1.D.2.c
4. The Commission may reduce the required rear yard setback to no less than 25 feet when abutting a Residential District after finding that the reduced setback would not negatively affect abutting residential lots and residences.

5. The Commission may allow the following projections to exceed the maximum height limitation up to a maximum height of fifty (50) feet: ornamental cupolas, belfries, chimneys, flag or, silos, bulkheads, water tanks, and elevators, heating, ventilating, air conditioning or similar equipment located on the roof of a building and not occupying more than twenty-five percent (25%) of the area of the roof.
6. The Commission may increase the maximum building coverage and impervious coverage provided:
 - a. There shall be no increased surface water runoff from the site;
 - b. The method of handling runoff on the site shall:
 - i. be in accordance with sound engineering practices;
 - ii. comply with the standards of Section 7.13; and
 - iii. must not significantly accelerate on-site erosion and shall comply with the standards of Section 7.6; a
 - c. Such intensification must not diminish the infiltration capacity of the site; and
 - d. The proposed intensification of the site and structures complies with the special permit Criteria of 9.2.E.

4.2. Industrial District (I)

4.2.A. PURPOSE

The Industrial District is intended to allow for the manufacturing, production, processing, fabrication, assembly, treatment, repair, or packaging of finished products, predominantly from previously prepared or refined materials (or from raw materials that do not need refining) and for warehousing, wholesaling, and distribution and for other uses appropriate for the district.

4.2.B. USES PERMITTED BY ZONING PERMIT (STAFF) AND SITE PLAN APPROVAL (COMMISSION)

Zoning Permit Approvals

The following principal uses may be permitted by zoning permit approval in accordance with Section 9.8.B within existing buildings or structures in the Industrial District provided no building expansion is proposed and the parking requirements for the proposed use are satisfied by the existing parking facilities.

Site Plan Approvals

When new construction, or building expansion is proposed or the existing parking facilities for the proposed use do not comply with Section 7.2, these principal uses may be permitted subject to site plan approval in accordance with Section 9.1:

1. Lumber Yards.
2. Printing and publishing.
3. Research – experimental, analytical, pharmaceutical and commercial laboratories including theoretical research, product engineering, and sales development.
4. Manufacturing, fabricating, processing, converting, altering, or assembling, and the packaging, warehousing and distribution of machine parts, electrical equipment, electronic equipment, photographic products, optical products, office and business equipment, plastic components and computing equipment.
5. Warehousing and storage excluding self-storage units and wholesale storage of propane.
6. Professional offices.
7. Accessory uses customary and incidental to any use allowed in the Industrial District except that the ZEO may elect to refer an accessory use to the Commission upon determining that it may substantially alter the nature or intensity of the principal use of the site.
8. Signs as allowed by Section 7.3.
9. Outdoor lighting subject to the provisions of Section 7.4.
10. Off-street parking for up to 25 off street vehicles.
11. Utility facilities including water supply pump stations, tanks, and stand pipes and appurtenant structures.
12. Storage of liquid fuel in tanks having a capacity of 2,000 gallons or less provided such storage shall not be located in a required yard setback.
13. Donation drop boxes subject to the provisions of Section 3.3.C.

4.2.C. USES PERMITTED BY SPECIAL PERMIT AND SITE PLAN APPROVAL (COMMISSION)

The following principal uses shall be permitted in the Industrial District subject to special permit in accordance with Section 9.2:

1. Business Uses

- a. Any use allowed by zoning permit, site plan approval, or by special permit in the Business District.

2. Industrial / Infrastructure Facilities

- a. Volume reduction plant and recycling facility to be limited to:
 - i. intake of raw materials and clean bulky construction waste such as bituminous products, brush, cardboard, concrete, dirt, gravel, masonry block, metal, quarry rock, sand, stone, topsoil and wood;
 - ii. compacting, crushing, grinding, screening, separating, sorting, washing, or similar processing of raw materials and construction waste;
 - iii. stockpiling or storing of raw materials, construction waste and processed materials;
 - iv. wholesale and retail sales of processed materials which may include truck weighing facilities; and/or
 - v. shipment of un-recyclable materials to an approved disposal facility.
- b. Licensed medical marijuana producer provided that all cultivation of marijuana plants be conducted indoors.

3. Adult Uses

- a. Adult establishments provided that:
 - i. adult establishments shall be offset one hundred fifty (150) feet from all District boundaries, and shall not be located less than 150 feet from any dwelling. Measurement of these distances shall be based on the shortest measurable distance of 150 feet;
 - ii. no adult establishment shall be permitted on any lot located within one thousand five hundred (1,500) feet of a: house of worship; cemetery; school; publicly owned recreational facility, park and playground; library; day care services, or, any other adult establishment. Measurement of these distances shall be made from the point at which the nearest side lot line intersects with the street line of one of the above uses to the point at which the nearest side lot line intersects the street line of another of the above uses, thence along the street line(s) connecting the two points;
 - iii. no adult establishment shall be conducted in such a manner that permits "specified anatomical areas" or "specified sexual activities" to be visible from the outside of a building. This provision shall apply to any exterior display, decoration, signage, show window, or other exterior opening; and
 - iv. adult establishments shall operate only Monday through Friday between 9:00 AM and 9:00 PM, and Saturday and Sunday between 12:00 PM and 6:00 PM.

4. Other Uses

- a. Dealers (New/Used) and Repairers also dealing with motor vehicles with GVWs in excess of 26,000 LBS.
- b. Off-street parking for vehicles beyond the limitations of Section 4.2.B.10.
- c. Outdoor storage areas subject to the provisions of Section 7.10.
- d. Greenhouses for the raising and sale of agricultural and horticultural commodities.

4.2.D. AREA AND DIMENSIONAL STANDARDS

1. Except as may be otherwise provided in these Regulations, the following area and dimensional requirements shall be observed:

Table 4.2.D – Dimensional Requirements, Industrial District

Minimum Lot Area	30,000 square feet
Minimum Frontage	150 feet
Minimum Square (feet per side)	135 feet
Minimum Front Yard	30 feet
Minimum Side Yard	
• not abutting Residential District (see #2 below)	15 feet
• abutting Residential District ^(b)	40 feet
Minimum Rear Yard	
• not abutting Residential District (see #2 below)	15 feet
• abutting Residential District (see #3 below)	40 feet
Maximum Building Coverage	25 percent
Maximum Impervious Coverage	50 percent
Maximum Height / Number of Stories	35 feet 2.5 stories

2. The Commission may reduce or waive the required side yard setback and/or rear yard setback for any lot in the Industrial District that abuts another lot in the Industrial District if there is an approved shared access agreement applicable to such lots. An approved shared access agreement is a written agreement submitted to the Commission that:
 - a. By its terms is effective for as long as the reduced or waived side yard setback is in effect;
 - b. Has been reviewed and approved by the Town Attorney; and
 - c. Is recorded in the Canton Land Records.
3. The Commission may reduce the required rear yard setback for any lot in the Industrial District to no less than 25 feet when abutting a Residential District after finding that the reduced setback would not negatively affect abutting residential lots and residences.
4. The Commission may, by special permit, allow the following projections to exceed the maximum height limitation up to a maximum height of fifty (50) feet: ornamental cupolas, belfries, chimneys, flag, silos, bulkheads, water tanks, and elevators, heating, ventilating, air conditioning or similar equipment located on the roof of a building and not occupying more than twenty-five percent (25%) of the area of the roof.

5. The Commission may increase the maximum building coverage and impervious coverage provided:
 - a. There shall be no increased surface water runoff from the site;
 - b. The method of handling runoff on the site shall:
 - i. be in accordance with sound engineering practices;
 - ii. comply with the standards of Section 7.13; and
 - iii. must not significantly accelerate on-site erosion and shall comply with the standards of Section 7.6; a
 - c. Such intensification must not diminish the infiltration capacity of the site; and
 - d. The proposed intensification of the site and structures complies with the special permit Criteria of 9.2.E.

5. DESIGN DISTRICTS

5.1. General Provisions

5.1.A. PURPOSE

Design Districts are intended to:

1. Enable the development of a specific area in accordance with an overall Master Plan for such area;
2. Result in a development which demonstrates a high regard for a design, which is compatible with the historic, cultural and geographic qualities of Canton;
3. Foster development which is compatible with surrounding areas and which incorporates buffers or transition areas to reduce potentially negative impacts on single family residential areas;
4. Encourage a mixture of compatible uses and sizes of structures to create a sustainable and attractive environment for a wide variety of businesses;
5. Break up the apparent mass and scale of large structures, as well as large paved areas, to reduce visual impacts and insure that such development does not detract from Canton's character, scale and sense of place;
6. Mitigate the impact of large-scale development with its surroundings;
7. Promote and facilitate a safe and comfortable pedestrian scale environment;
8. Be flexible, to allow for innovative design techniques, accommodate unique uses and encourage creative approaches to development issues; and
9. Allow for an organized manner in which applications filed under CGS § 8-30g may be processed.

5.1.B. PROCESS

1. Applicants hereunder are strongly encouraged to arrange for preliminary meetings with the Design Review Team and the Zoning Commission prior to submitting an application for a design district.
2. A complete application form for a Design District application shall be submitted.
3. A Design District application shall be processed in accordance with the procedures adopted under Section 9.4 of these regulations.
4. A public hearing shall be scheduled in accordance with Section 9.4 of the regulations.
5. Detailed Site Plan Required– The applicant may, as part of the General Development Plan under 5.1.C.2.1, submit a complete site development plan prepared by a professional, in conformance with Section 9.1, and the requirements of this section. If a site development plan is not submitted with and approved as part of the Master Plan, a site development plan shall be submitted in accordance with Section 9.1 as part of a subsequent application.

5.1.C. MASTER PLAN REQUIREMENTS

1. A Design District may only be established by the approval of a Master Plan in accordance with this section. The approval of a Master Plan shall be an approval of a zoning regulation amendment and zoning map amendment granted by the Commission.
2. At a minimum, the Master Plan shall include the following:
 - a. **Existing Conditions Plans** – prepared at a scale of 1"=200' or larger showing the following:
 - i. a location map at a scale of 1 inch equals 1,000 feet;
 - ii. existing topography with two-foot (2') contours showing the general gradient of the lot(s), existing structures, existing roads and rights-of-way, easements, property boundaries, rail lines, parking areas, impervious surfaces, major topographic features, rock outcrops, inland wetlands, watercourses, aquifers and flood hazard areas;
 - iii. one or more maps showing existing uses, existing zoning and approximate location of existing buildings within 500 feet of the lot and driveways within 100 feet of the lot;
 - iv. the location and identification of abutting lot owners from the Assessor's records.
 - v. a boundary survey of existing parcels to an A-2 level of accuracy; and
 - vi. the documentation of the architectural and historic features existing within and in close proximity to the boundaries of the proposed district, and the identification of buildings or significant historical, cultural, or architectural interests, prepared by a either professional architect specializing in historic preservation or an architectural historian. Such documentation shall be required when a lot, or collection of lots, contains, or is located within, or adjacent to:
 - a. a National or State Register Historic District;
 - b. a Local Historic District;
 - c. an individually listed historic property or structure;
 - d. a cultural, or community resource of significance identified in the Plan of Conservation and Development; or,
 - e. a property, lot, structure or other element that is in the public interest and warrants, in the opinion of the Commission, such historic and architectural documentation and identification.
 - b. **General Development Plans** – General Development Plans prepared at a scale of 1"=200' or larger and architectural elevations shall be submitted to illustrate the application of the regulations and standards, and proposed development of the Design District, and shall also include the following elements, as applicable:
 - i. the District created shall be appropriately named and identified on the zoning map;
 - ii. the identification, general location and proportion of proposed uses (shown by a defined boundary) to be permitted as of right and/ or allowed by special permit;
 - iii. proposed public and private rights-of-way, parking areas, easements, and public and private open spaces;
 - iv. the designation of the maximum number of buildings, maximum gross floor area per building and total floor area;
 - v. the delineation of development boundary areas defining areas in which building location, configuration, orientation and size can be identified and modified in accordance with standards adopted under Section 5.1.F;
 - vi. a general architectural elevations illustrating the general design of the proposed buildings and structures;
 - vii. a general landscaping plan, including the location of any required buffers;
 - viii. information regarding the general location and feasibility of any proposed roads, water, sewer, storm drainage, and other utilities; the provision of emergency vehicle access, streets, driveways, and parking areas; or the provision of any other public improvements, all of which shall comply with the design and construction standards of the Canton Subdivision Regulations where applicable;

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- ix. sidewalks and/or pedestrian walkways shall be provided in conformance with the requirements of Section 7.9;
 - x. direct connections to adjacent lots and land uses in locations used or likely to be used for parking shall be provided for unless expressly waived by the Commission.
 - xi. curb cuts and driveway use shall be provided in conformance with the requirements of Section 7.8; and
 - xii. a coordinated sign design theme in conformance with Section 7.3.
- c. **Standards for Proposed Development** – The Master Plan shall provide regulations for the following standards in the proposed Design District:
- i. use standards - Identification, description and location of:
 - a. uses permitted as of right;
 - b. uses allowed by special permit;
 - c. specific prohibitions or limitations;
 - ii. bulk standards:
 - a. bulk, height and density standards;
 - b. lot area, square, frontage and other dimensional standards;
 - c. building setbacks and required yards;
 - d. maximum building coverage;
 - e. maximum impervious coverage;
 - f. maximum and minimum square footage of floor area;
 - g. standards for the massing/ density of development including arrangement, number, and size of proposed buildings;
 - h. allocation of floor area by uses;
 - iii. parking area, loading area, and service area standards;
 - iv. landscaping standards including minimum standards for the provision of internal green space (landscaping within the boundaries of proposed development areas);
 - v. site lighting standards (including separate standards for business hour and non-business hour lighting when applicable);
 - vi. noise allowable level standards;
 - vii. proposed allowable hours of operation;
 - viii. design guidelines for architectural style and character of new construction and for rehabilitation of existing structure. Guidelines for rehabilitation of historic structures shall either be prepared by a professional architect specializing in historic preservation or an architectural historian;
 - ix. unified signage guidelines, including a uniform means of identifying buildings;
 - x. for separate parcels under unified development, provisions for maintenance and operation of common areas and improvements; and
 - xi. any standards as deemed necessary by the Commission.
- d. **Fiscal Impact Analysis** - The Commission may require a municipal fiscal impact analysis/study evaluating the net municipal revenue impact of a proposal using acceptable cost/revenue analysis techniques. The Commission may consider the fiscal impacts as a part of its basis for its decision.
- e. **Additional Documentation** - The following documentation is also required for applications that meet the requirements of Section 7.8.B.1:
- i. a comprehensive traffic study prepared by a professional traffic engineer, in compliance with the standards of Section 7.8, including an analysis of the maximum potential traffic and the capacity of streets within and neighboring the district to accommodate the projected traffic;
 - ii. a letter from the water supply provider or the Farmington Valley Health District signifying adequate capacity to meet the development's potable and fire-fighting water demands;
 - iii. the provision of sufficient information to determine the adequacy of utilities, streets, and other related infrastructure to accommodate the proposed development;

- f. **Additional Documentation** - The following documentation is also required:
- a statement of how aesthetic, historic, or neighborhood views and landscapes, historic buildings, monuments, and landscaping shall be maintained where applicable;
 - the application package shall contain detailed review comments from the WPCA and Farmington Valley Health District
 - a statement on how the General Development Plan complies with the Plan of Conservation and Development; and
 - a statement on how the General Development Plan adheres to the purpose of the Design District.

5.1.D. DECISION CONSIDERATIONS

- In addition to the Decision Considerations under Section 9.4 the Commission shall consider the following:
 - Whether the proposal is consistent with the Plan of Conservation and Development;
 - Whether the proposal complies with the Master Plan Requirements as documented above;
 - Whether abutting streets and nearby intersections that would have more than 100 or more vehicle trips in a peak hour, are capable of, or will be improved to the extent necessary to, accommodate the development traffic, pursuant to a traffic impact analysis in conformance with Section 7.8, with a goal of maintaining a "Level of Service A", but in no event shall the level of service be lowered less than "C" defined by the Connecticut Department of Transportation, weekdays 7:00 AM to 9:00 AM and 4:00 PM to 6:00 PM, and Saturdays noon to 5:00 PM. If the existing conditions are lower than Level of Service "C", such Level of Service shall be improved (as determined by a professional traffic engineer);
 - Whether the uses proposed are consistent with the special permit considerations and criteria of Section 9.2.E;
 - Adherence to the purposes of the District;
 - Consistency with other applicable regulations; and
 - Consistency with CGS § 8-2.
- Compliance with the site plan criteria in Section 9.1 and the proposed Master Plan, unless superseded by the standards adopted under this section, is required if a complete site development plan is submitted.

5.1.E. TERMS OF APPROVAL

In addition to any standard conditions of approval or any site-specific conditions of approval, the following terms of approval shall apply to a Design District approved under these regulations:

- The Master Plan, signed as accepted by the applicant and as approved by the Commission, with the effective date noted, shall be filed in the office of the Town Clerk, and shall be incorporated by reference as an amendment to these Regulations, and the rezoning shall not be effective until such filing;
- The applicant shall provide 15 complete and bound copies of the approved Master Plan, which shall be provided in a manner easily distributable to the public. The applicant shall also provide an electronic/ digital copy of this requirement, compliant with town standards;

3. The approval of the Design District shall become null and void unless a site development plan for some portion or all of the approved Design District is approved within an effective date occurring within 5 years of the date of approval of the zone map change, or, upon the filing of an appeal, 5 years of the final dismissal of such appeal by a court of competent jurisdiction. The Commission may grant one or more extensions of this period upon the written request of the applicant.
4. Any subsequent site development plan shall conform to the standards of development and substantially conform to the size, location, and architecture or buildings contained in the Master Plan;
5. Site development activities shall not commence until proof of official capacity reservation has been provided from the WPCA to the Town ZEO; and
6. Any provision of these Regulations applicable to the property prior to the zoning map and regulation amendment and not superseded by adoption of the Master Plan, standards, and zoning map and regulation amendments shall continue in full force and effect.

5.1.F. AMENDMENTS

1. Modifications of an approved Master Plan, adopted standards, subsequent regulations, and an approved site development plan may be submitted and approved by the Commission without a public hearing provided that the Commission finds that such modifications do not substantially alter the character of the approved Master Plan. Such change shall not be adopted except by a vote of two-thirds of all the members of the Commission.

5.2. Industrial Heritage (IH) District

5.2.A. PURPOSE

The Industrial Heritage (IH) District is a Design District intended to maintain the historic character of properties within the Collinsville Axe Factory and surrounding area and to:

1. Preserve, where feasible, buildings and improvements of historic and architectural significance;
2. Provide for adaptive reuse of historic industrial lots;
3. Promote a mix of uses compatible with the village scale of the Industrial Heritage District; and
4. Favor the pedestrian and minimize the impact of motor vehicles, consistent with the historic character of the Industrial Heritage District.

5.2.B. DISTRICT ESTABLISHMENT

After May 12, 2014 any new Industrial Heritage District shall only be established in accordance with the provisions of Section 5.1 (Design Districts) of these regulations.

5.2.C. DEVELOPMENT STANDARDS

Permitted uses, dimensional requirements, and other standards for the established Industrial Heritage District are identified on the Master Plan and Standards approved by the Commission as the following regulations:

Table 5.2 – Industrial Heritage Districts, Existing

- | | |
|---|-------------------|
| 1. Industrial Heritage District 1 (IHD-1) | November 17, 1999 |
|---|-------------------|

5.2.D. SPECIAL STANDARDS

1. **HDC Referral** - Any application to modify the IH District must include documentation that it has been submitted to the Collinsville Historic District Commission for an advisory report on or before the date the application is filed with the Commission. The Collinsville Historic District Commission may submit an advisory report to the Commission and such report shall be included in the Commission's written findings and shall be considered in the Commission's determination.
2. **Documentation** - Before issuance of a Certificate of Occupancy (CO) for a building or use permitted in the IH District, the applicant shall provide and the Town Attorney shall review and approve documentation to be recorded on the land records of adequate parking, vehicular ingress and egress, and utility access.
3. **Parking** - Every application to modify the IH District shall account for the cumulative allocation of parking within the IH District.
4. **Signage Uniformity** - When signage is proposed, the applicant shall illustrate how the proposed sign conforms to the Master Plan and Standards.
5. **Traffic Analysis** - If a material change of use is proposed, a professional traffic engineer shall certify that the traffic analysis submitted with the Master Plan and Standards remains accurate or indicate how such analysis has been changed.

6. **Access Streets:** Any newly created access street or right-of-way shall provide for emergency access free and clear to provide for emergency vehicle access.
7. **Maintenance** - Adequate provision shall be made for maintenance of the development. Separately-owned parcels may be developed under a single site plan as a "Unified Development Parcel" provided that adequate provision is made for maintenance and operation of common areas and improvements.

5.3. Albany Turnpike Gateway District (ATG)

5.3.A. PURPOSE

The Albany Turnpike Gateway (ATG) District is a Design District intended to allow for lot specific development standards for commercial and mixed use development consistent with the following objectives:

1. Promote superior design through flexible development standards;
2. Stimulate significant economic investment;
3. Encourage comprehensive planning of unified parcels;
4. Reduce negative impacts associated with large-scale developments; and
5. Provide flexibility in the protection of adjacent non-commercial areas.

5.3.B. DISTRICT ESTABLISHMENT

After May 12, 2014, any new Albany Turnpike Gateway District shall only be established in accordance with the provisions of Section 5.1 (Design Districts) of these regulations.

5.3.C. DEVELOPMENT STANDARDS

Permitted uses, dimensional requirements, and other standards for the established Albany Turnpike Gateway (ATG) District are identified on the Master Plan and Standards approved by the Commission as the following regulations:

Table 5.3 – Albany Turnpike Gateway Districts Existing

- | | |
|--|---|
| 1. Albany Turnpike Gateway District 1 (ATGD-1) | Superseded |
| 2. Albany Turnpike Gateway District 2 (ATGD-2) | June 7, 2011 Revised through April 17, 2013 |

5.4. Industrial Park District (IP)

5.4.A. PURPOSE

The Industrial Park District is a Design District intended to provide for a planned, coordinated development of one or more lots, which consists of not less than 50 acres in aggregate, with two or more separate industrial buildings. Such development shall be planned, designed, constructed, and managed on an integrated and coordinated basis with special attention given to site improvements, including without limitation: on-site vehicular circulation, parking; utility needs; building design; orientation; landscaping; and, open space.

5.4.B. DISTRICT ESTABLISHMENT

After May 12, 2014, any new Industrial Park District shall only be established in accordance with the provisions of Section 5.1 (Design Districts) of these regulations.

5.4.C. DEVELOPMENT STANDARDS

Permitted uses, dimensional requirements, and other standards for the established Industrial Park District are identified on the Master Plan and Standards approved by the Commission as the following regulations:

Table 5.4 – Industrial Park Districts, Existing

- | | |
|---------------------------------------|-----------------------|
| 1. Industrial Park District 1 (IPD-1) | <<September 6, 2000>> |
|---------------------------------------|-----------------------|

5.5. Active Adult Housing (AAH) District

5.5.A. PURPOSE

The purpose of this section is to provide for a planned residential community especially for adults 55 years of age or older. The community shall be compatible with the character of any adjacent residential neighborhoods and the town as a whole. The community shall promote innovative development, which utilizes the scarce and valuable recreational and utility resources efficiently with the intent to produce a comfortable neighborhood for its residents while protecting environmentally sensitive areas.

5.5.B. DISTRICT ESTABLISHMENT

After May 12, 2014, any new AAH District shall only be established in accordance with the provisions of Section 5.1 (Design Districts) of these regulations.

5.5.C. DEVELOPMENT STANDARDS

Permitted uses, dimensional requirements, and other standards for the established AAH Districts are identified on the zoning map and standards approved by the Commission as the following regulations:

Table 5.5 – Active Adult Housing Districts, Existing

- | | |
|---|----------|
| 1. Active Adult Housing District (AAH)) | <<DATE>> |
|---|----------|

5.6. Garden Apartment (GA) District

5.6.A. PURPOSE

This GA District regulation is for the purpose of maintaining conformity requirements within existing GA districts and among existing condominium or garden apartment site developments within Special Business (SB), Business, and GA districts.

5.6.B. DISTRICT ESTABLISHMENT

After May 12, 2014, any new GA District shall only be established in accordance with the provisions of Section 5.1 (Design Districts) of these regulations.

5.6.C. DEVELOPMENT STANDARDS

Permitted uses, dimensional requirements, and other standards for the established GA Districts are identified on the zoning map and standards approved by the Commission as the following regulations:

Table 5.6 – Garden Apartment Districts, Existing

- | | |
|-----------------------------------|-----------------------|
| 2. Garden Apartment District (GA) | <<November 15, 1992>> |
|-----------------------------------|-----------------------|

5.7. *Mixed Residential (MR) District*

5.7.A. PURPOSE

A MR District is one that accommodates a variety of housing alternatives in terms of cost, type, size of unit, and owner/renter occupancy to support community diversity as reflected in family types, incomes and jobs. In order to promote innovative development which utilizes the scarce and valuable land resources efficiently and effectively with the intent to produce a broad spectrum of options for residential development including opportunities for affordable housing, while protecting environmentally sensitive areas and maintaining the integrity of existing neighborhoods, a MR District may be established.

5.7.B. DISTRICT ESTABLISHMENT

After May 12, 2014, any new MR District shall only be established in accordance with the provisions of Section 5.1 (Design Districts) of these regulations.

5.7.C. DEVELOPMENT STANDARDS

Permitted uses, dimensional requirements, and other standards for the established MR Districts are identified on the zoning map and standards approved by the Commission as the following regulations:

Table 5.7 – Mixed Residential Districts, Existing

- | | |
|------------------------------------|-----------------------|
| 3. Mixed Residential District (MR) | <<November 15, 1992>> |
|------------------------------------|-----------------------|

5.8. Canton Specialty Housing District (CSH)

5.8.A. PURPOSE

The purpose of the Canton Specialty Housing District is to provide planned multifamily housing, consistent with CGS 8-30g, and with the recommendations of the 2014 Town Plan of Conservation and Development within the Canton Commerce Center.

5.8.B. DISTRICT ESTABLISHMENT

A new CSH District shall only be established in accordance with the provisions of Section 5.1 (Design Districts) of these regulations.

5.8.C. DEVELOPMENT STANDARDS

Permitted uses, dimensional requirements and other standards are identified in Appendix Section 3.7 of these regulations.

5.9. Hart's Corner Mixed Use District (HCMUD)

5.9.A. PURPOSE

The purpose of the Hart's Corner Mixed Use district is to provide for both Commercial and Multi-Family Housing, consistent with the recommendations of the 2014 Town Plan of Conservation and Development with the Design Village District Form-Based Code, as amended per the approved plan.

5.9.B. ESTABLISHMENT OF A DISTRICT

A new HCMUD shall only be established in accordance with the provisions of Section 5.1 (Design Districts) of these regulations.

5.9.C. DEVELOPMENT STANDARDS

Permitted uses, dimensional requirements and other standards are identified in Appendix Section 3.8 of these regulations.

5.10. Low Intensity/Transitional Neighborhood Office (LI/TNO)

5.10.A. PURPOSE

The Low Intensity/Transitional Neighborhood Office District is intended to permit the professional office use of smaller properties, historically used for such purpose and previous zoned residential. The district reflects concepts found in the 2014 Town Plan of Conservation and Development, making conforming accepted low intensity office uses, already integrated into the edges of residential neighborhoods, which presently act as buffers or transitional land use separating busy streets from residential areas.

5.10.B. DISTRICT ESTABLISHMENT

A new LI/TNO District shall only be established with the provisions of Section 5.1 of these regulations.

5.10.C. DEVELOPMENT STANDARDS

Permitted uses, dimensional requirements and other standards are identified in Section 3.9 of the Appendix of these regulations.

6. OTHER DISTRICTS

6.1. *Collinsville Business Overlay District*

6.1.A. PURPOSE

This section is intended to provide for economically sound and visually appropriate uses for existing buildings in Collinsville, consistent with the public interest and to preserve the historic character of Collinsville while permitting such uses and requiring certain development standards to this end.

6.1.B. APPLICABILITY

The provisions of this section shall apply to a change of use within an existing building, to any new construction or substantial reconstruction within the Collinsville Business Overlay.

6.1.C. USES ALLOWED

1. Uses permitted in the underlying district are allowed in the Collinsville Business Overlay subject to the same conditions, provided they comply with the standards of Section 6.1.

6.1.D. USES ALLOWED BY ZONING PERMIT AND SITE PLAN APPROVAL

The following principal uses shall only be permitted within the Collinsville Business Overlay in accordance with Section 4.1.B.

1. Two-family dwellings.

6.1.E. USES ALLOWED BY SPECIAL PERMIT AND SITE PLAN APPROVAL

The following principal uses shall only be permitted within the Collinsville Business Overlay in accordance with Section 4.1.C.

1. Multiple dwelling units provided that no less than 600 square feet of living space is provided in each such unit.

6.1.F. PROHIBITED USES

The following uses are specifically prohibited within the Collinsville Business Overlay

1. Drive Thru Facilities
2. Gasoline Filling Stations.

6.1.G. STANDARDS

1. For new construction and reconstruction, the exterior of the building shall be restored to a condition comparable to its original condition. The following references are provided as guidance:
 - a. The Canton Historical Museum/ Canton Historical Society
 - b. Guidelines for Construction and Alterations in the Collinsville Historic District;

- c. Images of America, Canton and Collinsville, by Donna M. Miller;
 - d. Advisory consultation with the Collinsville Historic District Commission;
 - e. Collinsville, Connecticut; Canton, Connecticut, Hartford County Connecticut, Historic Districts in the United States, Delmar Thomas C. Stawart (Ed.);
 - f. CThistoryonline.org;
 - g. Secretary of the Interiors Standards
- 2. Additions to the exterior of the building shall be consistent with the architectural quality of the building.
 - 3. No business use on a ground floor shall be converted to a residential dwelling.
 - 4. Parking and loading requirements for uses within the Collinsville Business Overlay (excluding dwelling units which are subject to the requirements in Table 7.2.C.) shall function under existing shared and available parking
 - 5. The use of planted buffers may be required where permits, taking into consideration the historic development of Collinsville space.
 - 6. All other requirements of these Regulations for the Business District shall be complied with.

6.2. Flood Plain Management

6.2.A. PURPOSE

The flood hazard areas of the Town of Canton are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and government service, extraordinary public expenditures for flood protection and relief, and impairment of tax base, all of which adversely affect the public safety and general welfare. It is the purpose of this regulation to minimize public and private loss due to flood conditions in specific areas by:

1. regulating or prohibiting uses which alter the flood flow, excessively increase the water height or velocity or present hazardous debris;
2. requiring that uses vulnerable to floods shall at their creation or at the time of substantial improvement be protected against damage;
3. minimizing surface and ground water pollution which will affect human, animal and/or plant life;
4. assuring that potential buyers can be aware that property is in a Special Flood Hazard Area (SFHA);
5. helping to maintain a stable tax base through the reduction of potential flood blight areas; and
6. for the community to fulfill its role and comply with its obligations as participant in the NFIP.

6.2.B. AUTHORITY

This section is adopted under the authority of CGS Section 8-2 where the Legislature of the State of Connecticut has delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

6.2.C. APPLICABILITY

1. **General Provisions** - The establishment of the Floodplain Overlay District is based the identification of the areas of special flood hazard by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for Hartford County, Connecticut, dated September 28, 2008, with accompanying Flood Insurance Rate Maps (FIRM) and other supporting data, and adopted into the Zoning Regulations of the Town of Canton on September 26, 2008.
2. This regulation shall apply to all areas of special flood hazard (SFHA) within the jurisdiction of the Town of Canton.
3. The FIRM and the FIS for Canton, as defined in Section 6.2.D, including any subsequent revisions thereto, are made a part of these Regulations by reference.
4. The FIRM panels that apply to Canton include the following: 09003C0167F; 09003C0168F; 09003C0169F; 09003C0301F; 09003C0304F; 09003C0306F; 09003C0307F; 09003C0308F; 09003C0309F; 09003C0315F; 09003C0316F; 09003C0317F; 09003C0326F; and 09003C0328F.
5. Copies of the aforementioned FIS and its accompanying FIRM are on file in the office of the Town Clerk, Town of Canton.
6. All floodway-related information, including floodway limit lines, and all elevation-related information, including Base Flood Elevations (BFE), presented in the FIS or on the FIRM, including any revisions or

amendments thereto duly issued by FEMA, shall take regulatory precedence over all other related information (until such time as FEMA may duly issue an amendment or revision based on, incorporating, or otherwise relating to any such other related information, should such issuance occur). In general, BFE data contained in the FIS shall have precedence over BFE data shown on the FIRM.

7. SFHA limits as presented on the FIRM, or as may be or have been subsequently revised by FEMA, shall take regulatory precedence over all other related information for all matters relating to structures and insurance (until such time as FEMA may duly issue an amendment or revision based on, incorporating, or otherwise relating to any such other related information, should such issuance occur). The same shall apply to other applications of the SFHA limits under these Flood Plain Management Regulations except, and only to the extent any such exception may be applicable, in particular situations where SFHA data may be incomplete or information used to derive such data may have been rendered inaccurate or superseded by more accurate information. Section 6.2.E of these Regulations sets forth the situations where such exceptions may be applicable and the provisions associated therewith

6.2.D. DEFINITIONS

The following defined terms are particular to the Flood Plain Overlay District and are intended as a supplement to the definitions provided in Section 2. In some cases definitions provided in this Section 6.2 may not be consistent with definitions provided in Section 2. In any such cases definitions in this Section 6.2 shall have precedence when applied as related to this Section 6, and definitions in Section 2 shall have precedence when otherwise applied. As applied to terms used in or related to the application of this Section 6.2 and not specifically defined in this Section 6.2, meanings derived from and/or consistent with usage in the Federal NFIP Regulations and any associated guidance document promulgated by FEMA shall be given precedence when determining the most reasonable application of such terms.

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

Base Flood Elevation (BFE) – The elevation of the crest of the Base Flood at a particular location. The BFE in relation to actual ground elevations sets the limits of the Base Flood Plain (i.e. the SFHA).

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

Building – See definition for “Structure”.

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

Development - Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of materials.

Enclosures – A non-basement building built to have the top of the lowest floor elevated above the ground level by means of pilings, columns, posts, or piers. It also includes a building elevated by means of fill or solid foundation perimeter walls with opening sufficient to facilitate the unimpeded movement of flood waters.

Elevation Certificate – An administrative tool of the National Flood Insurance Program (NFIP) used to provide elevation information necessary to ensure compliance with community flood plain management ordinances.

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

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

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

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

- a. The overflow of inland waters.
- b. The unusual and rapid accumulation of runoff or surface waters from any source.
- c. Mud slides which are proximately caused or precipitated by accumulations of water on or under the ground.
- d. The collapse or subsidence of land along the shore of any body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood, or by some similarly unusual and enforceable event which results in flooding.

Flood Insurance Rate Map (FIRM) - an official map of a community, on which the FEMA has delineated special hazard areas, regulatory floodway, and the risk premium zones applicable to the community. The FIRM shall include any revisions, amendments, or other modifications that have been duly issued by FEMA.

Flood Insurance Study (FIS) – The official study of a community in which FEMA has conducted a technical engineering evaluation and determination of local flood hazards, flood profiles and water surface elevations. The FIRM, which accompanies the FIS, provides both flood insurance rate zones and base flood elevations, and may provide the regulatory floodway limits. The FIS shall include any revisions, amendments, or other modifications that have been duly issued by FEMA subsequently to the issuance of the current official study.

Flood Plain Administrator – The Flood Plain Administrator shall be the Town Planner.

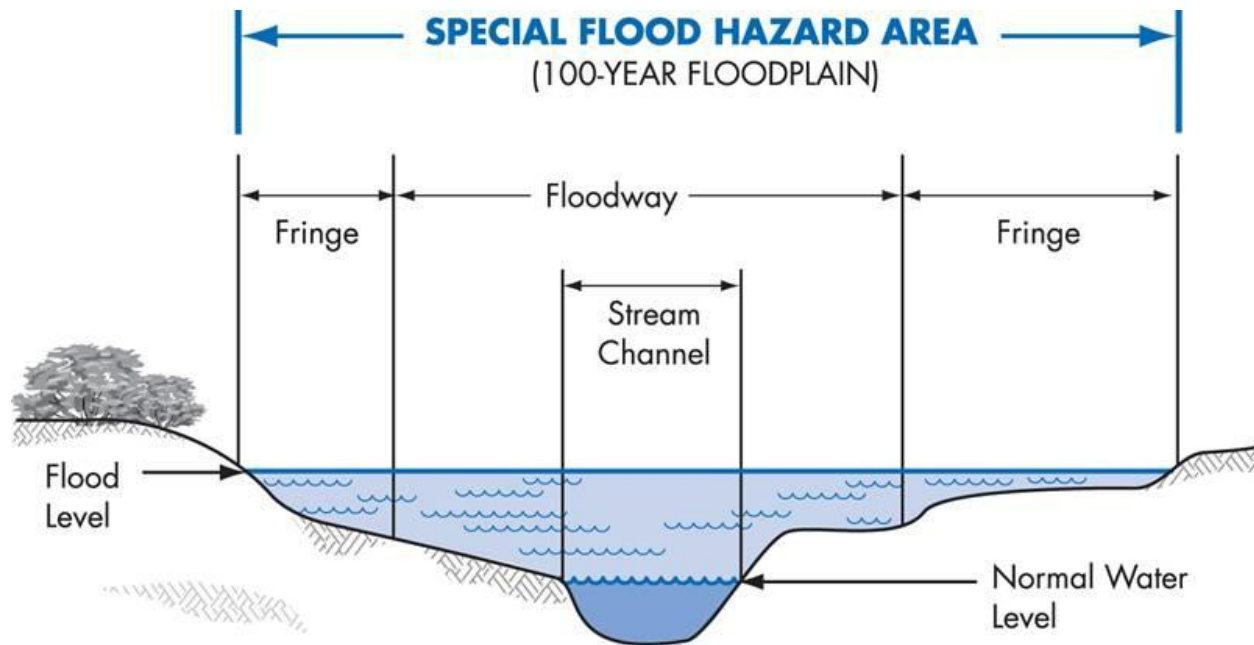
Flood-proofing - any combination of structural and non-structural additions, changes, or adjustments to structures which reduces or eliminates flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway – The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one

(1.0) foot; more practically as delineated on, and thereby defined by, the FIRM. For the purposes of these regulations, the term "Regulatory Floodway" is synonymous in meaning with the term "Floodway".

Flood Fringe - The Flood Fringe is that area between the Floodway and the outer limits of the 100-year floodplain (special flood hazard area) within zones A and AE. It thus encompasses the portion of the Flood Plain District which can be encroached upon without raising the water surface elevation of the base flood more than one foot.

Diagram 6.2.D – Flood Plain / Floodway Diagram



Floor - means the top surface of an enclosed area in a building (including basement) i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles provided the structure complies with the design standards contained in Section 6.2.H 4. Elevated Buildings.

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

Highest Adjacent Grade (HAG) – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

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

Lowest Floor - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor.

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

Manufactured Home Park or Subdivision – A parcel or contiguous parcels of land divided into two (2) or more manufactured home lots for rent or sale.

Market Value – The market value of a structure as of a particular date shall be determined by the Town Assessor as follows: the basis shall be the market value of the subject tax parcel at the most recent revaluation date and as determined by such revaluation; which value shall be adjusted or trended forward to said particular date through the use of a sales/assessment ratio study provided by the State of Connecticut Office of Policy and Management, thereby resulting in a market value of the subject parcel as of the particular date in question; the market value of the subject structure shall then be determined by calculating the proportion of subject parcel's market value at said revaluation date that is attributable to the subject structure, and applying this proportion to the said market value of the parcel as of the particular date in question.

(e.g. – Say the market value of a subject parcel at the last revaluation was \$200,000, and applying the provided sales/assessment ratio resulted in a market value of the parcel as of the particular date in question equal to \$250,000; further, say the portion of the parcel value at revaluation attributable to the main structure was \$140,000, then the proportion of the structure's value to the parcel value would be $140,000/200,000 = 70\%$; finally, the market value of the structure as of the particular date in question would be equal to $\$250,000 \times 70\% = \$175,000$.)

Mean Sea Level - As defined for the North American Vertical Datum of 1988 (NAVD 1988), to which all elevations associated herewith, including BFEs, are, or are to be, referenced.

New Construction – Structures or development for which the “start of construction” commenced on or after the effective date that floodplain management regulations were originally adopted by Canton, and includes any subsequent improvements to such structures or development.

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

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

Special Flood Hazard Area (SFHA) – The land in the flood plain within a community subject to a one (1) percent or greater chance of flooding in any given year. SFHAs are determined utilizing the BFEs provided on the flood profiles in the FIS for a community. BFEs provided on FIRM are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. SFHAs include, but are not necessarily limited to, the land shown as zones A, AE, AO, AH on a FIRM.

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

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

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

Substantial improvement - means any combination of repairs, reconstruction, or improvement of a structure, taking place during a ten (10) year period, in which the cumulative cost equals or exceeds fifty (50) percent of the market value of the structure as determined at the beginning of such ten (10) year period, before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage" regardless of the actual repair work performed. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term does not include either:

- a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- b. Any alteration of a "historic structure" provided that the alternation will not preclude the structure's continued designation as a "historic structure".

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

Violation – Failure of a structure or other development to be fully compliant with the community's Flood Plain Management Regulations. A structure or other development without required permits, lowest floor elevation documentation, flood-proofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

Water Surface Elevation – The height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal and riverine areas.

6.2.E. GENERAL PROVISIONS

1. **Abrogation and Greater Restrictions:** This regulation is not intended to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this regulation and another ordinance, regulation easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
2. **Severability:** If any section, subsection, paragraph, sentence, clause, or phrase of this regulation should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this regulation, which shall remain in full force and effect; and to this end the provisions of this regulation are hereby declared to be severable.
3. **Flood Plain District Boundaries:** The Flood Plain Overlay District on the Zoning Map is defined as being those areas within the bounds of the SFHA as defined in these Regulations. The Flood Plain Overlay District overlaps other zoning districts. In all areas governed by flood plain regulations as well as other zoning regulations the more restrictive of the two will take precedence.
4. **Flood Plain District Zones:** The Flood Plain District is divided into two zones the Floodway as defined in Section 6.2.D and the Flood Fringe defined as the portion of the Flood Plain Overlay District of SFHA, which is located outside of the Floodway.
5. **Provisions where BFEs and/or SFHA limits on FIRM are incomplete or inaccurate:**
 - a. In applying SFHA and BFE information under these regulations, Canton may vary from and/or supplement the FIRM, FIS, and other data provided by FEMA in particular situations and particular areas and conditions where/that:
 - i. the FIRM SFHA limits are in error with respect to actual ground surface elevations;
 - ii. are designated on the FIRM as "Zone A", sometimes herein and elsewhere referred to as "Approximate Zone A", in that specific BFEs for the subject area have not been included in the FIS or shown on the FIRM;
 - iii. a watercourse is within a SFHA but does not have floodway limits delineated or otherwise designated for it;
 - iv. are or may be subject to inundation during the base flood event but are not designated as within a SFHA by the FIS or FIRM;
 - v. FEMA has notified Canton of and provided to the Town draft revised NFIP data that is more restrictive than the current effective data; or
 - vi. FEMA has issued advisory flood hazard data following a flood event data that is more restrictive than the current effective data.
 - b. In such cases, the provisions of this Section 6.2.E.5, as may be applicable to the particular case, shall be complied with; and the Commission's Engineer and permitting authority shall have the responsibilities and authorities as applicable and necessary to comply with the provisions of Section 6.2.E.5.
 - c. Sound engineering and regulatory judgment shall be applied, in a conservative sense with respect to the purposes hereof, to all decisions, determinations and actions made or taken hereunder.
 - d. The Flood Plain Administrator, directly or through the Commission's Engineer shall obtain, from federal, state, or other source, review and reasonably utilize any data or other information available, and in addition may require from the applicant a site flood-related study as necessary, that may assist in determining, as applicable and needed, the BFEs, flood plain limits, floodway limits, and/or any other factor relevant to meeting the responsibilities, making the decisions and determinations, and complying with the purposes and objectives set forth in these Regulations. The same shall be used as long as it:

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- i. reasonably reflects flooding conditions expected during the base flood;
 - ii. is not known to be technically incorrect; and,
 - iii. represents the best data/information available.
 - e. The developer of any proposed development is also hereby required to comply with the requirements of 6.2.E.5.c. and 6.2.E.5.d. above, where applicable, in the preparation and modification of any submitted proposal.
 - f. This Section 6.2.E.5. shall not be applied to attempt to adjust an existing floodway limit. In FIRM AE zones where a floodway has not been established, no new construction, substantial improvement, repair to a structure that has sustained substantial damage, or encroachment shall be allowed unless and until the applicant complies with one of the following options to the satisfaction of the Administrator:
 - i. Establishes (in addition to other requirements of these Flood Plain District Regulations) that the proposed development will not raise the water surface elevation of the base flood by greater than one (1.0) foot at any point in the community when all existing and anticipated development is considered cumulatively with this development; or,
 - ii. Provides the Administrator with floodway data, as pertinent to the proposed development, prepared and presented in a manner consistent with the requirements of FEMA for such purposes from which the Town may adopt a regulatory floodway based on the principle that the floodway must be able to convey the waters of the base flood without increasing the water surface elevation more than 1.0 foot above the BFE at any point within the community; upon such adoption of an applicable regulatory floodway, then the application process and review can proceed, recognizing such floodway, as otherwise set forth by these Regulations.
 - g. Within Zone A, no new construction, substantial improvement, repair to a structure that has sustained substantial damage, or encroachment shall be allowed unless BFEs are established for the SFHA as relevant to the proposed development, at which point the provisions of 6.2.E.5.f. shall apply. Where such BFEs cannot be determined, the lowest floor, including basement, of any structure must be elevated (by means other than fill) at least two feet above the highest adjacent grade next to the structure.
6. **Flood Damage Liability:** The Flood Plain District as delineated herein is based on data gathered according to accepted engineering standards. It is understood that more extensive flooding may result from man-made or natural causes, such as ice jams and bridge openings restricted by debris. This regulation does not imply that areas outside the Flood Plain District or land uses permitted within such district will be free from flooding or flood damage. This regulation establishes standards considered reasonable for regulation purposes and shall not create liability on the part of the Town of Canton for any flood damages that result from reliance on this regulation or any administrative decision lawfully made there-under.
7. **Site Development Plans:** All applications for a special permit shall include a site development plan as described in Section 9.1 of these regulations. In addition the applicant shall provide design and construction data, and when flood proofing is utilized for a particular structure, which is certified by a licensed architect or engineer demonstrating that the least practicable hazard or detrimental change will result from the proposed use. A Site Development Plan shall show the elevation (in relation to mean sea level) of the lowest floor (including basements) of all new or substantially improved flood proofed structures.
8. **Subdivisions:** If a proposed subdivision, including the placement of a manufactured home park or subdivision, is located in a SFHA the following requirements shall apply:
- a. All subdivision proposals shall be consistent with the need to minimize flood damage;
 - b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

- c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and
 - d. In all special flood hazard areas where base flood elevation (BFE) data is not available, the applicant shall provide a hydrologic and hydraulic engineering analysis performed by a professional engineer that generates BFEs for all subdivision proposals and other proposed development, including manufactured home parks and subdivisions. The applicant shall provide BFE data for all subdivision proposals, including manufactured home parks and subdivisions.
9. **Structures Already in Compliance:** A structure or development subject to regulation under and already in compliance with these Regulations shall not be made non-compliant by any alteration, modification, repair, reconstruction or improvement. No structure, structural feature, or land subject to regulation hereunder shall hereafter be located, extended, converted, modified or structurally altered without the same being in full compliance with the terms of these Regulations and other applicable regulations.
10. **Floodplain Management Administrator:** The Director of Planning is hereby designated the Floodplain Management Administrator (the Administrator) for the Town of Canton, and is hereby appointed to administer, implement and enforce the provisions of these Regulations. In the event (1) the position of Director of Planning is vacant, (2) the Director of Planning is unavailable to fulfill the duties and responsibilities set forth within these Regulations for an extended period of time exceeding five consecutive working days, or (3) the Director of Planning is not readily available and the Zoning Enforcement Officer deems that an enforcement or emergency situation requires attention prior to the time the Director of Planning is likely to become available to address the subject situation, then the Zoning Enforcement Officer shall have the authority and responsibility to act for and in the capacity of the Director of Planning in respect to these Regulations. The duties, responsibilities and authority of the Floodplain Management Administrator hereunder shall include, but not be limited to:
- a. Fully and properly administer, implement, and enforce these Regulations.
 - b. Delegate applicable portions of such administration, implementation, and enforcement to the Zoning Enforcement Officer and/or the Building Official as may be appropriate to the purposes of these regulations.
 - c. Engage the Commission's designated consultant engineer, or, in the absence thereof, such consultant engineer as may be deemed by the Administrator available and appropriate for such engagement, to assist the Administrator in making reviews, evaluations, determinations, and other technical matters relating to the administration of these Regulations; and to pass the expense to the Town for any such engagement to the applicant pursuant to Chapter 248 of the Town of Canton Town Code, as amended.
 - d. Notify the regional planning agency and affected municipality at least thirty-five (35) days prior to a public hearing if any change of regulation or use of a flood zone will affect an area within five hundred feet of another municipality.
 - e. Notify the adjacent communities and the Connecticut Department of Energy and Environmental Protection (CTDEEP), Inland Water Resources Division, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
 - f. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
 - g. Where interpretation is needed as to the regulatory location of any boundaries of the SFHA, the Administrator shall make necessary interpretation based upon the information reasonably available at the time of such determination. Any person contesting the location of the boundary from such determination shall be given a reasonable opportunity to appeal the interpretation as provided in these Regulations.

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- h. All records pertaining to the provisions of these Regulations shall be received, obtained and maintained in the office of the Director of Planning.
- i. Require and, upon completion of the permitted development and prior to issuance of any Certificate of Occupancy associated therewith, or as otherwise appropriate, receive necessary as-built surveys (prepared by a Connecticut Licensed Professional as per Connecticut State Statutes) and engineering and architectural certifications demonstrating compliance with the approved plans, standards, and other requirements as set forth herein.

6.2.F. FLOODWAY

1. **Floodway Protection.** The floodway, as defined in Section 6.2.D., represents an extremely hazardous area due to the velocity of flood waters which carry debris and potential projectiles and exerts forces that increase the risk of damage to structures and facilities and for erosion. The floodway also serves as the primary flood flow conveyance area. For these reasons, protection of the floodway from alterations or encroachments is of primary importance to the public welfare.
2. **No increase in water surface elevation.** No encroachments, including fill, new construction, substantial improvements, repairs to substantially damaged structures, or other development, shall be permitted within the floodway unless it is demonstrated by the applicant including preparation and certification by a professional engineer using appropriate technical hydrologic and hydraulic analysis and evaluation procedures in accordance with standard engineering practice, and providing appropriate technical support information, that any such encroachment shall not result in any (0.00 feet) increase in water surface elevation during the occurrence of the base flood discharge.
3. **Additional provisions for all floodway development.** New development within the floodway is strongly discouraged. However, where development is allowed, the following provisions shall apply:
 - a. The determination of the need for a Special Use Permit, and associated engineering technical analysis to demonstrate compliance with 6.2.F.2., is solely at the discretion of the Floodplain Management Administrator.
 - b. All other applicable provisions of these Floodplain Management Regulations shall apply to and be complied with.
 - c. The subject development shall not present any new significant obstruction to flood flows.
 - d. The subject development or activities shall not involve significant clearing of land or removal of trees such that the cumulative result may significantly increase flow velocities within the floodway during a base flood event.
 - e. The subject development shall not involve the significant planting of trees, large shrubs, or other such vegetation which may cumulatively present an obstruction to flood flows.
 - f. No items or materials introduced to the floodway as a result of any such development or activity shall be subject to transport by floodwaters; anchoring shall be proposed and may be required as appropriate.
 - g. No items or materials introduced to the floodway as a result of any such development or activity shall pose a pollution threat to flood waters.
 - h. The subject development and activities shall not significantly increase the likelihood of erosion during flood flows, and shall be implemented so as to minimize erosion.

- 4. Insignificant minor development.** Notwithstanding the provisions of 6.2.F.2., certain insignificant, minor developments within the floodway, such as (with all items or installations being oriented to minimize interference with flood flows) installation of a mailbox, flagpole, sign, or other such small diameter item, gardening, minor landscaping, open-structured play equipment, fences oriented with the general flood flow and that allow reasonable flow of water through the fence at elevations below one foot above the BFE, fences not oriented with the general flood flow that collapse or otherwise are or render themselves (while being properly anchored) as minimal obstructions to flood flow at elevations below one foot above the BFE, and routine maintenance, may be exempt from the requirement of obtaining a Special Permit under these Flood Management Regulations, provided such development or activities meet with all of the following:
- a. The provisions of 6.2.F.3. are complied with.
 - b. The Administrator determines that the subject development is likely, due to its insignificance, to have effectually no impact on the flood carrying capacity of the floodway.
 - c. The subject development or activities do not involve filling, significant regrading, or the introduction of any materials to be placed in mass over any significant area within the floodway except plantings and top dressing materials associated with gardening and similar landscaping activities.
 - d. The subject development or activities shall not in any way alter or encroach upon any watercourse.
 - e. The cost of the subject development, or value thereof as determined by the Administrator, shall not exceed one thousand dollars (\$1000), where such cost or value does not include the cost of land or rights acquisition, design, permitting, or similar non-construction or non-improvement related costs, or, in the case of fences specially designed to allow the passage of flood flows, the additional cost of such special features.
 - f. In the event that any development or activity that has been determined by the Administrator to be exempt from the requirement of a permit under this Paragraph 6.2.F.4., or is otherwise pursued or enacted under the guise thereof, is prosecuted, completed, or otherwise found not in compliance with the provisions of this Paragraph 6.2.F.4. or any other provisions of these Floodplain Management Regulations, then the Administrator shall have the authority to:
 - i. Take enforcement action in accordance with these regulations;
 - ii. Require any and all noncompliance to be corrected or removed and restored to pre-existing condition; and,
 - iii. Require that any corrective, remaining, or other future activities be permitted in accordance with these Regulations, with any exemptions hereunder no longer being applicable.
- 5. Minimal impact uses.** Notwithstanding the provisions of 6.2.F.2., the following limited agriculture-related uses within the floodway may be may be exempt from the requirement of obtaining a Special Permit under these Flood Management Regulations, provided any such use and activities associated therewith meet with the requirements of listed provisions a., b., c., d., and f. of 6.2.F.4:
- a. The cultivation of crops, orchards, and pastures are allowed.
 - b. Limited, closely managed forestry is allowed.
 - c. For clarification purposes, the above uses do not include the introduction or expansion of structures (temporary or permanent), the storage of equipment or materials, or the construction of access roads that involves fill or significant grading.

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- 6. Special Permit Uses in the Floodway.** The following uses are allowed within the Floodway by Special Permit provided that the provisions of 6.2.F.2. and 6.2.F.3. are complied with:
- a. Private or public open space recreational uses, such as parks, play fields, or preserves; but specifically not including shooting ranges.
 - b. New and replacement water supply systems which shall be designed to not allow infiltration of flood waters into the system.
 - c. New and replacement sanitary sewage systems which shall be designed to minimize or eliminate infiltration of flood waters into the system and to not allow discharge from the system into flood waters; on-site disposal systems shall only be allowed when no other alternative is feasible and, if allowed, shall be located to avoid impairment to them or contamination from them during flooding.
 - d. Bridges - All bridges shall be constructed so as to create the least obstruction feasible. The Commission shall consider a variety of issues including but not limited to:
 - i. A bridge opening being reasonably adequate to accommodate flood flow and debris;
 - ii. The durability of construction materials and design; and,
 - iii. Abutments being located outside of the floodway.
 - e. General uses listed under 6.2.F.4 or 6.2.F.5 but for which the specific use/application.

6.2.G. FLOOD FRINGE

- 1. Minimal impact uses and development.** The following uses and development within the flood fringe may be exempt from the requirement of obtaining a Special Permit under these Floodplain Management Regulations:
- a. The uses and development allowed within a floodway under 6.2.F.4. and 6.2.F.5. by applying the same criteria and conditions as applicable under those provisions, with the exception of 6.2.F.4.e. (the cost limitation).
 - b. Outside storage of equipment and material provided that:
 - i. By its nature it presents no risk of being transported by flood flows, or is firmly anchored against the same; and,
 - ii. No items or materials shall pose a pollution threat to flood waters or any other threat to human, animal, or property if exposed to flood waters.
- 2. Special Permit uses in the flood fringe.** The following uses shall be allowed within the flood fringe by Special Permit:
- a. The uses allowed by Special Permit within the Floodway under 6.2.F.6.
 - b. The uses allowed within the underlying district, provided that all applicable provisions of these Floodplain Management Regulations and of 6.2.G.2.c. and 6.2.G.2.d. below are complied with.
 - c. Residential buildings, new or substantially improved, constructed on fill, columns, pilings or other acceptable means provided that:
 - i. The lowest floor, including the basement, is elevated to a height of one foot or more above the BFE;
 - ii. Where the building has been elevated by fill, the fill shall be extended to a minimum of fifteen feet outside of the building footprint to a minimum height of one foot above the BFE;
 - iii. New and replacement water supply systems serving the building shall be designed to not allow infiltration of flood waters into the system; and,
 - iv. New and replacement sanitary sewage systems which shall be designed to minimize or eliminate infiltration of flood waters into the system and to not allow discharge from the system into flood

waters; on-site disposal systems shall only be allowed when no other alternative is feasible and, if allowed, shall be located to avoid impairment to them or contamination from them during flooding.

- d. Non-residential buildings, new or substantially improved, provided that any subject building:
 - i. Complies with the requirements for residential buildings set forth in 6.2.G.2.c. above, or in lieu thereof;
 - ii. Shall be flood-proofed in lieu of being elevated provided that together with attendant utility, water supply, or sanitary facilities, the flood-proofing of all portions thereof starting at the lowest point and extending to one foot above the base flood elevation be watertight with walls substantially impermeable to water; and,
 - iii. All structural components are capable of resisting the anticipated hydrostatic and hydrodynamic loads and effects of the flood waters and buoyancy; and,
 - iv. A certification is provided by a Connecticut Registered Professional Engineer or Architect (as applicable) that all of the applicable provisions of these Floodplain Management Regulations have been complied with in the design of the subject development.

6.2.H. STANDARDS

In all areas of special flood hazard the following provisions are required:

- 1. All proposed construction and other development shall be reviewed to:
 - a. Assure that all necessary permits have been received from other State and Federal agencies from which approval is required;
 - b. Determine whether proposed building sites will be reasonably safe from flooding;
 - c. Require new and replacement water supply systems and sanitary sewage systems designed to minimize or eliminate infiltration of flood waters in to the systems and discharges from the systems into flood waters. Require on-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding; and
 - d. Obtain from the applicant certified by a professional land surveyor and maintain records of the lowest floor and flood-proofing elevations for new construction and substantial improvements for all structures constructed, improved, or repaired under these Flood Plain Overlay District Regulations.
- 2. New construction and substantial improvements shall be:
 - a. Anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - b. Constructed with materials resistant to flood damage;
 - c. Constructed by methods and practices that minimize flood damage; and
 - d. Constructed with electrical, heating, ventilation, plumbing, air conditioning equipment, HVAC ductwork, and other service facilities, or any machinery or utility equipment or connections servicing a structure shall be elevated to or above the base flood elevation (BFE) to prevent water from entering or accumulating within the components during conditions of flooding. This includes, but is not limited to, furnaces, oil or propane tanks, air conditioners, heat pumps, hot water heaters, ventilation ductwork, washer and dryer hook-ups, electrical junction boxes, and circuit breaker boxes.

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3. Manufactured Homes shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes:
 - a. Shall be placed so as to resist flotation, collapse or lateral movement;
 - b. Shall be elevated to have the lowest floor elevated at a height of one foot or more above the base flood elevation; and
 - c. Shall be placed on a permanent foundation which itself is securely anchored and to which the structure is securely anchored. Anchoring may include, but not be limited to, the use of over-the-top or frame ties to ground anchors.
 - d. The above standards shall apply to all newly placed or substantially improved manufactured homes located in SFHA, including manufactured homes located outside a manufactured home park or subdivision, located in a new manufactured home park or subdivision, located in an existing manufactured home park or subdivision, located in an expansion to an existing manufactured home park or subdivision, or located on a site in an existing park which a manufactured home has incurred substantial damage as a result of a flood.
4. Elevated Buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall not be designed for habitable space and shall be designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls. Designs for complying with this requirement shall be certified by a professional engineer or architect or meet the following minimum criteria:
 - a. Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - b. The bottom of all openings shall be no higher than one foot above grade; and
 - c. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
5. Recreational Vehicles: All recreational vehicles placed on lots within the Flood Plain must either:
 - a. Meet the elevation and anchoring requirements of a manufactured home, or
 - b. Be on the lot for fewer than 180 consecutive days and be fully licensed and ready for highway use by:
 - i. being on its wheels or jacking system;
 - ii. being attached to the lot only by quick disconnect type utilities and security devices; and
 - iii. having no permanently attached additions.
6. **Compensatory Storage:** The water holding capacity of the flood plain shall not be reduced by any form of development such that the same results, or may result, in any increase in the flood hazard potential upstream or downstream, unless such reduction (A) is compensated for by deepening or widening the flood plain, (B) is on-site, or if adjacent property owners grant easements and the municipality in which the development is located authorizes such off-site compensation, (C) is within the same hydraulic reach and a volume not previously used for flood storage, (D) is hydraulically comparable and incrementally equal to the theoretical volume of flood water at each elevation, up to and including the hundred-year flood elevation, which would be displaced by the proposed project, and (E) has an unrestricted hydraulic connection to the same waterway or water body.

6.2.J Post Development Requirements:

7. **Equal Conveyance:** Development within the SFHA shall not result in any increase in flood stage or velocity that results, or may result, in any increase in the flood hazard potential upstream or downstream.
8. Above-ground storage tanks (oil, propane, etc.) which are located outside or inside of the structure must either be elevated above the BFE on a concrete pad, or be securely anchored with tie-down straps to prevent flotation or lateral movement, have the top of the fill pipe extended above the BFE, and have a screw fill cap that does not allow for the infiltration of flood water.
9. **Portions of a structure in a Flood Zone:** If any portion of a structure lies within the SFHA, the entire structure is considered to be in the SFHA. The entire structure must meet the construction requirements of the flood zone. The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. Decks or porches that extend into a more restrictive flood zone will require the entire structure to meet the standards of the more restrictive zone.
10. **Structures in Two Flood Zones:** If a structure lies within two or more flood zones, the construction standards of the most restrictive zone apply to the entire structure. The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. (Decks or porches that extend into a more restrictive zone will require the entire structure to meet the requirements of the more restrictive zone.)

6.2.I. APPROVAL

1. In reviewing applications for special permits in the Floodway or Flood Fringe, the Commission will consider such issues as:
 - a. Danger to life and property due to increased flood height or velocity;
 - b. Alteration or obstruction of the flood flow or the flood storage;
 - c. Risk to environmental systems;
 - d. Prevention of potential for hazardous debris;
 - e. Extraordinary public risk or expense; and
 - f. The effects of a proposed use in light of an equal degree of encroachment extending for a significant reach on both sides of the Floodway.
2. In acting upon an application for special permit in the Flood Fringe, the Commission will consider all criteria set forth for special permits in Section 9.2.
3. No watercourse located within the SFHA shall be altered or relocated, or application proposing the same approved, without the securing of all appropriate permits (which appropriate permits include an Inland Waters Diversion Permit) from the Connecticut Department of Energy and Environmental Protection by the applicant for the same. The applicant must assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished. The applicant shall also be responsible for providing, and documenting, notifications to adjacent communities and the Federal Emergency Management Agency regarding the same.

6.2.J. POST DEVELOPMENT REQUIREMENTS:

1. Where any result of construction or other development activity is a non-compliance with any provision of these Regulations, the provisions of 6.2.L. of these Regulations shall apply; and notwithstanding the same:

2. Where any result of construction or other development activity is a non-compliance with any provision of these Regulations, the same shall be appropriately corrected by the applicant in a timely manner, unless a variance for the same is appropriately acquired in accordance with the applicable provisions of these Regulations.
3. Where such non-compliance is significant, the Flood Plain Administrator may require that any applicable task, effort, and/or submittal associated with the original permit application be revised, re-performed, recreated, or otherwise corrected or adjusted accordingly; and the Flood Plain Administrator may require that plans, descriptions, and/or other information for the same be submitted, and approved, which approval, at the discretion of the Flood Plain Administrator, may be administrative or through the Commission, prior to commencement of any portion of any non-temporary corrective work or actions contemplated. In association with any of the same, the Flood Plain Administrator may engage the consultation of the Commission's Engineer, at the sole pre-paid expense of the applicant, for evaluation or review.
4. Notwithstanding any such required approval and any time necessary to acquire and effectuate the same, the applicant is and remains responsible for any such non-compliance and any adverse effects, damages, and/or liabilities that result from the same. The applicant shall take whatever interim measures are necessary to prevent damage or other adverse effects as a result of any such non-compliance; and is responsible to give proper notice and information of any such interim measures to the Commission's Engineer prior to commencing the same, and to keep the Commission's Engineer properly informed of the status of the same until such time as any such issue has been satisfactorily resolved.

6.2.K. VARIANCES

1. Procedures and Process

- a. The Zoning Board of Appeals (ZBA) shall hear and decide appeals and requests for variances from the requirements of this regulation.
- b. The ZBA shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Flood Plain Administrator in the enforcement or administration of this regulation.
- c. Any person aggrieved by the decision of the ZBA or any person owning land which abuts or is within a radius of one hundred (100) feet of the land in question may appeal within fifteen (15) days after such decision to the State Superior Court of Hartford District, as provided in Section 8-8 of the General Statutes of Connecticut.
- d. The Flood Plain Administrator shall maintain the records of all appeal actions and report any variances to the FEMA upon request.

2. Specific Situation Variances

- a. Buildings on a Historic Register - Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places, the State Inventory of Historic Places, or any locally-adopted historic district without regard to the procedures set forth in the remainder of this section and provided the proposed reconstruction, rehabilitation or restoration will not result in the structure losing its historical designation.
- b. Functionally Dependent Use or Facility - Variances may be issued for new construction and substantial improvements and other development necessary for the conduct of a functionally dependent use or

facility provided the structure or other development is protected by methods that minimize flood damage, creates no additional threat to public safety and meet all the requirements of Section 6.2.K.3.

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

3. Considerations for Granting Of Variances

In passing upon applications for variances in accordance with Section 6.2.K, the ZBA shall consider all technical evaluations, all relevant factors, all standards specified in other Sections of this regulation and the items listed below as “a – k.” Upon consideration of these factors and the purposes of this regulation, ZBA may attach such conditions to the granting of variances as it deems necessary to further the purposes of this regulation.

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

4. Conditions for Variances

- a. Variances shall only be used upon a determination that the variance is the minimum necessary to afford relief considering the flood hazard; and in the instance of a historical building, a determination that the variance is the minimum necessary as not to destroy the historic character and design of the building and result in the loss of historic designation of the building. Variances shall be reviewed in accordance with the standards of Section 9.6 in addition to the requirements of this section.
- b. Variances shall only be used upon:
 - i. a showing of good and sufficient cause;
 - ii. a determination that failure to grant the variance would result in exceptional hardship; and
 - iii. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, damage the rights or property

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

6.2.L. ENFORCEMENT

1. **Elevation Certificate Required:** No zoning permit or certificate of zoning compliance shall be issued for any new construction or substantial improvement within a SFHA without the submission of an elevation certificate signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information.
2. Each special permit issued in a Flood Plain shall authorize, as a condition of approval, the Flood Plain Administrator or designated agents to make inspections of the subject property. The Flood Plain Administrator or designated agents are also authorized to inspect any property in a SFHA where it appears that violations of these regulations may be taking place.
3. If the Flood Plain administrator finds that any person is undertaking any construction, substantial improvement, filling, or any other activity or maintaining a condition which is in violation of these regulations, the Flood Plain Administrator shall:
 - a. Issue a written order by certified mail, return receipt requested, to the subject property owner, ordering that the activity cease and ordering the property owner to either obtain a special permit in the Flood Plain prior to continuing with the activity or, if appropriate, ordering that all violations and/or obstructions be removed from the SFHA immediately.
 - b. Notify the Building Official and Zoning Enforcement Officer and request that any permit(s) in force be revoked or suspended and that a stop work order be issued, in his/her capacity as Zoning Enforcement Officer, do the same for any zoning permit(s) in force.
 - c. The Flood Plain Administrator may suspend or revoke a special permit issued under this section if it is found that the applicant has not complied with the terms, conditions or limitations set forth in the permit or has exceeded the scope of work as set forth in the application including application plans. Prior to revoking any permit, the Flood Plain administrator shall issue notice to the permittee, personally or by certified mail, return receipt requested, setting forth the facts or conduct which warrants the intended action.
 - d. Failure to comply with any written order issued under this section shall be considered a violation of these regulations and is subject to the penalties described in Section 6.2.M.

- e. In the event violations or obstructions are not promptly removed from the Special Flood Hazard Area (SFHA), the Flood Plain Administrator may cause such removal and remediation work to be performed utilizing bond money held in escrow, or may direct the director of public works or appropriate agent to cause such work to be done and to place a lien against the property.
- f. Any person subjected to enforcement action pursuant to this regulation, may appeal any requirement, decision, or determination of the Flood Plain administrator to the ZBA, in accordance with Section 6.2.K of this regulation. Such person shall provide such information as necessary including appropriate certifications from a registered professional engineer or architect in order to substantiate the claim that the requirement, decision, or determination of the Flood Plain administrator was in error or unwarranted.
- g. Nothing contained herein shall prevent the owner of a residential dwelling, commercial or industrial building existing at the time of the adoption of this regulation from repairing, replacing or restoring said building or the components thereof to substantially the same character and form as existed at the time of such adoption.

6.2.M. PENALTIES FOR VIOLATION

1. Any violation of the provisions of this regulation or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grant of variances or special permits, shall constitute a misdemeanor.
2. Any person who violates this regulation or fails to comply with any of its requirements shall, upon conviction thereof, be fined not less than ten nor more than one hundred dollars for each day that such violation continues; but, if the offense is willful, the person convicted thereof shall be fined not less than one hundred dollars nor more than two hundred and fifty dollars for each day that such violation continues, or imprisoned not more than ten days for each day such violation continues or both, and in addition shall pay all costs and reasonable legal fees involved in the case.
3. Nothing herein contained shall prevent the Town of Canton from taking such lawful action as is necessary to prevent or remedy any violation.

Procedures/ Appendix	Special Regulations	Basic Standards	Other Districts	Design Districts	Business Districts	Residential (R) Districts	Definitions	Introduction	Canton Zoning Regulations Effective May 12, 2014	6 Other Districts 6.3 Farmington River Protection Overlay District 6.2.M Penalties for Violation
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6.3. Farmington River Protection Overlay District

6.3.A. PURPOSE

The Farmington River Protection Overlay (FRPO) District is intended to establish standards and requirements for appropriate use and conservation of the land and water resources within the FRPO District in recognition of the River's designation under the National Wild and Scenic Rivers Act.

6.3.B. DISTRICT BOUNDARIES

1. The FRPO District is defined as the area of the Farmington River (River) in Canton (defined by the ordinary high water mark) and any River's edge and upland area in Canton within 100 feet of the ordinary high water mark of either bank of the Farmington River.
2. The ordinary high water mark is that point or series of points along the River's edge where the presence and action of water are so common as to produce soil and/or vegetation types which are distinct from that of the abutting upland.
3. Where there is a question or dispute over the FRPO District boundary, the Commission may require an applicant to have the ordinary high water mark determined by a certified soil scientist and the boundary shown on a plan prepared by a licensed land surveyor.

6.3.C. APPROVAL REQUIRED

Lot alterations, regrading, filling, or clearing of vegetation before approval of any permit or application as required under this regulation shall be a violation of these Regulations and subject to penalties as provided under the CGS, as amended.

6.3.D. USES PERMITTED BY RIGHT

The following uses are permitted by right to the extent they are not prohibited by any other ordinance or regulation and that they comply with Section 6.3.G.

1. The planting of perennial native species within the District, especially where exposed soil and steep slopes (greater than 25%) exist.
2. Fences for the purpose of marking boundary lines are subject to the provisions of Sections 6.2 and 7.7 of these Regulations.
3. Maintenance and protection of existing residential accessory uses including lawns, gardens, play areas and sealed water supplies with buffer plantings.
4. Fish and wildlife management practices approved by the ZEO, upon the submission of a plan approved by the North Central Conservation District.
5. Maintenance of an agricultural activity which is in existence on the effective date of this regulation.

6.3.E. USES PERMITTED BY ZONING PERMIT

1. Any permit use permitted by zoning permit in the underlying zoning district provided that such use or activity is consistent with the overall purpose of the FRPO District and the specific standards of this section.
2. Selective pruning or removal of trees of a caliper of 4" or less to meet:
 - a. Maintain a filtered view of the River from a principal structure;
 - b. Provide pedestrian access to the River by means of a meandering foot path;
 - c. Remove dead, diseased, unsafe or fallen trees noxious and invasive plants and shrubs; and/or
 - d. Promote the health and vitality of existing vegetation.
3. State, municipal and quasi-municipal improvements and operations which unavoidably must encroach into the FRPO District, provided that there is no practical or feasible alternative for the provision of the needed improvement or operation outside of the FRPO District and that all measures will be taken to minimize any adverse impact of such improvement or operations including without limitation:
 - a. Rehabilitation, replacement or upgrading of existing infrastructure elements including bridges, water, sewer and power lines, and drainage facilities;

6.3.F. SPECIAL PERMIT USES

1. Any special permit use permitted in the underlying zoning district provided that such use or activity is consistent with the overall purpose of the FRPO District and the specific standards of this section.
2. Removal of trees (4" or greater in caliper), including the:
 - a. Removal of vegetation to create a filtered view of the River by selective pruning;
 - b. Removal of trees in excess of 4" in caliper; or,
 - c. Cutting of timber for forestry management or any other purposes, provided that any removal:
 - i. is conducted in accordance with a forest management plan prepared by a professional forester and approved by the Commission;
 - ii. is accomplished without creating any instability of the riparian areas immediately adjacent to the area of tree removal;
 - iii. is consistent with the vegetative cutting provisions of the Inland Wetland and Watercourses Agency Regulations; and
 - iv. allows for reasonable visual access to the River while maintaining, to the greatest extent possible, natural screening of man-made structures or objects as viewed from the River.
3. State, municipal and quasi-municipal improvements and operations which unavoidably must encroach into the FRPO District, provided that there is no practical or feasible alternative for the provision of the needed improvement or operation outside of the FRPO District and that all measures will be taken to minimize any adverse impact of such improvement or operations including without limitation:
 - a. Enlargement, relocation, or redistribution of highway maintenance facilities;
 - b. Water supply pump stations, storage reservoirs, tanks and stand pipes and associated structures;

- c. Community facilities, owned and operated by a government agency, that enhance and rely upon river resources for their purpose and function; and
- d. Rehabilitation, replacement or upgrading of existing canals, mill ponds, and dams generally, but also incorporating fish ladders and hydroelectric facilities.

6.3.G. RIVER PROTECTION STANDARDS

1. Any activity within the FRPO District shall be designed and conducted to minimize disturbance within the FRPO District, especially between the River and the existing building or structure.
2. In no case shall the Commission permit the existing and proposed area which is or will be improved, regraded, or disturbed, including during construction, to equal or exceed fifty percent (50%) of the total area of the FRPO District on any such existing lot.
3. Clear cutting of trees and shrubs is prohibited.

6.4. Municipal, Community, and Public Facilities District

6.4.A. PURPOSE

The Municipal, Community, and Public Facilities (MCPF) District is intended to provide for essential services to the community while protecting the character of the town and properties in close proximity to these facilities. These services include public and community uses generally provided by the Town of Canton, community volunteers, or other quasi-public entities that serve a public purpose and address a public need. Examples include but are not limited to: a community center; fire stations; public libraries; facilities for public utilities; town park/ recreation fields/ playground; police stations; public schools; public works facility; and other emergency response needs.

The Town of Canton contains a varied topographical landscape, extensive natural resources, limited infrastructure, limited access to water and sewer, and a variety of distinct neighborhoods and communities that are a fundamental component of the Town's unique character. The intent of this MCPF District is to maintain substantial control over where and how such uses will be located, and to establish clear standards under which nearby residential and non-residential areas shall be protected.

6.4.B. DEFINITIONS

For the purpose of this section the following definitions shall apply:

1. "Residential Lot": a lot containing an existing residence or a lot located in a residential district;
2. "Residential District": a residence district as described within Section 3; and
3. "Non-Residential Lot": a lot located in a district other than Section 3, and does not contain an existing residence.

6.4.C. USES PERMITTED BY SITE PLAN APPROVAL (COMMISSION)

The following uses are permitted as of right in the MCPF District with the approval of a site plan:

1. Municipal parks, recreation fields, and playgrounds, not including buildings;
2. Utility facilities, water supply and water pollution control facilities (including treatment and filtration systems, pump stations, storage reservoirs, tanks and stand pipes and appurtenant structures) and other utility facilities and substations (including new facilities and any major expansion of or addition to existing facilities).
3. Parking for up to 20 vehicles.
4. Accessory uses:
 - a. Signs in accordance with Section 7.3;

6.4.D. USES PERMITTED BY SPECIAL PERMIT (COMMISSION)

The following use may be permitted by special permit subject to the requirements of this section:

1. Municipal buildings, structures and uses (excepting correctional institutions or facilities for persons receiving mental health services, which are subject to the provisions of CGS §8-3e) as follows:
 - a. Parks, recreation fields and playgrounds including buildings;

- b. Administrative buildings such as a Town Hall, Board of Education District Offices, community centers, and public libraries;
 - c. Fire stations; police stations; and other emergency response facilities;
 - d. Public works facilities; waste transfer stations, resource recovery centers, and bulky waste disposal areas; facilities for public utilities under the jurisdiction of the Town; and
 - e. Other municipal facilities not otherwise identified by this section.
2. Educational institutions, public or private schools.
3. Buildings, structures and uses that serve a public purpose (excluding uses carried on primarily for profit) that would normally be constructed by and/or operated by the municipality, but which are under the auspices of a quasi-municipal entity.
4. Other Institutions – Places of worship, cemeteries, convalescent home, residential health care facility, skilled nursing facility, rehabilitation facility, assisted living facility, congregate housing, and similar uses.
5. Accessory uses:
- a. Signs in accordance with Section 7.3;
 - b. Any building or accessory use customarily incidental to a permitted use;
 - c. Reasonable and appropriate off-street parking for more than 20 vehicles and loading facilities in accordance with Sections 6.4.E.6 and 7.2 and as may be modified by the Commission in each instance based upon a review of the specific location, design and circumstances of the existing and/or proposed use;
 - d. Accessory food services, consisting of the sale of prepared food for consumption on the premises by visitors and employees; and
 - e. Day care center located within a places of worship, club, or public building provided that the Commission finds the criteria of Section 4.1.C.7.b has been met

6.4.E. STANDARDS

1. **Access.** Lots designated as a MCPF District may be divided by a public or private road or strip of land provided legal access is established to and from each of the lots.
2. **Other Considerations.** In determining the appropriateness of the location of MCPF districts the Commission shall consider, in addition to all other applicable regulations, the following factors:
- a. The public need for the facility;
 - b. The accessibility to state highways and major town roads;
 - c. The physical characteristics of the lot;
 - d. The availability of sufficient infrastructure to support the district or use, or the ability to provide new on-site infrastructure to support the MCPF district; and

- e. The proximity to developments of a similar or dissimilar nature.

3. **Area and Dimensional Standards.** Lot area, frontage, size and coverage for buildings and other support structure improvements shall be developed in accordance with the following table:

Table 6.4.E – MCPF District – Dimensional Standards

Minimum Lot Area:	None	
Minimum Frontage:	→	Lots shall provide unobstructed rights of access to a public highway at least 30 feet in width
Minimum Front Yard Setback:	20 ft.	
Minimum Side Yard Setback:	15 ft.	Minimum side and/ or rear yard may be increased by the Commission after finding such increase is necessary to protect the reasonable use and value of adjacent lots. Such increase in side or rear yard setbacks shall not exceed the supplemental setback requirements of Section 6.5.E.6
Minimum Rear Yard Setback:	25 ft.	
Maximum Height:	40 ft.	The maximum height may be increased by the Commission provided such height does not jeopardize the ability of occupants to escape or be rescued in the event of fire. In order to grant such an increase, the Commission shall require the written opinion of the Fire Marshal as to the fire safety aspects the increased height would involve.
Maximum Building Coverage:	25%	The maximum building coverage and impervious surface may be increased, up to no more than 60%, by the Commission provided the Commission finds that such additional coverage will not increase the off-site storm water runoff.
Maximum Impervious Coverage:	50%	

4. **Access Streets and Sidewalks.**

- The placement, size, arrangement and use of access streets and sidewalks to public or private streets shall be adequate to serve residents and provide no hindrance to the safe use of existing or proposed streets and structures.
- At least two sides of a building, excepting accessory structures used for the storage of sand and salt, shall be served by a roadway, parking lot, or interior walk of sufficient width and construction to serve emergency vehicles and apparatus.
- Pedestrian walkways with all-weather surfacing may be required for convenience or safety when such proposal is in proximity to or includes a densely populated area or school, in addition to the standards of Section 7.9.

5. **Lighting**

- Necessary lighting of parking areas shall be provided, subject to the standards of Section 7.4.

6. **Parking**

- Due to the unique nature of the uses and the fact that many of the facilities may serve more than one function or use, and because it is not unusual for such facilities to be the location of special events, the

- number adequacy of on-site parking spaces shall be subject to a determination by the Commission taking into consideration of most activities and events to take place on the lot.
- b. All parking shall be set back at least 10 feet from the lot line, except for lot lines which adjoin a residential lot, in which case the parking shall be set back at least 25 feet from such lot line.
 - c. Parking lots shall include reasonable and appropriate landscaping, screening and buffering provided in accordance with Section 7.1.
 - d. Parking lots or buildings visible from adjoining residential lots, at the same or similar grade shall be screened from view, insofar as practical, through the use of landscaped berms, landscaped buffer areas, fences and/or existing vegetation.
 - e. Such screening required under this Section may be modified or eliminated by the Commission in each instance based upon a review of the specific location, design and circumstances of the proposed use. If existing vegetation does not include year round foliage, the Commission may require plantings of conifers such as spruces and firs to maintain year round screening.
 - f. Any loading area, outdoor vehicle service area, outdoor material storage areas, or any area that would require repetitious forward and backward movements of large vehicles and heavy equipment shall be located at least 100 feet from any lot lines which adjoin a residential lot. Vehicle circulation necessary to access the above mentioned areas which does not include repetitious forward and backward vehicle movements shall not be subject to the setback identified herein.
7. **Buffer yards.** Each front, side and rear lot line shall be paralleled by a buffer yard containing landscaped areas, (excluding access drives).
- a. Buffer yards adjacent to a residential lot shall include a landscaped area at least 25 feet in width, densely planted and designed to minimize year round visual impacts of the development from such adjacent residential lots. (See Buffer Yard C in Table 7.1.D)
 - b. Buffer yards adjacent to a non-residential lot shall include a landscaped area at least 10 feet in width, designed to minimize the visual impacts of the development from such non-residential lots.
 - c. Existing vegetation and plant materials may be used to meet all or part of the buffer yard. Existing trees in good condition over 12 inches in caliper shall be preserved unless removal is by the approval of the Commission in consultation with a professional arborist or, the Tree Warden if located on municipal property.
 - d. Variations to buffer yard: The Commission may require additional landscaping to prevent the depreciation of adjoining residential lots when unusual conditions require either:
 - i. more extensive screening; or
 - ii. noise abatement.
8. **Noise Standards:** The Commission may consider anticipated noise generation and its effect on surrounding properties as part of the evaluation of a special permit use under Section 9.2.
- a. **Stationary Equipment:** Stationary mechanical equipment, including but not limited to, refrigeration equipment, heating, ventilating, and air-conditioning equipment, shall be designed and sited in order to comply with the Connecticut State Noise Regulations (Regulations of Connecticut State Agencies, Title 22a, Sections 22a-69-1 to 22a-69-7.4 "Control of Noise").

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- b. Any stationary mechanical equipment generating noise in excess of 55 decibels, measured at the precise location of the equipment, shall be located, designed, installed, screened, and maintained in such a manner that ensures compliance with Connecticut State Noise Regulations.

9. **Site Development Plan:** Prior to the issuance of a special permit for a use permitted under this section, a Site Development Plan shall be submitted and approved in accordance with the provisions of Section 9.1.

10. **Enlargement of Special Permit:** No special permit use may be enlarged or substantially altered until such time as a new application for a special permit has been filed with and approved by the Commission following a public hearing pursuant to all the provisions of Section 9.2.

7. BASIC STANDARDS

7.1. Landscaping

7.1.A. PURPOSE

The purpose of these landscaping regulations is to:

1. Enhance property values;
2. Help minimize soil erosion;
3. Conserve energy by the provision of shade trees over streets, sidewalks, parking areas and other paving, and to promote aesthetic quality;
4. Improve the quality of the environment;
5. Provide landscaping in parking areas to improve lot appearance and safety, intercept and manage stormwater run-off, and to encourage the natural infiltration of rainwater;
6. Encourage the retention of existing vegetation;
7. Minimize impacts of noise, light and glare;
8. Increase the compatibility between different intensities of land uses by providing visual barriers;
9. Interrupt open and expansive paved parking lots; and
10. Contribute to the aesthetic appearance, image and appeal of the Town.

7.1.B. APPLICABILITY

1. This section of the Regulations shall apply whenever any proposed building, structure, or development activity requires the submission of a site plan application or a special permit application within Business and Industrial Districts, and the development of residential lots adjacent to Business and Industrial Districts and Design Districts. This section shall also apply to residential properties expanding legally non-conforming non-residential uses or buildings.
2. These provisions shall not apply to the development of lots within the Collinsville Business Overlay, or construction or development of a single-family dwelling not adjacent to Business and Industrial Districts and Design Districts (unless part of a development of multiple dwelling units).
3. Where a Design District has established specific landscaping standards, those standards shall govern.

7.1.C. OVERALL LANDSCAPING STANDARDS

1. All portions of a lot not required for buildings, structures, parking, driveways, or sidewalks shall be landscaped with lawn, ground cover, trees, evergreen shrubs, gardens or other appropriate plantings. This requirement is in addition to all other planting requirements of these Regulations. Bark, stone or wood mulch is not permitted as the predominant ground cover.

7.1.D Perimeter Landscaping Standards in Business and Industrial Districts

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2. The landscape shall be preserved in its natural state insofar as practical by minimizing tree and soil removal, preserving large existing trees whenever practical, keeping any grade changes in harmony with the general appearance of neighboring developed areas, and retaining stone walls and other unique lot features.
3. Where existing large trees or other vegetation are removed prior to the filing of a zoning application, the Commission may require the planting of the largest commercially available trees or shrubs to replace them.
4. Existing healthy, mature trees and vegetation expected to survive may be credited by the Commission towards the requirements of these Regulations.
5. Such plan shall be prepared to show the preservation of such existing vegetation in its natural state, insofar as practical, and such plan shall be made a part of any site landscaping plan.
6. Landscaping materials selected for use shall be acceptable to the Commission.
7. Use of invasive species is prohibited.
8. Stone mulch shall not be used within five feet of pavement or sidewalks to avoid tripping hazards and stones being thrown by tires.
9. Landscaped areas within five (5) feet of pavement shall be designed to be salt tolerant and capable of surviving heavy loads of snow.
10. Grass berm slopes shall not exceed 25 percent to facilitate mowing while berms planted with ground cover and shrubs shall not exceed slopes of 50 percent.
11. No landscaped area shall be used for the sale, storage, or display of goods unless approved by the Commission under Section 7.10 Outdoor Display Areas.

7.1.D. PERIMETER LANDSCAPING STANDARDS IN BUSINESS AND INDUSTRIAL DISTRICTS

1. **Front Yard** –there shall be a landscaped area at least ten feet (10') in width along the perimeter of the front yard, including utility easements but exclusive of sidewalks, and entrance drives except where modified by a majority vote of the Commission where it is found that:
 - a. There is existing vegetation that meets the intent of this regulation; or,
 - b. Such landscape area cannot reasonably be accommodated due to unique conditions attributable to the site (i.e. existing bedrock outcrops, limitations to sight line visibility, etc.).
2. **Side & Rear Yard** - along the perimeter of the side and rear yards there shall be a landscaped area at least five feet (5') in width except:
 - a. In areas providing access to parking areas shared with adjacent lot; or
 - b. Where it is found by the Commission that there is existing vegetation that meets the intent of this regulation.
3. **Planting Bed Requirements** –
 - a. The landscaped area referenced to in Section 7.1.D.1 and 7.1.D.2 above shall contain at least one (1) shade tree for each forty (40) feet or fraction thereof, of the corresponding lot line.

7.1.D Perimeter Landscaping Standards in Business and Industrial Districts

- b. The landscape area referenced in Section 7.1.D.2 above shall contain one (1) understory tree for each forty (40) feet of length of side or rear lot line, or fraction thereof, and one (1) shrub shall be planted for each 20 feet of side or rear lot line, or fraction thereof.

4. Residential Buffers

- a. New development, including buildings, uses & including vehicular areas, shall provide a landscape buffer along the lot line abutting lots in a residential district through the use of berms, walls, fencing, landscaping or existing vegetation of such type, height, spacing and arrangement which, in the judgment of the Commission, shall:
- effectively screen the activity on the subject lot from such residential lots; and
 - provide protection from noise, headlight glare and visual intrusion to dwellings and residential yards.
- b. Unless modified by the Commission, multiple dwelling uses, including vehicular areas, shall provide a landscape buffer along each lot line.
- c. New residential development shall provide a landscape buffer along the lot line abutting land used for non-residential purposes or abutting lots located in a business and industrial district or design district.
- d. The depth of the landscape buffer and density of plant materials shall be determined by the Commission based on the nature of the surrounding uses and using the following diagrams as a guide (Table 7.1.D).
- e. Where circumstance warrant, the Commission may reduce the buffer width and/or planting requirements due to existing vegetation or other factors, or may increase the planting requirements.

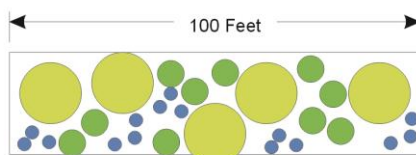
Table 7.1.D – Potential Landscaped Buffer Con-figurations

Buffer Yard A - 15 Foot Depth



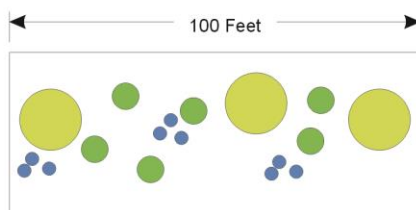
- 20 evergreen trees

Buffer Yard B - 25 Foot Depth



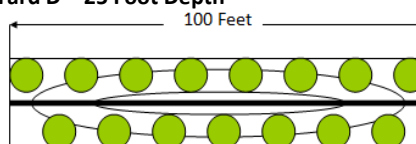
- 5 shade trees
- 10 understory trees
- 15 shrubs

Buffer Yard C - 45 Foot Depth



- 3 shade trees
- 6 understory trees
- 9 shrubs

Buffer Yard D – 25 Foot Depth



- 16 evergreen trees
- 6' solid screen fence
- 4' high berm (grass cover or mulch)

7.1.E. PARKING AREA LANDSCAPING STANDARDS

1. At least ten percent (10%) of the parking lot area shall be landscaped through the use of landscaped islands within the parking lot.
2. Shade Trees
 - a. At least one (1) shade tree shall be provided within the parking lot for every 10 parking spaces.
 - b. Such trees shall be located in landscaped islands and staked with two (2) three (3)-inch diameter stakes and protected by curbing against damage by vehicles.
3. A minimum planting area, equivalent to 150 square feet per tree shall be provided.
4. Parking areas shall have a landscaped island at each end of each row of parking spaces and an intermediate island for every 15 parking spaces. The Commission may require more landscaped area based on the size of the parking lot.
5. Landscaped islands shall be not less than eight (8) feet wide in the direction parallel to the row and not less than 18 feet long in the direction perpendicular to the row.
6. Landscape islands shall have a suitable curb of stone, poured-in-place or pre-cast concrete, and shall be planted with grass or ground cover, or have pedestrian pavers where approved by the Commission, unless part of a drainage system.
7. Landscaping around the edges of stormwater basins may be planted with a mix of shrubs and wild-flowers, or other plantings that encourages use by wildlife but deters Canada geese that prefer grassy edges, and reduces maintenance burdens.

Diagram 7.1.E.1 – Typical Parking Lot Island

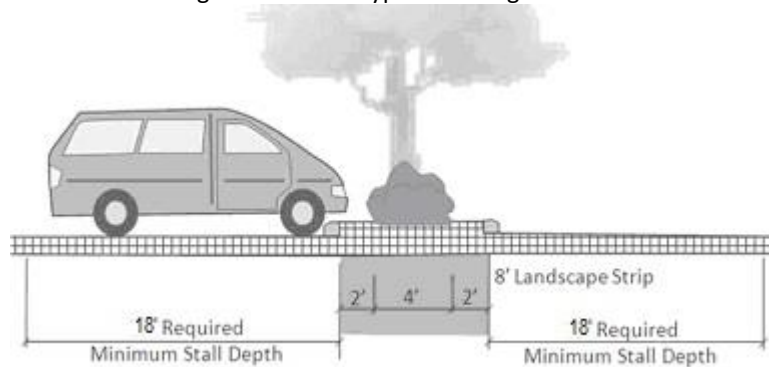
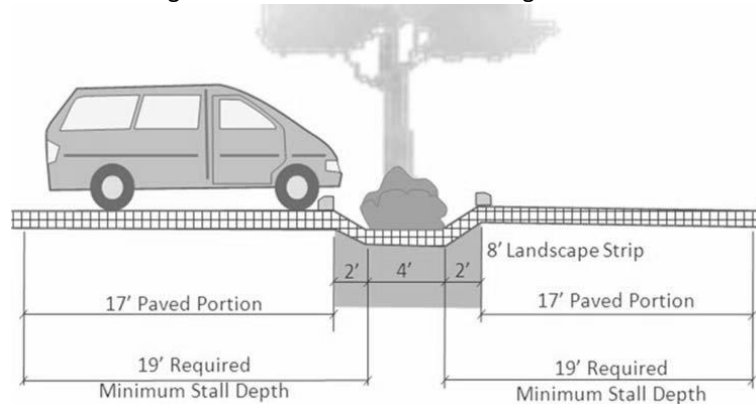


Diagram 7.1.E.2 – Alternative Parking Lot Island



8. A landscaped buffer strip having a minimum width of fifteen (15) feet shall separate all buildings from parking lots and driveways except at loading docks, building entrances and along pedestrian arcades. This buffer strip may contain pedestrian walkways and a combination of at least three (3) of the following: trees, shrubs, grass or other landscape material.
9. Unless modified by the Commission, a landscaped strip shall be provided along any access driveway to or from the street to separate parking spaces and access aisles from entering and exiting traffic. Such landscaped strip shall be of sufficient width to ensure that no parked automobile overhangs into the access driveway. (See Diagram 7.2.D.3)
10. Trees located within parking lots shall have a clear trunk height of at least six (6) feet and shrubs shall be kept trimmed so as not to impede the vision of pedestrians and motorists.

7.1.F. MINIMUM LANDSCAPING STANDARDS

1. Where trees are required, they shall be deciduous shade trees at least three to three and one-half (3-3.5 inches) in caliper at planting with a mature height of at least 35 feet.
 - a. Trees that will attain a height at maturity greater than 50 feet shall be planted no closer than 30 feet on center.
 - b. Tree variety is required, five (5) different species shall be planted on any site except when modified by the Commission where it is found that:
 - i. existing vegetation is being used to meet a portion of the landscaping requirement which by its origin is not able to meet this requirement;
 - ii. the proposed landscaping plan uses uniformity of species in a manner which promotes an artistic and aesthetic landscape.
2. Where understory trees are used, they shall be deciduous shade or fruit trees at least two (2) inches in caliper at planting with a mature height of at least 12 feet.
3. Where evergreens are used, they shall be at least six (6) feet in height at planting.

4. The following plants are not be allowed within, or adjacent to, a municipal or state right-of-way, or as part of any site development plan:

- a. Weeping Willow;
- b. Norway Maple;
- c. Silver Maple;
- d. White Pine;
- e. Red Pine;
- f. "Bradford Pear"; or
- g. Ginko – female

5. The Tree Warden shall be consulted regarding tree species that are located in or adjacent to any municipal right-of-way and shall issue a report to the Commission. The Commission may modify the landscaping plan in consideration of Tree Wardens report.

7.1.G. COMPLETION BONDING AND MAINTENANCE

1. Landscaping plants required by these Regulations shall be planted and maintained in a healthy, growing condition according to accepted local customary horticultural practices.
2. All landscaping shall be maintained in accordance with the approved plan.
3. Any dead, missing, or other landscaping which is in a condition that does not fulfill the intent of these Regulations shall be replaced by the lot owner in accordance with the approved plans as soon as weather permits (taking into considering the planting season for the particular plant material).
4. Any screening fence, wall, or curbing required by these Regulations shall be maintained in good condition by the lot owner.
5. The Commission or the Zoning Enforcement Officer, as a condition of approval, may require that a performance bond, in a form and an amount acceptable to the Commission or Zoning Enforcement Officer (in consultation with the Commission's engineer), be provided to insure the faithful performance of the landscaping work to be undertaken.
6. The Commission may require the design landscape architect to certify that all landscaping has been installed in accordance with the approved plans.
7. When existing trees and vegetation within the site are used to meet the requirements of this section:
 - a. The existing landscape shall be surveyed, trees and natural growth to be preserved shall be identified and marked, and a plan to preserve identified vegetation in its natural state insofar as practical shall be developed and made a part of the site landscaping plan;
 - b. Clearing limits shall be staked in the field prior to any clearing and/or excavation;
 - c. Particular care shall be used to observe and respect these clearing limits during all phases of development;

- d. Existing large trees that are proposed to remain shall be identified and shall have suitable fencing installed at their drip lines to designate areas in which cutting and filling are prohibited and to help minimize soil compaction from construction equipment in their general location; and
 - e. Any tree marked for preservation which is removed, or damaged beyond satisfactory repair by action or inaction of the owner, as determined by a professional arborist required by the Commission, shall be replaced with sufficient trees of the same or similar species as approved by the ZEO so that the combined caliper measurements of the replacement trees shall exceed the caliper measurements of the tree that was removed or damaged;
- 8. All trees shall be staked for one (1) year from the date of installation. Stakes shall be removed at the completion of 1 year.
 - 9. All trees and shrubs shall have a minimum of two (2) inches and a maximum of four (4) inches of mulch placed around the base of the planting area and shall not touch the bark.

7.1.H. MODIFICATION OF REQUIREMENTS

- 1. The Commission may allow these standards to be modified in special circumstances where other adequate landscape treatment is provided.
- 2. During construction, the Zoning Enforcement Officer may allow field substitutions of plant material provided the original intent of the approved landscape plan is maintained upon consultation with a professional landscape architect.

7.2. Parking & Loading

7.2.A. PURPOSE

The purposes of these regulations are to:

1. Ensure that off-street parking, loading, and access demands associated with new development will be met without adversely affecting other nearby land uses and surrounding neighborhoods;
2. Minimize the impact of stormwater from impervious surfaces that result from off street parking and loading; and
3. Support and promote safe and convenient pedestrian and bicycle movements within and adjacent to the lot being developed.

7.2.B. APPLICABILITY

1. This section of the Regulations shall apply whenever any proposed structure or development activity requires the submission of a site plan application or a special permit application.
2. Where a Design District has established specific parking standards, those standards shall govern.
3. These provisions shall not apply to a change in use to development lots within the Collinsville Business Overlay District, except as regulated under Section 6.1.G.4.
4. The change of any use to a use requiring more spaces than is already provided shall comply with the requirements of such additional spaces as required by this section.
5. Farm Exemption - The provisions of this section do not apply to vehicles, trailers, or construction equipment used on a farm as defined in these regulations.
6. Parking Garages - Parking garages and decks are authorized subject to conformance with all other applicable regulations.

7.2.C. NUMBER OF PARKING SPACES

1. **Location** - off-street parking spaces shall be provided and permanently maintained on either:
 - a. The same lot for which such parking is provided; or
 - b. On other lot within a radius of not more than 300 feet from the main entrance of the main building on the lot to which it is appurtenant.
2. **Number** - the standard number of parking spaces for a site shall be determined using one of the following two methods:
 - a. As derived from Table 7.2.C.
 - b. By the Commission after considering the findings and recommendations of a report prepared by a professional engineer or professional landscape architect that shall address the following:
 - i. Scope and type of uses or activities on the site;
 - ii. Expected peak traffic, parking generation/loads, and rate of parking turnover;
 - iii. Standard industry practices; and, Justification for recommended parking to be supplied.
Such study may include, as applicable, and in addition to other relevant information, the following for substantiation of findings:
 1. Documented relevant experience;
 2. Findings of relevant, credible studies or reports;
 3. Effects of available shared or on-street parking;
 4. Effects of relevant uses with typical peak parking demands at different times of day; and
 5. Standard industry practices.

3. The number of provided parking spaces allowed for a site shall be the standard number derived from (2.) above plus or minus 15 percent, rounded towards said standard number; except that where said standard number is less than 7 spaces, then the allowable number of spaces shall be the standard number plus or minus one space, and a minimum of two spaces must be provided for any permitted site.
4. Where the standard number of parking spaces is determined using method (b.) from (2.) above and the determined standard number of parking spaces is greater than 15, then:
 - a. Within a Design Village District, the subject application shall be processed as a Type II application as set forth in the Design Village Districts Form Based Code; or
 - b. Otherwise, a Special Permit for the allowable parking shall be required.

Table 7.2.C – Parking Space Requirements

Use	Minimum Parking Requirement
Dwellings In Collinsville*	One (1) space per dwelling unit
Dwellings (all other districts)	Two (2) spaces per dwelling unit
Bed & Breakfast	One (1) space for each guest sleeping room
Theaters/Place Of Public Assembly/Churches	One (1) space for every four (4) seats in portion of building used for services or assembly (calculated based on the maximum occupancy set by the Fire Marshal)
Retail Stores	One (1) space for every 300 square feet of retail floor area
Offices	One (1) space for every 500 square feet of gross floor area
Industrial Building/Warehouse	One (1) space for every 2,000 sf two employees
Basement Storage Or Utility Areas	Zero (0) parking spaces
Day Care (Exc. Family Day Care)	One (1) space per 4 children at maximum capacity
Personal Service Use	Six (6) spaces for every 1,000 square feet of gross floor area
Automobile Sales and Repair	Three (3) per service bay and one (1) for every two (2) employees
Veterinary Hospitals	Two (2) spaces for every 1,000 square feet of gross floor area
Motels/Hotels	One (1) per guest room plus one (1) for every two (2) employees plus additional spaces as required for accessory uses
Recreation And Amusement Uses/Health Clubs/Gyms	One (1) for every four (4) seats or 5 per 1,000 square feet of gross floor area, as determined by the Commission
Nursing Home	One (1) space for every 10,000 square feet of gross floor area
Self-Storage	One (1) space for every 10,000 square feet of gross floor area
Home Based Business, Minor Or Major	Two (2) per dwelling unit plus 1 per non-resident employee
Class I Restaurant	Ten (10) per 1,000 square feet of gross floor area
Class II & Class III Restaurants	One (1) per every four (4) seats plus an additional ten (10) per every 1,000 of square feet of gross floor area. The additional 10 spaces per 1,000 square feet requirement may be temporarily or permanently deferred in whole or in part by the Commission upon a finding that additional parking is not needed. (calculated based on the maximum occupancy set by the Fire Marshal)
Other Uses	Sufficient off-street parking spaces to accommodate the automobiles of all employees, customers, patrons, visitors and other persons reasonably anticipated to be on the premises at any one time

*R-1 and Collinsville Business Overlay District

5. **Fractional Calculations** - When the computation of required parking spaces results in a fraction of a space the required number of spaces shall be decreased to the next whole number.
6. **Parking Shared Between Properties** - The owners of two or more separate properties may establish a joint parking area to provide the total number of required parking spaces, provided that perpetual easements allowing shared parking and ingress and egress are approved by the Town Attorney and filed in the Canton land records.
7. **Dedicated Parking**
 - a. No area shall be credited as a parking space which is in any part credited or used as a loading space or travel way.
 - b. No parking space shall be used for the sale, storage, or display of goods unless approved by the Commission under Section 7.10 Outdoor Display Areas.
8. **Multiple Uses** - Except as may be provided in these Regulations, the required number of parking spaces for a building or lot containing multiple uses or shared parking arrangements shall be determined by adding the required parking spaces for each use.
9. **Potential Permanent Reduction** - The Commission may reduce the cumulative number of required parking spaces within a development or adjacent properties containing more than one use provided the Commission finds one or more of the following:
 - a. Differences in peak parking demands among uses result in a lower net peak parking demand;
 - b. Synergistic relationships among uses allow patrons to park once while accessing multiple locations or allow for multiple purpose trips to occur within the development;
 - c. The development is likely to generate bus, bicycle or pedestrian trips and accommodations have been made to support these alternative forms of transportation; and
 - d. Support and promote safe and convenient pedestrian and bicycle movements within and adjacent to the lot being developed.
10. **Potential Deferral of Installation** - The foregoing parking requirements may be modified by the Zoning Commission only after a finding that the parking spaces shown on the site development plan conform to the parking requirements, but the complete installation of all spaces is not required immediately. If the Commission makes such a finding, construction of such parking spaces may be deferred, provided that the stormwater management system is designed to handle the deferred parking pavement. The stormwater management system for the deferred parking areas shall be installed at the time of initial lot development. The Commission may require the full installation of required parking if the installed parking is not sufficient.

7.2.D. PARKING AREA DESIGN STANDARDS

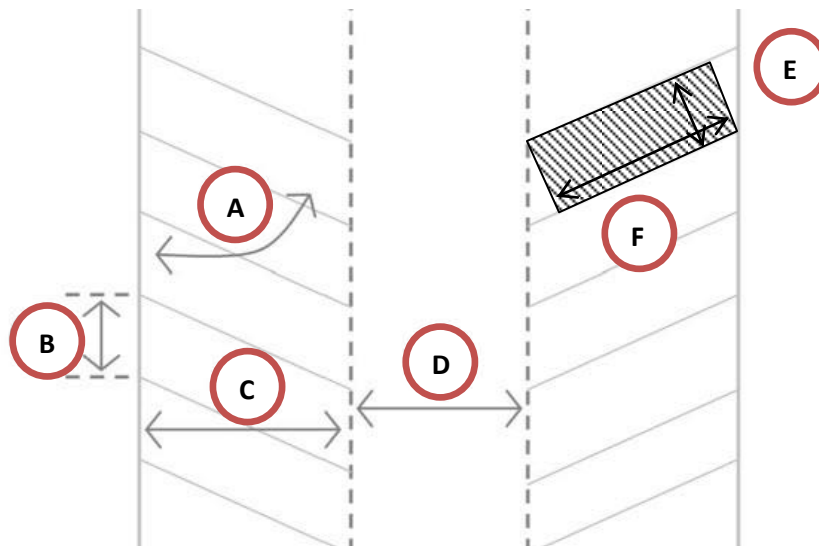
1. **Configuration** – Parking stalls and driveways shall be of appropriate shape, vertical clearance, access and slope to accommodate one automobile and shall conform to the following standards

- a. **Spaces For Non-Handicapped Persons:**

Table 7.2.D – Parking Area Dimensions

A. Parking angle	0°	30°	45°	60°	90°
B. Curb length	23'	16'6"	12'9"	10'5"	9'
C. Stall depth	9'	18'	19'	19'	18'
D. Driveway width – one way	14'	12'	13'	18'	20'
– two way	20'	20'	20'	20'	24'
E. Parking space width	9'	9'	9'	9'	9'
F. Parking space length	23'	18'	18'	18'	18'

Diagram 7.2.D.1 – Parking Area Diagram

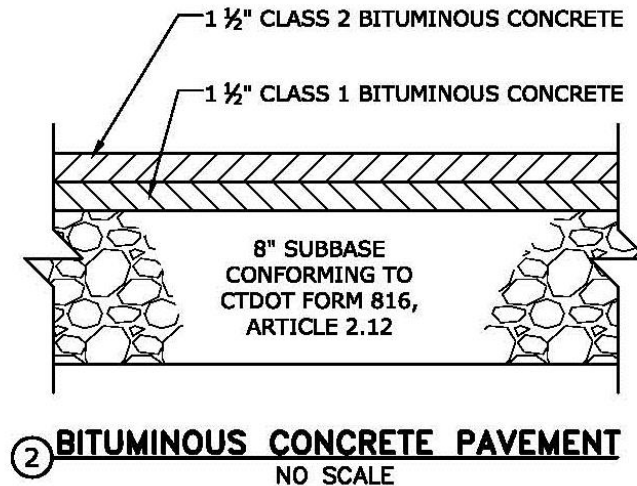


- b. **Spaces For Handicapped Persons** - Parking spaces designated for handicapped accessibility shall be required in accordance with CGS Section 14-253a and the "The Connecticut State Building Code", Section 29-352, as may be amended from time to time.
 - c. Notwithstanding the above dimensional standards, each off-street parking space shall be provided with adequate area for maneuvering of an automobile for access and egress to and from the space without need to use any part of any street right-of-way.
 - d. Dead-end parking bays longer than 25 feet in length, without a means of turning automobiles around, are prohibited.

2. Construction

- a. All off-street parking and loading spaces shall be suitably improved, graded, stabilized and maintained so as to cause no nuisance or danger from dust or from storm water flow onto any street or other lot.
- b. Paved parking areas shall be constructed in accordance with the following construction detail:

Diagram 7.2.D.2 – Pavement Section

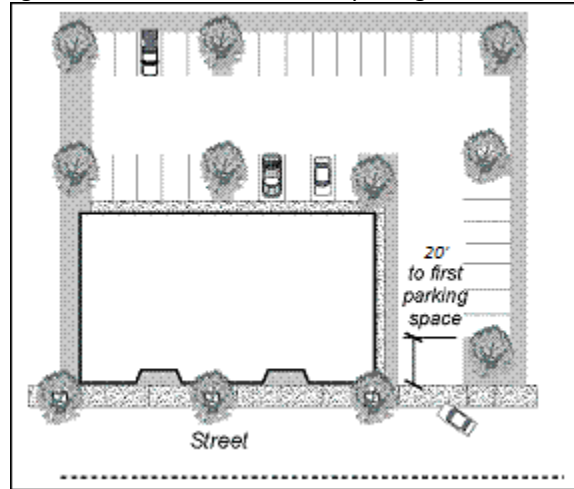


- c. The Commission may approve, and encourages the use of, porous pavement, porous pavers and other permeable hard surfaces to meet part of any required parking spaces on a lot, provided there are no overriding environmental limitations.

3. Location

- a. No parking area or vehicle access which serves a use in any Business District shall be permitted on a lot in a Residential District.
- b. Except within the Collinsville Business Overlay District, no parking space shall be allowed within ten (10) feet of any lot line, except where the Commission has approved shared parking between adjacent lots.
- c. No parking space shall be located with direct access to any driveway leading to and from a public street in the general area where traffic is anticipated to queue. A minimum queuing area of 20 feet shall be provided on all access driveways to accommodate queuing. (Diagram 7.2.D.3)

Diagram 7.2.D.3 – Access Driveway Design Minimum Queuing Area



- d. To reduce the mass of parking lots in front of buildings and bring buildings forward, at least 75% of parking should be provided behind the building line.

4. Access Drives

- a. Points of entrance and exit for driveways onto any street shall be located so as to not create hazards to pedestrian, cyclists, and motor vehicular traffic in the street.
- b. Except for driveways permitting only right turns into and out of the site, access driveways shall, insofar as practical, align with existing opposing streets or commercial driveways.
- c. Driveways to the street from any Business District (excluding the Collinsville Business Overlay) or Design District shall be a minimum of 20 feet wide and a maximum of 24 feet wide (except to accommodate a landscaped center island to separate traffic). This requirement may be modified if additional width is required by the Connecticut Department of Transportation or the Office of the State Traffic Administration.

5. Access Management

- a. The Commission shall not approve any site plan unless it has determined that in the best interest of public safety, and/ or to promote orderly development, the applicant has made reasonable efforts to:
 - i. reduce curb cuts and provide shared access with an abutting lot;
 - ii. establish lot inter-connections using internal driveways and walkways;
 - iii. locate turning movements to the most appropriate locations;
 - iv. separate driveways from nearby intersections; and
 - v. provide more than one means of access, ingress and/ or egress.
- b. For any zoning permit any use, change in use, or zone map change application, and site plan which would require a cut or modification in the curb line of a State Route, the applicant shall seek consultation with District 4 of the Connecticut Department of Transportation.

6. Signage and Pavement Markings

- a. Any traffic control signage shall conform to the “Manual of Uniform Traffic Control Devices”, “Standard Alphabets for Highway Signs and Pavement Markings”, CT DOT 814A, and the Connecticut Building Code, as may be amended from time to time.
- b. Crosswalks, directional arrows, fire lanes, parking spaces (excluding parking for single family dwellings) and other pavement features shall be marked on the pavement and supplemented by signs as determined necessary by the Traffic Authority and/or Town Planner.
- c. Pavement Markings shall be adequately maintained by the lot owner.

7. **Cart Corrals** - Whenever shopping carts are provided, the Commission may require that shopping cart corrals be provided and that such corrals be accessible from every parking bay serving the establishment. Shopping cart corrals may contain canopies and/or signs to indicate their location above the roofs of automobiles but neither may contain any corporate logo, name, or slogan. The owner or tenant shall be responsible for retrieving abandoned shopping carts taken from the premises.

8. **Snow Storage** - To maintain the availability of the maximum number of parking spaces, areas shall be designated outside of the paved parking lot for the substantial collection and storage of snow. These areas shall be depicted on the Site Development Plan. Stockpiling of snow shall be allowed within the parking lot islands as long as it does not impede the vision of motorists or pedestrians.

9. **Wheel Stops** - Pre-cast concrete wheel stops may be utilized in areas where pedestrian routes are adjacent to parked automobiles to limit the amount of automobile overhang.

10. **Landscaping** – Landscaping is required for all parking and driveway areas in accordance with Section 7.1.

11. **Maintenance** - Off-street parking shall be maintained by the property owner as long as the use or structure exists for which the parking is designed to serve.

12. **Installation** - Complete installation and marking of required parking spaces and pavement markings (except those that are deferred or waived) shall be properly installed in accordance with the approved plans prior to the issuance of a certificate of zoning compliance per Section 9.8.C.4.

13. **Curbing** - all off-street parking areas shall have a suitable curb of stone, poured-in-place or pre-cast concrete.

7.2.E. LOADING SPACES

1. **Number of Spaces** – Except in the Collinsville Business Overlay, off-street loading spaces shall be provided and permanently maintained on the same lot in such number and location specified as follows:

Table 7.2.E – Loading Space Requirements

Use		Minimum Loading Requirement
Retail Store, Wholesale House, Warehouse Industrial Building, Or Additions Thereto (Exclusive Of Basements)	0-39,999 SF	The Commission may require designated loading spaces of such dimension, number and location within a parking lot, necessary to support such establishments without impeding the use of parking spaces, driveways or fire lanes
	Over 40,000 SF	More than one space may be required by the Commission
Other uses		Sufficient off-street loading spaces as determined by the Commission based on the size and nature of the proposed use

2. **Dimensions** - Each loading space shall have a vertical clearance of 15 feet and a width of 10 feet and a length of 60 feet.
3. **Access** - Access to such off-street loading space(s) shall be from a private driveway.
4. Except in the Collinsville Business Overlay, no off-street loading space and no truck loading bay, ramp or dock shall be designed or arranged in a manner that trucks must use any part of a public street right-of-way for maneuvering, or for loading and unloading.
5. Loading/unloading spaces visible from a public street or adjacent property shall be screened with masonry walls or fencing or landscaping to minimize visual impact. Lighting shall be directed into the service area from the periphery and not directed toward the street and/or adjacent property.
6. **Required Signage** - Signs prohibiting staging, loading, or idling of commercial vehicles between the hours of 9:00 PM and 7:00 AM and the three-minute limitation on idling at other times contained in CGS Section 22a-174-18(b)(3)(C) must be posted every 100 feet adjacent to the service area.
7. **Modification** - The number of required loading spaces may be waived or modified by the Commission, if the Commission finds that the proposed use does not require the number of loading spaces specified above.

7.3. Signage

7.3.A. PURPOSE

It is the purpose and intent of this section to:

1. Accommodate the establishment of signs necessary for identification, direction and reasonable commercial promotion while providing minimum standards to preserve the character of Canton by regulating the size, height, location and lighting of signs;
2. Provide a reasonable and comprehensive system of sign controls to provide for fair and equal treatment of all sign users;
3. Protect the Town's character by avoiding clutter, while recognizing the need for signs as a major form of communication;
4. Encourage signs that are well designed and pleasing in appearance with good design relationship and materials location;
5. Encourage signs that are well designed with safe and appropriate spacing and location;
6. Promote public safety by providing that official traffic regulating devices be easily visible and free from nearby visual obstructions; and
7. Protect the residential, commercial, industrial, and recreational character of each district.

7.3.B. APPLICABILITY

1. No sign shall be established, constructed, reconstructed enlarged, extended, moved or structurally altered except in conformity with these regulations and until a sign permit, if required by this section, has been issued.
2. For any sign serving a use that was subject to a special permit, a modification of the special permit shall be required if the Zoning Enforcement Officer determines that a proposed change in size, shape, color, material, lighting or location significantly alters the character of the sign.
3. The following signs are expressly prohibited:
 - a. Any sign not expressly permitted;
 - b. Flashing signs, rotating and animated signs;
 - c. Moving signs;
 - d. Any motion-producing (dynamic) elements or features of any sign, except for wind induced flutter of awnings;
 - e. Signs capable of changing image using electronic control;
 - f. Signs with display screens using LED, LCD, plasma, or functionally equivalent technology;
 - g. Signs capable of slide show or series of stills, or full motion or a combination thereof;
 - h. Sky signs;

- i. Any sign with an exposed source of illumination;
 - j. Any wall mounted sign lacking fabricated individual letters; unless the sign is an approved promotional wall sign;
 - k. Any sign with translucent cabinet faces enclosing any “light cabinet” (excepting individual letters);
 - l. Signs with painted-on letters or sheet or film applied letters, except for temporary signs, open and closed signs, awning signs, and menu board signs;
 - m. Off-premises signs (Billboards);
 - n. Streamers, and banners.
4. There shall be no temporary signs (including a-frame, h-frame, and signs of similar construction) other than as provided in Section 7.3.C and Section 7.3.D of these Regulations.
5. Signs referenced in this section are illustrated in Section 4 of the Appendix.

7.3.C. STANDARDS - SIGNS IN RESIDENCE DISTRICTS

Table 7.3.C – Signs in Residence Districts

1. Identification Signs	Maximum Sign Area	Sign Permit Required?
a. For a private residence, one or more signs designating the name of the resident(s) and/or the street number.	2 SF Total	No
b. For a lot with a permitted Home Based Business, one sign designating the name of the business and/or the street number.	4 SF Total	No
c. One sign to identify the location of a farm as defined in these Regulations.	9 SF Total	No
d. One temporary free standing or attached sign on a farm, farm stand, or agriculturally related use.	16 SF Total	No
e. One seasonal agricultural sign per 200 feet of frontage on a public right-of-way is allowed for farms, farm stands and agriculturally related uses up to a total of 4 signs (If 4, 4 SF for each, 2, 8 SF for each, if 1 16 SF).	4 SF each 16 SF Total	No
f. Off-site directional signage approved by the State Department of Agriculture for the Agricultural Direction Signage Program for an agricultural trade or business	4 SF each	No
g. Signs accessory to a special permit use may be permitted by the Commission as part of the special permit approval.	32 SF Total	Yes
h. On-site directional signage (per the Manual on Uniform Traffic Control Devices) to guide traffic flow with no commercial purpose.	As per the MUTCD	No
i. Bulletin Board/ Message Board signs on the premises of churches, schools, parks, and similar uses (institutional)	20 SF	No
j. Governmental signs - that identify government buildings such as schools, fire and police stations shall be regulated in the same manner as Business Identification Signs	24 SF Total	Yes

Table 7.3.C – Signs In Residence Districts (continued)

2. Temporary Signs		Maximum Sign Area	Sign Permit Required?
a.	One real estate sign advertising the sale or lease of the premises on which the sign is located, and to be removed within three days of the closing of the sale of the premises or within three days of the execution of a lease.	6 SF	No
b.	One sign relative to construction of an approved special permit use which must be removed prior to issuance of a Certificate of Occupancy.	6 SF	Yes
c.	One real estate sign advertising a real estate development on the premises, permitted for a period not to exceed six months, and renewable for subsequent six month periods, upon application to the Zoning Enforcement Officer.	32 SF	Yes
d.	One or more signs noticing a public hearing associated with an application before the Town of Canton.	Sign From ZEO	No
e.	Construction signs for project identification to be removed within thirty (30) days of the issuance of a certificate of occupancy or substantial project completion if a certificate of occupancy is not required.	32 SF	Yes
f.	Real estate “open house” signs for a period not to exceed 48 hours prior to the close of the open house and to be removed immediately thereafter.	6 SF	No
g.	Public interest signs which are temporary ground signs that advertises household sales, civic, and philanthropic events, and shall be anchored by weights or staked to the ground and must not obstruct sidewalks or the view of traffic.	12 SF	No
h.	Political signs		No

7.3.D. STANDARDS - SIGNS IN BUSINESS AND INDUSTRIAL DISTRICTS

Table 7.3.D – Signs In Business and Industrial Districts

1. Identification Signs		Maximum Sign Area	Sign Permit Required?
a.	Any identification sign permitted in the Residence Districts.	As per Residence District	As per Residence District
b.	Attached or wall identification signs (one per occupant) : (building frontage shall be measured along the side of the building on which the signage is to be located)	See table below	Yes
		Buildings located	
		Less than 150 feet from the street	From 150 to 250 feet from the street
		More than 250 feet from the street	
i.	For a single occupant building	1 SF per linear foot of building frontage Total building signage shall not exceed 50 SF	1 SF per linear foot of building frontage Total building signage shall not exceed 75 SF
ii.	For a multiple occupant building and for each occupant of such building	1.0 SF per linear foot of building frontage occupied by the business Signage for any single occupant shall not exceed 24 SF Total building signage shall not exceed 1.0 SF per linear foot of building frontage	1.5 SF per linear foot of building frontage occupied by the business Signage for any single occupant shall not exceed 36 SF Total building signage shall not exceed 1.5 SF per linear foot of building frontage
		2.0 SF per linear foot of building frontage occupied by the business Signage for any single occupant shall not exceed 48 SF Total building signage shall not exceed 2.0 SF per linear foot of building frontage	

Table 7.3.D – Signs In Business and Industrial Districts (continued)

		Maximum Sign Area	Sign Permit Required?
Introduction	Definitions		
Residential (R) Districts	c. Occupants with more than one exterior wall may utilize multiple wall signs provided:		
	<ol style="list-style-type: none"> each occupant shall have no more than one wall sign per building elevation facing the street and the total area of all wall signs for any occupant or for the building as a whole shall not exceed the total allowed sign area as calculated above, or on a corner of two streets, an occupant may have a sign on each elevation provided that the total signage to be allowed shall not be more than 150% of the maximum size allowed by any one of the building sides. No one sign shall be greater than 100% of the maximum size allowed on any one elevation (no stacking of signage area). 	See table above	Yes
Business Districts	d. Underneath a covered walkway in a multiple tenant building, one perpendicular identification sign per occupant with frontage on the walkway provided the sign has a minimum of 8 feet of ground clearance (Arcade Signs).	4 SF	Yes
Design Districts	e. Occupants may apply to the Commission for one promotional wall sign per building advertising a special sale, promotion, or other important business events, which shall consist of a frame or box encompassing such promotional signage, the contents of which may be changed regularly without the issuance of a sign permit.	24 SF	No
	f. One ground identification sign per lot (including model, promotional model ground, and multi-tenant directory signs) in a location approved by the ZEO (as a minor modification to a Site Development Plan in accordance with Section 9.1.F) provided that:	As detailed in Appendix 4.	Yes
Other Districts	<ol style="list-style-type: none"> The design, layout, style and size (height, width and area) shall be in substantial conformance with one of the standard model signs in Appendix 4. The ZEO may refer proposed signs to the Commission for approval. For a sign located on a berm, the height of the sign may be measured from the top of the sign face to ground level at the base of the berm or at the original existing grade. Signs may only advertise the business(es): <ol style="list-style-type: none"> Conducted on the lot where the sign is located, or Accessed from the driveway or point of access. 		
Special Regulations	g. One offsite promotional ground sign when the placement of the sign has been authorized by the owner of the land on which the sign is to be located (including the Town of Canton or State of Connecticut if located within the public right of way).	As detailed in Appendix 4	Yes
	h. Additional ground signs or ground signs not in substantial conformance with the standard model signs in Appendix 4 may be approved by the Commission as a special permit.	As approved by PZC	Yes

7.3.D Standards - Signs in Business and Industrial Districts

1. Identification Signs (continued)		Maximum Sign Area	Sign Permit Required?
i.	Any sign projecting over a pedestrian or vehicular travel way.	As approved by PZC	Yes
j.	Vehicle sign(s) as a special permit approved by the Commission.	As approved by PZC	Yes
k.	One Bulletin Board/ Message Board signs per lot in place of a promotional model ground sign.	32 SF	Yes
l.	One Menu Board signs for restaurants, drive through facilities and other similar uses per lot.	32 SF	Yes
m.	Incidental signs including credit-card symbol signs and similar messages that are typically posted at the entrance of a business.	10% of window area	No
n.	Open/ closed signs or flags.	6 SF (sign) 18 SF (flag)	No
o.	Open/ closed signs or flags within the Collinsville Business District Overlay	3 SF (sign) 6 SF (flag)	No
p.	Directional signs which are shown on an approved Site Plan.	As approved by PZC	No
q.	On-site directional signage (per the Manual on Uniform Traffic Control Devices) to guide traffic flow.	As approved by PZC	No
r.	Awnings signs provided that: <ul style="list-style-type: none"> i. transparent or translucent materials are not permitted; ii. internal illumination of awnings is not permitted; iii. the front vertical face of any awning shall not exceed 12 inches in height. The front vertical face of any awning may contain the name of the business in letters not to exceed nine inches in height nor more than two (2) colors; and iv. the sloped face of any awning may include up to two (2) colors without sign graphics and/ or text. 	See text.	Yes
s.	Roof signs, as an alternative to a wall sign, limited only to a location on a building for which a wall sign is physically unfeasible.	See Table above for wall signs	Yes
2. Temporary Signs		Maximum Sign Area	Sign Permit Required?
a.	Any temporary sign allowed in a Residence District.		
b.	One sign located on the lot of a building under construction which must be removed prior to issuance of a certificate of occupancy.	24 SF	Yes
c.	Signs temporarily affixed to, on, or hangs immediately behind a window or door announcing sales or special features provided they do not exceed fifty (50) percent of the area of said window and/or door. Such signage shall not exceed an additional twenty-five (25) percent of the allowable square footage based upon the building frontage.	See text.	No

Introduction

Definitions

Residential (R)
Districts

Business
Districts

Design
Districts

Other
Districts

Basic
Standards

Special
Regulations

Procedures/
Appendix

2. Temporary Signs Cont.	Maximum Sign Area	Sign Permit Required?
<p>d. Up to four (4) signs town-wide, advertising a new business or special promotional event provided that:</p> <ul style="list-style-type: none"> i. notice is provided to the ZEO prior to the posting of such sign; ii. there is no more than one sign per lot; iii. the sign is located on the lot containing such business or event being promoted; iv. the sign design and locational parameters are approved by the Commission, and, v. no sign shall be posted for the same business for more than thirty (30) consecutive days. <p>(See Appendix 4 - Welcome New Business Model Ground Sign for an example)</p>	8 SF per sign	No
<p>e. Up to four (4) signs specific to the Collinsville Business Overlay District, no more than one per property, advertising a new business or special promotional event provided that such signage complies with Section 7.3.D.2.d i-v.</p>	8 SF per sign	No
<p>f. One temporary free-standing sign per business advertising a special sale, promotion, or other important business events shall be permitted four (4) times per calendar year under the following conditions:</p> <ul style="list-style-type: none"> i. a sign permit is issued by the ZEO which clearly states the size and location of the sign(s), must be completed and signed by the applicant; ii. such sign shall not be more than four (4) feet in total height; iii. permits shall be issued in fourteen (14) day increments; iv. no sign shall be placed within the right-of- way of any town or state road nor obstruct the sign line of any intersection; v. such sign shall be placed on the property on which the business is located; vi. in the case of plazas with multiple tenants, portable signs shall be permitted adjacent to the store where the business is located, and shall not be placed along the front of the property; vii. all signs must be in good repair, and have a professional appearance and shall consist of a "sandwich" or "A-frame" sign made of wood or other solid durable construction as approved by the ZEO; and viii. no sign allowed under this subsection shall be within one hundred fifty (150) feet of another sign allowed under this subsection. 	12 SF per sign	Yes
<p>g. One sign to promote grand opening events provided that such signage:</p> <ul style="list-style-type: none"> i. shall not exceed 4 feet in height; ii. shall be installed for no more than 30 days; iii. no sign shall be placed in a Town or State right-of-way; iv. such sign shall not block traffic visibility, or be located within 150 feet of another similar sign; v. a diagram of the sign, showing height, size and location shall be submitted to the ZEO as part of the sign permit. 	12 SF per sign	Yes

2. Temporary Signs Cont.	Maximum Sign Area	Sign Permit Required?
h. One temporary promotional model wall sign in a location approved by the ZEO provided such signage complies with the standards of Section 7.3.D.2.f i-viii	12 SF per sign	Yes

7.3.E. SIGN MEASUREMENT

1. The area of any sign shall be the entire area encompassed by the perimeter of the sign consisting of the best fit of not more than 5 rectangles, triangles or circles.
2. All dimensions for signs shall be based on measurements to the outside edge of the sign excluding any structure necessary to support the sign.
3. Any sign may be double facing, and when a sign is attached to the ground, only one face shall be counted in determining conformity to sign area limitations, provided that the interior angle of the sign is 30 degrees or less, and the distance between faces does not exceed 18 inches.
4. The depth of a sign may be calculated as part of the sign area if considered to be an integral part of the sign message. The area of a three-dimensional sign shall be the sum of all sides or sign faces divided by 2.

Diagram 7.3.E.1 – Sign Measurement Double Facing signs

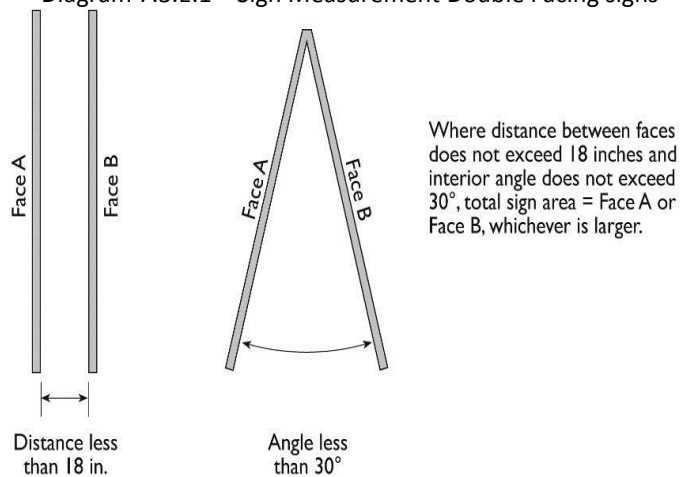
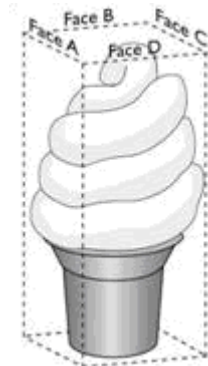


Diagram 7.3.E.2 - Three-Dimensional Signs



7.3.F. GENERAL SIGN STANDARDS

1. Sign Location

- a. Except as may be otherwise provided in these Regulations, all signs shall be located on the property to which they pertain.
- b. No sign shall be painted, drawn, or otherwise established directly upon the surface of any building unless a special permit is approved by the Commission.
- c. Ground signs shall not be located less than 15 feet from the paved portion of a street unless they are wall signs attached directly to a building or otherwise approved by the Commission.
 - i. for buildings located closer than 15' from the paved portion of a street, perpendicular wall signs of no more than 24 SF may be substituted for the ground sign.
 - ii. signs subject to the approval of the Collinsville Historic District Commission shall be exempt from the requirements of subsection c.
- d. Signs or associated plantings shall be located and maintained so that they will not cause danger to traffic on a street by obscuring the sight line. Signage shall comply with the standards of Section 7.8.
- e. Wall signs shall be located on the elevation of the building which corresponds to the activity to which they pertain, or the location of the primary entrance.

2. Sign Design

- a. All letters used on signs shall be fabricated to have a measurable dimensional thickness of no less than one-quarter inch. Painted-on letters of sheet or film applied letters are not permitted except for temporary signs, open and closed signs, awning signs, and menu board signs.
- b. All signs shall be professionally made or have a professional appearance.
- c. Sign letters, backgrounds, cabinets, light sources and all materials and hardware shall be durable and suitable for exterior use.
- d. Signs shall be made of wood, metal, glass, brick, concrete, stone, or plastic.
- e. All signs shall be firmly and safely mounted.
- f. All tenant signs shall be fully integrated into the design of the storefront or building area.

3. Sign Construction and Safety

- a. Signs shall be constructed of good material, firmly supported and maintained in good condition. All signs must comply with the Connecticut State Building Code.
- b. Signs which may become unsafe or in disrepair in the opinion of the Commission shall, upon notice from the ZEO, be repaired or removed by the owner or lessee of the property on which such signs stands within one (1) month of such notice).
- c. No red or green neon signs shall be located within 200 feet of a traffic signal.

4. Sign Lighting

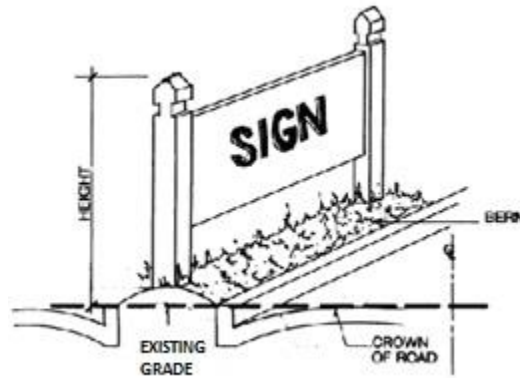
- a. Signs may be illuminated until 11:00 PM or until the time the activity referred to on the sign closes, whichever is later, at which time the illumination shall cease.
- b. Illuminated signs shall comply with the outdoor lighting standards of Section 7.4.
- c. The light source (bulb) of light fixtures shall not be directly visible from adjacent streets or properties.
- d. Light shall not spill from the sign beyond the space occupied by the surface upon which it is mounted.
- e. All ground mounted fixtures shall be screened by bushes or other appropriate means; all fixtures mounted on the sign itself shall blend in with the background color of the sign or its surrounding as deemed appropriate for the site.
- f. The average level of illumination (for externally illuminated signs) on the vertical surface of the sign shall not exceed 3.0 foot-candles.
- g. Internally illuminated signs shall consist of:
 - i. individual letters that are surface mounted onto a building wall, or ground sign or that is pin mounted to or bracketed off of the face of the wall; or
 - ii. a sign box or light cabinet that has individual letters mounted on the sign box face surface, or that has “push-through” letters projecting through the light cabinet face surface. The sign box or light cabinet may be surface mounted onto, recessed into, or bracket mounted in front of the face of the building or may be bracketed mounted below the arcade or roof overhang, or may be constructed as part of a ground sign.
- h. Internally illuminated signs are only permitted where:
 - i. the face and all other exposed surfaces of the sign box or light cabinet are constructed of opaque materials;
 - ii. the source of illumination is not visible;
 - iii. the internal illumination is in the form of:
 - a. “Halo-lit” letters using a light source fully contained within the “channel” constructed letters having opaque faces and sides. To allow illumination of the background surface that silhouettes the letters these letters are pin mounted or bracketed off the wall surface of face of the sign box or ground sign;
 - b. “Channel” letters using a light source fully contained with the “channel” constructed letters having a translucent face and opaque sides. Alternatively the letters may have an opaque face and translucent sides. No part of the letter may be open or transparent. Channel letters may be surface mounted or pin mounted or bracketed off the wall surface of the face of the sign box or ground sign;
 - c. “Push-through” letters are translucent acrylic plastic letters inserted through the opaque face of a light cabinet; the face of the letters may be opaque or translucent. The fully contained light source within the light cabinet causes the translucent letters to glow and illuminated the face of the light box.

5. Sign Height

- a. Except as may be authorized by the Commission, no detached sign shall exceed 10 feet in height from existing grade (see Diagram 7.3.F.1).

- b. For a sign located on a berm, the height of the sign shall be measured from the top of the sign face to ground level at the base of the berm or at the original existing grade.

Diagram 7.3.F.1 – Sign Height



6. Discontinued and Non-Conforming Signs

- a. Signs shall be removed when the purpose for which they were erected no longer exists.
- b. Signs which are no longer functional or have been abandoned shall be removed or relocated by the owner or lessee of the property on which such signs stand within one (1) month following such designation by the ZEO.
- c. The replacement of a nonconforming sign shall be in accordance with these Regulations.
- d. A nonconforming sign may be repaired or altered provided that the cost of such repairs or alterations does not exceed 25% of the replacement costs of the sign.
- e. A zoning permit is required for any repairs or alterations.

7. Other Standards

- a. Landscape features that include a road name or street number may be approved by the Commission as part of an overall site plan in addition to permitted signage provided:
 - i. no business names or logos are displayed, unless proposed by the applicant in place of other allowed signage;
 - ii. natural materials that reflect the site characteristics are used; and
 - iii. additional plantings are provided.

8. Exceptions

- a. Any sign not conforming to the standards of this Section (7.3) may be acted on by the Commission as a special permit application;
- b. Graphic banners without text;
- c. Seasonal decorative signage;
- d. Historic memorials;
- e. Any sign necessary for the safe functioning of driveways and parking areas, excluding directional signs.

7.3.G. COORDINATED SIGN THEME STANDARDS

1. **Effect of Sign Theme** - The Commission may, by special permit, approve a coordinated sign design theme for a defined area (such as the Collinsville Business Overlay) or for a parcel with multiple buildings or occupants and, in so doing, the Commission may modify any of the sign requirements of Section 7.3 provided that:
 - a. Design of all signs shall be compatible with the design of the building(s) to which it relates,
 - b. Such coordinated sign design theme shall address lighting, materials, color, information, size, shape and location, and
 - c. All signs shall adhere to the standards specified in the coordinated sign design theme.
2. **Design Standards** – The design of the coordinated sign theme (including materials, illumination and hardware) shall be subject to the following additional standards:
 - a. **Design and Construction**
 - i. all letters used on signs shall be dimensional.
 - ii. all signs shall be professionally made.
 - iii. sign letters, backgrounds, cabinets, light sources and all materials and hardware shall be durable and suitable for exterior use.
 - iv. design of all signs shall be compatible with the design of the building to which it is to be attached.
 - v. signs shall be made of wood, metal, glass, or plastic.
 - vi. all signs shall be firmly and safely mounted.
 - vii. all tenant signs shall be fully integrated into the design of the storefront or building area.
 - viii. signs may be permitted to be attached to or placed inside a tenant's storefront and/or on the glass that is part of a storefront or hung from the ceiling or attached in any manner on the glass which are able to be partially read from outside the building.
 - b. **Lighting**
 - i. no light sources shall be directly visible from the outside of the building.
 - ii. light shall not spill from the sign beyond the space occupied by the surface upon which it is mounted;
 - iii. wall signs shall have the light source incorporated into the sign structure or concealed by an architectural feature, except identification wall signs may be internally illuminated.
 - iv. ground signs shall have either the light source incorporated into the sign structure or concealed by landscaping.
 - v. all lighting for signs other than the types of signs that are permitted to be internally illuminated, shall be lit by soft lighting directed toward the sign with little or no spillover.
 - vi. the light source (bulb) of light fixtures shall not be directly visible from adjacent streets or properties.
 - vii. indirectly illuminated lighting shall be a consistent intensity for each sign throughout the site.
 - c. **Materials**
 - i. materials used to create signage shall be consistent and complementary to the general architecture of the site or proposed area.
 - ii. signage materials shall be consistent between individual tenants throughout the site.
 - iii. materials used for signage and supports for signage shall include stone, metal, hardyplank or stained and painted wood.
 - d. **Colors**
 - i. colors of signage shall be consistent with and complementary to the general color scheme for the buildings within the site or proposed area.
 - ii. generally darker color hues shall be used for the background of the signs.

7.3.G Coordinated Sign Theme Standards

- iii. complementary contrasting color hues shall be used for the lettering of the signs.
- iv. a third color hue may be used for emphasis (i.e., borders, motifs, shadowing, etc.) of the signs.
- v. excessively bright, glaring, or vibrating color hues and schemes shall not be permitted within the site.

e. Information

- i. in general, signs may be established for the identification and promotion of the development and individual tenants within the site.
- ii. individual tenant signs shall only designate one or more of the following items:
 - a. name;
 - b. address;
 - c. logos, symbols or illustrations; or
 - d. type of business.
- iii. No more than 25% of the sign area shall be used for a logo, symbol or illustration.
- iv. Multiple lines of information may be used.

f. Size

- i. the size of a sign shall be considered the total of the smallest square, rectangle or triangle that encompasses all lettering, wording, design or symbols, together with any background that is intended as an integral part of and obviously related to the sign (Diagram 7.3.E.1).
- ii. for the purposes of this Section (7.3.G), building frontage shall be measured along the side of the building facing the public right of way. Where the building is not oriented towards the street, the measurement of the wall of the building containing the front entrance of the establishment shall be used.
- iii. size of specific types of signs shall meet the standards listed below. Only the types identified in this Section (7.3.B) are permitted.
- iv. wall signs shall be limited to 1.5 square feet per lineal foot of building frontage for signs located 250 feet or less of the right-of-way to which they front.
- v. wall signs shall be limited to 2 square feet per lineal foot of the building frontage for signs located more than 250 feet from the right-of-way to which they front.
- vi. no wall sign shall exceed 300 square feet in size.
- vii. in a multi-tenant building of 10,000 square feet, or larger, each tenant is permitted to have one (1) wall sign on the building elevation of such tenants primary entrance, provided that the wall sign meets the standards of Sections 7.3.G.2.c or 7.3.G.2.d. Any tenant that has a second building elevation may be permitted an additional wall sign of up to 36 square feet in size.
- viii. a "tag-line to a wall sign" may be up to one and one half (1 ½) feet, but no more than 40% of the height of the wall sign and may not exceed the length of the wall sign.
- ix. identification Reinforcement Window Decal signs may be placed in the lower one-third of the window area of windows facing the right of way to which the building fronts) if the window sizes are the same as the windows at the entrance to the tenant's space.

g. Location

- i. signs shall be located in relationship to the use for which they are erected and so as not to confuse, distract, mislead or obstruct vision necessary for traffic and pedestrian safety.
- ii. ground signs shall not exceed 15 feet in height as measured from the top of the sign face to the existing grade.
- iii. no wall sign or attached sign shall project more than twelve (12) inches from the face of the structure.
- iv. signage on a building, wherever possible, shall be located within the architectural sign band, the fascia, or other areas on the building reserved for signage. No sign, or portion thereof, attached to a building shall project above the exterior wall of said building.

- h. Types of Signs
 - i. wall signs shall be considered the primary sign for each tenant. Attached wall signs that meet the standards of Section 7.3.G.2.f are permitted.
 - ii. one (1) ground sign per site (development) is permitted. The ground sign may include up to three (3) store names and the name of the development.
 - iii. a “tag-line to wall sign” is permitted when it clarifies the tenant’s offerings and is located immediately adjacent to the Primary Sign.
- i. Method of Construction of Tenant Signs:
 - i. signs may consist of:
 - a. individual letters that are surface mounted onto the building wall, or are pin-mounted to or bracketed off the face of the wall; or
 - b. a sign box or light cabinet that has individual letters mounted on the sign box face surface, or that has “push-through” letters projecting through the light cabinet face surface. The sign box or light cabinet may be surface mounted onto, recessed into, or bracket mounted in front of the face of the building, or may be bracket mounted below the arcade or roof overhang.
 - ii. all letters used on signs shall be fabricated to have a measurable dimensional thickness. Painted-on letters, or sheet or film applied letters are not permitted
 - iii. internally illuminated signs are only permitted where:
 - a. the face and all other exposed surfaces of the sign box or light cabinet are constructed of opaque materials;
 - b. any source of illumination is not directly visible;
 - c. the illuminated sign is in the form of “halo-lit” “channel” or “push-through” letters
 - iv. Indirectly illuminated sign shall be permitted only where:
 - a. any source of illumination is not directly visible; and
 - b. all illumination is evenly focused and distributed onto the sign surface

3. Individual Sign Approval Process -

- a. Any sign proposed as a part of a Commission approved coordinated sign theme shall require a sign permit and shall not be modified except in accordance with the coordinated sign theme process.
- b. All applications for a sign permit shall include the following information:
 - i. a full color drawing, to scale, of the sign, showing the dimensions of the sign;
 - ii. a site plan and/or architectural drawing showing the location(s) of the sign(s) on the building;
 - iii. description of the materials of which the sign is made and colors to be used;
 - iv. description of all sign lighting, including without limitation the intensity of lighting described in foot-candles; and
 - v. the required sign permit fee.
- c. Applications for all signs that conform to these sign design and placement standards may be approved by the Zoning Enforcement Officer (ZEO).
- d. It is the responsibility of the individual tenants to obtain all necessary permits prior to the installation of any and all tenant signs. It is the responsibility of the landlord to obtain all necessary permits prior to the installation of any and all landlord and common sign areas.

7.4. Outdoor Lighting

7.4.A. PURPOSE

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

7.4.B. APPLICABILITY

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

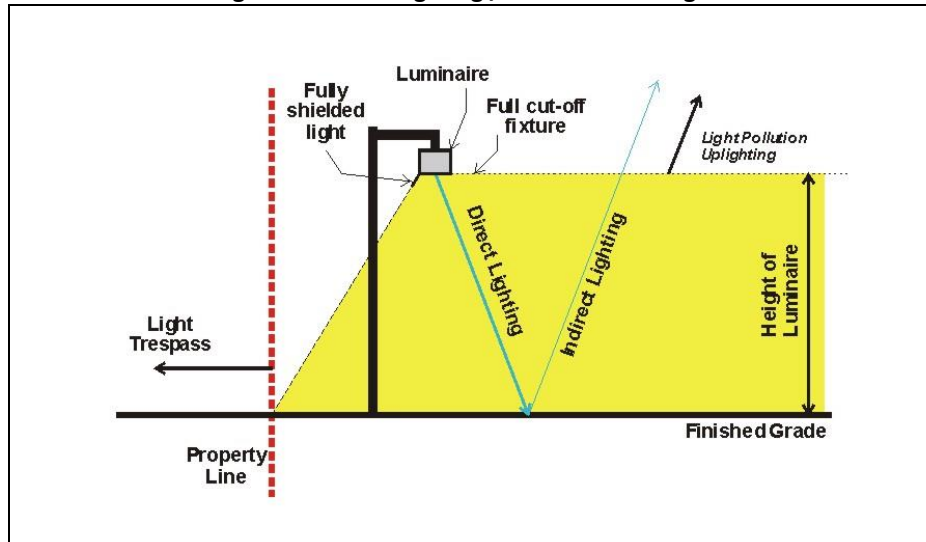
All businesses, and community roadways, sidewalks and town property luminaires should be planned and installed with the idea of being a “good neighbor” by keeping unnecessary direct light from shining onto abutting lots or roadways, both public and private.

7.4.C. STANDARDS

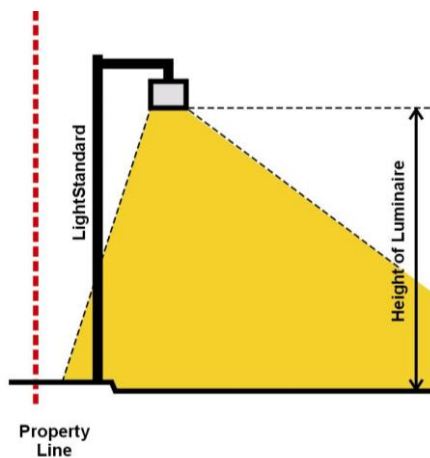
1. All exterior lights and sign illumination shall be designed, located, installed and directed in such a manner as to:
 - a. Prevent direct or objectionable glare, light trespass, spill light, or obtrusive light;
 - b. Be shielded (full cut off);
 - c. Employ soft, transitional light levels which are consistent from area to area;
 - d. Minimize contrast between light sources, lit areas and dark surroundings; and
 - e. Be confined within the target area.
2. In all non-residential districts and in all areas adjacent to a residential lot, no externally-mounted direct light source shall be visible at the lot line at ground level or above. The illumination measured at the lot line shall be zero (0.0) foot-candles, excluding driveway entrances.
3. Lighting designed to highlight flagpoles shall be low level (no more than 100 watt incandescent equivalent) and shall be targeted directly at the flag.
4. Lighting shall include timers, dimmers and/or sensors to reduce unnecessary light level during non-business hours to a minimum level required for overnight security.
5. The height of luminaries, except streetlights in public right-of-ways, shall be the minimum height necessary to provide adequate illumination, but shall not exceed a height of fifteen (15) feet. The height of a luminaire shall be measured from the finished grade (not the top of a supporting concrete base) to the bottom of the luminaire.
6. Light standards within a parking lot shall be located within landscaped islands or buffer strips, and shall be set back two (2) feet from any parking space unless wheel-stops are provided.
7. In reviewing and approving outdoor lighting, the Commission may utilize recommendations for lighting levels as issued by the Illuminating Engineering Society of North America, the International Dark-Sky Association, or other reference.

8. The use of utility poles for outdoor lighting is prohibited.
9. Any light determined by the ZEO to be obtrusive, spill light, upward lighting, light trespass, or otherwise not in compliance with these regulations shall constitute a violation.
10. A photometric survey shall be submitted as part of any site plan that demonstrates compliance with these standards. Such photometric survey shall show both business hour and non-business hour lighting plans in accordance with Section 7.12.

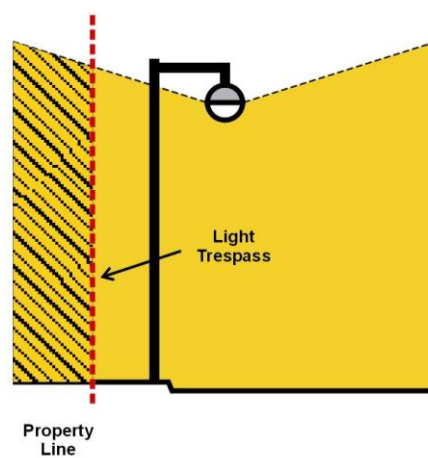
Diagram 7.4.C.1 – Lighting / Illumination Diagrams



Luminaire Shielded



Luminaire Non-Shielded



7.4.D. EXEMPTIONS AND MODIFICATIONS

1. Temporary holiday lighting is exempt from these Regulations, for a period of time to be commensurate with the holiday being celebrated, but in no event shall such lighting exceed duration of 45 days annually in the aggregate.
2. Temporary lighting used by the Police Department, Fire Department or emergency services is exempt from these Regulations.
3. The Commission may, by special permit, allow lighting that does not comply with the requirements of this section provided the Commission determines, in its sole discretion, that such proposed lighting is consistent with the purpose of these Regulations. The following considerations are provided as guidance:
 - a. That and extraordinary need for security exists because of a history of vandalism or other objective means exists;
 - b. That in traveled ways or areas, conditions hazardous to the public exists, such as steep embankments or stairs;
 - c. That it would be unreasonable to require replacement of an entire lighting installation because a minor change is proposed to an existing non-conforming lighting installation;
 - d. Special lighting is indicated for historic buildings;
 - e. That ornamental up-lighting of sculpture, buildings or landscape features end enhance the character of the area; and
 - f. Such lighting is necessary for special outdoor events and playing fields.
4. The Commission may modify the requirements of Section 7.4 for a temporary use approved under these Regulations.

7.5. Earthwork and Grading

7.5.A. PURPOSE

This section is intended to regulate the grading of any lot within Canton to protect the public health and safety, to encourage the orderly development of the town, and to provide for the restoration of property following any grading so as to minimize any unnecessary erosion and sedimentation..

7.5.B. APPLICABILITY

Within the Town of Canton, there shall be no grading of any lot by any means except as herein provided. This section shall not apply to the cultivation of soil for the growing of crops.

7.5.C. OTHER APPROVALS MAY BE REQUIRED

Any approval or exemption under this section does not relieve any person from having to obtain any other approvals which may be required, such as for:

1. A regulated activity in a wetland or watercourse area;
2. An activity within a Flood Plain area; or
3. An activity regulated by a local, state or federal agency.

7.5.D. PERMITTED GRADING ACTIVITIES

An activity listed in Table 7.5.D in this section may be conducted provided that:

1. Any required permit is obtained prior to commencement of the activity;
2. Until the site is fully stabilized erosion and sedimentation control measures consistent with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control (as may be amended) shall be utilized at all times until the site is fully stabilized;
3. All activities are conducted in full compliance with the provisions of Section 7.5; and

Table 7.5.D – Permitted Grading Activities

This table indicates the type of permit required based on the amount of grading of a lot or coordinated development of more than one lot.

	No Permit Required	Zoning Permit (ZEO)	Special Permit (PZC)
1. Grading in connection with: a. normal maintenance of property, b. normal repair of property, c. customary landscaping, or d. minor improvements to property.	0 - 99 cubic yards	100 - 499 cubic yards	500+ cubic yards
2. Grading associated with the dredging of an existing pond provided that the inland wetlands and watercourses agency has issued a permit.	0 - 499 cubic yards	500 - 1,999 cubic yards	2,000+ cubic yards
3. Grading in connection with and clearly essential to: a. construction or alteration of a building, and/or b. the installation of utilities or amenities (such as septic systems, swimming pools, or similar improvements).		0 - 1,999 cubic yards provided that a zoning permit, a building permit, or a septic permit has been issued for such construction and the proposed excavation or filling is specified in such permit	2,000+ cubic yards
4. Grading associated with specific plans for a subdivision or a special permit approved by the Commission provided that all necessary approvals and permits having been obtained, applicable bonds have been posted, and an erosion and sedimentation control plan was approved		0 - 1,999 cubic yards	2,000+ cubic yards
5. Grading in connection with and clearly essential to: a. environmental restoration b. other		0 - 1,999 cubic yards	2,000+ cubic yards

7.5.E. ADDITIONAL SPECIAL PERMIT CONSIDERATIONS

1. In addition to the special permit criteria set forth in Section 9.2.E, the Commission may also consider the following when reviewing an application under this section:
 - a. Potential soil erosion and sedimentation affecting all land, bodies of water and public works, both on-site and off-site;
 - b. Effects on drainage and groundwater table;
 - c. Lateral support slopes, grades and elevations of abutting streets and properties;
 - d. Effect of the operation and any related traffic on circulation and road condition on streets serving the parcel under consideration;
 - e. Any decision issued by the Inland Wetlands and Watercourses Agency;
 - f. Any approval of the Connecticut Department of Environmental Protection and/or the U.S. Army Corps of Engineers;
 - g. The recommendation of the Commissions engineer, the Conservation Commission, and the Town Planner; and
 - h. The scope and duration of the project and effects on neighboring properties.
2. The operation of earth material processing, screening or crushing equipment is allowed as part of an approved subdivision or site plan on site by special permit.
3. The operation of earth material processing, screening or crushing equipment as a standalone operation/ not as part of an approved subdivision or site plan is allowed in the Industrial District by special permit.
4. In approving a special permit, the Commission may specify the overall time period within which a grading or processing activity shall be completed, but in no event shall that time period exceed two (2) years.
5. The Commission may grant an extension of time within which to complete the proposed project upon a showing by the applicant and subject to the considerations and conditions set forth in this section, but in no event shall more than one extension of time be granted except upon a showing of good cause and after a public hearing has been held. The time period of the extension shall not exceed the duration of the original permit.
6. The Commission may require the applicant to submit periodic reports, prepared by and bearing the seal of a professional land surveyor or engineer, showing the status and progress of the work.
7. As a condition of any special permit, the Commission may require that the applicant furnish a performance and/or maintenance bond, acceptable to the Commission in form, amount, and surety, securing to the Town of Canton the faithful performance of the work proposed, pursuant to both the provisions of this or other applicable sections of these regulations and to the specific conditions of approval.

8. No bond shall be released until:

- a. The Commission receives an as-built survey prepared by a professional land surveyor that the project has been completed according to approved plans and conditions attached thereto;
- b. The Commission is satisfied that the work has been completed as required; and
- c. Disturbed areas have been appropriately graded and stabilized with vegetation to result in erosion-free conditions.

9. In order to prevent activities which would be detrimental to the character of the Town and the value of adjacent properties, blasting, and grading shall be done in accordance with the following standards:

- a. The use of jersey barriers or waste concrete blocks for retaining slopes is not permitted. Concrete or metal cribbing, rip-rap, or gabion wall systems used for retaining slopes shall not be visible from the street or adjoining properties. Decorative block, tinted, formed, concrete resembling stone or brick, or concrete covered by a course of brick or stone are recommended for retaining slopes in highly visible locations;
- b. Earthen slopes shall contain a suitable ground cover of grass, ivy, creeping varieties of shrubs or similar treatment;
- c. Ledge walls or retaining walls visible from the public street or adjoining properties are not recommended and shall be reduced through grading, terracing or other means; and
- d. to reduce the visual impact of tall, ledge walls or retaining walls, the Commission may require landscaping along the base of walls.

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7.6. Soil Erosion and Sediment Control

7.6.A. PURPOSE

This section is intended to prevent accelerated erosion and sedimentation of land during and after development; reduce the danger from storm water runoff; minimize sediment pollution from land being developed; and prevent detrimental impacts to soil and water resources.

7.6.B. APPLICABILITY

1. All development requiring a zoning permit, special permit, or site plan approval shall employ proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from stormwater runoff on the proposed site based on the best available technology in order to result in a development that:
 - a. Minimizes erosion and sedimentation during construction;
 - b. Is stabilized and protected from erosion when completed; and
 - c. Does not cause off-site erosion and/or sedimentation.
2. A Soil Erosion and Sediment Control Plan shall be submitted for certification by the Commission for any development activity which would result in a cumulative disturbed area of more than one-half (1/2) acre.

7.6.C. OVERALL REQUIREMENT

1. The Connecticut Department of Environmental Protection 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, and the Connecticut 2004 Stormwater Quality Manual, as amended, shall be used to determine the best available technology on any site unless alternative principles, methods or practices have been approved by the Commission for use on a particular site.
2. An application requiring certification of a Soil Erosion and Sediment Control Plan shall contain, but not be limited to, items required on the "Requirements for Erosion and Sediment Control" checklist, included in Appendix 1.
3. Any Soil Erosion and Sediment Control Plan may be reviewed by the Commission's engineer or the North Central Conservation District, which may make recommendations concerning such plan for the consideration of the Commission.

7.6.D. IMPLEMENTATION OF CONTROLS

1. Site development shall not begin in any area of the site unless the appropriate soil erosion and sediment control measures and facilities for that area have been installed and are functional.
2. All control measures and facilities shall be maintained in effective condition to ensure compliance with the purpose of this section.
3. The estimated costs of measures required to control soil erosion and sedimentation may be covered in a performance bond or other assurance acceptable to the Commission.
4. Inspections shall be made by the Commission or its designated agent during development to ensure that control measures and facilities are properly performed or installed and maintained.

5. The Commission may require the applicant to verify through progress reports that appropriate soil erosion and sediment control measures and facilities have been installed and are being operated and maintained.

7.7. Fences and Walls

7.7.A. PURPOSE

This section is intended to control the size, location, and type of perimeter fences, freestanding walls, and retaining walls in all zoning districts in order to provide for protection of private property while not infringing on adjoining properties or on the public safety and general welfare.

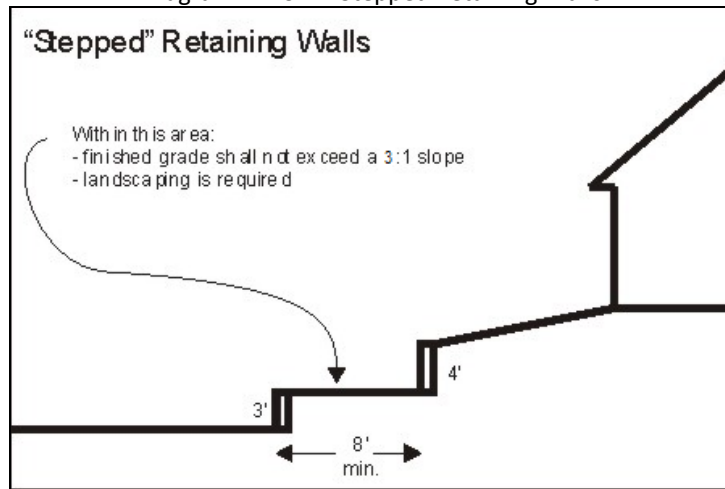
7.7.B. FENCES AND FREESTANDING WALLS

1. Fences, posts, columns, freestanding walls, shall be constructed in accordance with Section 7.8.C so as to not obstruct corner visibility at intersections of roads, driveways, access ways, or other travel ways.
2. No fence, freestanding wall, or combination thereof shall exceed six (6) feet in height above finished grade except as provided in Section 7.7.B.3 below.
3. The Commission may grant a special permit for a fence, freestanding wall, or combination thereof greater than six (6) feet in height. The Commission may condition any such permit by requiring an appropriate set back from the lot line and landscaping.
4. Within the required minimum yard setbacks, the finished or more attractive side of any fence shall face the neighboring lot or street.
5. Barbed wire, razor wire or similar products are allowed by special permit.
6. Electric fencing is permitted in any district limited to the following:
 - a. Underground electric wiring such as “invisible fence” or equivalent systems for the confinement of household pets (dogs); and
 - b. Above ground electric wiring used solely for the protection of agricultural crops, or the confinement of livestock or poultry provided that such wiring shall not be located closer than five (5) feet from a lot line. Such fence shall be marked with a sign containing the word “Caution” or “Warning” and equivalent pictographic symbols (every 30 feet).

7.7.C. RETAINING WALLS

1. No retaining wall of any kind shall be constructed in a way so as to obstruct corner visibility and sight lines at intersections of roads, driveways, accessways, or other travel ways.
2. Except as provided in Section 7.7.C.3 below:
 - a. No retaining wall shall be located closer than four (4) feet to any lot line. Retaining walls more than 4 feet in height may be up to 8 feet in height provided that it is 1 foot removed from the lot line for each 1 foot of height;
 - b. In a series of retaining walls, each wall shall be separated by a distance equal to at least twice the height of any adjacent retaining wall and the area between the retaining walls shall not have a grade steeper than three feet horizontal to one foot vertical (3:1 slope) and shall be landscaped (in accordance with Section 7.1.C) to mitigate the appearance of the retaining wall(s); and

Diagram 7.7.C.1 – Stepped Retaining Walls



- c. A retaining wall may be combined with an open fence (on top of the wall) (such as a wrought iron fence or a fence where no more than fifty percent (50%) of the fence is opaque) provided that such fence is not more than four (4) feet high.
3. The prohibitions in 7.7.C.2, a, b, and c above may be modified by the Commission by special permit.

7.8. Traffic and Visibility at Intersections and Driveways

7.8.A. PURPOSE

This section is intended to enhance public safety and minimize congestion on public streets by requiring traffic impact analysis of development and mitigation measures where appropriate.

7.8.B. TRAFFIC ANALYSIS REQUIRED

1. The applicant shall provide a traffic impact analysis, in accordance with the Institute of Transportation Engineers requirements for traffic impact studies. Such analysis shall evaluate traffic generated by a proposed development and its probable impact on existing roads and intersections in the area for:
 - a. Any proposed non-residential development containing a gross floor area of ten thousand (10,000) square feet or more;
 - b. Any development which, in the Commission's judgment, could generate high levels of traffic, exacerbate existing traffic conditions, or create a traffic safety issue; or
 - c. Any intersection that would have 100 or more vehicles trips in a peak hour.
2. The traffic analysis shall be prepared by a professional traffic engineer and shall include:
 - a. Past and present roadway conditions including location and number of accidents;
 - b. Existing and projected traffic volumes (average daily traffic, peak A.M. and P.M.),
 - c. Existing roadway capacity; volume & capacity ratios;
 - d. Proposed sight lines; and
 - e. All calculations shall be based on facts and reasonable generation factors of the site, affected road networks, and intersections.
3. In analyzing potential traffic impacts, the Commission shall consider:
 - a. The effect of the proposed development on traffic conditions on abutting streets and any nearby intersections that would have 100 or more vehicle trips in a peak hour;
 - b. The patterns of vehicular circulation in relation to the adjoining street system;
 - c. the adequacy of:
 - i. traffic signalization, traffic channelization, left-turn lanes and roadway widths of adjoining streets;
 - ii. vehicular stacking lanes and/or distances;
 - iii. pedestrian drop-off areas; and
 - iv. other traffic or transportation facilities to accommodate the proposed development.
4. A significant traffic impact shall be presumed where the projected traffic volume:
 - a. Will cause the study area intersections to exceed the projected volume/ capacity ration of nine-tenths (0.9);
 - b. Increases the study area intersection/ roadway peak hour volume by fifteen (15) percent or more; or

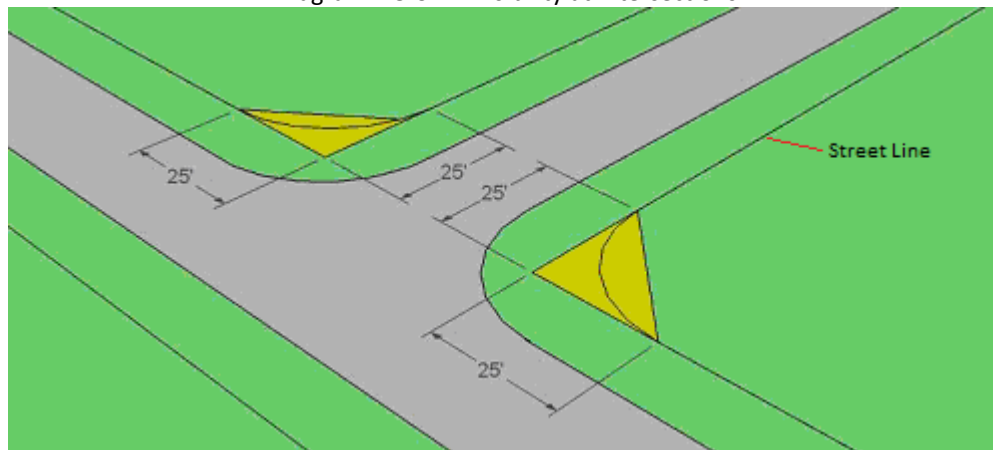
- c. Reduces the projected peak hour Level of Service to “D” or lower for the overall intersection as defined by the Transportation Research Board (TRB) Highway Capacity Manual (HCM) for automobiles.
5. The Commission shall not approve a proposed development with a significant traffic impact unless:
 - a. The Commission finds that the development satisfies the special permit criteria and would enhance the character surrounding neighborhood , or
 - b. The proposal is revised to mitigate the adverse impacts (such as limiting the number of curb cuts along heavily trafficked roads, widening roadway lanes, adding roadway lanes, adding turning lanes, providing signal modifications, providing traffic signalization, or similar improvements).

7.8.C. VISIBILITY AT INTERSECTIONS AND DRIVEWAY OBSTRUCTIONS

1. Intersections:

- a. On a corner lot in any district, no planting, snow, structure, fence, walls or obstructions to vision more than three (3) feet in height shall be placed or maintained within the triangular area formed by the intersecting street lines and a straight line connecting points of said street lines, each of which points is 25 feet distance from the point of intersection.

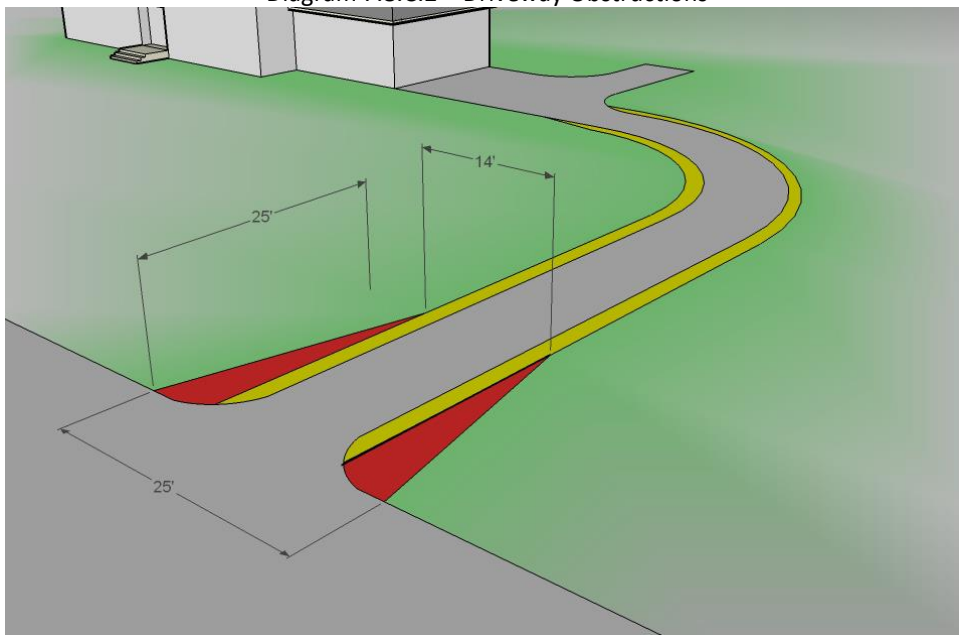
Diagram 7.8.C.1 – Visibility at Intersections



- b. Any obstruction to vision which in the opinion of the Canton Traffic Authority is a traffic hazard shall be removed as a violation of these regulations.
2. Driveways – In order to provide adequate room for emergency vehicles to turn into driveways and access all buildings and parcels within the Town of Canton, all new driveways (including alleys, private roads, and other access ways) shall provide the following minimum clearances for emergency vehicles, regardless of the paved width of the driveway:
 - a. No building, fence, wall, lamp post, telephone pole, mailbox, sign, or other structure, nor any trees, boulders, or other obstructions shall be erected, placed or installed alongside any driveway so as to reduce the access to less than 14 feet wide at any point;

- b. No building, fence, trees, boulders or other obstructions shall be erected, placed, or installed within the triangular areas on either side of the driveway at its intersection within the travel portion of the road, formed by connecting the outer points of a line measured 25 feet on the road, (centered on the driveway), and a parallel line 14 feet wide (centered on the driveway) at a distance of 25 feet from the travel portion of the road (Diagram 7.8.C.2);
- c. If buildings are on the lot within 50 feet from the traveled portion of the road and can be easily accessed from the road, the Commission may exempt the parcel from the requirements of this section as part of any site plan approval; and
- d. Any bridge or culvert in the travel portion of the driveway shall provide enough width to accommodate modern day fire apparatus and be able to sustain the weight of a static fire service engine or tanker.

Diagram 7.8.C.2 – Driveway Obstructions



7.9. Bicycle, Pedestrian, and Emergency Accommodations

7.9.A. PURPOSE

The purpose of these regulations is to promote and support access by bicycle and walking throughout the Town of Canton, and to require proper provisions for handicapped persons.

7.9.B. APPLICABILITY

All development shall be designed to provide safe and convenient pedestrian and bicycle access as part of any site design, including safe and convenient pedestrian and bicycle movement to and from public walkways and/ or bikeways or streets, and between developed lots.

7.9.C. PEDESTRIAN DESIGN STANDARDS

1. Unless modified in accordance with this section, pedestrian access to the lot and along all street frontages, sidewalks, and to and from and in-between individual buildings within the site shall:
 - a. Be provided from a system of convenient and safe pedestrian ways, and
 - b. Be incorporated into landscaping plans for any site development plan or parking area in accordance with the standards set forth below.
2. Such pedestrian ways and sidewalks shall:
 - a. Be at least four (4) feet in width except if located perpendicular to parking spaces in which case it shall be:
 - i. at least six (6) feet in width; or
 - ii. protected by concrete wheel stops or other methods to ensure that a four (4) foot clear width is maintained.
 - b. Provide safe separation or delineation from motor vehicle traffic through the use of raised sidewalks and/or landscaping between sidewalks and parking spaces and/ or driving aisles except that such pedestrian ways and sidewalks may be flush with adjacent pavement where necessary to facilitate wheelchair and shopping cart access if concrete wheel stops or traffic control devices including line striping and signage are provided;
 - c. Be constructed of concrete or other decorative-type paving material except bituminous materials, except that stone dust and bituminous concrete pavement may be used as part of an existing multi-shared use path or any immediate connection to any such path;
 - d. Be connected to the public sidewalk at the street or street right of way;
 - e. Be designed, constructed, and maintained to accommodate disabled individuals per the Americans with Disabilities Act (ADA) requirements;
 - f. Provide wherever possible for connections to adjacent lots ,neighborhoods, or public or private way that accommodates pedestrian traffic; and
 - g. Include pedestrian warning signs and adequate lighting, where appropriate.
3. Pedestrian crossings shall be demarcated through the use of raised pavers, textured concrete, pavement markings, pedestrian warning signs, and lighting.

4. Plantings, benches, and lighting shall be provided along walkways and at pedestrian crossings.
5. The maintenance of public sidewalks, including the clearing of snow, ice, sand, or ashes, is the responsibility of the adjacent property owner (See Chapter 375 of the Town of Canton Town Code).
6. For pedestrian traffic, the Commission, after considering the potential impact on abutting lot owners may:
 - a. Require extension of walkways to nearby residential areas, and/or;
 - b. Require walls, fences or similar architectural elements to be installed to prevent pedestrian traffic from cutting through adjacent residential properties.
 - c. If it is determined that pedestrian ways and/or sidewalks are either impractical or unnecessary considering potential pedestrian traffic at that location, then the Commission may waive any requirement of this section by a 2/3rds affirmative vote as part of the approval of either a site plan, special permit, subdivision, or Design District;

7.9.D. BICYCLE PARKING DESIGN STANDARDS

1. Bicycle parking facilities shall be provided as part of any new construction, changes of use, or substantial improvements for the following:
 - a. Multi-dwelling unit developments of four (4) dwelling units or more;
 - b. Development within business, industrial, municipal community facilities, and any design districts;
 - c. Transit oriented development, transit transfer stations, park-and-ride lots; and
 - d. New development that are within 1,000 feet of the Farmington River Trail, the Farmington Valley Greenway or other regional bicycle route.
2. Bicycle parking facilities as part of any new construction, changes of use, or substantial improvements, shall be provided in the ratio of 1 bicycle parking place for every 20 parking spaces, or portion thereof, required under Table 7.2.C.
3. When provided, bicycle parking spaces shall:
 - a. Provide a convenient place to lock a bicycle, and shall be at least six (6) feet long, two (2) feet wide, and shall provide at least seven (7) feet of vertical clearance, unless a bicycle locker is provided;
 - b. Provide a secure and appropriate bar or similar surface area to which most bicycle locks may be attached;
 - c. Be capable of supporting the bicycle frame in an upright position and be securely anchored to a supporting surface;
 - d. Not interfere with pedestrian circulation and shall be separated from automobile parking;
 - e. Located within view of building entrances or in view of windows;
 - f. Be located at least three (3) feet from any wall or obstruction; and
 - g. Be illuminated for safety.

4. For any use where bicycle parking is required, if the vehicular parking is covered or partly covered, the bicycle parking spaces will be covered at the same ratio.
5. Bicycle parking spaces shall be located near each main building entrance, and in an area that is highly visible.
6. When provided, bicycle parking shall be accessible by safe and convenient connections to and from the street, sidewalk, trail or other public or private way which accommodates such traffic.

7.9.E. EMERGENCY STANDARDS

1. Suitable provision shall be made on the lot for access to lots, buildings and other structures by fire, police and emergency services.
2. Suitable provision shall be made for fire hydrants, fire ponds, water tanks or access to other water sources for fire protection.

7.10.Outdoor Display, Dining, and Storage Areas

7.10.A. PURPOSE

This section is intended to protect property values, enhance, and protect from deterioration, the physical appearance and scenic beauty of the community, to provide more open areas, and provide a more enjoyable and pleasing community; to reduce clutter, sign or advertising distractions and obstructions that may contribute to traffic accidents, or cause other hazards.

7.10.B. OUTDOOR DISPLAY/ OUTDOOR DINING/ OUTDOOR STORAGE AREAS

1. Unless otherwise authorized elsewhere in these regulations, there shall be no outdoor display areas, outdoor sales, outdoor dining, and outdoor storage areas.
2. In accordance with this section, the Commission may, by special permit approve the outdoor display of merchandise and storage of equipment accessory to a principal use in all Business and Industrial districts, and Design districts.
3. Outdoor display, outdoor storage, and outdoor dining areas shall comply with the following standards:
 - a. Such areas shall be permitted only where clearly depicted on an approved site plan.
 - b. Permanent structures and temporary structures may be allowed in outdoor display areas if approved as part of this special permit approval by the Commission.
 - c. All such areas shall be adequately separated from motor vehicle routes by a physical barrier visible to drivers and pedestrians.
 - d. Such on building aprons, walkways, and sidewalks must maintain an adequate minimum walkway width between the display items and any vehicle drives.
 - e. Such areas shall not conflict with pedestrian or vehicular circulation.
 - f. Merchandise, equipment and materials shall not be displayed within the minimum yard setbacks.
 - g. Merchandise, equipment, and materials, may not be displayed or stored in parking areas, or on sidewalks adjacent to façade walls, except in screened display, sales, and storage areas. This prohibition shall not apply to short term seasonal and temporary events as approved by the Commission.
4. If the Commission finds the outdoor display area is significant in size, visibility, or as a percent of business, the Commission may require that the outdoor display, outdoor sales, or outdoor storage areas be enclosed by screening with materials and colors matching the main building.
5. The merchandise, equipment and materials displayed shall be directly related to the business activity on the lot and shall not promote or advertise offsite businesses, services, or products.
6. Outdoor displays shall not include signs.
7. Illumination of outdoor display and storage areas shall comply with Section 7.4.
8. The outdoor display and storage area shall be considered additional retail space and impervious coverage and thus shall be included in parking, coverage and other applicable requirement, with the exception of outdoor display of automobiles.

9. Exceptions

- a. Decorative items that are not for sale that relate to or complement the business but do not represent a display of merchandise are permitted.

10. Seasonal/ Temporary Displays

- a. Seasonal and temporary displays of merchandise, less than 200 square feet in area, and maintained for less than 7 days, consecutive or otherwise, may be approved by a zoning permit.
- b. Seasonal and temporary displays of merchandise greater than 200 square feet in area shall be limited to 45 consecutive days and 90 total days during a calendar year, upon approval of a site plan by the Commission.

11. **Waiver** - The Commission may modify or waive any portion of this section upon making a finding that the proposed outdoor display area has been designed in consideration of these regulations and are sufficient to carry out the purpose of this Section (7.10).

7.11. Mobile Vendors

7.11.A. PURPOSE

This section is intended to regulate the location and frequency of mobile vending operations in order to protect the public health, safety, and welfare.

7.11.B. APPLICABILITY

This section applies to mobile vending operations. This section does not apply to:

1. Vendors that are officially approved by a bona fide non-profit farmer's market allowed in B districts per Section 4.1; and
2. Lemonade stands and similar facilities run by minors.

7.11.C. STANDARDS

1. Prior to the commencement of operations, all mobile vendors, shall submit to the ZEO the following:
 - a. The approval of a Peddler's Licensed issued by the Town of Canton in accordance with Chapter 328 of the Town Code;
 - b. The approval of the Farmington Valley Health District; and
 - c. Copies of any additional approvals required under this Section 7.11.C.
2. **Construction Site Mobile Food Permit** - The ZEO may issue a zoning permit for mobile food vending on bona fide construction projects provided such vending:
 - a. Such vending is limited to the duration of the construction project;
 - b. Occurs within the confines of the lot where construction activity is occurring;
 - c. Is not open to the general public; and
 - d. Is operated exclusively for the benefit of construction workers and related contractors and subcontractors.
3. **Transient Mobile Vending General Permits** - The ZEO may issue a zoning permit for mobile vending (food, retail, service) provided such vendor:
 - a. Has secured the permission of the property owner;
 - b. Does not occupy any one lot for more than 1 day a week; and
 - c. Adheres to the standards and requirements set forth in this Section (7.11.C.4.a-c).

4. Community Event Mobile Vending (food, retail, services)

- a. Mobile vendors within the rights of way of a Town or State highway are prohibited under Chapter 328 of the Town Code.
- b. Mobile vendors associated with special community-wide events sponsored by, or on behalf of, a unit of local government, a charitable organization, or a not-for-profit organization identified under 501.C.3 are permitted for up to four (4) days in duration.
- c. For durations of greater than 4 consecutive days mobile vendors identified in Section 7.11.C.3.b require site plan approval. The Commission may accept a simplified site plan that shall depict parking spaces, temporary signage, trash receptacles, traffic control measures, and other amenities in relation to buildings, parking, access drives, fire lanes, and other improvements (if any) on the lot.

5. Mobile Vendors on Vacant or Developed Lots (Standalone)

- a. The ZEO may issue a zoning permit for standalone mobile vendors within Business, Industrial, and Design Districts for periods up to 14 days in duration.
- b. Standalone mobile vendors engaged in the sale of prepared food shall not be allowed within 500 feet of a Restaurant, or permanent eating establishment, or an establishment that sells alcoholic beverages for on-premises consumption.
- c. There shall be no more than one mobile vendor per property, for properties less than 2 acres in size. For lots greater than 2 acres in size and less than 10 acres there shall be no more than 2 mobile vendors. For lots greater than 10 acres in size, there shall be no more than 5 mobile vendors.
- d. The mobile vendor shall provide an adequate plan (or a suitable substitute agreed to by the ZEO) indicating the location of the Mobile Vendors property in relation to buildings, sidewalks, parking spaces, and driveways.
- e. The location of any vending vehicle, cart, trash container, sign, etc. shall not obstruct line of sight or flow of traffic both on-and off-site and shall not obstruct the use of any required parking space, driveway, or walkway.
- f. There shall be adequate off-street parking for patrons of existing establishments and those of the mobile food vendor.
- g. All trash containers, signs, and other personal property used in connection with mobile vendors (the "mobile vendor's property") shall not be located more than 15 feet from the center of the vending area.
- h. The mobile vendor shall be limited to one temporary freestanding sign, not to exceed 12 square feet per side. Flags, pennants, pinwheels, flashing lights, or other devices, intended to attract attention to the use, but potentially distracting to motorists, shall be prohibited.
- i. The mobile vendor shall provide written permission from the owner of the property where he/she intends to locate.
- j. The mobile vendor shall provide adequate trash containers on the lot and shall be responsible for maintaining a litter-free condition on the entire lot associated with this use while the applicant exercises the permit or lease.

- k. Upon vacating a property, the mobile vendor shall remove all traces of his/her business and restore the lot to its original condition.
- l. The required zoning permit fee shall be paid in full prior to conducting any activities.
- m. Mobile vendors may be allowed within the required minimum yard setback upon approval by the Commission of a special permit.

7.12. Hours Of Operation and Outdoor Lighting

7.12.A. PURPOSE

This section is intended to regulate the location and frequency of business and other operations in order to protect the rural tradition and character of the town.

7.12.B. APPLICABILITY

1. This section applies to all business and industrial uses regardless of the district.
2. These hours of operations shall not apply if a special permit approval has established more restricted hours of operation.
3. This section shall not limit the Commission's ability to establish more restrictive hours of operation in order to ensure a use complies with the special permit criteria of Section 9.2.E.
4. These hours of operation shall not apply to animal or human emergency medical care facilities which may be open for business 24 hours per day, unless otherwise established.

7.12.C. STANDARDS

1. Regardless of the district, retail and services businesses and restaurants shall be closed to the public between the hours of 2:00 a.m. and 5:00 a.m. Further, in a Residential District, any premise conducting business shall be closed to the public between the hours of 11:00 p.m. and 5:00 a.m.
2. Trash compaction or similar operations shall be permitted between the hours of 7:00 AM and 6:00 PM. Trash compaction between the hours of 6:00 PM and 10:00 PM may be approved by the Commission when the applicant has submitted evidence that sound barriers between all areas for such operations effectively reduce noise emission levels to a peak level of 45 decibels, as measured at the property line.
3. Staging, loading or idling of commercial vehicles in a loading area is prohibited between the hours of 9:00 PM and 7:00 AM. The Commission may modify this requirement if the applicant can demonstrate special circumstances warrant such modification and the Commission finds that such modification complies with the special exception criteria of Section 9.2.E.
4. Unless otherwise approved as part of a business or non-business hour lighting plan under Section 7.4.C, hours of outdoor lighting shall be limited to between one-half hour prior to the time such business is open to the public to one-half hour after the close of such business to the public.

7.13. Stormwater Management

7.13.A. PURPOSE

1. The following stormwater management requirements and controls are established to:
 - a. Preserve pre-development site hydrology (e.g. runoff rates, runoff volumes, and infiltration) to the extent possible with consideration given to practicality, thereby maintaining stream baseflows and integrity, maintaining groundwater recharge, minimizing contributions to flooding, erosion, and stream bank destabilization, and minimizing potential negative effects on downstream structures and property.
 - b. Minimize the amount of pollutants from all sources being transported by stormwater flowing from the development site and entering receiving waters and wetlands, thereby minimizing the potential negative effects of such pollutants on wetlands, surface and ground waters, other natural resources, person, and property.
 - c. Protect public health, safety, and general welfare where threats thereto may be created or exacerbated as a result of stormwater runoff conditions attributable to the subject development.
 - d. Encourage appropriate operation, monitoring, and maintenance of site stormwater conditions and facilities to perpetuate these purposes over time.

7.13.B. APPLICABILITY

1. The standards of this section apply to any new development or modification or other disturbance to an existing development that disturbs ten thousand square feet or more of area exposed to rainfall.

7.13.C. STORMWATER MANAGEMENT PLAN

1. A Stormwater Management Plan (SWM Plan) prepared in accordance with these Regulations is required to be included as part of the site plan for all applicable development.
2. The SWM Plan shall be consistent with the stormwater management purposes set forth in 7.13.C.1.
3. The SWM Plan shall be in accordance with the principles and guidance set forth in the 2004 Connecticut Stormwater Quality Manual, or the latest update thereof, as published by the Connecticut Department of [Energy and] Environmental Protection.
4. The SWM Plan shall employ and be consistent with sound engineering and site planning practices, with particular consideration for known low impact development (LID) best management practices (BMPs) appropriate for each particular application; LID BMP references in addition to the Connecticut Stormwater Quality Manual include:
 - a. Maryland Department of the Environment Stormwater Design Manual;
 - b. Minnesota Pollution Control Authority Stormwater Manual;
 - c. Pennsylvania Department of Environmental Protection Stormwater Best Management Practices Manual;
 - d. Various publications from the University of New Hampshire Stormwater Center;
 - e. San Antonio River Basin Low Impact Design Technical Guidance Manual; and

- f. Kings County, Washington Surface Water Design Manual.
5. The categorical order of preference for stormwater management treatment and control is as follows:
- a. Design and practices that minimize the introduction of pollutants into stormwater runoff.
 - b. An appropriate combination, a.k.a. treatment train, of measures where practical.
 - c. Natural biological, vegetative, and filtration treatment and volume reduction.
 - d. Infiltration.
 - e. Structural facilities for treatment (e.g. hydrodynamic separators, etc.).
 - f. Stormwater detention that provides minimal treatment.
6. The professionally designed and prepared SWM Plan shall include:
- a. A stormwater management evaluation and design report.
 - b. A stormwater management system (SWM system) improvement plan.
 - c. A SWM system construction narrative.
 - d. A SWM system operation, monitoring, and maintenance narrative.
 - e. All portions shall be appropriately signed and sealed by the professional engineer by or under whose direction the SWM Plan was prepared.
7. The stormwater management evaluation and design report shall include:
- a. An evaluation of existing site, and relevant off-site, conditions that may affect or be affected by the selection, design, location, and operation of measures and facilities for the proposed SWM system; such conditions shall include:
 - i. Wetlands and vernal pools;
 - ii. Watercourses and drainage ways;
 - iii. Drainage patterns;
 - iv. Depth to groundwater/ledge;
 - v. Soils, with special regard to infiltration capacity, erodibility, and runoff computations;
 - vi. Topography and slopes; and
 - vii. Vegetation.
 - b. An evaluation of existing and proposed post-development site, and relevant off-site, hydrology; such evaluation shall include for all scenarios:
 - i. Identification of the location, direction, manner of conveyance, and contributing area for all stormwater runoff within the site, exiting the site, and, where flow characteristics (which include increases in peak flowrates amongst other characteristics) are altered as a result of the subject development, off-site until the runoff will discharge to a receiving watercourse or off-site maintained conveyance system where the applicant has secured appropriate permission accounting for the altered characteristics of the discharge;
 - ii. Calculate estimated discharges at all identified locations for the 2-, 10-, 25-, and 100-year storm events; and

- iii. Evaluation of the effects (e.g. travel paths, flow and ponding depths, flow velocities, facilities impacted, hydrologic assumptions) of stormwater facilities being overwhelmed during the 100-year storm event.
 - c. A discussion of the particular stormwater treatment and control measures proposed in association with the subject development; such discussion shall include:
 - i. The reasoning, in relation to the purposes, requirements, and guidance of these Regulations, for the selection and, as appropriate, design of the particular measures proposed; and
 - ii. Justification for inconsistencies with the order of preference set forth in 7.13.C.5.
 - d. Supporting background, observations, assumptions, references, calculations, and other pertinent information regarding the design of the proposed SWM system treatment and control measures.
8. The SWM system improvement plan:
- a. Shall be designed to meet the purposes and requirements set forth in these Regulations and further in accordance with guidance provided herein.
 - b. Shall be compliant with all applicable state and federal regulations and requirements, which compliance is solely the responsibility of the Applicant; and shall list on the plan any state or federal stormwater-related permit that is known or anticipated to be required in association with the development and associated status at the time of Site Plan application.
 - c. Shall be designed to provide zero net increase in peak discharge to receiving watercourses and, as may be applicable, onto adjacent properties for the 2-, 10-, 25-, and 100-year storm events unless it is sufficiently demonstrated that there will be no significant deleterious effects downstream as a result of any peak discharge increase.
 - d. Shall be designed to treat the Water Quality Volume (runoff from the first inch of rainfall) from the subject developed area.
 - e. Conveyance systems shall be designed in accordance with applicable provisions of the latest edition and amendments of the Connecticut Department of Transportation Drainage Manual.
 - f. Shall properly depict and detail the various stormwater management (and related) measures, facilities, and improvements proposed to adequately provide for evaluation for purposes of these Regulations and construction of the same.
 - g. Shall incorporate appropriate vegetation in proposed measures wherever practical.
 - h. Shall incorporate appropriate erosion and sedimentation control measures in accordance with Section 7.6.
 - i. Stormwater management facilities which may be visible from streets or other public areas shall appropriately take aesthetics into consideration in their selection and design.
 - j. Where the proposed development involves modifications or disturbance of existing developed area, as related to the extents of the same, the Commission may take into additional consideration site- and project-specific factors such as physical constraints, age and condition of existing stormwater management facilities, and relative project scope in the application of the stormwater management regulations set forth in this Section 7.13.

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9. The SWM system construction narrative:

- a. May be included on the improvement plan or may be a separate document.
- b. An authorized representative for the site contractor for the proposed development must submit a signed statement to the ZEO prior to commencing construction on the development that he/she has read the subject stormwater management construction narrative, understands its content and its relevance to the proposed construction, and will abide by its recommendations during and for the construction of the subject facilities and measures.
- c. Shall document, with respect to the installation or construction of the various stormwater management facilities and measures proposed, any aspects of the same that may require particular or specific methods, equipment, actions, care, or other factor which may be outside of the expected knowledge or experience of a typical contractor who may be engaged to perform such work and which may be necessary for or affect the proper installation, life-cycle operation, or maintenance of the same.

10. The SWM system operation, monitoring, and maintenance narrative shall be included on the improvement plan, and shall document:

- a. Recommended and appropriate operation, monitoring, and maintenance activities and measures, including the timing thereof, as may be associated with or particular to (and presented in such a manner) the intended service and benefits of the various stormwater management facilities and measures proposed for the development.
- b. Observable physical signs of significant inadequate maintenance, degradation, or improper function of, as associated with or particular to (and presented in such a manner), the various stormwater management facilities and measures, and their intended service and benefits, proposed for the development, including, as applicable, specific conditions that must be realized, timing, or procedures that must be used to accommodate observance.

7.13.D. OPERATION, MONITORING, AND MAINTENANCE

1. The property owner is responsible for the proper operation, monitoring, and maintenance of all stormwater management facilities located on their property such that the same continue to reasonably provide the service and benefits intended by the design and these Regulations.

8. SPECIAL REGULATIONS

8.1. *Prohibited Uses and Activities*

8.1.A. PURPOSE

The Commission feels that, by their very nature, the following uses and structures cannot be regulated in such a fashion as to protect the health, safety and welfare of the general public and are prohibited in all districts.

8.1.B. PROHIBITIONS

While Section 1.4.A provides that any use not specifically permitted is prohibited, and this section is not intended to limit the applicability of Section 1.4.A, the following uses and activities are called out as being specifically prohibited within the Town of Canton as either Principal or Accessory Uses:

1. Liquid fuel refining or production of any size.
2. Manufacture of explosives.
3. Commercial distillation of bones, rendering of fat or reduction of animal matter.
4. Industrial waste disposal or processing areas as a primary use, including the disposal or processing of hazardous waste or material except on a temporary basis for the cleanup of contaminated sites/ household hazardous waste removal.
5. The storage, collection, processing, purchase, sale, salvage or disposal of scrap including motor vehicles, motor vehicle junk business and motor vehicle junk yard as defined in the CGS.
6. The storage or deposit, whether in connection with a business or not, of two or more unregistered or unused motor vehicles which are either no longer intended or in condition for legal use on the public highways.
7. The storage or deposit of used parts of motor vehicles and old metals, iron, glass, paper, cordage or other waste materials.
8. Signs listed under Section 7.3.B.3.
9. Outdoor Wood Burning Furnaces, as defined by CGS 22a-174k (as amended) in all districts other than R-3.

8.2. Performance Standards

8.2.A. PURPOSE

These performance standards are adopted to prevent activities on any property detrimental to the use, enjoyment and value of any other property, buildings or structures or detrimental to the public health, safety and welfare.

8.2.B. APPLICABILITY

All use of property must be in compliance with the standards of this section. This section further applies to all applications seeking zoning approval (approval of a zoning permit, site plan or special permit) and the carrying out of those uses and activities permitted as of right.

8.2.C. STANDARDS

The use of land, buildings, and other structures, wherever located, shall be established and conducted so as to conform to the following performance standards.

1. **Smoke, Gases and Fumes** - No dust, dirt, fly ash, smoke, gas, or fumes shall be emitted into the air from any lot so as to endanger or impair the public health, safety, welfare or the value and reasonable use of any other lot.
2. **Vibration** - With the exception of vibration necessarily involved in the construction, or demolition of buildings, no vibration shall be transmitted outside the lot where it originates so as to endanger or impair the public health, safety, welfare or the value and reasonable use of any other lot.
3. **Odors** - No offensive odors shall be emitted into the air from any lot so as to impair the value and reasonable use of any other lot, excluding agriculture fertilizers used in the customary and ordinary course of legal agricultural activities.
4. **Glare and Heat** - No light shall be transmitted outside the lot where it originates so as to endanger the public health or safety, including the public health, safety, or welfare on any street or highway, or to impair the value and reasonable use of any other lot.
5. **Refuse and Pollution** - No refuse or other waste materials and no liquids shall be dumped on any lot or dumped or discharged into any river, stream, estuary, water course, storm drain, pond, lake, swamp or marsh so as to constitute a source of water pollution or so as to endanger or impair the public health, safety, welfare or the value and reasonable use of any other lot.
6. **Danger** - No material which is dangerous due to explosion, extreme fire hazard or radioactivity shall be used, stored, manufactured, processed or assembled except in accordance with applicable codes, ordinances and regulations of the Town, State of Connecticut and Federal Government.
7. **Radio Interference** - No use on any lot shall cause interference with radio and television reception on any other lot and any use which generates electromagnetic radiation or interference shall conform to the regulations of the Federal Communications Commission.
8. **Noise**
 - a. No noise shall be transmitted outside the lot where it originates when such noise has a decibel level, octave band, intermittence and/or beat frequency which endangers the public health, safety or impairs safety on or the value and reasonable use of any other lot.

- b. Construction noise shall be prohibited between the hours of 7 PM and 7 AM, unless permitted by special permit.
- c. When required by the Commission, applications shall be accompanied by a report from a professional acoustical engineer demonstrating that the noise standards will be attained. Prior to the issuance of a Certificate of Occupancy (CO), the lot owner shall be responsible for testing of stationary equipment verifying compliance with noise standards. At the discretion of the Commission, such tests shall be conducted in the presence of the ZEO.
- d. All noise generated on any lot shall be consistent by the Regulations of Connecticut State Agencies Section 22a-69-1.
- e. Compliance with this section shall not necessarily mean that compliance has been achieved with the special permit criteria of Section 9.2.E.

8.3. Non-Conforming Conditions

8.3.A. NONCONFORMING PARCEL

1. Any nonconforming parcel lawfully existing at the time of adoption of these regulations, or as may be amended, may be continued as a nonconforming parcel.

8.3.B. NONCONFORMING USES

1. Any nonconforming use of buildings or land lawfully existing at the time of adoption of these regulations (as amended), may be continued as a nonconforming use.
2. No nonconforming use may be changed except to a conforming use or, to another nonconforming use of a lesser intensity and more compatible with the character with the approval of a special permit by the Commission.

8.3.C. NONCONFORMING STRUCTURES

1. Any nonconforming structure lawfully existing at the time of adoption of these regulations (as amended), may be continued as a nonconforming structure.
2. A nonconforming structure may only be enlarged provided such enlargement complies with applicable area and dimension requirements/ standards of the district.
3. Vertical expansions of nonconforming structures are prohibited within the non-conforming area.
4. A nonconforming structure destroyed or damaged by fire, explosion, accident, force majeure, act of nature, or act of a public enemy may be repaired, restored, rebuilt or replaced provided such repair, restoration, rebuilding or replacement does not extend or expand the previously existing nonconformity;
5. Enlargement of a non-conforming structure shall not be presumed to mean that enlargement of a non-conforming use is allowed.

8.4. Towers and Antennas

8.4.A. PURPOSE

These regulations are intended to establish guidelines and standards for the siting of antenna facilities in Town in order to protect the public safety and general welfare and, through design, siting, and screening, to minimize any adverse visual and operation effects.

8.4.B. PERMITTED USES

Table 8.4.B – Permitted Towers and Antennas

	No Permit Required	Zoning Permit Required	Site Plan Approval Required	Special Permit Required
1. State-Regulated Tower or Antenna – Any new tower or antenna regulated by the Connecticut Siting Council.	<input checked="" type="checkbox"/>			
2. Residential Household/ Amateur Antenna – An antenna used solely for residential television and private radio reception provided any such antenna meets required setbacks and a height no greater than 40 feet above grade or 15 feet above the roof for all uses in all zoning districts.	<input checked="" type="checkbox"/>			
3. Residential Satellite Dish Antenna – A satellite dish antenna in a residential district provided the dish antenna (a) measures 1 meter (3.28 feet) or less in diameter, (b) shall not exceed the height of the roof ridge line and, (c) shall not be located in a required front yard.	<input checked="" type="checkbox"/>			
4. Amateur Radio Antenna – An amateur radio antenna operated by an amateur radio operator licensed by the FCC provided that it is located in the rear yard, meets required setbacks, and is less than 40 feet in total height.		<input checked="" type="checkbox"/>		
5. Other Residential Antenna – An antenna listed in 2, 3, or 4 above that does not comply with the identified standards.			<input checked="" type="checkbox"/>	
6. Commercial Satellite Dish Antenna – A ground-mounted or roof-mounted satellite dish antenna in a non-residential district provided the dish antenna measures 2 meters (6.56 feet) or less in diameter; and the dish antenna is screened from public view.	<input checked="" type="checkbox"/>			
7. Commercial Satellite Dish Antenna – An antenna listed in 6 above that does not comply with the identified standards.			<input checked="" type="checkbox"/>	
8. Other Antennas on Existing Structures – Any other antenna which is not attached to a tower, provided the antenna complies with all applicable FCC and FAA Regulations.				<input checked="" type="checkbox"/>
9. New Public Safety Tower or Antenna – A new antenna tower intended and used primarily for the purpose of police, fire ambulance, and/or other emergency services or similar emergency communications.				<input checked="" type="checkbox"/>
10. New Tower or Antenna on Town-Owned Property – A new antenna located on a lot owned, leased or otherwise controlled by the Town of Canton.				<input checked="" type="checkbox"/>
11. Other Tower or Antenna – Any tower or antenna not listed above.				<input checked="" type="checkbox"/>

8.4.C. STANDARDS

Towers and antennas that require a special permit shall, unless modified by the Commission, comply with the following standards:

1. Towers shall not exceed 80' in height above average grade. The Commission may waive this requirement if it finds that topography, vegetation or other conditions affecting the propagation of signals require additional tower height and that a shorter tower cannot be reasonably accommodated in the general area.
2. No tower shall be placed in the front yard.
3. The distance from the lot line to the tower shall not be less than the total height of the tower. The Commission may waive this requirement if the tower is engineered to collapse in a manner that would not impact abutting lots.
4. Guy wires and anchors shall be located not less than 5' from any building or lot line.
5. To discourage unauthorized trespassing and provide for the public safety, the base of any ground-mounted tower shall be secured to a height of 8' above the ground.
6. Noise and vibration from any tower or ancillary equipment shall not be transmitted beyond the lot line so as to endanger or impair the public health, safety, welfare or the value and reasonable use of any other lot.
7. Fences and structures for housing ancillary equipment shall be screened by a landscaped buffer consisting of evergreen trees equal in height to the height of the fence (excepting points of access). The Commission may reduce or waive this requirement if: 1) buildings, topography or existing vegetation achieve the same purpose; or 2) the tower is remotely located and the ancillary facilities will not visually impact adjacent properties.
8. Antennas mounted directly on the facade of a building or within structural elements of a building, such as steeples and elevator penthouses, shall be of a design and color that blends with the materials of the building to the greatest extent possible or shall be screened from view using camouflage fabric technology. Such installations shall be maintained so as to remain unobtrusive.
9. To protect the public health from the unknown effects of electromagnetic fields, all cellular and personal communication service transmitters must comply with FCC emissions regulations.

8.5. Alcoholic Beverages

8.5.A. PURPOSE

These regulations are intended to establish regulations for the sale of alcoholic beverages in Town in order to protect the public safety and general welfare to minimize any adverse visual and operation effects.

8.5.B. STANDARDS

1. No alcoholic liquor shall be sold, offered for sale, or kept with intent to sell, as defined in the Liquor Control Act, except as specifically provided in this section.
2. The sale of alcoholic liquors within 500 feet of a school (as measured from the entrance of the liquor establishment along street centerlines to the nearest portion of the school property) shall be considered as part of any application.
3. The sale of alcoholic liquors shall be limited to the following classes of permits (as defined in Chapter 54 of the CGS, as amended) provided that the usage of the building or land within or on which such sale is conducted is a permitted use within the zoning district:

Table 8.5.B – Alcoholic Beverages

Permitted Use Within Zoning District	Class of Permit
Restaurant	Restaurant permit
	Restaurant permit for beer
	Restaurant permit for beer and wine
	Restaurant permit for a catering establishment
	Caterer liquor permit
	Manufacturer permit for a brew pub
Retail	Package Store permit
	Grocery Store beer permit
	Druggist permit
Club	Club permit
	Non-profit service club permit
	Charitable Organization permit
Public and Private Open Air Recreational Use	Temporary Liquor permit
	Temporary Beer permit

4. An applicant shall obtain a special permit from the Commission prior to an application to the Department of Consumer Protection for any class of liquor permit.
5. The Commission shall not issue a special permit for an alcoholic beverage permit unless the Commission has considered whether the proposed activity will:
 - a. Adversely affect the public health and safety of persons in the area;
 - b. Hinder the appropriate development and use of land and buildings in the neighborhood;
 - c. Result in an undue concentration of liquor establishments in one neighborhood; and/or

d. Create a traffic hazard.

6. Such special permit shall, if granted by the Commission, run concurrently with the permit granted by the Department of Consumer Protection, and shall not be modified to another class of permit without the issuance of a new special permit.

7. Any activity which requires a temporary liquor permit or a temporary beer permit shall comply with the requirements of the Liquor Division of the Department of Consumer Protection.

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8.6. Trailers

8.6.A. FOR CONSTRUCTION

1. Subject to the securing of a zoning permit, commercial trailers used as storage or offices may be parked on any lot in connection with a bona fide construction project on the lot.
2. Where construction is part of a public project such as sewers, road work, water mains or other similar projects, a specific site may be designated by the Commission for such purposes. Such permit shall have a duration of no more than six (6) months unless extended at the discretion of the ZEO to coincide with an additional period when the construction project is in process.

8.6.B. FOR RESIDENCE

1. In extraordinary circumstances, such as while a residence is being repaired or rebuilt after fire or other casualty, the use of a trailer for residential purposes only by the lot owner and his or her family for a period of up to six (6) months, may be permitted by zoning permit, and shall not be subject to the restrictions of this Section. The ZEO may grant additional extensions at his or her discretion upon the finding that good faith efforts are being pursued to complete such repair or rebuilding of the residence.
2. Provisions shall be made for water and sewerage and such provisions shall have written approval of the Farmington Valley Health District the time of approval by the Commission.

8.6.C. OTHER TRAILERS

1. Except as provided above or elsewhere in these regulations, no trailer shall be used for any purpose on any lot, or stand unoccupied except with the approval of a zoning permit and such approval shall be limited to a period of six (6) months provided the storage and positioning of any such trailer:
 - a. May not be located in any front, side or rear yard; and
 - b. Shall be buffered or screened or located in such a way as to minimize their visual impact on abutting residential neighbors or views from the public way.
3. The ZEO may extend such permit at his or her discretion after finding either good faith efforts are being pursued to remove such trailer or that the unique characteristics of the lot and siting of such trailer render it inconspicuous and unobtrusive to/ from adjacent properties and the street.

8.7. Consolidated Parcels

For the purpose of integrated development, any number of contiguous lots may be consolidated for the purpose of development, and the consolidated lot shall be construed to be one lot when computing building coverage, yard requirements, and permitted uses, provided:

1. The owner of each lot shall give to the owner of each lot in the consolidated lot by deed, permanent easement, or permanent agreement filed in the Office of the Town Clerk, the right of entrance, exit, passage, parking and loading (subject to the review of the Town attorney).
2. The consolidated parcel is developed with an integrated plan of buildings, parking, signs, loading and unloading, and open space.
3. The Commission may require or limit use of access driveways to one or more lots, whether or not under separate ownership, in order to assure safe traffic movement to and from the street and to avoid congestion.

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9. PROCEDURES

9.1. Site Plan Application

9.1.A. APPLICATION REQUIREMENTS

1. A site plan application shall be submitted in accordance with Section 9.9.A:
 - a. For any activity designated in the regulations as requiring site plan approval;
 - b. For any construction, development, expansion, or major alteration of a multiple dwelling unit or non-residential use; or,
 - c. For any construction, development, expansion, or major alteration of any building including any alteration in lot improvements such as parking, pedestrian or vehicle circulation, public utilities or reduction of landscaping in any commercial or any industrial district, unless determined to be a minor modification per Section 9.1.A.13.
2. A site plan application shall be accompanied by the number and type of materials prescribed in Appendix 1 of these regulations for a site plan application (see checklists).
3. The Commission may, in accordance with the requirements of these regulations require the submission of additional information as deemed necessary to make a reasonable review of the application.
4. If a site plan application involves an activity regulated pursuant to CGS Section 22a-36 to 22a-45, inclusive, the applicant shall submit an application for a permit to the Inland Wetlands and Watercourses Agency not later than the day such application is filed with the Commission.
5. When warranted by the size, location or nature of a proposal, or when determined to be in the public interest, the Commission may require a three dimensional physical representation or a computer simulation of the proposal at an appropriate scale. The Commission may also require that the model include three dimensional representation of all or portions of the abutting lots if this would significantly aid the Commission and the public to visualize and understand the proposal.
6. In addition to the submission requirements above, the applicant shall submit in digital format (PDF or JPEG, as deemed appropriate by Land Use staff) all application materials and public hearing exhibits, or, in the absence of a public hearing, any supplemental information received up to final action by the Commission. These materials shall include, but not be limited to, the application form, cover letter, statements of use, site plan and architectural plans, reports, easements or deeds to roads, and any other information submitted to support an application. The Commission may waive this requirement upon request by the applicant showing good cause.
7. A complete site plan application must be submitted a minimum of ten days before a regular meeting in order to be considered by the Commission at that meeting. Nothing in this section shall be construed to extend the time limits for action as specified in the CGS.
8. For any site plan application where a public hearing is required, all additional information required by the Commission, or provided by the applicant shall be submitted a minimum of ten days prior to the public hearing to enable the Commission, staff, public and any consultants contracted by the Commission, adequate time to review the information before the expiration of the time limits set forth in the CGS.

9. The Commission may choose not to accept any modifications to an application after it has been received except those modifications specifically requested by the Commission (or without confirming with the Commission such modification could be handled as a condition of approval).
10. Nothing in this section shall prohibit an applicant from submitting reply reports in response to documents submitted by the public, staff, consultants or other sources during the proceeding on the application.
11. The Commission may deny an application without prejudice where application information or revisions have been received so late in the process as to deny or curtail the opportunity for thorough review and comment by the public, Town staff, or other public agencies.
12. Upon written request by the applicant, the Commission may, by resolution determine that:
 - a. The required submission of all or a part of the information required under Sections 6, 7, 8, and the Appendix of these regulations is not necessary in order to render a decision on the application and need not be submitted, or
 - b. The required submission of part of such information is deferred for submission and decision at a later date, or
 - c. Additional or alternate information is necessary and required to be submitted in order to make a reasonable decision on the application under the standards of these regulations.
13. Technical and minor modifications to an approved site plan, which do not substantially alter the content of the approved plan, may be approved jointly by the Zoning Enforcement Officer, Building Official and Fire Marshal, with consultation of other relevant Town Staff as deemed necessary when proposed changes are limited to: landscaping; lighting; parking; drainage; grading; erosion and sedimentation controls; utilities; signage; architectural details; or building additions, alterations, or additional structures that are less than 15 percent of the floor area of the principle building or 3,000 square feet, whichever is least.
 - a. If a proposed technical or minor modification involves an activity regulated pursuant to CGS Section 22a-36 to 22a-45, inclusive, the applicant shall submit an application for a permit to the Inland Wetlands and Watercourses Agency (IWWA) or Authorized Agent not later than the day such application is filed with the Land Use Office. Such modification shall not be approved unless in accordance with the approval of the IWWA or Authorized Agent.
 - b. If there are any outstanding zoning violations on the property and such modification will not eliminate the violation, the modification shall be forwarded to the Commission for site plan review.
 - c. If there is disagreement on any issue between staff or between staff and the applicant, such modification will be referred to the Commission for site plan approval.
 - d. If upon review, such proposed modification substantially alters the architectural presentation of a building, proposes a new building or structure not in keeping with the development pattern of the site or neighborhood, or substantially alters the design of the site, the proposal may be referred to the Design Review Team for an advisory opinion provided any such referral shall not increase the time required to process the site plan change under Section 9.1.B.5.

- e. A request for a technical or minor modification under this Section must be made in the form of a completed zoning development application form accompanied by the number and type of materials prescribed in Appendix 1 of these regulations for a site plan application (see checklists) provided that the reviewing staff may waive requirements determined to not be necessary for the review of such minor modification.
- f. A technical or minor modification approved under this Section must be approved in the form of an official letter to the applicant, copied to the zoning property file. Such letter shall include a detailed description of the minor modification being approved, or reference and attached a plan clearly demonstrating the details and limits of the proposed modification.
- g. Copies of approved technical and minor modifications will be reported to the Commission at its next regular meeting.
- h. Any approval under this section may require the filing of certification's and As-Built's in accordance with Section 9.8.C.8.

9.1.B. PROCEEDINGS

1. The date of receipt for a site plan application shall be determined in accordance with Section 9.9.B.
2. An incomplete site plan application may be denied in accordance with Section 9.9.C.
3. For new construction or other activity considered to be significant in the sole judgment of the Commission, the Commission may hold a public hearing on the application; and require that the applicant provide notice in accordance with Section 9.1.C.1.
4. Whenever a site plan is required in conjunction with another application requiring a public hearing (such as a special permit application, Design District, or a zone map change application), the time period for acting on the site plan application shall coincide with the time period specified in Section 9.2.B or Section 9.4.B.
5. Whenever approval of a site plan is the only approval required, a decision on the application shall be rendered within sixty-five (65) days after the date of receipt of such site plan application, except that the applicant may consent to one or more extensions of such period provided the total period of any such extension or extensions shall not exceed sixty-five days, pursuant to CGS Section 8-3 (g).
6. If an application involves an activity regulated pursuant to CGS Section 22a-36 to 22a-45, inclusive and the time for a decision by the Commission would elapse prior to the thirty-fifth day after a decision by the Inland Wetlands and Watercourses Agency, the time period for a decision shall be extended to thirty-five days after the decision of such agency (per CGS Section 8-7d(e)).
7. The applicant may withdraw an application at any time prior to action by the Commission. The withdrawal of an application shall not be effective unless made, in writing, prior to action by the Commission.

9.1.C. NOTICE REQUIREMENTS

1. For new construction or other activity considered to be significant in the sole judgment of the Commission, the Commission may hold a public hearing on the application; and require that the applicant:
 - a. Give notice to owners of abutting lots in accordance with the requirements of Section 9.9.G of these regulations, and/or
 - b. Post a sign in accordance with the requirements of Section 9.9.F of these regulations.
2. Notification to adjoining municipalities may be required in accordance with the requirements of Section 9.9.H.
3. Notification to water companies may be required in accordance with the requirements of Section 9.9.J.
4. Notification to parties holding restrictions may be required in accordance with the requirements of Section 9.9.K.

9.1.D. DECISION CONSIDERATIONS

1. On a site plan application involving an activity regulated pursuant to CGS Section 22a-36 to 22a-45, inclusive, the Commission shall:
 - a. Wait to render its decision until the Inland Wetlands and Watercourses Agency has submitted a report with its final decision; and
 - b. Give due consideration to any report of the Inland Wetlands and Watercourses Agency when making its decision.
2. On a site plan application involving notice to adjoining municipalities under Section 9.9.H or notice to water companies under Section 9.9.J, the Commission shall give due consideration to any report or testimony received.
3. Before the Commission approves a site plan application, it shall determine that the application is in conformance with the applicable provisions of these regulations.
4. In approving a site plan application, the Commission may require the posting of a bond to ensure compliance with conditions of approval established by the Commission.
5. In approving a site plan application the Commission may require the applicant's professional engineer or professional land surveyor to certify to the Commission, through submission of a set of detailed "as-built" plans on Mylar that all improvements and other work are in accordance with submitted site plans.

9.1.E. ACTION DOCUMENTATION

1. In acting on a site plan application, the Commission may approve, approve with conditions, or deny the application.
2. The Commission shall send, by certified mail, a copy of any decision to the applicant within fifteen (15) days after such decision is rendered.
3. The Commission shall cause notice of the decision on site plan applications to be published in a newspaper having a substantial circulation in Canton within fifteen (15) days after such decision is rendered.

4. In any case in which such notice is not published within the fifteen (15) day period after a decision has been rendered, the applicant may provide for the publication of such notice within ten (10) days thereafter.

9.1.F. FOLLOWING APPROVAL

1. No building permits shall be issued nor shall any site activities associated with an approved site plan commence unless a zoning permit has been issued by the ZEO in accordance with Section 9.8.B. within twelve (12) months of the date of approval of such site plan.
2. As part of any site plan approval, certifications shall be submitted to the ZEO for review in accordance with the requirements of Section 9.8.C.8.
3. When approving a modification to a previously approved site development plan, the Commission may waive the requirements for certifications and As-Built's required by Section 9.8.C.8.

9.1.G. EXPIRATION AND COMPLETION

1. Failure to submit a Mylar for signature by the Chairman within twelve months of the date of the Commission's action shall void the site plan.
2. All work in connection with an approved site plan shall be completed within the time frame established by CGS Section 8-3. Failure to complete all work within such period shall result in automatic expiration of the approval of such site plan unless the Commission has granted an extension of the time to complete work in connection with such site plan.
3. The Commission may grant one (1) or more extensions of the time to complete all or part of the work in connection with a site plan for good cause, upon written request from the applicant, provided the total extension or extensions shall not violate CGS Section 8-3, and upon on a determination of the adequacy of any bond.
4. The Commission may withhold approval of any or all extensions if the applicant fails to provide adequate evidence that work is able to begin within an extended time period. Evidence includes but is not limited to the acquisition of any or all required government approvals and commitments for project financing.

9.2. *Special Permit Application*

9.2.A. APPLICATION REQUIREMENTS

1. A special permit application shall be submitted in accordance with Section 9.9.A for any activity designated in the regulations as requiring a special permit.
2. Each application for a special permit shall be accompanied by a site plan conforming to the requirements of Section 9.1 of these regulations unless the Town Planner finds that there are no physical changes proposed to the site or any building or structure and the submission of a site plan application is not necessary for the Commission to evaluate the proposal.
3. A special permit application shall be accompanied by the number and type of materials prescribed in Appendix 1 of these regulations for a special permit application (see checklists).
4. The Commission may require the submission of such additional information as the Commission deems necessary to make a reasonable review of the application.
5. In addition to the submission requirements above, the applicant shall submit application materials in digital format in accordance with Section 9.1.A.6.
6. A complete special permit application must be submitted a minimum of ten days before a regular meeting in order to be considered by the Commission at that meeting. Nothing in this section shall be construed to extend the time limits for action as specified in the CGS.
7. Any additional information required by the Commission, or provided by the applicant shall be submitted a minimum of ten days prior to the public hearing to enable the Commission, staff, public and any consultants contracted by the Commission have adequate time to review the information before the expiration of the time limits set forth in the CGS.
8. The Commission may choose not to accept any modifications to an application after it has been received except those modifications specifically requested by the Commission (unless the Commission determines that such modification could be handled as a condition of approval).
9. Nothing in this section shall prohibit an applicant from submitting reply reports in response to documents submitted by the public, staff, consultants or other sources during the proceeding on the application.
10. The Commission may deny an application without prejudice where application information or revisions have been received so late in the process as to deny or curtail the opportunity for thorough review and comment by the public, Town staff, or other public agencies.

9.2.B. PROCEEDINGS

1. The date of receipt for a special permit application shall be determined in accordance with Section 9.9.B.
2. An incomplete special permit application may be denied in accordance with Section 9.9.C.
3. If a special permit application involves an activity regulated pursuant to CGS Section 22a-36 to 22a-45, inclusive, the applicant shall submit an application for a permit to the Inland Wetlands and Watercourses Agency not later than the day such application is filed with the Commission.

4. The Commission shall process the special permit application within the period of time permitted under CGS Section 8-7d as follows:
 - a. The public hearing shall commence within sixty-five (65) days after receipt of the application;
 - b. The public hearing shall be completed within thirty-five (35) days after such hearing commences;
 - c. All decisions shall be rendered within sixty-five (65) days after completion of such hearing; and
 - d. The applicant may consent to one or more extensions of any period specified herein, provided the total extension of all such periods shall not be for longer than sixty-five (65) days.
5. If an application involves an activity regulated pursuant to CGS Section 22a-36 to 22a-45, inclusive and the time for a decision by the Commission would elapse prior to the thirty-fifth day after a decision by the Inland Wetlands and Watercourses Agency, the time period for a decision shall be extended to thirty-five (35) days after the decision of such agency.
6. The applicant may withdraw an application at any time prior to decision on the application by the Commission. The withdrawal of an application shall not be effective unless made in writing prior to decision by the Commission.

9.2.C. NOTICE REQUIREMENTS

1. For every special permit application the Commission shall:
 - a. Hold a public hearing on the special permit application; and
 - b. Publish a legal notice in accordance with the requirements of Section 9.9.E of these regulations.
2. Provided that a complete application is submitted to the Town Planner at least twenty-one (21) days prior to a Commission meeting, staff may schedule the public hearing for the next regularly scheduled Commission meeting date.
3. Notification by posting a sign shall be required in accordance with the requirements of Section 9.9.F.
4. The applicant shall give notice to owners of abutting lots in accordance with the requirements of Section 9.9.G of these regulations.
5. Notification to adjoining municipalities may be required in accordance with the requirements of Section 9.9.H.
6. Notification to water companies may be required in accordance with the requirements of Section 9.9.J.
7. Notification to parties holding restrictions may be required in accordance with the requirements of Section 9.9.K.

9.2.D. DECISION CONSIDERATIONS

1. On a special permit application involving an activity regulated pursuant to CGS Section 22a-36 to 22a-45, inclusive, the Commission shall:
 - a. Wait to render its decision until the Inland Wetlands and Watercourses Agency has submitted a report with its final decision; and

- b. Give due consideration to any report of the Inland Wetlands and Watercourses Agency when making its decision.
2. On a special permit application involving notice to adjoining municipalities under Section 9.9.H or notice to water companies under Section 9.9.J, the Commission shall give due consideration to any report or testimony received.
3. Before the Commission approves a special permit application, the Commission shall determine in its sole discretion that the application:
 - a. Has satisfied the special permit criteria in Section 9.2.E of these regulations;
 - b. Conforms with all other applicable provisions of these regulations; and
 - c. Is in harmony with the purposes and intent of these regulations.
4. Before approving a special permit, the Commission shall determine that any accompanying site plan application is in conformance with the applicable provisions of these regulations. In approving a special permit, the Commission may stipulate such conditions as are reasonable and necessary to protect or promote:
 - a. Public health, safety or welfare;
 - b. The environment;
 - c. Improved land use, site planning and land development, and sound planning and zoning principles;
 - d. Property values; or
 - e. Better overall neighborhood compatibility.
5. Any condition or safeguard attached to the approval of a special permit shall:
 - a. Continue in full force and effect regardless of any change in ownership of the lot; and
 - b. May only be modified through approval by the Commission of an application to modify the special permit.

9.2.E. SPECIAL PERMIT CRITERIA

In considering any application for a special permit, the Commission shall, in addition to other standards in these Regulations, evaluate the merits of the application with respect to the following factors:

1. **Plan of Conservation and Development** – Whether the proposed use or activity is in accordance with or facilitates achievement of one or more of the goals, objectives, policies, and recommendations of the Plan of Conservation and Development, as amended.
2. **Purposes of Regulations** – The proposed use or activity is consistent with the purposes of the Regulations.
3. **Environmental Protection and Conservation** – Appropriate consideration shall be given to the protection, preservation, and/or enrichment of natural, scenic, historic, and unique and environmental resources and features which enhance the character of the community

4. Suitable Location for Use – with respect to:

- a. The size of the lot;
- b. The nature and intensity of the activities involved in or conducted in connection with the use;
- c. The streets giving access to it are such that the use shall be in harmony with the appropriate and orderly development in the neighborhood in which it is located; and,
- d. The impact on neighboring properties and residences or the development of the district.

5. Appropriate Improvements

- a. The design elements shall be attractive and suitable in relation to the site characteristics, the style of other buildings in the immediate area, and the existing and probable future character of the neighborhood.
- b. The location, nature and height of buildings, walls, and fences, planned uses and the nature and extent of landscaping on the lot shall not hinder or discourage the appropriate development and use of land and buildings in the neighborhood or impair the value thereof.
- c. The proposed use shall have no material adverse impact upon the neighborhood..

6. Suitable Transportation Conditions

- a. The design, location, and specific details of the proposed use or activity shall not:
 - i. adversely affect safety in the streets;
 - ii. unreasonably increase traffic congestion in the area;
 - iii. interfere with the pattern of vehicular circulation in such a manner as to create or increase unsafe traffic conditions.
- b. Parking area or areas shall:
 - i. be of adequate size for the particular use,
 - ii. be suitably screened from adjoining residential uses, and
 - iii. have entrance and exit drives laid out so as to prevent traffic hazards and nuisances.
- c. Streets and other rights-of-way shall be of such size, condition capacity, width, grade, alignment and visibility to adequately accommodate the additional traffic to be generated by the particular proposed use.

7. Adequate Public Utilities and Services

- a. The provisions for water supply, sewage disposal, and storm water drainage shall:
 - i. conform to accepted engineering practices,
 - ii. comply with all standards of the appropriate regulatory authority; and
 - iii. not unduly burden the capacity of such facilities.
- b. The proposed use or activity shall:
 - i. provide ready accessibility for fire apparatus and police protection, and
 - ii. be laid out and equipped to further the provision of emergency services.

8. Nuisance Avoidance

- a. The use shall be appropriate for the area shall not create a nuisance, and shall not hinder the public health, safety, convenience, and property values.

9. Long Term Viability

Adequate provision shall be made for the sustained maintenance of the proposed development including structures, streets, and other improvements.

9.2.F. ACTION DOCUMENTATION

1. In acting on a special permit application, the Commission may approve, approve with conditions, or deny the application.
2. The decision to approve a special permit shall:
 - a. State the name of the owner of record;
 - b. Contain a description of the premises to which it relates;
 - c. Identify the section and/or Subsection of the regulations under which the special permit was granted or denied; and
 - d. Specify the activity authorized by the special permit.
3. The Commission shall send, by certified mail, a copy of any decision on a special permit application to the applicant within fifteen (15) days after such decision is rendered.
4. The Commission shall cause notice of the decision on the special permit application to be published in a newspaper having a substantial circulation in Canton within fifteen (15) days after such decision is rendered.
5. In any case in which such notice is not published within the fifteen-day period after a decision has been rendered, the applicant may provide for the publication of such notice within ten (10) days thereafter.

9.2.G. FOLLOWING APPROVAL

1. A special permit approved by the Commission shall only become effective upon the filing of a copy, certified by the Commission, in the Canton Land Records, in accordance with the provisions of CGS Section 8-3d, accompanied by approved site plans per Section 9.1E.. (unless an approved site plan is already on file).
2. A special permit shall only authorize the particular activity specified in the Commission's approval.
3. Failure to strictly adhere to the documents, plans, terms, conditions and/or safeguards approved by the Commission or its staff shall be a violation of the special permit and the regulations.
4. A special permit may be amended or modified in the same manner as provided above for the approval of a special permit except that amendments that are found to be of a minor nature or which do not materially alter the special permit, as determined by the Commission, may be approved by the Commission without another public hearing.

9.2.H. EXPIRATION AND COMPLETION

1. Failure to record a special permit within twelve months of the date of the Commission's action shall void the special permit.
2. Any special permit application, in which the approved use is not conducted on the site within eighteen (18) months from the date of approval, shall, expire unless the Commission shall provide for a longer time period not to exceed thirty six (36) months from the date of approval
3. The Commission may grant one (1) or more extensions of the time to complete all or part of the work in connection with a special permit for good cause, upon written request from the applicant, provided the total extension or extensions shall be consistent with Section 9.1.G.4.
4. The Commission may condition the approval of such extension on a determination of the adequacy of any bond.

9.2.I. ENLARGMENT

1. **Enlargement of special permit:** No special permit use may be enlarged or substantially altered until such time as a new application for a special permit has been filed with and approved by the Commission following a public hearing pursuant to all the provisions of Section 9.2.

9.3. Regulation Amendment Application

9.3.A. APPLICATION REQUIREMENTS

1. A regulation amendment application shall be submitted in accordance with Section 9.9.A for any proposal to establish, amend, change, or repeal any section of these Regulations.
2. A regulation amendment application shall be accompanied by the number and type of materials prescribed in Appendix 1 of these Regulations for a Regulation Amendment application (see checklists).
3. The Commission may require the submission of additional information as the Commission deems necessary to make a reasonable review of the application.
4. The Commission shall not be required to hear any petition or petitions relating to the same changes, or substantially the same changes, more than once in a period of twelve (12) months unless it finds, on facts presented in writing, that a material change in the circumstances justifies this action. A change of ownership of real property or any interest therein shall not be deemed a material change.

9.3.B. PROCEEDINGS AND NOTIFICATION REQUIREMENTS

1. The date of receipt for the regulation amendment application shall be determined in accordance with Section 9.9.B.
2. An incomplete regulation amendment application may be denied in accordance with Section 9.9.C.
3. The Commission shall hold a public hearing on the regulation amendment application and:
 - a. Shall cause a legal notice of the public hearing to be published in accordance with the requirements of Section 9.9.E of these regulations;
 - b. May publish the full text or a summary of such proposed regulation in such notice, and
 - c. Shall notify, no later than seven days prior to the commencement of the public hearing all persons in the public notice registry in accordance with CGS Section 8-7d(g) (for Commission sponsored applications only).
4. In accordance with CGS Section 8-3a the Commission shall publicly state on the record its findings of any regulation amendment application with the Plan of Conservation and Development.
5. Notice of said regulation amendment shall also occur as follows:
 - a. In accordance with CGS Section 8-3b, the Commission shall give written notice to the regional planning agency if required in accordance with the requirements of Section 9.9.I.
 - b. The posting a sign shall be required by the applicant, where feasible, in accordance with the requirements of Section 9.9.F.
 - c. To adjoining municipalities if required in accordance with the requirements of Section 9.9.H.
 - d. To water companies if required in accordance with the requirements of Section 9.9.J.
 - e. To parties holding restrictions may be required by the applicant in accordance with the requirements of Section 9.9.K.

6. A copy of the proposed regulation shall be filed by the applicant in the office of the Town Clerk for public inspection at least ten (10) days before the public hearing.
7. The Commission shall process the regulation amendment application within the period of time permitted under CGS Section 8-7d as follows:
 - a. The public hearing shall commence within sixty-five (65) days after receipt of the application;
 - b. the public hearing shall be completed within thirty-five (35) days after such hearing commences;
 - c. all decisions shall be rendered within sixty-five (65) days after completion of such hearing;
 - d. The applicant may consent to one or more extensions of any period specified herein provided the total extension of all such periods shall not be for longer than sixty-five (65) days; and
 - e. These time frames shall not apply to any action initiated by the Commission regarding adoption or change of any regulation.
8. The applicant may withdraw an application at any time prior to action by the Commission. The withdrawal of an application shall not be effective unless made, in writing, prior to action by the Commission.

9.3.C. DECISION CONSIDERATIONS

1. In making its decision, the Commission shall take into consideration the consistency of the proposal with the Plan of Conservation and Development.
2. Any report from a water company, an adjacent municipality a regional planning agency, or any other referral shall be made a part of the record of such public hearing and shall be given due consideration.
3. The Commission shall consider the factors listed in CGS Section 8-2.
4. The Commission should also consider the consistency of the proposed amendment with the comprehensive plan. The comprehensive plan is found in the scheme of the zoning regulations and zoning map and should be considered to ensure that the amendment promotes reasonable and logical development to serve the public interests of the community.
5. Such regulation(s) shall be changed or repealed only by a majority vote of all the members of the Commission (at least four members of a seven member commission) except that, if a legally valid protest against a proposed change is filed at or before a hearing with the Commission, signed by the owners of twenty (20) percent or more of the area of the property affected by such proposed change or of the property within five hundred feet in all directions of the property affected by the proposed text change, such change shall not be adopted except by a vote of two-thirds of all the members of the Commission (at least five members of a seven member commission).

9.3.D. ACTION DOCUMENTATION

1. In acting on a regulation amendment application, the Commission may approve, approve with conditions, or deny the application.
2. The effective date for any regulation change shall be:

- a. The date established by the Commission as part of its action on the application; or
 - b. Fifteen (15) days after publication of the Commission's decision, if not otherwise established by the Commission.
3. The Commission shall send, by certified mail, a copy of any decision on a regulation amendment application to the applicant within fifteen (15) days after such decision is rendered.
4. The Commission shall cause notice of the decision on the regulation amendment application to be published in a newspaper having a substantial circulation in Canton within fifteen (15) days after such decision is rendered.
5. In any case in which such notice is not published within the fifteen-day period after a decision has been rendered, the applicant may provide for the publication of such notice within ten (10) days thereafter.
6. The Commission shall cause the regulation amendment to be filed in the Office of the Town Clerk before the effective date.

9.4. Zone Map Change Application

9.4.A. APPLICATION REQUIREMENTS

1. A zone map change application shall be submitted in accordance with Section 9.9.A for any proposal to change the zoning designation of any parcel(s) of land or part thereof.
2. A zone map change application shall be accompanied by the number and type of materials prescribed in Appendix 1 of these regulations for a zone change application (see checklists).
3. A zone map change application for a Design District shall be accompanied by a master plan and standards in conformance with Section 5.1.C of these regulations.
4. The Commission may require the submission of additional information as the Commission deems necessary to make a reasonable review of the application.
5. The Commission shall not be required to hear a zone map change application that has been rejected within twelve (12) months from the date of rejection unless it finds, on facts presented in writing, that a material change in the circumstances justifies this action. A change of ownership of real property or any interest therein shall not be deemed a material change.

9.4.B. PROCEEDINGS AND NOTICE REQUIREMENTS

1. The date of receipt of the zone map change application shall be determined in accordance with Section 9.9.B.
2. An incomplete zone map change application may be denied in accordance with Section 9.9.C.
3. The Commission shall hold a public hearing on the zone map change application and shall:
 - a. Cause a legal notice to be published in accordance with the requirements of Section 9.9.E of these regulations;
 - b. Require that any applicant other than the Commission give notice to owners of abutting lots and the owner(s) of land subject to the proposed zone map change in accordance with the requirements of Section 9.9.G of these regulations. This section, and any provision of the Regulations requiring notice by posting of a sign, shall not apply to a zone map change that affects more than 20 lots;
 - c. Notify no later than seven days prior to the commencement of the public hearing all persons in the public notice registry in accordance with CGS Section 8-7d(g).
4. In accordance with CGS Section 8-3a, the Commission shall state on the record its findings of consistency with the Plan of Conservation and Development.

5. Notice of said zone map change shall also occur as follows:
 - a. In accordance with CGS Section 8-3b, the Commission shall give written notice to the regional planning agency if required in accordance with the requirements of Section 9.9.I;
 - b. The posting a sign by the applicant as required in accordance with the requirements of Section 9.9.F;
 - c. To adjoining municipalities if required in accordance with the requirements of Section 9.9.H;
 - d. To water companies if required in accordance with the requirements of Section 9.9.J; and
 - e. To parties holding restrictions by the applicant as may be required in accordance with the requirements of Section 9.9.K.
6. A copy of the proposed zone map change application shall be filed by the applicant in the Office of the Town Clerk for public inspection at least ten (10) days before the public hearing.
7. The Commission shall process the zone map change application within the period of time permitted under CGS Section 8-7d as follows.
 - a. The public hearing shall commence within sixty-five (65) days after receipt of the application.
 - b. The public hearing shall be completed within thirty-five (35) days after such hearing commences.
 - c. All decisions shall be rendered within sixty-five (65) days after completion of such hearing.
 - d. The applicant may consent to one or more extensions of any period specified herein provided the total extension of all such periods shall not be for longer than sixty-five (65) days.
8. These timeframes shall not apply to any action initiated by the Commission regarding a zone map change application.
9. The applicant may withdraw an application at any time prior to action by the Commission. The withdrawal of an application shall not be effective unless made, in writing, prior to action by the Commission.

9.4.C. DECISION CONSIDERATIONS

1. In making its decision, the Commission shall take into consideration the consistency of the proposed amendment with the Plan of Conservation and Development.
2. Any report from a water company, an adjacent municipality a regional planning agency, or any other referral shall be made a part of the record of such public hearing and shall be given due consideration.
3. The Commission may consider all of the factors listed in CGS Sections 8-2 and 8-3

4. The Commission should also consider the consistency of the proposed amendment with the comprehensive plan. The comprehensive plan is found in the scheme of the zoning regulations and zoning map and should be considered to ensure that the amendment promotes reasonable and logical development to serve the public interests of the community.
5. Such Zone map Change shall be established, changed or repealed only by a majority vote of all the members of the Commission (at least four members of a seven member commission) except that, if a legally valid protest against a proposed change is filed with the Commission at or before a hearing, signed by the owners of twenty (20) percent or more of the area of the property affected by such proposed change or of the property within five hundred (500) feet in all directions of the property included in the proposed change, such change shall not be adopted except by a vote of two-thirds of all the members of the Commission (at least five members of a seven member commission).

9.4.D. ACTION DOCUMENTATION

1. In acting on a zone map change application, the Commission may approve, approve in part, or deny the application.
2. The effective date for any zone change shall be:
 - a. The date established by the Commission as part of its action on the application; or
 - b. Fifteen (15) days after publication of the Commission's decision, unless otherwise established by the Commission.
3. The Commission shall send, by certified mail, a copy of any decision on a zone change application to the applicant within fifteen (15) days after such decision is rendered.
4. The Commission shall cause notice of the approval or denial of the zone change application to be published in a newspaper having a substantial circulation in Canton within fifteen (15) days after such decision is rendered.
5. In any case in which such notice is not published within the fifteen-day period after a decision has been rendered, the applicant may provide for the publication of such notice within ten (10) days thereafter.
6. The Commission shall cause the zone change to be filed in the Office of the Town Clerk before the effective date.

9.5. Appeal Of ZEO Order, Requirement, Decision (Order)

9.5.A. APPLICABILITY

1. In accordance with CGS Section 8-7, the Zoning Board of Appeals (ZBA) shall have the power and duty to hear and decide appeals where it is alleged by any person aggrieved that there is an error in any order, requirement or decision made by the ZEO.

9.5.B. APPEAL REQUIREMENTS

1. An appeal may be taken to the ZBA by any person aggrieved or by any municipality aggrieved and shall be taken within thirty days by filing a notice of appeal and specifying the grounds thereof.
2. Such appeal period shall commence at the earliest of the following:
 - a. Upon receipt of the order, requirement or decision from which such person may appeal,
 - b. Upon the publication of a notice in accordance with CGS Section 8-3(f), or
 - c. Upon actual or constructive notice of such order, requirement or decision.
3. The ZEO shall forthwith transmit to the ZBA all documents upon which the action was appealed.
4. The ZBA may collect a reasonable fee to be paid by the appellant in any appeal brought before said ZBA and may include the cost of any newspaper advertisement necessary in connection with such appeal.
5. The ZBA may require the filing of a survey prepared by a professional land surveyor if, in its opinion, such survey is relevant to the interpretation of the order, requirement or decision made by the ZEO.

9.5.C. EFFECT OF APPEAL

1. An appeal of an order, requirement, or decision, which prohibits further construction or expansion of a use in violation of these regulations, shall not permit such construction or expansion to continue except to such extent that the ZBA may allow.
2. An appeal from any other order, requirement or decision made by the ZEO shall stop all enforcement and proceedings with regard to such order, requirement or decision unless the Commission or the ZEO certifies to the ZBA after the appeal has been filed that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property, in which case proceedings shall not be stayed.

9.5.D. PROCEEDINGS AND NOTIFICATION REQUIREMENTS

1. The date of receipt of the appeal of order shall be determined in accordance with Section 9.9.B.
2. An incomplete appeal of order may be denied in accordance with Section 9.9.C.
3. The ZBA shall hold a public hearing on the appeal of order and shall publish a legal notice in accordance with the requirements of Section 9.9.E of these regulations.
4. Provided that a complete appeal is submitted to the Land Use Office at least twenty-one (21) days prior to a ZBA meeting, staff may schedule the public hearing for the next regularly scheduled ZBA meeting date.
5. The appellant shall give notice to owners of abutting lots in accordance with the requirements of Section 9.9.G of these regulations.
6. The appellant shall provide notice by posting a sign shall in accordance with the requirements of Section 9.9.F.
7. The ZBA shall process the appeal of order within the period of time permitted under CGS Section 8-7d as follows.
 - a. The public hearing shall commence within sixty-five (65) days after receipt of the appeal.
 - b. The public hearing shall be completed within thirty-five (35) days after such hearing commences.
 - c. All decisions shall be rendered within sixty-five (65) days after completion of such hearing.
 - d. The applicant may consent to one or more extensions of any period specified herein provided the total extension of all such periods shall not be for longer than sixty-five (65) days.
8. The applicant may withdraw an application at any time prior to action by the ZBA. The withdrawal of an application shall not be effective unless made, in writing, prior to action by the ZBA.

9.5.E. DECISION CONSIDERATIONS

1. The ZBA may reverse, affirm wholly or partly, or may modify any order, requirement, or decision appealed to the ZBA.
2. The ZBA shall make such order, requirement, or decision as in its opinion should be made in the premises.
3. The concurring vote of four (4) members of the ZBA shall be necessary to reverse any order, requirement, or decision of the official charged with the enforcement of these regulations.

9.5.F. ACTION DOCUMENTATION

1. Notice of the decision of the ZBA shall be sent by certified mail to such person who appeals to the ZBA within fifteen (15) days after such decision has been rendered.
2. Notice of the decision of the ZBA shall be published in a newspaper having a substantial circulation in Canton within fifteen (15) days after such decision has been rendered.

3. In any case in which such notice is not published within such fifteen-day period, the person appealing may provide for the publication of such notice within ten (10) days thereafter.

9.6. Variance Application

9.6.A. APPLICABILITY

1. The ZBA shall have the power and duty to vary the application of the Zoning Regulations, in accordance with CGS 8-6, solely with respect to a parcel of land where, owing to conditions affecting such parcel but not affecting generally the district in which it is situated, a literal enforcement of these regulations would result in exceptional difficulty or unusual hardship.

9.6.B. APPLICATION REQUIREMENTS

1. A variance application shall be submitted in accordance with Section 9.9.A.
2. A variance application shall be accompanied by the number and type of materials prescribed in the Appendix of these regulations for a variance application.
3. The ZBA shall require the filing of a survey prepared by a professional land surveyor when the variance is dimensional in nature or such survey is integral to the understanding of the application.
4. The ZBA shall not be required to hear any application for the same variance or substantially the same variance for a period of six (6) months after a decision by the ZBA or by a court on an earlier application.
5. The application of a regulation affirming a statute shall not be subject to variance.

9.6.C. NATURE OF VARIANCE

1. Any variance granted by the ZBA shall run with the land and shall not be personal in nature to the person who applies for and receives the variance.
2. A variance shall not be extinguished solely because of the transfer of title to the lot or the invalidity of any condition attached to the variance that would affect the transfer of the lot from the person who initially applied for and received the variance.

9.6.D. PROCEEDINGS AND NOTIFICATION REQUIREMENTS

1. The date of receipt of the variance application shall be determined in accordance with Section 9.9.B.
2. An incomplete variance application may be denied in accordance with Section 9.9.C.
3. Provided that a complete application is submitted to the Land Use Office at least twenty-one (21) days prior to a ZBA meeting, Staff may schedule the public hearing for the next regularly scheduled ZBA meeting date.
4. Prior to the scheduled public hearing, the Land Use Office shall:
 - a. Publish a legal notice in accordance with the requirements of Section 9.9.E of these regulations;
 - b. Require that the applicant give notice to owners of abutting lots in accordance with the requirements of Section 9.9.G of these regulations.
 - c. Require that the applicant give notice by posting a sign in accordance with the requirements of Section 9.9.F.

5. Notification to adjoining municipalities may be required in accordance with the requirements of Section 9.9.H.
6. Notification to water companies may be required in accordance with the requirements of Section 9.9.J.
7. Notification to parties holding restrictions may be required in accordance with the requirements of Section 9.9.K.
8. The time limits for the application hearing shall be pursuant to CGS Section 8-7d as follows.
 - a. The public hearing shall commence within sixty-five (65) days after receipt of the application.
 - b. The public hearing shall be completed within thirty-five (35) days after such hearing commences.
 - c. All decisions shall be rendered within sixty-five (65) days after completion of such hearing.
 - d. The applicant may consent to one or more extensions of any period specified herein provided the total extension of all such periods shall not be for longer than sixty-five (65) days.
9. The applicant may withdraw an application at any time prior to action by the ZBA. The withdrawal of an application shall not be effective unless made, in writing, prior to action by the ZBA.

9.6.E. DECISION CONSIDERATIONS

1. Whenever a variance application is joined with an appeal of an enforcement order, the ZBA shall first decide the issues presented by the appeal.
2. The ZBA shall find that a literal enforcement of these regulations would result in exceptional difficulty or unusual hardship solely with respect to the parcel of land that is the subject of the application owing to conditions especially affecting such parcel but not affecting generally the district in which it is situated.
3. If the ZBA grants a variance it shall be:
 - a. The minimum necessary to alleviate the exceptional difficulty or unusual hardship;
 - b. In harmony with the general purpose and intent of the regulations;
 - c. With due consideration for conserving the public health, safety, convenience, welfare and property values; and
 - d. So that substantial justice shall be done and the public safety and welfare secured.
4. The concurring vote of four (4) members of the ZBA shall be necessary to vary the application of these regulations.

9.6.F. ADDITIONAL CONSIDERATIONS FOR USE VARIANCES

1. No use variance shall be granted:
 - a. Where a dimensional variance would relieve the exceptional difficulty or unusual hardship;
 - b. For a business use or an industrial use in any residential district;
 - c. For an industrial use in any business district;
 - d. For a use prohibited by these regulations; or
 - e. For a use specifically allowed by special permit by approval of the Zoning Commission.

9.6.G. ACTION DOCUMENTATION

1. Whenever it grants a variance application, the ZBA shall state upon its records:
 - a. Any conditions or modifications to which the variance is subject to, including any statements by the applicant upon which the ZBA relied in reaching its decision;
 - b. The regulation which is varied in its application; and
 - c. A specific description of the scope of the variance granted, including that such variance is limited to the buildings, structures, uses, or other contents of a site plan or other illustrations submitted in support of the application.
2. Notice of the decision of the ZBA shall be sent by certified mail to the applicant within fifteen (15) days after such decision has been rendered.
3. Such notice of decision shall:
 - a. State the name of the owner of record;
 - b. contain a description of the premises to which it relates;
 - c. State the nature of the hardship claimed; and
 - d. Specify the nature of the requested variance including the regulation that is varied in its application if granted.
4. Notice of the decision of the ZBA shall be published in a newspaper having a substantial circulation in Canton within fifteen (15) days after such decision has been rendered.
5. In any case in which such notice is not published within such fifteen-day period, the applicant may provide for the publication of such notice within ten (10) days thereafter.
6. A variance granted by the ZBA shall only become effective upon the filing of a copy, certified by the ZBA, in the Canton Land Records, in accordance with the provisions of CGS Section 8-3d.
7. A variance shall only authorize the particular activity specified in the ZBA approval.

9.7. Motor Vehicle Location Approval

9.7.A. APPLICABILITY

1. In accordance with CGS Section 14-54, the ZBA shall have the power and duty to determine location approval for dealing and/ or repairing motor vehicles defined under CGS Section 14-1.
2. An application for a Certificate of Location Approval shall be submitted to the ZBA in accordance with Section 9.9.A by any person who desires to obtain a license for dealing in or repairing motor vehicles in Canton except that this requirement shall not apply to:
 - a. A transfer of ownership to a spouse, child, brother, sister or parent of a licensee;
 - b. A transfer of ownership to or from a corporation in which a spouse, child, brother, sister, or parent of a licensee has a controlling interest; or
 - c. A change in ownership involving the withdrawal of one or more partners from a partnership.
3. In accordance with CGS Section 14-321, an application for a Certificate of Location Approval shall be submitted to the ZBA by any person who desires to obtain a license for the sale of gasoline or any other product, under the provisions of CGS Section 14-319, including the alteration or changing of adjoining physical properties for such purposes, except that this requirement shall not apply:
 - a. In the case of a renewal of a license by the holder of the license;
 - b. To the transfer of the last issued license from one person to another provided no more than one (1) year has elapsed since the expiration of such license; or
 - c. In the case of the addition or discontinuance of pumps.

9.7.B. PROCEEDINGS

1. In reviewing a Certificate of Location Approval application, the ZBA acts as an agent of the State of Connecticut and the notice provisions and other provisions of CGS Chapter 124 (CGS Section 8-1 et seq.) shall not apply.
2. The ZBA may hold a public hearing on the Certificate of Location Approval application and, if such hearing is to be held:
 - a. Shall cause a legal notice to be published in accordance with the requirements of Section 9.9.E of these regulations;
 - b. May require that the applicant give notice through the posting of a sign in accordance with the requirements of Section 9.9.F of these regulations; and
 - c. May require that the applicant give notice to owners of abutting lots in accordance with the requirements of Section 9.9.G of these regulations.
3. The applicant may withdraw such Certificate of Location Approval application at any time prior to action by the ZBA.

9.7.C. DECISION CONSIDERATIONS

As an agent of the State of Connecticut, the ZBA serves solely to determine whether a Certificate of Location Approval should be issued based upon such considerations as:

1. Whether the use is permitted in the zoning district;
2. The suitability of the location in view of traffic, intersecting streets, width of highway, effect on public travel, and other conditions;
3. The relationship of the proposed use or operation with respect to schools, churches, theaters, and other places of public gathering;
4. Whether the proposed use of the location would imperil the safety and welfare of the public;
5. Whether the proposed use of the location would have a detrimental effect on the value of nearby properties or development thereof; and
6. Whether there has been a material change in conditions which might reverse a decision of granting or denying a previous application.

9.7.D. ACTION DOCUMENTATION

1. Whenever it grants an Motor Vehicle Location application, the ZBA shall state upon its records the reason for its decision.
2. Notice of the decision of the ZBA shall be sent by certified mail to the applicant within fifteen (15) days after such decision has been rendered.
3. Such notice shall:
 - a. state the name of the owner of record;
 - b. contain a description of the premises to which it relates; and
 - c. state the reason why the application was approved or denied.

9.8. Enforcement

9.8.A. GENERAL ENFORCEMENT

1. These regulations shall be administered and enforced by the Commission.
2. The Commission shall appoint a ZEO, with full power to administer and enforce these regulations on behalf of the Commission. The Town Planner is also authorized to administer these regulations.
3. The Commission may designate one or more Assistant ZEOs to aid in the enforcement of these regulations.
4. The Commission or its ZEO may take appropriate court action upon violation of any of these regulations.
5. The Commission may by resolution adopt administrative rules and procedures for the enforcement of these regulations.

9.8.B. ZONING PERMIT

1. **Applicability** – No lot, building or other structure, or part thereof, shall be:
 - a. Constructed, reconstructed, enlarged, extended, moved, diminished, reduced in size or structurally altered until a zoning permit has been approved by the ZEO;
 - b. Used, occupied, or changed in use, until a zoning permit has been approved by the ZEO except that no zoning permit, however, is required for a farm, forestry, truck garden or nursery use having no building or other structure in connection with such use; and
 - c. Be issued a building permit in accordance with CGS Section 8-3 (f) without certification in writing by the ZEO that such building, use or structure is:
 - i. in conformity with such regulations, or
 - ii. is a valid nonconforming use under such regulations.
2. **Application Requirements**
 - a. All applications for zoning permits shall be submitted to the ZEO and shall be accompanied by the number and type of materials prescribed in Appendix 1 of these regulations for a zoning permit application.
 - b. For any new construction, the ZEO may require the placement of stakes or markers or flagging on the lot by a professional land surveyor or engineer indicating the following:
 - i. the location of proposed building construction and lot lines;
 - ii. all “limits of clearing” on the lot (consistent with that shown on any approved site plan) for construction; utility installation; access ways; parking areas; staging and stockpiling of materials; and, any other proposed activities.
 - c. If deemed necessary to determine compliance with these regulations, and before issuance of a zoning permit, the ZEO may require the applicant to furnish measurements of any proposed features subject to the requirements of these regulations, including but not limited to, setback distances. The ZEO may require such measurements to be prepared by a professional land surveyor.

3. **Sanitation** - Where a proposed use or a proposed building or other structure involves the installation, extension, relocation, reconstruction, or connection of a private or public sewage disposal system or private or public water supply system, no zoning permit shall be approved until plans for such system have been approved by the Farmington Valley Health District, Connecticut Water Company, or Town of Canton Water Pollution Control Authority.
4. **Commission Conditions** - Any maps, plans, documents, statements, and stipulations submitted to and approved by the Commission, in connection with any conditions of approval or requirements imposed by the Commission, shall be conditions for approval of a zoning permit, whether or not stated on the zoning permit approval.
5. **Other Permits**
 - a. Approval of a zoning permit shall not be construed to constitute compliance with any other regulation, ordinance or law, nor to relieve the applicant from responsibility to obtain any other permit required by any other regulation ordinance or law.
 - b. If the applicant is required to have any permit required by any other regulation ordinance or law, the ZEO may at his or her discretion withhold approval of a zoning permit until any such permit has been approved and obtained by the applicant.
6. **Inspections**
 - a. The ZEO is authorized to inspect or cause to be inspected any lot, building or other structure to determine compliance with these regulations.
7. **Approval and Issuance**
 - a. The ZEO shall approve an application for a zoning permit when he or she determines that all of the requirements of these regulations have been met.
 - b. No zoning permit shall be considered issued unless signed by the ZEO.
 - c. The ZEO shall inform the applicant receiving the zoning permit that such applicant may provide notice of such permit by either publication in a newspaper having substantial circulation in such municipality stating that the permit has been issued or any other method provided for by ordinance.
 - d. Any such notice (9.8.B.7.c) shall contain:
 - i. a description of the building, use or structure;
 - ii. the location of the building, use or structure;
 - iii. the identity of the applicant; and
 - iv. a statement that an aggrieved person may appeal to the ZBA in accordance with the provisions of CGS Section 8-7.

9.8.C. CERTIFICATES OF ZONING COMPLIANCE

1. **Applicability**
 - a. No lot, building or other structure, or part thereof, shall be used, occupied, or changed in use, until a certificate of zoning compliance has been issued by the ZEO certifying conformity with these regulations.

- b. In accordance with CGS Section 8-3 (f) no certificate of occupancy shall be issued for a building, use or structure subject to these regulations without certification in writing by the ZEO that such building, use or structure is:
 - i. in conformity with these regulations; or
 - ii. is a valid nonconforming use under these regulations.

2. Application Requirements

- a. All applications for a Certificate of Zoning Compliance shall be submitted to the ZEO and shall be accompanied by the number and type of materials prescribed in the Appendix of these regulations for a Certificate of Zoning Compliance application.
 - b. If deemed necessary to determine compliance with these regulations, and before issuance of a certificate of zoning compliance, the ZEO may require the applicant to furnish measurements of any construction features subject to the requirements of these regulations, including but not limited to, setback distances. The ZEO may require such measurements to be prepared by a professional land surveyor.
3. **Sanitation** - Where a proposed use or a proposed building or other structure involves the installation, extension, relocation, reconstruction, or connection of a private or public sewage disposal or private or public water supply system, no certificate of zoning compliance shall be issued until such system, use, building, or structure has been completed, connected, and approved by the Farmington Valley Health District, Connecticut Water Company, or Town of Canton Water Pollution Control Authority.
4. **Commission Conditions** - Any maps, plans, documents, statements, and stipulations submitted to and approved by the Commission, in connection with any conditions of approval or requirements imposed by the Commission, shall be conditions for approval of a certificate of zoning compliance, whether or not stated on the zoning permit approval.
5. **Temporary Certificates** - Upon certification by the applicant that the public health and safety will not be impaired and that there will be compliance with all other laws pertaining to health and safety, the ZEO may issue a temporary certificate of zoning compliance having a duration of not more than six (6) months and renewable only for one additional six (6) month period, for the temporary use of land, buildings and other structures in the process of improvement in accordance with an approved zoning permit.
6. **Other Permits**
- a. Approval of a certificate of zoning compliance shall not be construed to constitute compliance with any other regulation, ordinance or law, nor to relieve the applicant from responsibility to obtain any other permit required by any other regulation ordinance or law.
 - b. If the applicant is required to have any permit required by any other regulation ordinance or law, the ZEO may at his or her discretion withhold approval of a certificate of zoning compliance until any such permit has been approved and obtained by the applicant.
7. **Inspections**
- a. The ZEO is authorized to inspect or cause to be inspected any lot, building or other structure to determine compliance with these regulations.

8. Certifications and As-BUILTs

- a. The purpose, expectation, and requirement for the filing of an As-Built is to accurately present the as-built record information in a clear and un-confusing manner so as to allow the reader to readily:
 - i. locate, interpret, evaluate, and comprehend the facilities, improvements, and work completed, and
 - ii. identify and quantify deviations of the as-built product from the approved design.
- b. The existence of accurate as-built information is important to proper maintenance and stewardship of the facilities and improvements throughout their useful life.
- c. During the process of construction, the following certifications shall be submitted to the ZEO by a professional land surveyor:
 - i. Certification as to horizontal and vertical location of the entire foundation relative to the property boundaries prior to framing of building or construction of wall.
 - ii. Certification as to the horizontal and vertical location of all utilities prior to paving.
 - iii. Certification as to as-built conditions of all improvements constructed, improved, or otherwise altered as shown on the site development plan, in addition to, and in relation to existing improvements and facilities not altered, prior to the issuance of the certificate of occupancy or temporary certificate of occupancy.
 - iv. Certifications shall be in the form of a map bearing the seal of the professional surveyor.
- d. The As-Built described in 9.8.C.8.C. iii. shall be prepared based on field survey information in compliance with all applicable provisions of the "Minimum Standards for Accuracy, Content, and Certification for Surveys and Maps" as set forth in Sections 20-300b-1 to 20-300b-20 inclusive of the Regulations of Connecticut State Agencies, and shall comply with accuracy classes A-2 & T-2 thereof and shall include the following: (Should special or unique conditions exist, additional information may be required.)
 - i. Title block (including the words "As-Built"), developer, property owner, north arrow, scale, date of preparation, and seal of the surveyor preparing the plan;
 - ii. Boundaries of property certified to a State of Connecticut A-2 Map Survey Standard;
 - iii. All improvements constructed, improved, or otherwise altered as shown on the site development plan updated to reflect the actual locations, elevations, dimensions, materials, configurations etc. resulting from construction or any field changes approved by the ZEO;
 - iv. Pedestrian walkways, driveways, loading, parking areas, parking lot striping, and limits of all paved surfaces;
 - v. Location distance to property lines and dimensions of all buildings, structures, walls, fences, exterior lighting and refuse containment area;
 - vi. Site grading in one (1) foot contours;

vii. Utility plans showing the horizontal and vertical location of storm drainage, sewage disposal, water supply facilities, and electric and telephone lines; and

viii. A complete zoning data table included as part of the approved plan clearly showing the minimum requirements of the zoning district, those approved on the site plan and those as per as-built conditions.

e. Where there is a discrepancy between the approved site plan and the as-built information, both the approved design and as-built information shall be presented, with the design information being crossed out with a single thin, but distinguishable line. In such cases, the as-built information shall be shown nearby its associated design information in a consistent and readily distinguishable manner.

i. The ZEO may accept a performance bond, in a form and an amount acceptable to the Director of Finance and the Commission's Engineer, as part of the issuance of a Temporary Certificate under Section 9.8.C.5.

ii. All sheets shall bear the seal of the professional surveyor.

iii. A computerized map in digital format acceptable to the Commission's Engineer shall also be submitted.

iv. The Commission may waive the as-built requirements of this section where the provision of such is found to not further the purpose and objectives of 9.8.C.8.a.

9. Approval and Issuance

a. The ZEO shall issue or deny a certificate of zoning compliance within 10 days after notification by the applicant that the premises are ready for occupancy, or within 10 days after receipt of the certified measurements if required under 9.8.C.2.b or any other information required by these regulations, if outstanding.

b. The ZEO shall issue a certificate of zoning compliance when he or she determines that all of the requirements of these regulations have been met.

c. No certificate of zoning compliance shall be considered issued unless signed by the ZEO.

d. The ZEO shall inform the application who receives the certificate of zoning compliance that:

i. such applicant may provide notice of such certification by either publication in a newspaper having substantial circulation in Canton stating that the certification has been issued or any other method provided for by ordinance; and

ii. any such notice shall contain:

a. a description of the building, use or structure;

b. the location of the building, use or structure;

c. the identity of the applicant; and

d. a statement that an aggrieved person may appeal to the ZBA in accordance with the provisions of CGS Section 8-7.

9.8.D. ORDERS

1. The ZEO is authorized to issue a stop work order, cease and desist order, cease and correct order or any order to undertake specified actions if in his or her judgment the use of land, buildings and other structures, or the construction, reconstruction, enlargement, extension, moving or structural alteration of a building or other

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	structure, are not being carried out in compliance with these regulations, or any permit or variance issued hereunder.	
Definitions	<ol style="list-style-type: none"> The ZEO shall withdraw any order when he/she determines that there is compliance with these regulations. The ZEO is authorized to order in writing the remedying of any condition found to be in violation of these regulations. 	
Residential (R) Districts	9.8.E. RECORDS	
	<ol style="list-style-type: none"> The ZEO shall keep records of all fees paid, all applications submitted and certificates issued, all identifiable complaints of any violations of these regulations, all inspections made under these regulations and all notices of violation served, order issued, and any actions taken. 	
Business Districts		
Design Districts		
Other Districts		
Basic Standards		
Special Regulations		
Procedures/ Appendix		

9.9. Procedural Requirements

9.9.A. APPLICATION SUBMITTAL

1. Applications to the Commission or the ZBA shall be submitted to the Land Use Office.
2. Applications shall be submitted on application forms obtained from the Land Use Office. Such application forms shall be approved by the Commission or the ZBA, as appropriate, and shall list the specific information required by the Commission or ZBA to process the application.
3. Applications shall be accompanied by the required fee(s), per Chapter 248 of the Town of Canton Town Code, as amended.
4. Applications shall be submitted with supporting plans, materials, and other information as required by these regulations and as required by the application forms and application checklists included in the Appendix.
5. Applications shall be signed by the applicant and, the owner of the affected lot.
6. A complete application must be submitted a minimum of ten days before a regular meeting in order to be considered by the Commission at that meeting. Nothing in this section shall be construed to extend the time limits for action as specified in the CGS.

9.9.B. DATE OF RECEIPT

1. For the purposes of calculating statutory timeframes for processing applications, the date of receipt of an application to the Commission shall be the earliest of the following:
 - a. The date of the next regularly scheduled meeting of the Commission following the date of submission; or
 - b. Thirty-five days after submission to the Land Use Office.

9.9.C. INCOMPLETE APPLICATIONS

1. Each application is to be reviewed by the Land Use Office to determine whether the application is substantially complete.
2. An application requiring approval from the Commission shall be considered incomplete until all of the information as required by these regulations, or by the Commission, is received at a regularly scheduled meeting of the Commission.
3. An incomplete application may be denied.
4. Failure to pay the required fee shall render an application incomplete.

9.9.D. CONSULTATIONS

1. On any application, the Commission may seek the advice and opinion of other officials, boards, or commissions to assist it in evaluating applications.
2. On any application, the Commission may retain a professional engineer, architect, or landscape architect, or other consultant to review, comment, and guide in the application review process, deliberations, and post approval monitoring on any application or approval. When this is required, the applicant shall deposit funds with the Commission for the costs of any consulting review fees pursuant to Chapter 248 of the Town of Canton Town Code, as amended.
3. No application shall be approved if there are any outstanding fees, bills, invoices, or costs relative to the review of the application.

9.9.E. NOTICE BY NEWSPAPER

1. When a public hearing is required by CGS and/or these regulations, the Land Use Office shall cause notice of the hearing to be published in a newspaper having a substantial circulation in Canton.
2. Such notice shall be published at least twice at intervals of not less than two (2) days, the first not more than fifteen (15) days, nor less than ten (10) days, and the last not less than two (2) days before the date of the hearing, per CGS as amended.
3. At a minimum, such notice shall consist of the following:
 - a. A description of the proposed activity; and
 - b. Notification of the date, time, and location of the scheduled hearing.

9.9.F. NOTICE BY PUBLIC HEARING SIGNS

1. In any matter pending before the Commission requiring a public hearing any applicant other than the Commission shall post a public hearing sign as follows:
 - a. The ZEO shall make available a suitable sign for the applicant to post on the lot to be affected by the application;
 - b. The applicant shall post the sign in a place visible from the public street and acceptable to the ZEO; and
 - c. Such sign shall be posted at least fifteen (15) days prior to the hearing.
2. Before the public hearing is opened, the applicant shall file an affidavit with the Commission that said sign had been posted continuously for a period of fifteen (15) days prior to the hearing. Where a sign has been removed after posting by persons other than the applicant, the Commission may waive the requirement for a sign and proceed with the public hearing.

9.9.G. NOTICE TO ABUTTING LOT OWNERS

1. When a public hearing is required, any applicant, other than the Commission, shall notify owners of lots within one hundred (100) feet of the subject lot (including all owners of all individual condominium units), whether inside or outside Canton, of a pending application by mailing a notice at least fifteen (15) days prior to the first scheduled hearing.
2. At a minimum, such notice shall consist of:
 - a. A description of the proposed activity,
 - b. Notification of the date, time, and place of the first scheduled hearing, and
 - c. A copy of the application form submitted to the Commission or the ZBA.
3. Notices to such lot owners shall be sent via "Certified United States Mail". Where any lot owner shall have listed with the Assessor an address outside the United States, the requisite notice shall be sent by International Express Mail or equivalent.
4. The latest records of the Town Assessor shall be considered evidence to determine the owner of each lot.
5. Before the hearing opens regarding the application, the applicant shall submit the following to the Land Use Office or the application shall be considered incomplete:
 - a. A copy of the complete package of information sent to abutters;
 - b. A list and addresses of the abutters to whom the notices were sent;
 - c. Proof of mailing such as "Certificates of Mailing" issued by the United States Postal Service; and
 - d. If any of the items required in a-c above are not submitted, the application shall be considered incomplete.

9.9.H. NOTIFICATION OF ADJOINING MUNICIPALITIES

1. In accordance with CGS Section 8-7d (f), the Commission shall notify the clerk of an adjoining municipality of any application concerning any project on any lot in which:
 - a. Any portion of the lot affected by a decision is within five hundred (500) feet of the boundary of the adjoining municipality;
 - b. A significant portion of the traffic to the completed project will use streets within the adjoining municipality to enter or exit the lot;
 - c. A significant portion of the sewer or water drainage from the project will flow through and significantly impact the drainage or sewer system within the adjoining municipality; or
 - d. Water runoff from the improved lot will impact streets or other municipal or private property within the adjoining municipality.
2. Such notice shall be made by Certified Mail, return receipt requested, and shall be mailed within seven (7) days of the day of receipt of the application, petition, request, or plan by the Land Use Office.

3. Such adjoining municipality may, through correspondence or a representative, appear and be heard at any hearing on any such application, petition, request, or plan.

9.9.I. NOTIFICATION TO REGIONAL PLANNING AGENCIES

1. In accordance with CGS Section 8-3b, the Commission shall give written notice to the regional planning agency when any land affected by a regulation or map change affecting the use of a district is located within five-hundred (500) feet of the boundary of another municipality and:
 - a. Such notice shall be made by certified mail, return receipt requested;
 - b. Such notice shall be made not later than thirty (30) days before the public hearing; and
 - c. The regional planning agency may submit its advisory findings and recommendations to the Commission at or before the hearing but if such report is not submitted, it shall be presumed that such agency does not disapprove of the proposal.

9.9.J. NOTIFICATION OF WATER COMPANIES

1. In accordance with CGS Section 8-3i, an applicant shall provide written notice to a water company when an application, petition, request, or plan is filed with the Commission concerning any project on any lot which is within:
 - a. An Aquifer Protection Area, provided such area has been delineated in accordance with CGS Section 22a-354c; or
 - b. The watershed of a water company, provided such water company has filed a map with the Commission showing the boundaries of the watershed.
2. Such notice shall be made by Certified Mail, return receipt requested and shall be mailed within seven (7) days of the date of the submission to the Land Use Office.
3. Prior to the scheduled meeting regarding the application, the applicant shall submit the following to the Land Use Office or the application shall be considered incomplete:
 - a. A copy of the completed standard notification form; and
 - b. Proof of mailing.
4. Such water company may, through a representative, appear and be heard at any hearing on any such application, petition, request, or plan.

9.9.K. NOTIFICATION TO PARTIES HOLDING RESTRICTIONS

1. In accordance with CGS Section 47-42d, no person shall file a permit application with the Commission, the ZBA, or the ZEO, other than for interior work in an existing building or for exterior work that does not expand or alter the footprint of an existing building, relating to property that is subject to a conservation restriction or a preservation restriction unless the applicant provides proof that the applicant has provided written notice of such application, by certified mail, return receipt requested, to the party holding such restriction not later than sixty days prior to the filing of the application.

2. In lieu of such notice, the applicant may submit a letter from the holder of such restriction or from the holder's authorized agent, verifying that the application is in compliance with the terms of the restriction.
3. If the holder of the restriction provides proof to the Commission, the ZBA, or the ZEO that granting of the permit application will violate the terms of the restriction, such agency or official shall not grant the application.
4. A party holding a conservation or preservation restriction, other than a state agency that holds such restriction, may, not later than fifteen days after receipt of actual notice of permit approval, file an appeal with the ZEO, Commission, or ZBA that granted the permit application. The ZEO, Commission, or ZBA shall reverse the permit approval upon a finding that the requested land use violates the terms of such restriction.
5. A state agency that holds a conservation or preservation restriction may, not later than thirty days after receipt of actual notice of permit approval, file an appeal with the ZEO, Commission, or ZBA that granted the permit application. The Commission, ZBA, or ZEO shall reverse the permit approval if the commissioner of the state agency that holds such restriction certifies that the land use authorized in such permit violates the terms of such restriction.

9.9.L. BENEFICIARIES OF A TRUST

1. Any person who makes an application to the Commission pertaining to real property, the record title to which is held by a trustee of any trust, shall file with said application a sworn statement disclosing the name(s) of the equitable owner (s) of such real property or the beneficiary(ies) of the trust.

9.9.M. BONDS

1. Where a bond is required by any section of these regulations, it shall be in one of the following forms and the ZEO shall require evidence of compliance with the following standards before accepting any bond:
 - a. Cash deposited with the Town;
 - b. Check to the order of the Town; or
 - c. An irrevocable evergreen letter of credit from a bank certified to conduct business with the Town.
 - d. A surety bond shall meet the following requirements:
 - i. the surety issuing the bond shall be one approved by the Commission and found to be acceptable by the Town of Canton Director of Finance based on the following criteria:
 - ii. the surety company shall maintain permanent offices within the State of Connecticut.
 - iii. the surety bond agreement shall contain the following provisions, at a minimum:
 - a. that payment shall be made in full within sixty-five (65) days of written demand by the Commission or its agent;
 - b. that failure to make full payment within such time shall automatically and without further demand result in a penalty of one percent (1%) of the total outstanding bond for each calendar month or part thereof that such payment is delayed past the date of demand;
 - c. that if litigation is required to collect the said surety bond, the surety company shall pay to the Commission the costs thereof, including witness fees, court entry fees, legal fees, and any other costs and expenses of such litigation; and

- d. the surety company shall agree to indemnify and hold harmless the Commission and the Town of Canton against any and all claims of damage or injury sustained upon, or as a result of, the incomplete public improvements during the period following the demand for payment on said surety bond, and for restoration of any damage or deterioration (including, but not limited to, erosion and sedimentation damages) resulting from such delay in payment; and (e) such other provisions as the Commission's legal counsel shall require.
2. The above-referenced forms shall be as provided by the Town and shall be the only ones acceptable to the Commission. The amount of the bond shall be the sum which the Commission shall require. The completion date of all required improvements shall be the end of the term of the bond or any extension thereof.
3. For all performance bond documents: If the applicant is a corporation, then the corporate seal must be shown in addition to the seal of the lending institution issuing the passbook assignment or letter of credit, and a corporate resolution must be provided indicating that the corporate officer executing the bond documents has authority to do so. If the applicant is a partnership, then a partnership resolution must be provided indicating that the partner executing the bond documents has authority to do so. Any corporation shall provide a Certificate of Good Standing from the Connecticut Secretary of the State; any limited partnership shall provide a Certificate of Legal Existence from the Connecticut Secretary of the State; out-of-state applicants shall present evidence from the Secretary of the State that they are authorized to do business in Connecticut.
4. If, at any time, any bond required by this section shall not be in effect for incomplete or unaccepted improvements, the Commission may either file a caveat on the Land Records warning potential purchasers of such fact, void the subject approval or permit in accordance with the provisions of these regulations, or deny a request for a certificate of zoning compliance.
5. Any required bond shall not be released by the Commission until:
 - a. The release has been requested, in writing, by the applicant;
 - b. The applicant's professional engineer or professional land surveyor has certified to the Commission, through submission of a set of detailed "as-built" plans on Mylar, that all improvements and other work are in accordance with submitted site plans; and
 - c. The Commission's engineer has reviewed the "as-built" plans and has submitted a letter stating that all required improvements have been satisfactorily completed and that all conditions and requirements of the Commission's approval have been satisfied.
6. Any cost of collecting a bond, including without limitation, attorney, bank other collection fees and expenditures, shall be accounted for by the applicant and may be deducted from amounts released and such amount shall be paid from the cash bond if one exists, or from the applicant.

APPENDIX

REVISIONS

- 08-06-14 – Amended 7.1.B, 7.1.D, and 7.1.D.4 to reflect “Business and Industrial Districts” (Underling added to identify updated language)
- 06-10-15 – Numerous edits approved by the PZC on May 20, 2015 (See January 20, 2015 staff memorandum)
- 08-19-15 – Removal of the R-4 designation and replacement with the R-3 designation
Amended Section 7.1; Landscaping
- 01-17-17 – Amended Appendix Section 3.6.E.6; Mixed Residential Accessory Uses
Amended Section 5.1.C.2.E; Additional Documentation
Amended Section 7.3.D.1.N; Open/Closed Signs or Flags (Maximum Sign Area for CBDO)
Removed Section 8.6; Design Review
Amended Section 9.1.F; Addition of Certification and As-Built Requirements
- 03-21-18 – Amended Section 7.2; Parking and Loading Standards
- 09-19-19 – Numerous edits to the Residential Zoning Regulations to incorporate a new district known as Residential-Secret Lake (R-SL)