

# **TOWN OF MIDDLEFIELD**

## **ZONING REGULATIONS**

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## **SECTION 1 REGULATORY BASICS**

These Regulations are adopted in pursuance of authority granted by Chapter 124 of the General Statutes of the State of Connecticut, 1958 Revision.

### **1.1 STATEMENT OF POLICY**

- a) The Planning Commission, in preparing the Comprehensive Plan and the Zoning Map, recognized that the Town of Middlefield would continue to grow and that with growth, change would be inevitable. In order that the future Planning Commission may be aware of the intent of the present Commission the following points are made:
- b) The Zones, as presently recommended, reflect present land use, and are intended to reduce non-conforming uses to a minimum.
- c) The Zoning Map and Regulations should be reviewed and revised at regular intervals to reflect the changing needs and the best interest of the Town of Middlefield. The Planning Commission is responsible to see that such changes are in conformity with the intent of the Comprehensive Plan.
- d) The guiding factor in considering changes in zoning is the suitability of the land for the purpose intended, with maximum consideration of material and aesthetic values of present land use and preservation of the natural beauty of the Town of Middlefield.

Those areas presently zoned as Agricultural may be available in the future for other uses. It is the intent of this Commission that such land should not be re-zoned to less than medium density residential classification.

## **SECTION 2 DEFINITIONS**

### **2.1 INTERPRETATION**

**1. Interpretation of Specific Terms** - For the purposes of these Regulations, certain words and terms shall be interpreted as follows:

- a) Words used in the singular shall include the plural and the singular, and words used in the present tense shall include the future.
- b) The word "shall" is mandatory and not discretionary.
- c) The word "may" is permissive.
- d) The word "lot" shall include the words "piece" and "parcel."
- e) The words "zone," "zoning district," and "district" have the same meaning.
- f) The phrase "used for," shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."
- g) The phrase "these Regulations" shall refer to the entire zoning regulations.
- h) The word "Town" means the Town of Middlefield, Connecticut.
- i) The word "Commission" means the Middlefield Zoning Commission.

### **2. Words and Terms Not Defined**

Words used in these Regulations shall be determined to have the meanings as defined in Section 2. Any doubt as to the precise meaning of other words and terms shall be determined by the Commission after reference to:

- a. Connecticut General Statutes, as amended;
- b. Black's Law Dictionary (latest edition);
- c. Webster's Third New International Dictionary;

### **2.2 DEFINITIONS**

Throughout these Regulations the singular shall include the plural and the plural shall include the singular. The word "used" shall include "arranged", "designed" or "intended to be used," and the present tense shall include the future tense. The following words, as used in these Regulations, are defined for the purpose thereof as follows:

**Abutting/Adjoining:** Having a common border with or being separated from such a common border by a right-of-way, alley or easement.

**Accessory Apartment:** An accessory apartment is defined as a dwelling unit with kitchen and bathroom facilities created within an existing residential structure or attached accessory structure but subordinate to the home in size and appearance.

**Accessory Use:** A use, building or structure subordinate to the main use of land or a building on the same lot and customarily incidental thereto.

**Adjacent:** Touching or contiguous.

**Adult Day Care Center:** A facility providing care for the elderly and/or functionally impaired adults in a protective setting for a part of a 24-hour day and certified by the Connecticut Association of Adult Day Care Center.

**Affordable Housing:** Housing meeting the definitions of affordable housing in CGS §8-30g as amended

**Agriculture.** The use of land for agricultural purposes, including farming, the growing of crops, raising of livestock, and the storing, processing and sale of agricultural and horticultural products and

commodities, including those defined in Connecticut General Statute Section 1-1q, as incidental to agricultural operations.

**Agricultural Buildings and Structures.** Buildings, structures and portions thereof, used in connection with agriculture, including shelter for livestock and storage for farm machinery, equipment and supplies; excludes farm stores and seasonal farm stands.

**Agriculturally Related Uses.** Events of limited duration on a farm that are incidental to agricultural uses, including events such as corn mazes, pick-your-own, harvest festivals, educational demonstrations, hay rides, petting zoos, or other uses.

**Alteration-** Alteration means a change or rearrangement in the structural parts of a building, the movement of all or any part thereof, or the substantial reconstruction thereof, so as to produce a substantial change in appearance, character, or construction; also means an enlargement, whether by increasing in height, coverage, volume, or floor area.

**Antenna.** A device used to receive or transmit electromagnetic waves. Examples include, but are not limited to whip antennas, panel antennas and dish antennas.

**Applicant:** An individual, firm, association, syndicate, partnership, corporation or the authorized agent thereof, having recorded title to the land or building, or sufficient proprietary interest to seek development or use of the premises.

**Application:** An application shall consist of a completed form and fee as prescribed by the Commission including all necessary and required documents/Department approvals.

**Awning:** A roof-like cover, often of fabric, metal or glass, designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure over a window, walk, door, or the like.

**Banquet, Conference and Meeting Facilities-** A facility for banquets, conferences, receptions, meetings, presentations, parties, outings, educational, corporate, charitable, or other social gatherings, including indoor and outdoor activities.

**Basement.** A story partly underground but having less than half of its clear height below finished grade.

**Berm:** An earthen mound designed to provide visual interest on a site, screen undesirable views, reduce noise, or fulfill other such purposes.

**Billboard.** A paper, plastic or similar material sign which is posted or otherwise fastened to a surface, the purpose of which is to advertise.

**Boarding House:** A boarding house is a residential use in which lodgers rent one or more rooms, that do not meet the definition of a lawful dwelling unit, for one or more nights, frequently for extended periods of weeks, months, and years. The common parts of the house are maintained, and some services, such as laundry and cleaning, may be supplied and there are no separate kitchen facilities.

**Buffer Strip:** A strip of land along a commercial or industrial property line or commercial or industrial zone line abutting properties zoned residential, which shall be free of any building or use other than existing natural woody growth and/or appropriate landscaping and screening of suitable type, density and height and which may be a part of the minimum yard requirements.

**Building**-Any structure having a roof supported by walls, poles, columns, etc. and intended to afford shelter to persons, animals, or chattel.

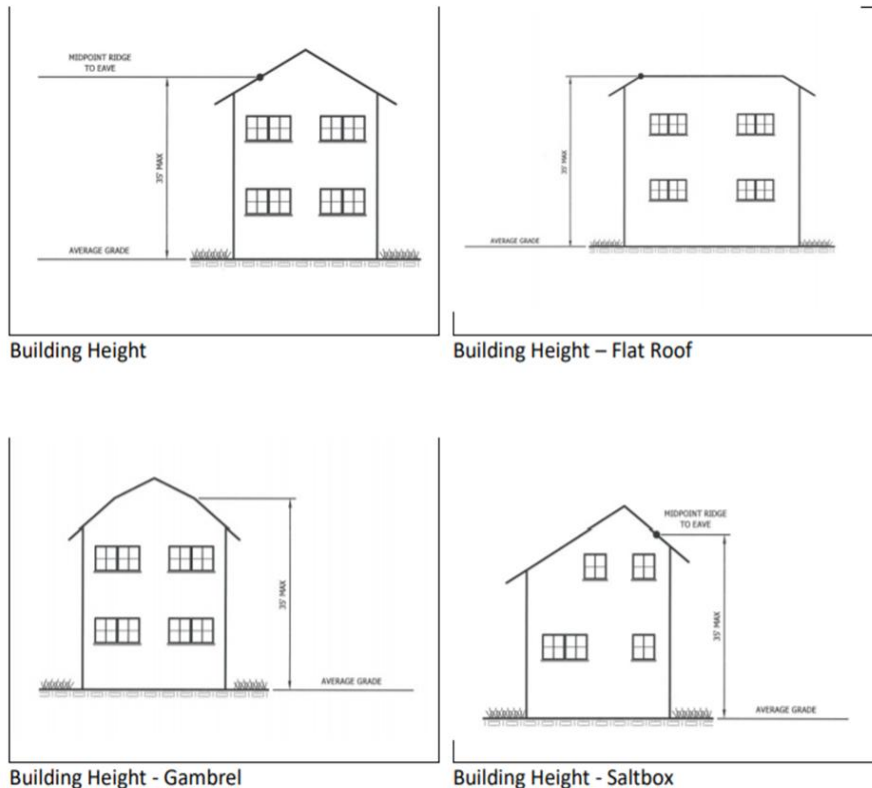
For the purposes of Section 09.09. "Ridgetops" only, Building shall be defined as any structure other than (A) a "facility" as defined in Section 16-50i of the General Statutes or (B) structures of a relatively slender nature compared to the buildings to which they are associated, including but not limited to chimneys, flagpoles, antennas, utility poles and steeples. All such structures shall be accessory to a building or use permitted by these regulations and shall not be the principal use or structure on the lot.

**Building, Accessory**- A building located on the same lot as a principal building and devoted or intended to be devoted to an accessory use. Any portion of a principal building devoted or intended to be devoted to an accessory use is not an accessory building.

**Building Coverage**- That percentage of a lot area covered by buildings or structures.

**Building Height**- The vertical distance from the average grade to the average elevation of the roof of the highest story. For the purpose of this section the following appurtenances shall not be considered: church spires; Chimneys of the type designed and used for residential buildings; signs attached to the building; radio and television masts of the type designed and used for home reception of public radio and television signals, but not including transmission or relay towers, devices or structures, or masts, towers, devices or structures designed for military, governmental, commercial, industrial or business use.

Building Height Graphics



**Building Setback Line**. The line established in these regulations as the minimum distance from the property line to the nearest point of the building.

**Caliper**. The diameter of a tree measured at a point four and one-half feet above grade.

**Car Wash Facility:** An automated car washing, and cleaning establishment attended during hours of operation equipped to wash automobiles, pick-up trucks and small vans, with systems capable of complete recycling of all wash waters utilized on site.

**Certificate of Zoning Compliance:** A certificate issued by the Zoning Enforcement Officer stating that work done under the Zoning Permit complies with the plans authorized.

**Certificate of Occupancy:** A certificate issued by the Building Official stating that work done under the Building Permit complies with the plans authorized, and that the building may be occupied.

**Certification-** A signed, written approval by the Planning and Zoning Commission that a soil erosion and sediment control plan complies with the applicable requirements of these regulations.

**Child Day Care Center-** A facility which provides a program to supplementary care to more than twelve unrelated children outside their own homes on a regular basis for a part of the twenty- four hours in one or more days in the week and is licensed under Section 19-43C of the General Statutes of Connecticut.

**Civic Center:** An area developed with a substantial concentration of public and governmental buildings or uses.

**Clear Cutting-** Clear Cutting means the harvest of timber in a fashion which removes all, or substantially all, trees down to a two (2") inch diameter, measured at breast height.

**Club or Lodge:** An organization of persons incorporated pursuant to the provisions of the membership corporations' law or the benevolent orders laws, which is the owner, lessee or occupant of an establishment operated solely for a recreational, social, patriotic, political, benevolent or athletic purpose, but not for pecuniary gain and includes the establishment so operated.

**Co-Location:** The locating wireless communication facilities from more than one provider or source on a single antenna tower.

**College-** Any institution of higher learning which is authorized to grant degrees by Board of Governors of Higher Education in accordance with Connecticut General Statutes Section 10a-34, as amended.

**Commercial Vehicle:** Any truck, trailer, van or other equipment on wheels used in the operation of a commercial activity. This term includes automobiles, vans, mini-vans and pickup trucks even if such vehicles feature a company name, slogan or logo. Construction equipment and farming equipment of any type are included in this definition.

**Commission-** The Planning and Zoning Commission of the Town of Middlefield, Connecticut.

**Communication Tower -:** A structure that is intended to support equipment used to receive and/or transmit electromagnetic waves. Design examples of towers include self-supporting lattice, guyed and monopole.

**Communication Tower, Height of:** The vertical distance measured in feet from the average ground elevation of antenna tower to the topmost point of the tower including any antenna or other appurtenances.

**Construction, Start of:** Includes substantial improvement, and means the date Site Plan approval was issued, provided the improvement was commenced in accordance with CGS Section 8-3(i). The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or placement of a manufactured home on a foundation and installation of water, sewer and/or drainage facilities. 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 the excavation for a basement, footings, or foundations or the erection of temporary forms; nor 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.

**Contractor's Yard:** A tract of land where a contractor (landscaper, home builder, etc.) stores materials, machinery, equipment, vehicles and other supplies.

**County Soil and Water Conservation District-** The Middlesex County Soil and Water Conservation District established under subsection (a) of Section 22a-315 of the General Statutes.

**Curb Cut:** The providing of vehicular ingress and/or egress between property and an abutting public street.

**Date of Receipt:** Means the day of the next regularly scheduled meeting of the Commission immediately following the submission to the Commission or its agent or 35 days after such submission, whichever date shall first occur.

**Day Care Center, Adult:** A facility in which are received three (3) or more adults, age 55 or older, who are frail or moderately handicapped and who stay for a period of more than one (1) hour, but not exceeding fifteen (15) hours during any day each week, with no overnight accommodations, irrespective of compensation or reward.

**Day Care Center, Child:** A building or portion thereof, licensed by the State Department of Health, having facilities and all necessary personnel for the supplementary care for more than twelve (12) related or unrelated children outside their own homes on a regular basis for a part of the twenty-four (24) hours in one or more days in the week.

**Day Care Home, Adult Group:** A dwelling in which a permanent occupant of the dwelling, licensed by the State Department of Health, provides for the care of four (4) or fewer elderly and/or functionally impaired adults, not all of whom are related by blood or marriage, for a portion of a 24-hour day.

**Day Care Home, Child:** A dwelling in which a permanent occupant of the dwelling, licensed by the State Department of Health, provides for the supplementary care of six (6) or fewer children, not all of whom are of common parentage or related by blood or marriage, for a portion of a 24-hour day.

**Day Care Home, Group:** A dwelling in which a permanent occupant of the dwelling, licensed by the State Department of Health, provides for the supplementary care for not less than seven (7) nor more than twelve (12) related or unrelated children on a regular basis for a part of the twenty-four (24) hours in one or more days in the week.

**Day Care, Pet:** A commercial business providing temporary care of pets for a period not exceeding 12 hours in any 24-hour period.

**Deposit (Earth Excavation):** To fill or alter by the addition of earth materials and/or fill existing swamps, wetlands, water courses, or other bodies of water, or to change, by filling or re-grading, existing contours and elevations.

**Design Guidelines:** A set of guidelines regarding the architectural appearance of a building or improvement, which guides the alteration, construction, demolition, or relocation of a building or improvement.

**Development-** Development is defined as the construction, reconstruction, alteration, or expansion of a building.

**Disturbed Area:** An area where vegetation, topsoil, or overburden has been removed, exposing the soil to erosion; or an area where topsoil, spoil or other material has been stockpiled; or in an area rutted or otherwise disturbed by construction activities.

**Drive-In-** A principal use, or an establishment designed or operated for such use, where a patron is served while seated in an automobile located in an off-street or on-street parking area, driveway, or similar area. Compare to "Drive-Through".

**Drive-Through-**An accessory use in which a patron is provided products or services while seated in an automobile located in an off-street driveway or lane. Compare to "Drive-In".

**Dwelling-** A building designed or used exclusively as living quarters for one or more families to include a mobile home or trailer coach when located on an individual lot.

**Dwelling Unit-** A building, or portions thereof, providing complete housekeeping facilities for one family.

**Dwelling, Multiple or Apartment-** A building, on a lot, used exclusively as a residence for more than two families living independently of one another.

**Dwelling, Elder Housing 55 Years and Older-** 55 years and older: Shall mean development of dwelling units designed exclusively to be occupied by and to meet specific requirements and design standards suitable for occupancy for one or two individuals at least one of whom is 55 years of age or over.

Dwellings for the above-mentioned persons shall have bathrooms, hallways, entryways and building access ways designed in accordance with the most recent edition of "A Guidebook To: The Minimum Federal Guidelines and Requirements for Accessible Design" prepared by the United State Architectural and Transportation Barriers Compliance Board. Compliance with this requirement shall be demonstrated by the applicant by the presentation of floor plans or other suitable specifications.

Said dwellings may include provisions for communal usage such as: common rooms, laundry rooms and recreational facilities. In addition, said facility may also include dwelling units specifically designed for handicapped individuals.

**Earth Materials:** Natural soil, loam, sand, gravel, clay, rock, or other excavated natural material.

**Earth Materials Activities:** The excavation and removal or importation and deposition of earth materials, including earth processing.

**Earth Processing:** Alteration of earth materials excavated on site, including mixing with earth materials or other approved materials imported to the site using authorized processing equipment, including but not limited to screening and crushing and production of concrete, asphalt and other earth materials products.

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

**Enlargement, or to Enlarge-**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 detachment and movement of soil or rock fragments by water, wind, ice, or gravity.

**Excavate:** To sever from the earth's surface or to remove earth materials from the ground.

**Expansion-** Expansion is defined as any addition to the floor area, or any increase in height, volume, or coverage of an existing building.

**Extend, or 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.

**Façade:** The exterior wall of a building exposed to public view or that wall viewed by persons not within the building, extending from grade to the top of the parapet, wall or eaves, and including the entire width of the building elevation.

**Family-** One or more persons related by blood, marriage or adoption living and cooking together on the premises as a single housekeeping unit and may include servants living in or not more than (2) paying lodgers or boarders.

**Family Day Care Home-** A facility which consists of a private family home caring for not more than four children not related to the provider when the children are cared for not less than three, nor more than twelve hours during a twenty-four-hour period and where care is given on a regularly recurring basis and is licensed under Section 19-43C of the General Statutes of Connecticut.

**Farm.:** A parcel or contiguous parcels of land of 3 or more acres under single ownership and/or leasehold and used for agriculture.

**Farm Building-** Any building used for storing agricultural equipment or farm produce, housing livestock or poultry or for any other farm purposes shall not include dwellings.

**Farm Products:** Any fresh fruits, vegetables, mushrooms, nuts, shell eggs, honey or other bee products, maple syrup or maple sugar, flowers, nursery stock and other horticultural commodities, livestock food products, including meat, milk, cheese and other dairy products, food products of aquaculture, as defined in subsection (q) of section 1-1, including fish, oysters, clams, mussels and other molluscan shellfish taken from the waters of the state or tidal wetlands, or products from any tree, vine or plant and their flowers, or products made from raw materials that have been processed with Connecticut-Grown products, including, but not limited to, baked goods.

**Farm Store:** A permanent structure used by a farm for the year-round sale of raw and/or processed agricultural and horticultural products, services and activities.

**Floor Area-** The sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of exterior walls, excluding basement space where less than one-half the basement height is above the finished lot grade.

**Garage – Private-** A building or part of a building used for the storage of motor vehicles as an accessory use.

**Garage – Public-** A building, not a private garage, used for the repair, servicing or storage of motor vehicles.

**Garage, Vehicle Repair and/or Service:** A commercial garage or gasoline station used for repairing, overhauling, removing, adjusting, replacing, assembling or disassembling any parts of any motor, engine, or vehicle.

**Gasoline Station:** Any lot, building or part thereof, used for the sale of gasoline or motor vehicle fuel.

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

**Grazing-** Grazing means the keeping in an enclosed space of domesticated animals so as to allow or encourage such animals to feed upon natural or cultivated vegetation growing upon the land. As used herein, "domesticated animals" shall include any animals typically maintained in pastures, paddocks, or similar outdoor enclosures, regardless of whether such animals are kept for agricultural, recreational, or any other use or purpose. "Grazing"



shall include, but not be limited to, the pasturing of horses, cattle, sheep, goats, llamas, pigs, or other customary farm animals; but shall not include the kenneling of dogs nor the enclosure of mink or other small mammals.

**Grooming Facilities-** Any place, other than a commercial kennel, which is maintained as a business when dogs or cats are groomed. Such facilities shall have no outside kennels.

**Group Day Care Home-** A facility which offers or provide a program to supplementary care to not less than five nor more than twelve related or unrelated children on a regular basis for a part of the twenty-four hours in one or more days in the week and is licensed under Section 19-43C of the General Statutes of Connecticut.

**Habitable Floor Area-** Space within a dwelling not less than 6'-8" ceiling height, exclusive of attic, basement, garage, porches and utility room, and provided that all space above the first floor shall be accessible by means of a permanent stairway.

**Hazardous Material-** Any material 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).

**Hazardous Waste-** Any waste material which may pose a present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of or otherwise managed including hazardous waste identified in accordance with RCRA (Resource Conservation Recovery Act).

**Health Care Facility-** A building or group of buildings composed, at a minimum, of residences or sleeping quarters and common dining facilities, and offering limited medical care, all functioning in an integrated manner.

**Highway Line-** The boundary line of the right of way between that land owned by the Town or State and the private property in question.

**Home Occupation-** An occupation or activity which results in a product or service and is conducted in whole in the dwelling unit or in an existing accessory structure; and is clearly subordinate to the residential use of the dwelling unit.

**Hotel-** A building designed as a temporary abiding place for more than 10 persons or having 6 or more sleeping rooms in which lodging with or without meals is provided.

**Impervious Surface-** An area of a lot which has been improved in such a way as to be impenetrable by surface water. Surfaces include, but are not limited to, roofs (including eaves, overhangs, and covered porches) paved areas (roads, driveways, parking lots, including gravel, or processed stone parking areas, sidewalks, wood decks, stone patios, or structures, etc.), and swimming pools.

**Imported Materials (Earth Excavation)-** Earth materials brought to a permit area as excess materials produced by permitted excavation activities, or as authorized by any permit issued in accordance with Earth Excavation Regulations.

**Industry-** Manufacturing, fabricating, assembling, finishing, packaging, processing or research and development.

**Inspection-** The periodic review of sediment and erosion control measures shown on the certified plan.

**Junk-** Any article or material or collection thereof which is worn out, cast off or discarded and which is

ready for destruction or has been collected or stored for salvage or conversion. Two or more unregistered, inoperative automobiles stored outdoors.

**Junk Yard.** The use of any area, whether inside or outside of a building, for the storage, keeping or abandonment of junk, or scrap or discarded materials, or the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof.

**Kennels, Commercial-** Premises maintained and operated as a business for boarding, grooming, breeding, or training dogs, or the keeping of ten (10) or more adult dogs. An adult dog shall be defined as one which is over six (6) months of age. Commercial kennels may also engage in the provision of services such as dog daycare, dog spa/exercise/massage and therapy services, sales of pet-related products to clients as an accessory use, and pet clinics.

**Kennels, Non-Commercial-** Three (3) or more adult dogs, but less than ten (10), kept on premises for personal use, show, sport, grooming or breeding. An adult dog shall be defined as one which is over six (6) months of age.

**Land Area-** The total horizontal area of a lot lying within lot lines and excluding any area lying beyond a street line.

**Landscaped Buffer:** An area of landscaping separating two distinct land uses, or a land use and a public right-of-way, acting to soften or mitigate the effects of one land use on the other.

**Landscaping Plan:** A plan, drawn to scale, showing dimensions and details for vegetating a property, or a portion of a property, including maintenance and protection measures.

**Lot-** A parcel of land designed to be occupied by a building or buildings together with open spaces required by these Regulations.

**Lot, Area:** The contiguous area contained within the property lines of the lot.

**Lot, Corner-** A lot of which two adjacent sides abut on street. A corner lot shall maintain front yard requirements for each street frontage.

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

**Lot, Depth-** The mean distance (measured at right angles) from the street line of a lot to its rear line.

**Lot, Width-** The mean width, measured at right angles to the depth.

**Lot, Line-** Property lines bounding a lot.

**Lot Coverage-** The ratio between the gross floor area of the ground floor of any building, plus parking areas, driveways, sidewalks, outdoor storage areas and other impervious surfaces; and the gross area of the lot.

**Lot, Through:** A lot abutting more than one public street where front yard setback requirements shall be maintained on all street frontages.

**Mixed Use Development:** A single building containing more than one type of land use, or a single development of more than one building and land use, where the different types of land uses are in close proximity, planned as a unified complementary whole, and functionally integrated and structurally coordinated with regard to the use of shared vehicular and pedestrian access and parking areas.

**Mobile Home**- A structure that is transportable in one or more sections, built on a permanent chassis, and designated to be used with or without a permanent foundation when connected to the required utilities.

It does not include recreational vehicles or travel trailers. When located upon a lot a mobile home shall be considered to be a residence and subject to all of the regulations prescribed for the zoning district in which it is located.

**Motel**-Attached, semi-detached, or detached dwelling units, having separate outside entrances, parking space convenient to each unit and providing lodging for transient clientele.

**Non-agriculturally related uses**: Activities that are part of an agricultural operations' overall offerings, but are not incidental to agriculture, or tied to agricultural buildings, structures, equipment, and/or fields. Such uses may include, but are not limited to, weddings, workshops, classes, farm to table dinners, fee-based activities and other similar events.

**Non-Conforming Use**- Nonconforming Use means a use, whether of a building, structure or lot, or combination thereof, that legally exists before the effective date of this regulation, yet currently fails to conform to this regulation as a result of the adoption of this regulation.

**Parking, Commercial**. Parking for the use of employees, customers or visitors of any non-residential activity when not located on the same lot as the activity it serves, including the parking of up to 3 commercial vehicles.

**Parking, Off Street**. Space occupied by automobiles on premises other than streets.

**Parking Lot**. An area used for the parking of more than 3 cars or other vehicles, whether or not for a fee.

**Passive Recreation**- Passive Recreation means non-motorized recreation not requiring "development", as defined herein, nor requiring any alteration of the existing topography, nor any activity regulated pursuant to this section. Such passive recreation shall include, but not be limited to, hiking, Han gliding, bicycling, picnicking, and birdwatching.

**Performance Bond or Bond**. Any form of security including a cash deposit, surety bond, collateral, property or instrument of credit in an amount and form satisfactory to the Commission.

**Permit**. A permit shall mean any special permit issued in accordance with these regulations or zoning permit issued by the Zoning Enforcement Officer in accordance with this regulation.

**Permit Area (Earth Excavation)**: The limits of the area within the premises for which a permit or permits exist or are requested for excavation, storage area, and processing of earth materials.

**Personal Services Shops**: Establishments primarily engaged in the provision services of a personal nature. Typical uses include, but are not limited to, beauty and barber shops, shoe repair shops, and tailor shops.

**Premises (Earth Excavation)**: Within an earth excavation district, the entire area of land owned by the applicant or permittee and identified as one piece of property by the Middlefield Tax Assessor's Office within which the permit area is proposed.

**Principal Use**- The main use on a lot.

**Public Road**- A right-of-way intended for general public use which is accepted either by the Town of Middlefield or the State of Connecticut.

**Public Service Company**- Companies subject to regulation by the Public Utilities Control Authority and include railroad, street railway, motor bus, electric, gas, telephone, telegraph, pipeline, sewage, water and community antenna television companies, owning, leasing, maintaining, operating, managing or controlling plants or parts of plants or equipment, and all express companies having special privileges on railroads or street railways within this state, but shall not include towns, cities, boroughs or any municipal corporation or department thereof, whether separately incorporated or not, as defined by Section 16-1 of the General Statutes of Connecticut.

**Quarrying**- Quarrying means the removal, excavation, processing, or grading of stone or other earth products, regardless of the methods utilized (e.g., blasting, crushing, excavation equipment).

**Recreation, Commercial**. Recreation offered to the public for a fee.

**Refuse**: All putrescible and non-putrescible solid wastes including garbage, rubbish, ashes and solid commercial and industrial wastes but excluding human and animal intestinal wastes and dead animals. Ashes or incinerator residue containing unburned material shall be considered refuse.

**Restaurant, "Fast Food"**- The retail sale of food to the general public for consumption on the premises, or where a significant portion of the consumption takes place or is designed to take place outside the confines of the building occupied by such use; and which is characterized by high volume of patronage, the promise of rapid service of meals, and a resulting short duration of stay and rapid turnover; and including drive-in or curbside service as an accessory use. See Section 08.10., "Restaurants".

**Restaurant, "Full Service"**- The retail sale of food to the general public for consumption on the premises, with food service primarily to customers seated at tables or at counters in an enclosed building. See Section 09.10., "Restaurants".

**Restaurants, "Take Out"**- The retail sale of food to the general public where all or a significant portion of the consumption takes place or is designed to take place outside the confines of the building occupied by such use. See Section 09.10., "Restaurants".

**Retail Business**: Premises used for the retail sale of goods for personal or household uses.

**Ridgeline Setback Area**-Ridgeline Setback Area means the area bounded by: A) a line that parallels and is placed a horizontal distance of one hundred and fifty (150') feet off the lesser sloped side (typically the more wooded side) of all basalt (traprock) ridgelines as defined in Section 3; and B) that lowest contour line created where less than a fifty (50%) percent slope (two horizontal for each vertical unit of distance) exists for a distance of fifty (50') horizontal feet on the more steeply sloped side (typically the more rocky side) of all basalt (traprock) ridgelines as defined herein.

**Riding Academy, Stable**. A building and land in which horses, ponies and similar equestrian animals may be kept for remuneration, hire or sale together with accessory uses such as riding rings, indoors or outdoors, and tack shop.

**Seasonal Farm Stand**. A structure used by a farm for the temporary, seasonal sale of raw and/or processed agricultural and horticultural products, services and activities.

**School, Secondary-** A place for teaching and learning in which the courses prescribed for study by Connecticut General Statute 10-15, 10-18, 10-19 and 10-23 (Rev. 1975) are offered, and which offers such courses to children over seven and under sixteen years of age.

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

**Self-Storage Facility-** A "Self-Storage Facility" is any improved real property designed and/or used for purposes of renting indoor individual storage units of no larger than three hundred (300) square feet for storage and removal of personal property

**Set-Back-** The required open space between any building on a lot and the lot lines.

**Sign-** shall mean any surface, fabric, device or display which bears lettered, pictorial or sculptured matter, including forms shaped to resemble any human, animal or product, designed to convey information visually and which is exposed to public view. For purposes of this ordinance, the term "sign" shall include all structural members, and shall include vending machines, the exterior surfaces of which are designed so as to convey information as to the contents offered therefrom. A sign shall be construed to be a display surface or device containing organized and related elements composed to form a single unit. In cases where matter is displayed in a random or unconnected manner without organized relationship of the components, each such component shall be considered to be a single sign. Included within the definition of sign are the following types of signs:

**Sign Area** - shall mean that area enclosed by one continuous line, connecting the extreme points or edges of a sign. The area shall be determined by using the largest sign area or silhouette visible at anyone (1) time from anyone (1) point. This area does not include the main supporting sign structure. All other ornamental attachments, inner connecting links, etc., which are not a part of the main supports of the sign, are to be included in determining sign area.

**Sign, Billboard** - shall mean a non-point-of-sale sign which advertises a business, organization, event, person, place, or thing, unless such sign is specifically defined herein.

**Sign Directly Illuminated** - Any Sign designed to give forth any artificial light directly or indirectly through any transparent, reflective, translucent, or similar material, from a source of light contained within, upon, or otherwise structurally integrated into such Sign; but not including a "channel" letter in which the light source is concealed within the rear side of a hollow, opaque letter mounted on a wall, with the letter silhouetted against the halo of the reflected light.

**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, Free-standing** - shall mean any sign, or sign structure, securely attached to and supported by structures and/or supports in or upon the ground but standing free and independent of any building or structure in which the business or businesses advertised thereon are located. A free-standing sign must be on the same parcel as the business or service which it advertises is located.

**Sign Indirectly Illuminated** - A Sign illuminated by a light source which is remote from the sign structure and so shielded that no direct rays therefrom are visible elsewhere than on the Sign Face, or the area immediately around it, but in no event visible off the lot where said Sign is located. If such shielding is defective or fails to conform to the criteria of this definition, such Sign shall be deemed to be a Directly Illuminated Sign. An Indirectly Illuminated Sign includes a channel letter. See "Sign, Directly Illuminated."

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

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

**Sign, Temporary**: Any sign not intended for permanent display. Examples of temporary signs include but are not limited to, any sign, display board, handbill, poster, banner, sandwich board, pennant, streamer, whirligig, valance or advertising display constructed of paper, cloth, canvas, light fabric, cardboard, wallboard or other light materials (with or without structural frame).

**Sign, Temporary Permit**: A permit issued by the Zoning Enforcement Officer pursuant to these Regulations by virtue of which signs not otherwise permitted by said regulations may be permitted in accordance with conditions set forth in the regulations.

**Sign, Wall** - shall mean any sign painted on or attached to and erected parallel to the face of, or erected and confined within the limits of, the outside wall of any building and supported by such wall or building which displays only one (1) advertising surface.

**Site Plan Permit**-A permit granted by the Planning and Zoning Commission, which is specifically designed to ensure compliance with all state and local regulations and further to ensure that the design characteristics of the proposed use of building are in the best review procedure for a site plan permit shall comply with Section 10.02.

**Soil**-Any unconsolidated mineral or organic material of any origin.

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

**Special Exception**- A modification to the terms of these regulations, which is specifically itemized herein which applies to a specific building or property, and upon which the Zoning Board of Appeals is required to pass.

**Special Permit**- A modification to the terms of these regulations, which is specifically itemized herein which applies to a specific building or property, and upon which the Planning and Zoning Commission is required to pass.

**Special Trade Contractors**-Electricians, plumbers, home improvement contractors, or other construction tradesmen licensed to conduct such business by the appropriate agency of the State of Connecticut.

**Street**- A public or private thoroughfare which affords the principal access to abutting properties.

**Street Line**- The boundary line between a street and adjacent property.

**Structure**- Anything constructed or erected with a fixed location on or in the ground or attached to something having a fixed location on or in the ground.

**Traprock Ridge**- Traprock Ridge means Higbee and Bedeck Mountains

**Traprock Ridgeline**- Traprock Ridgeline means the line running along the highest elevation on a traprock ridge which line is created by all points at or above the top of a fifty percent (50%) or greater slope (2 horizontal for each vertical unit of distance), which slope is maintained for a distance of at least fifty (50) horizontal feet measured perpendicular to the contours of the slope, and which consists of surficial basalt geology, identified on the map prepared by Stone et al., United States Geological Survey, entitled "Surficial Materials Map of Connecticut", a copy of which is on file in the office of the Town Clerk of the Town of Middlefield (hereinafter, "Surficial Materials Map"). The Surficial Materials Map shall be deemed and construed to be illustrative only, and in individual instances, the actual surficial geology shall be as determined by field observations, and other topographic maps, bedrock geologic maps, surveys, and other available information. Where no surficial basalt geology (unconsolidated, loose rock) exists, bedrock basalt geology shall be used to define the traprock ridgeline.

All slopes shall be measured as preexisting prior to any disturbance by human intervention, existing or proposed, as best such pre-existing slopes can be determined by available topographic maps or other records.

**Use-** Any activity, occupation, business, or operation carried on, or intended to be carried on, in a building or other structure or on a tract of land.

**Use District:** An area zoned for particular uses.

**Variance-** a modification to the terms of these Regulations which may be granted by the Zoning Board of Appeals in an individual case where, owing to special conditions, a literal enforcement of these Regulations would result in exceptional difficulty or unusual hardship.

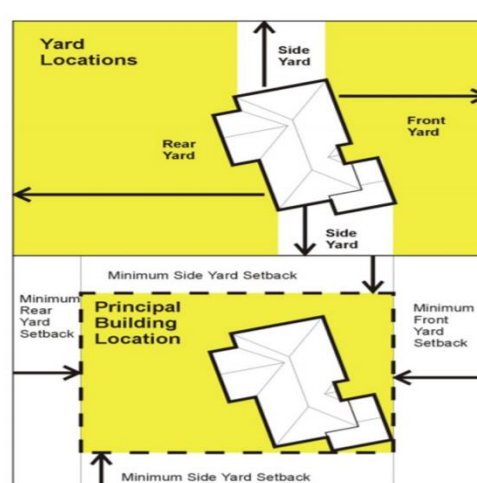
**Water Company-** Any individual, partnership, association, corporation, municipality or other entity, or the lessee thereof, who or which owns, maintains, operates, manages, controls or employs any pond, lake, reservoir, well, stream or distributing plant or system for the purpose of supplying water to two or more consumers or to twenty-five or more persons on a regular basis provided if any Individual, partnership, association, corporation, municipality or other entity or lessee owns or controls eight per cent of the equity value of more than one such system or company, the number of consumers or persons supplied by all such systems so controlled shall be considered as owned by one company for the purpose of this definition.

**Yard:** An unoccupied space, open to the sky on the same lot with the building or structure.

**Yard, Front:** An open unoccupied space on the same lot with a building, extending the full width of the lot and situated between the street line and the front line of the building or structure projected to the sideline of the lot.

**Yard, Rear:** An open space on the same lot with a building, unoccupied except as hereinafter permitted, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building or structure projected to the side of the lot.

**Yard, Side:** An open unoccupied space on the same lot with a building, situated between the building or structure and the sideline of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a sideline.



**Zoning Permit:** A permit required under these regulations issued by the Zoning Officer which allows construction to begin.

## SECTION 3 ZONING DISTRICTS AND MAP

### 3.1 ESTABLISHMENT OF ZONING DISTRICTS

To accomplish the purposes of CSG 8-3 the Town of Middlefield is divided into different zoning districts as follows:

### 3.2 ZONING MAP

The location and boundaries of the above districts are shown on the map entitled "Zoning Map of the Town of

<u>DISTRICTS</u>	<u>SYMBOL</u>	<u>DISTRICTS</u>	<u>SYMBOL</u>
<b><u>RESIDENTIAL</u></b>		<b><u>INDUSTRIAL DISTRICTS</u></b>	
Agricultural	AG 2	General Industrial	IN
Residential	MD	Industrial Park I	IPD I
Lake Beseck Residential	HD1	Industrial Park II	IPD II
Rockfall Residential	HD2		
<b><u>COMMERCIAL</u></b>		<b><u>DESIGN DEVELOPMENT DISTRICTS</u></b>	
Planned Commercial	PC	Route 66 Design District #1	DD#1
Planned Office	PO	Route 66 Design District #2	DD#2
<b><u>Floating Zone Districts</u></b>		<b><u>Overlay Zone</u></b>	
Environmental Conservation Rural District 1	ECRD1	Special Flood Hazard Zone	SFHZ
Environmental Conservation Rural District 2	ECRD2		

Middlefield" dated June 1960, Approved September 16, 1961, as amended, which forms a part of these regulations.



### **3.3 DISTRICT BOUNDARIES**

In the event of any uncertainty as to the boundaries of districts as shown on the Zoning Map, the following rules shall apply:

1. Boundaries indicated as abutting right-of-way lines of streets, highways, former rail lines, or alleys shall be construed as extending to the center line of such streets, highways, rail lines, or alleys;
2. Boundaries indicated as approximately following plotted lot lines shall be construed as following such lot lines;
3. Boundaries indicated as approximately following the center line of streams, rivers, or other bodies of water shall be construed to follow such center lines;
4. Boundaries indicated as parallel to, or extension of, features indicated in subsections (1) through (3) above shall be so construed.
5. Distances not specifically indicated on the Zoning Map shall be determined by measurement in accordance with the scale of the map;
6. In cases of further uncertainty, the Zoning Commission shall determine the location of the boundary.

### **3.4 APPLICATION OF DISTRICT REGULATIONS**

The requirements set by this regulation within each district shall be minimum requirements and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided.

1. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.
2. No building or other structure shall hereafter be erected or altered:
  - a. To a greater height;
  - b. To accommodate or house a greater number of families;
  - c. To occupy a greater percentage of lot area;
  - d. To have narrower or smaller rear yards, front yards, side yards, or other open spaces; than herein required, or in any other manner contrary to the provisions of this regulation.
  - e. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this regulation, shall be included as part of a yard, open space, or off-street parking, or loading spaces similarly required for any other building, unless specifically permitted.
  - f. No yard or lot existing at the time of passage of this regulation shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective

date of this regulation shall meet at least the minimum requirements established by this regulation.

- g. No buildings to be used for a dwelling shall be constructed or altered in the rear of a building situated on the same lot, nor shall any building or structure be constructed in front or moved to the front of a dwelling situated on the same lot. The provision shall, however, not prevent the erection, alteration, or maintenance of dwelling quarters in an accessory building on the rear of a lot when such building is occupied by persons in domestic service on the premises, or when used as temporary quarters for guests. This provision shall not prevent the erection, alteration, or maintenance of an accessory dwelling unit in an existing accessory building on the rear of a lot in accordance with Article Seven of these Regulations. (adopted June 24, 2002)
- h. Except in the case of Designed Multiple Residence Districts and apartments, not more than one principal detached residential building shall be located on a zoning lot, nor shall a principal detached residential building be located on the same zone lot with any other principal building.

### 3. LOTS IN ZONES ABUTTING THE FLOODPLAIN ZONE

Where a parcel of land is located in two zones, one of which is a Floodplain Zone, all zoning requirements for the applicable non-floodplain zone must be met within that portion of the parcel which is not located in the Floodplain Zone.

### 4. LOTS IN TWO ZONING DISTRICTS

Where a lot of record at the time of passage of these regulations or any amendments thereto falls into two or more zoning districts, any questions of uncertainty as to district boundaries shall be determined by the Planning and Zoning Commission.

## **3.5 REGULATIONS DECLARED TO BE MINIMUM REGULATIONS**

In their interpretation and application, the provisions of this Regulation shall be held to be minimum regulations, adopted for the promotion of the public health, safety, morals, or general welfare. Wherever the requirements of this Regulation are at variance with the requirements of any other lawfully adopted rules, regulations, deed restrictions or covenants, the most restrictive or that imposing the higher standards shall govern.

## **3.6 SPECIAL FLOOD HAZARD OVERLAY ZONE**

For the purpose of administering Special Flood Hazard Area Regulations, a shaded overlay containing the Special Flood Hazard Areas has been placed over the Zoning Map of the Town of Middlefield. In these overlay areas, uses which are permitted in the designated zoning districts are allowed subject to the granting of a building permit, site plan approval and/or special permit depending on which permit process, or processes, must be followed.

### 3.7 Prohibited Uses

#### Statement of Purpose:

Any use not listed as permitted by these regulations is deemed to be prohibited; however, due to their uniquely objectionable characteristics, certain uses are identified in this section.

#### 3.7.1 Prohibition on Cannabis Related Uses

##### 1. Definitions.

- a. **Cannabis.** Marijuana as defined in Section 21a-240, C.G.S.
- b. **Cannabis Establishment.** Producer, dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer, food and beverage manufacturer, product manufacturer, product packager and or delivery service.
- c. **Cultivator.** A person that is licensed to engage in the cultivation, growing and propagation of the cannabis plant at an establishment with not less than fifteen thousand square feet of grow space.
- d. **Delivery Service.** A person that is licensed to deliver cannabis from (A) micro-cultivators, retailers and hybrid retailers to consumers and research program subjects, and (B) hybrid retailers and dispensary facilities to qualifying patients, caregivers and research program subjects, as defined in Section 21a-408, C.G.S., or to hospices or other inpatient care facilities licensed by the Department of Public Health pursuant to Chapter 368v, C.G.S. that have a protocol for the handling and distribution of cannabis that has been approved by the department, or a combination thereof.
- e. **Dispensary Facility.** Means a place of business where cannabis may be dispensed, sold or distributed in accordance with Chapter 420f, C.G.S. and any regulations adopted thereunder, to qualifying patients and caregivers, and to which the department has issued a dispensary facility license under Chapter 420f, C.G.S. and any regulations adopted thereunder.
- f. **Food and Beverage Manufacturer.** A person that is licensed to own and operate a place of business that acquires cannabis and creates food and beverages.
- g. **Hybrid Retailer.** A person that is licensed to purchase cannabis and sell cannabis and medical marijuana products.
- h. **Medical Marijuana for Palliative Use.** See Connecticut General Statute Section 21a-408-1 to Section 21a-408-70
- i. **Micro-cultivator.** A person licensed to engage in the cultivation, growing and propagation of the cannabis plant at an establishment containing not less than two thousand square feet and not more than ten thousand square feet of grow space, prior to any expansion authorized by the commissioner.
- j. **Person.** An individual, partnership, limited liability company, society, association, joint stock company, corporation, estate, receiver, trustee, assignee, referee or any other legal entity and any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination thereof.

- k.* **Product Manufacturer.** A person, excluding a producer, that is licensed to obtain cannabis, extract and manufacture products exclusive to such license type and who may sell or transfer cannabis and cannabis products to laboratories, research programs and cannabis establishments.
- l.* **Product Packager.** A person that is licensed to package and label cannabis and cannabis products.
- m.* **Retailer.** A person, excluding a dispensary facility that is licensed to purchase cannabis and cannabis products from producers, cultivators, product manufacturers and food and beverage manufacturers and to sell cannabis and cannabis products to consumers and research programs.
- n.* **Transporter.** Means a person licensed to transport cannabis between cannabis establishments, laboratories and research programs.

**2. Uses:**

- a. All cannabis related uses are prohibited in the Town of Middlefield.

### **3.7.2 Prohibition on Smoke Shops**

"Smoke Shop or Tobacco Store or Vape Store" is a retail establishment where 10% or more of the retail area is dedicated to the sale of tobacco and products containing tobacco or nicotine (including "e-cigarettes"), oral nicotine devices and paraphernalia (including paraphernalia for use with cannabis) and/or areas for the consumption of any smoke-able or vaping products .

## SECTION 4 RESIDENTIAL DISTRICTS

### 4.1 PURPOSE

These residential zoning districts are established to provide for residential neighborhoods that are in harmony with the natural features of the land and the needs of present and future Middlefield residents.

### 4.2 DESIGNATION OF RESIDENTIAL DISTRICTS

District Name	District Symbol	Description
Agricultural	AG2	
Residential	MD	
Lake Beseck Residential	HD1	
Rockfall Residential	HD2	
Environmental Conservation Rural District 1	ECRD1	
Environmental Conservation Rural District 2	ECRD2	

### 4.3 PERMITTED USES

ZP- Zoning Permit, SP- Special Permit, P- Site Plan, NA- Not Allowed				
Residential - Principal Uses	AG2	MD	HD1	HD2
Single family detached dwelling	ZP	ZP	ZP	ZP
Two-Family Dwelling	ZP	ZP	NA	NA
Trailer or Mobile Home on single lots (Not allowed in Special Flood Hazard Areas)	ZP	ZP	ZP	ZP
Elder Housing	SP	SP	SP	SP
Residential Accessory Uses	AG2	MD	HD1	HD2
Accessory Buildings and Structures	ZP	ZP	ZP	ZP
Establishment of one (1) accessory dwelling unit in accordance with Section 4.12	SP	SP	SP	SP
Home Occupations	P	P	P	P
Keeping of animals that are accessory and incidental to the residential dwelling unit.	NP	NP	NP	NP
Non-Residential Uses	AG2	MD	HD1	HD2
Public and parochial schools, private and/or non-profit schools	P	P	P	P

Churches and Religious Institutions	P	P	P	P
Private non-profit membership clubs	SP	SP	SP	SP
Public Service Company Buildings and Uses	SP	SP	SP	SP
Municipal Uses and Buildings	P	P	P	P
Rooming House, Tourist House, Motel	NA	NA	SP	SP
Hospital, sanitarium, or cemetery	SP	SP	SP	SP
Outdoor Recreational Facilities subject to section 5.6	SP	SP	SP	SP
Excavation, removal, or deposition of earth products, except bedrock, in excess of 500 cubic yards. See Section 14.5	SP	SP	SP	SP
Excavation, removal, or deposition of earth products, except bedrock, in excess of 50 cubic yards but less than 500 cubic yards. See section 14.4	ZP	ZP	ZP	ZP
Group Daycare Home, Child Daycare Home	ZP	ZP	ZP	ZP
Child Daycare Center	SP	SP	SP	SP
Veterinary Clinics	SP	SP	SP	SP
Ambulance Facilities see section 4.5.6	SP	SP	SP	SP
Storage and processing of Ammonium Nitrate, blasting agents and explosives- see section 11.3	SP	NA	NA	NA
Kennels- Non-commercial	SP	SP	SP	SP
Grooming Facilities	SP	NA	NA	NA
Commercial Kennels	SP	NA	NA	NA
<b>Agricultural Uses</b>	<b>AG2</b>	<b>MD</b>	<b>HD1</b>	<b>HD2</b>
Agricultural Farm or use- see section 11	ZP	ZP	ZP	ZP
Roadside farm stand	ZP	SP	SP	SP

## 4.4 DIMENSIONAL STANDARDS

RESIDENTIAL DISTRICTS							
District Symbol	Minimum Required					Maximum	
	Lot Size	Lot Frontage	Front Yard Setback	Side Yard Setback	Rear Yard Setback	Building Height	Building Coverage
AG-2	2 acres	200'	60'	20'	20'	35'	15%

MD	1 acre	185'	60'	20' *	20' *	35'	15%
HD1	½ acre	100'	30'	10' **	10' **	35'	25%
HD2	½ acre	100'	40'	15' *	15' *	35'	25%

\* Lots on record of less than 100' frontage as of May 6, 1964: MD 15'; HD2 10'

\*\* For accessory buildings eighty (80) square feet or less, side, and rear setbacks may be five (5) feet.

## **4.5 RESIDENTIAL GENERAL STANDARDS**

### **4.5.1 Handicapped Ramps**

Access ramps for persons with disabilities may be constructed within required yard setbacks areas, provided the Zoning Agent determines that (i) the ramp may not reasonably be located in any area that is not within the required yard setback; and (ii) the proposed intrusion into the required yard setback is the minimum reasonably necessary to provide a reasonable accommodation.

### **4.5.2 Commercial Vehicles**

No commercial vehicles over 18,500 pounds gross vehicle weight may be parked or garaged in a residential zone. Up to two commercial vehicles not exceeding 18,500 pounds gross vehicle weight each and with a cargo area not exceeding 600 cubic feet may be parked or garaged in a residential zone. This provision does not apply to agricultural/farming uses or temporary emergency vehicles.

### **4.5.3 Swimming Pools**

- a) Open private swimming pools are considered structures for the purpose of permits and regulations of other ordinances. For the purpose of this ordinance, they are counted as floor area in computing the lot coverage if they are of a permanent, non-readily movable nature.
- b) The location of swimming pools shall conform to the yard requirements as established by this ordinance and to all other requirements of the state building code.

### **4.5.4 Fences**

- a) Except as provided in Section 11, the following shall apply to all fences.
- b) Fences not exceeding four (4) feet in height are permitted along all property lines except where Section 4.5.7. applies.
- c) Fences not to exceed six (6) feet in height are permitted along rear and side yard lines only and must be located at least 15' back from the front property line.
- d) If a fence has a "finished" or more attractive side, (i.e., the side opposite from the horizontal supports to which it is applied), this side must face to the exterior of the lot.

#### **4.5.5 Access for Fire Apparatus**

No building shall be erected or occupied for residential or any other purpose on any lot unless such lot has a frontage or not less than twenty-feet (20) on a public street, or an unobstructed right-of-way not less than 20 feet wide leading to a public street.

#### **4.5.6 Ambulance Facilities**

Such facilities shall have frontage on a Connecticut State Highway.

#### **4.5.7 Vision Obstruction**

On any lot, no wall, fence, or other structure shall be erected or altered, and no hedge, tree, shrub, or other growth shall be maintained, which may cause danger to traffic on a public street by obscuring the view.

#### **4.5.8 Lot Reductions**

No lot shall be reduced so that the area of the lot or the dimensions of the open space shall be smaller than herein prescribed for the district in which said located.

#### **4.5.9 Projections in Required Yard Setbacks- HD1 and HD2 Zones on Residential Properties**

No structures or projections from structures shall be permitted in any required yard setback except as follows:

- a. Minor projections of structures, such as window or door frames and sills, cornices, or other architectural features may project not more than two (2) feet into any required yard setback.
- b. Major projections of structures such as bay windows, eaves, hatchways, steps, non-enclosed porches and fire escapes may project not more than five (5) feet into any required yard setback.
- c. Above ground fuel tanks, hvac systems and generators shall be permitted in any required side or rear yard setback located at a minimum of at least 10 feet from a property boundary or 5 feet if equipment is screened from view.

### **4.6 ENVIRONMENTAL CONSERVATION RURAL DISTRICTS**

It is the intent of these regulations to provide reasonable flexibility in the division and subsequent development of land, when, in the judgment of the Commission, such flexibility shall insure the conservation or preservation of natural or man-made features and related open space areas which contribute to the health, safety and general welfare of the Town of Middlefield. It is the intent of these regulations to provide an alternative form of residential land development by permitting a reduction in the minimum lot size normally required in specified zones for residential purposes.

#### **4.6.1 ERCD District Purpose**

The Commission may establish an Environmental Conservation Rural District (ECRD) 1 or 2, subject to the following purpose and requirements:

##### **Purpose**

The purpose of establishing an Environmental Conservation Rural District (ECRD) 1 or 2 is to permit and encourage cluster subdivisions in the AG-2 and MD zones provided specific criteria are met:

1. Preserve and permanently protect natural features of land including views, vistas, terrain, geological features, indigenous vegetation, inland wetlands, and watercourses;



2. Permanently preserve significant land areas for open space and recreational purposes;
3. Achieve greater flexibility in the design and placement of detached, single-family, residential dwellings, and in the design of roadways serving them;
4. Encourage a more efficient development of land than existing regulations would allow;
5. Maintain the rural residential character of the Town of Middlefield.

#### **4.6.2 ERCD District Criteria**

##### **Criteria**

A cluster subdivision shall be permitted by the Commission provided the application meets at least one (1) of the following criteria:

1. The proposal preserves scenic or natural areas, areas of ecological or cultural significance or environmentally significant areas;
2. The proposal preserves suitable land for public park or recreational uses;
3. The proposal preserves suitable land for agricultural uses.

A cluster subdivision which preserves land as unsubdivided open space but does not meet the above criteria may be approved by the Commission provided that the proposal is deemed by the Commission to meet the intent of these Regulations as set forth in Section 4.6.1

##### **Establishment**

All land development within an ECRD 1 or 2 shall comply with the requirements of Section 04.03.02. Where specific provisions and requirements of this section differ from other sections of the Zoning Regulations, the provisions and requirements of this Section and the design and conditions included in the development plan as approved shall take precedence. All other Zoning Regulations shall remain in full force and effect.

#### **4.6.3 Permitted Primary and Accessory Uses**

##### **Permitted Primary and Accessory Uses**

All uses permitted in the AG-2 and MD districts, including apartments, condominiums, townhouses, and other multi-family housing as well as dwellings for elderly and/or physically handicapped persons.

Accessory uses and parking facilities incidental to and associated with the operation of open space recreation and accessory structures incidental to the management of the residential community such as pavilions, community centers, administrative offices, temporary sales offices, restrooms, private clubhouses including restaurants with state liquor licenses, maintenance facilities and similar support buildings are permitted.

#### **4.6.4 Open Space General Requirements**

##### **Open Space General Requirements**

Open space shall be defined as a parcel or parcels of land or an area of water or a combination of land and water that is permanently dedicated to the preservation of scenic or natural areas or cultural resources, outdoor education or recreation, forestry, or agricultural uses. Open space may contain structures and improvements necessary or desirable for agricultural, educational, open space recreational or cultural uses, provided such uses are deemed by the Commission to meet the intent of these Regulations. Open space required under these Regulations may contain community facilities such as septic systems, wells, or storm water management systems, if the Commission determines that the proposed open space is appropriate and fulfills the intent of these Regulations.

1. A minimum of 50% of the gross land in an ECRD 1 and 30% of the gross land area in an ECRD 2 shall be preserved as open space.
2. Not more than 60% of such open space land shall consist of inland wetlands, as defined in Section 22a-28 to 22a-45 of the Connecticut General Statutes, or of slopes in excess of 30% as measured over 100-foot intervals.
3. The Commission may accept a lower percentage of open space or open space with a larger percentage of wetlands or slopes in excess of 30% as measured over 100-foot intervals provided the acceptance of such open space will preserve natural features and vegetation, ridge lines, areas of archeological significance, wildlife corridors, wetland areas, stream belts, aquifers, or other areas of natural significance.

#### **4.6.5 Area Requirements**

##### **Area Requirements-**

The minimum acreage required for consideration as an ECRD 1 or 2 shall be not less than 10 contiguous acres under single control by virtue of ownership or execution of agreements to purchase said acreage (ECRD 1 or 2 proposals for elder housing shall consist of not less than 3 contiguous acres).

Non-contiguous land in excess of the minimum parcel size may be included in the application with the approval of the Commission, at its sole discretion, provided the Commission determines that such land can be developed or dedicated in a suitable manner that reflects the intent and objectives set forth in these Regulations.

##### **Bulk and Area Requirements**

In an ECRD 1 or 2, residential density shall be equivalent to the calculation of "net" residential density as determined by the formulas set forth below.

#### **4.6.6 ERCD 1 Net Density**

##### **ECRD 1**

Net residential density shall be calculated as follows: Gross land area;

- less 50% inland wetland and watercourse areas (as defined by C.G.S. 22a-36 through 45 inclusive) and soils with very low or extremely low potential for the installation of subsurface sewage disposal systems (see Section 4.6.8.);
- less areas with slopes greater than 30% over 100-foot intervals;
- less 50% for flood prone areas not already included in (i) above;

2. Equals the net land area;

3. Divide the net land area in (b) by 87,120 square feet to determine the allowable number of units (net residential density) in the AG-2 zone.

For attached or detached multi-family developments of three units or more, the total number of allowable units may be based on a bedroom calculation of 1.65 bedrooms times the net land area for parcels in the AG-2 zone.

Elder housing shall not exceed two (2) times the maximum number of units or bedrooms permitted by these regulations.

The applicant may choose an alternate method of calculating density by preparing a preliminary subdivision plan consistent with the requirements of the AG-2 zone and the subdivision regulations. The resulting number of lots times 1.15 equals the maximum number of lots permitted.

#### **4.6.7 ERCD 2 Net Density**

##### **ECRD 2**

Net residential density shall be calculated as follows:

1. Gross land area;

- less 75% inland wetland and watercourse areas (as defined by C.G.S. 22a-36 through 45 inclusive) and soils with very low or extremely low potential for the installation of subsurface sewage disposal systems (see Section 4.6.8.);
- less areas with slopes greater than 30% over 100-foot intervals;
- less 50% for flood prone areas not already included in (i) above;

2. Equals the net land area;

3. Divide the net land area in (b) by 43,560 square feet to determine the allowable number of units in the MD zone.

For attached or detached multi-family developments of three units or more, the total number of allowable units may be based on a bedroom calculation of 3.25 bedrooms times the net land area for parcels in the MD zone.

Elder housing shall not exceed two (2) times the maximum number of units or bedrooms permitted by these regulations.

The applicant may choose an alternate method of calculating density by preparing a preliminary subdivision plan consistent with the requirements of the MD zone and the subdivision regulations. The resultant number of lots times 1.15 equals the maximum number of lots permitted.

## 4.6.8 Soil Classification for Onsite Sewage Disposal

### **Soil Classification**

#### **Very Low Potential for On-Site Sewage Disposal Systems**

HpE*	Hollis-Charlton Extremely Stony Fine Sandy Loams, 15 to 40 Percent Slopes
HuD*	Holyoke-Cheshire Very Stony Silt Loams, 15 to 35 Percent Slopes
Lg	Leicester, Ridgebury and Whitman Extremely Stony Fine Sandy Loams
Ps	Podunk Fine Sandy Loams
Rb	Raypol Silt Loam
Wd	Walpole Sandy Loam
Wr	Wilbraham Silt Loam
Wt	Wilbraham Extremely Stony Silt Loam

\*The ratings of these map units are based on the weighted average of their component parts.

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#### **Extremely Low Potential for On-Site Sewage Disposal Systems**

Aa	Adrian Muck
BcA	Berlin Silt Loam, 0 to 5 Percent Slopes
Ce	Carlisle Muck
HrC	Hollis-Rock Outcrop Complex, 3 to 15 Percent Slopes
HSE	Hollis-Rock Outcrop Complex, 15 to 40 Percent Slopes
HyC	Holyoke-Rock Outcrop Complex, 3 to 15 Percent Slopes
HZE	Holyoke-Rock Outcrop Complex, 15 to 40 Percent Slopes
Rp	Rock Outcrop-Hollis Complex
Ru	Rumney Fine Sandy Loam
Rv	Rumney Variant Silt Loam
Sb	Saco Silt Loam
Sc	Scarboro Mucky Loamy Fine Sand
We	Westbrook Mucky Peat
Wh	Westbrook Mucky Peat, Low Salt

Soil Mapping Symbols are taken from the Soil Potential Ratings Septic Tank Absorption Fields for Single Family Residences, Middlesex County, Connecticut, Prepared by a Local Interdisciplinary Committee, the U.S. Department of Agriculture, Soil Conservation Service, and the Connecticut Department of Health Services, 1986.

#### 4.6.9 Residential Lots Configurations and Requirements

##### **A. Residential Lots Configuration and Requirements**

Residential lots in an ECRD 1 or 2 shall be sited in areas best suited for residential development based on sound land management practices. Variations in siting characteristics (i.e. building separation, setbacks, building orientation, etc.) shall be encouraged to promote greater design flexibility.

The size and configuration of residential lots shall be determined as follows:

For each individual homesite within an ECRD 1 or 2, the proposed single-family residential building footprint, decks, walks, drives, garages, patios, tennis courts, swimming pools, and other accessory structures or impervious elements shall be located based on the consideration, respect, and reasonable preservation of the following elements:

- a. Natural geological features such as rock outcroppings, bluffs, hillsides, ridge lines and other areas of unique topography;
- b. Indigenous vegetation such as mature specimen trees, shrubs, and ground cover;
- c. Inland wetlands and watercourses, streams, rivers, ponds, and lakes;
- d. Significant wildlife habitats, open fields and pastures, agricultural lands, significant historic, archeological, or architectural features, views into property from public roadways and views out of the property;
- e. Soils suitable for subsurface sewage disposal (unless community sewage disposal systems are provided).

The visual integrity of hilltops and ridge lines shall be maintained by siting buildings such that building silhouettes will be below the ridge line or hilltop or below the tree canopy as seen from any public roadway.

##### **B. Residential Lot Requirements**

Subsequent to the establishment of each residential building location, corresponding lot boundary lines shall be configured locating the building according to setbacks. To promote design flexibility, lot lines are not required to conform to any specific geometric configuration.

RESIDENTIAL BULK AND AREA REQUIREMENTS						
Minimum Required						
Lot Area *	Lot Frontage	Front Yard Setback	Side Yard Setback	Rear Yard Setback	Building Setback from Road	Building Height-Maximum
30,000 sq. ft	25 ft.	10 ft.	10 ft.	25 ft.	30 ft.	30 ft.

\* The minimum lot area for each dwelling shall be 30,000 square feet unless:

- a. Community septic and community wells are provided in which case the minimum lot area shall be based on a sliding scale in accordance with health code requirements and depending on the size of leaching systems, well separation, steep slopes, bedrock, and wetlands on the lots. If community septic or community wells are provided, the minimum lot area may be reduced to 20,000 square feet. If both community septic and community wells are provided, the minimum lot area may be reduced to 10,000 square feet.

- b. Individual septic systems within easements in the open space area and a community water system are provided, in which case the minimum lot area shall be 10,000 square feet.

### **C. Lot Coverage**

Total lot coverage for an ECRD 1 or 2 shall not exceed 10% of the area for the lots plus the open space. Lot coverage shall include the square footage of the building pad, accessory structures, and garage footprints.

## **4.6.10 Design Standards**

In addition to the goal of integration with and preservation of the existing environment, buildings, and other physical improvements within an ECRD 1 or 2 shall be designed to enhance the aesthetic appearance of the community through an accepted vocabulary of architectural design and a consistency of scale. Designs shall contribute to the protection of property values, prevent future property deterioration, promote accepted community living standards, and provide for feasible management control.

### **A. Water Supply and Sewage Disposal**

A lot may be served by an individual drinking water well and on-site septic system or by a community well and septic system or any combination thereof, in accordance with the regulations of the local health department and the State Department of Health. A community well shall be permitted in an ECRD 1 or 2 development in accordance with Section 8-25a of the Connecticut General Statutes.

A community sewage disposal system, as defined by Section 7-245 of the Connecticut General Statutes, shall be permitted in a proposed ECRD 1 or 2 development. If such a system is proposed, documentation to establish a community association shall include provisions necessary or appropriate to comply with Section 7-246f of the Connecticut General Statutes.

### **B. Drainage**

Proper stormwater management and drainage methods shall be utilized to prevent adverse environmental effects or flooding to abutting or downstream properties, wetlands, and watercourses. The planned drainage system shall cause no increase in the peak rate of run-off to any wetlands or watercourses outside the ECRD 1 or 2.

### **C. Erosion Control**

Provisions shall be made for erosion and sedimentation control in accordance with Section 17. of the Middlefield Zoning Regulations.

### **D. Utilities**

Whenever reasonably possible, all electric and telephone utilities shall be placed underground. Where overhead rather than underground electric, cable television or telephone lines are proposed, a detailed statement showing the reason for same shall be submitted for approval by the Commission. Transformer pads and vaults may be above ground but shall be shielded with natural landscaped screens or buffers.

### **E. Access**

An ECRD 1 or 2 shall have a minimum of fifty (50) feet of direct frontage and access to an accepted, improved Town road or State highway that provides adequate circulation and access to other sections of the Town.

### **F. Circulation**

Interior streets and driveways shall be designed to provide for adequate circulation within the development and to its facilities and open space. Walkways, courts, and paths shall provide pedestrian access to and between residential structures, supporting facilities, and community open space and shall be separated from vehicular traffic, whenever reasonably possible. Appropriate easements and cross- easements shall be provided

## **G. Road Specifications**

### **Public Roads**

All proposed public roads to be accepted by the Town of Middlefield as part of an ECRD 1 or 2 shall be constructed in accordance with the provisions of the Town of Middlefield, Road Construction Standards and shall be designed in accordance with the following:

Minimum Width of Right-of-Way*	50'
Pavement Width	24'
Curbing	Required
Minimum Sight Distance	150'
Design Speed	25 mph
Minimum Center Line Radius of Curves	125'
Tangent Between Curves	100'
Maximum Grade	10%
Minimum Angle at Intersections (Degrees)	60
Vertical Alignment Within 100' of Intersection (%)	4
Minimum Offset to Adjacent Intersection	200'
<b><u>Turn-Around</u></b>	
Radius to Outside of Right-of-Way	55'
Radius to Outside of Pavement	45'

\*The total right-of-way width may be in excess of the above minimum where required to accommodate unusual construction features such as deep cuts, fills or other appurtenant items as well as safety considerations.

### **Private Roads**

Private roads shall be permitted provided the applicant shall demonstrate the method for maintenance of the private roadway. Documentation of such agreement shall be submitted to the Commission, prior to the filing of the project mylars, for approval of the form and content of such agreement by the Commission's Attorney. The agreement shall be filed in the Town Clerk's Office prior to the transfer of any homes or lots in the ECRD.

#### **1. ECRD 1 or 2 With Ten (10) Homesites or Less Utilizing Private Road**

In an ECRD 1 or 2 with ten (10) homesites or less which will utilize a proposed private road, such road shall be constructed in accordance with the following standards:

Minimum Right-of-Way Width	30'
Maximum Right-of-Way Width	40'
Minimum Pavement Width	18'
Minimum Slope of Roadway	1%
Maximum Slope of Roadway	14%
Sub-base	Minimum 8" Bank Run Gravel**
Base Course	Minimum 4" Processed Stone

Pavement Binder Course  
Concrete

Minimum 2" (Compacted Depth) Bituminous

**\*\*The minimum sub-base thickness in rock cuts shall be 12".**

All private roads shall be constructed with a cross slope of 1/4" per foot, drained from the centerline of the road.

Bituminous concrete curbing shall be constructed where deemed appropriate by the Planning and Zoning Commission.

Roadway drainage shall be sufficient to carry run-off from the road surface and divert water beneath or around the road without causing sedimentation, erosion, or the impounding of water upstream.

## **2. ECRD 1 or 2 With Eleven (11) Homesites or More Utilizing Private Road**

In an ECRD 1 or 2 with eleven (11) homesites or more which will utilize a proposed private road, such road shall be constructed in accordance with the provisions of the Town of Middlefield, Road Construction Standards and designed in accordance with the standards for public roads above except that the right-of-way shall be 40' wide and the pavement width may be reduced to 22 feet.

### **4.6.11 Open Space Protection**

Proper covenants and restrictions shall be imposed upon open space areas intended for preservation and shall be conveyed by one (1) or more of the following methods:

- a. Deeded to the Town in fee simple - no building permits shall be issued for any lot in the subdivision until the land is accepted by Town Meeting.
- b. Deeded in less than fee simple to the Town.
- c. Held in single, partner or corporate ownership provided, however, that development rights are transferred to the Town or some other comparable method of preserving the open space is provided.
- d. Held in common ownership by the residents of the development, provided such ownership is mandatory for all residents and is stipulated in the deed to individual dwelling units.
- e. Deeded, in whole or in part, to a non-profit organization dedicated to the conservation of natural open space.
- f. Deeded to the State of Connecticut for open space purposes.

### **4.6.12 Lighting**

All outdoor lighting shall be designed to prevent light from intruding directly into residential units and no exterior light shall be placed so as to shine directly outside of the ECRD area. Street lighting shall be designed to complement the overall design concept and shall be limited in intensity to that required for safety of vehicular and/or pedestrian circulation.

### **4.6.13 Signs**

All sign designs shall conform to the existing sign regulations in Section 8. of the Middlefield Zoning Regulations and shall be submitted to the Commission for approval.



#### **4.6.14 Method of Ownership**

Each ECRD shall be established with suitable legal organization and arrangements for ownership and management of common facilities, open space, utility systems and roads, including provisions for financing and maintenance. The management system shall be established in a timely manner, shall support the criteria for an ECRD and shall cover the elements hereinafter specified.

Dwelling units may be for sale or rent in individual or common interest ownership. A Community Association shall be established pursuant to the Common Interest Ownership Act (CIOA) for the ECRD and documentation as to the organization and incorporation of the Community Association shall be submitted to the Commission for review prior to the filing of the project mylars. All open space and supporting facilities shall be under specified ownership or easement with provision for maintenance, liability, financing, and the rights of access and use by residents of the ECRD, all of which shall be acceptable to the Commission, except that certain open spaces or facilities may be conveyed by fee simple or easement to the Town of Middlefield or a non-profit corporation if approved by the Commission (see Section 4.6.11).

#### **4.6.15 Supporting Services**

Where there are common properties and services in the ECRD such as roads and driveways, water supply systems, sewage disposal systems, recreational facilities, and open spaces, proper provisions shall be made for the operation, maintenance, and financing thereof on a private basis and without responsibility or liability for Town participation, except as to back-up supervision as required by the Sewer Avoidance Act.

#### **4.6.16 Application Procedures**

A request for the establishment of an ECRD 1 or 2 shall be by way of an application for a change in zone and approval of a conceptual development plan only after a public hearing has been held in accordance with the provisions of the Connecticut General Statutes. In approving an ECRD 1 or 2 and its development plan, the Planning and Zoning Commission shall find that applicable purposes and criteria of Sections 4.6.1 and 4.6.2 have been met.

The application process for the establishment of an ECRD 1 or 2 shall be as follows:

##### **A. Informal/Preliminary Plan**

A preliminary plan is encouraged and may be presented at a meeting of the Middlefield Planning and Zoning Commission prior to the filing of an application for an ECRD 1 or 2 rezone and development plan.

The purpose of this meeting is to receive comments and suggestions from the Planning and Zoning Commission which will assist the applicant in the preparation of the ECRD 1 or 2 Development Plan. If an applicant chooses to present a preliminary plan, the applicant shall submit those items listed in Section 4.6.16(c) in a sketch form.

##### **B. ECRD 1 or 2 Rezone and Development Plan Submission**

Applications for a change of zone to an ECRD 1 or 2 and coordinating approval of an ECRD 1 or 2 Development Plan shall be submitted to the Middlefield Planning and Zoning Commission for review. The rezone petition shall require a narrative description of the reasons supporting the change of zone, an explanation as to how the new zone will be in keeping with development of the Town of Middlefield as well as a plan showing how a "conventional" subdivision would be laid out on the property. Such plan shall be reviewed by the Commission in order to determine whether the parcel is better suited for development as an ECRD 1 or 2 or a standard subdivision.

##### **C. Concept Plan**

At a minimum, the ECRD 1 or 2 Development plan shall include the following information in schematic form:

1. All maps shall be at a minimum scale of 1" = 200'.
2. The applicant shall provide a location map showing the location of the ECRD 1 or 2 in relation to the surrounding streets and thoroughfares, existing zoning of the surrounding areas, existing land use on the site and surrounding areas within 500'.
3. The name and address of applicant, name and address of landowner(s), and written permission from the owner(s) entitling the applicant to make application and obtain approval in the applicant's name.
4. Name of project, north arrow, date, and scale.
5. The name and address of applicant's landscape architect, land planner, surveyor, architect, and engineer, if any;
6. Boundary information based upon the best available data;
7. A topographic survey, at a minimum, based upon the Town of Middlefield's topographic data (5-foot contour intervals);
8. A high intensity soil survey including the flagging of all inland wetland and watercourses by a certified soil scientist;
9. A master plan with topography which clearly identifies proposed land uses, the approximate location of residential lot lines and number of home sites, the location and type of proposed accessory and active recreational uses, open space, prominent natural environmental features such as large ledge outcroppings, lakes, ponds, streams or swamps, flood prone areas and the proposed location of roads, easements, buffers, public areas, and other major facilities.
10. A table showing the acreage for each category of land use including residential areas, roads, open space, commercial and accessory uses, recreation, wetlands and watercourses, flood prone areas, slopes greater than 30%, and a table of net residential densities for residential land uses.
11. Vegetation map.
12. Areas having slopes greater than 30%.
13. An engineering report regarding the disposal of sewage effluent and storm- water drainage.
14. An indication of the legal instruments to be provided for the management of common areas and facilities.
15. A statement with general information regarding provisions for fire protection.
16. A proposed phasing plan for the project.
17. A traffic impact report.
18. A typical dwelling unit location plan including the siting of individual dwelling units in residential development areas. Note: This house location plan shall not include proposed lot lines for the individual units. If subdivision is necessary, house locations on this plan may differ from those on the final subdivision plan approved by the Commission. Proposed lot lines shall be provided and approved at the time of subdivision approval under separate application.
19. The applicant shall also present a narrative detailed description of the project. This narrative should include information on the project's impact and benefit to the Town of Middlefield, including a project description, preservation of Middlefield's rural character, and any other information deemed appropriate.

#### **D. Design Concept Review**

The applicant shall present the rezone and development plan to the Commission during the public hearing and address how the ECRD 1 or 2 complies with the purposes and design requirements set forth in Section 4.6.1 of these Regulations.

#### **E. Referral**

An application for a rezone and conceptual development plan approval in accordance with these ECRD regulations may be referred to various town departments and agencies such as the Sanitarian,

Town Engineer, Park and Recreation Commission, Wetlands Commission, Fire Department, Conservation Commission and the land use regulatory agency(s) of an abutting municipality or any other department or agency deemed appropriate by the Commission.

Such municipal agencies and offices shall submit a written report to the Planning and Zoning Commission within forty-five (45) days of the referral of the site plan. Said report shall be received by the Commission a minimum of five (5) days prior to the Commission's next regularly scheduled meeting or any public hearing scheduled on the application in question.

The failure of any such municipal agency or office to submit a written report to the Planning and Zoning Commission within forty-five (45) days of receipt of the referral shall not prohibit the Planning and Zoning Commission from reaching a decision on the matter before it.

**F. Approval**

If the Middlefield Planning and Zoning Commission finds that the rezone and development plan application meet the criteria of the Connecticut General Statutes and Section 4.6.2 of these Regulations, the Commission may approve the rezone and development plan. Approval shall be deemed an amendment to the zoning regulations and an amendment to the zoning map.

**G. Revision of the ECRD Development Plan**

Any major or substantial change to an approved ECRD 1 or 2 Development Plan which affects the intent and character of the development, land use pattern, the location of roads, or similar substantial changes, shall be reviewed by the Planning and Zoning Commission. The Commission may hold a public hearing if it deems that the changes proposed require public comment. There will be no further necessity to submit a new zone change petition. If the requested changes are deemed to have a substantial effect on adjacent property owners, residents of the ECRD 1 or 2 or the general public, or involve an increase in density, the Commission shall cause a public hearing to be held prior to official action on said requested change. A request for a revision to the ECRD 1 or 2 Development Plan shall be supported by a written statement demonstrating the reasons the revisions are necessary or desirable. Minor revisions to the ECRD 1 or 2 Development Plan which do not affect the intent or character of the development shall be permitted by the Commission as an amendment to the required site plan.

Nothing in these regulations shall preclude adding any amount of new land area to an approved ECRD 1 or 2 provided that the new land is contiguous to and under the same ownership or control by a CIOA Association as that of the approved ECRD 1 or 2. This expansion may be for the benefit of other landowners; whose parcels are landlocked or are otherwise difficult to develop. Such expansion shall be subject to all provisions of this Section except that the new land area may be less than 10 acres in size. For purposes of this section the word contiguous shall mean land area abutting the approved ECRD 1 or 2 or on the other side of a public or private road or right-of-way that abuts the ECRD 1 or 2.

**H. ECRD Site Plan Approval**

After approval of the ECRD 1 or 2 rezone and approval of the conceptual development plan, but before zoning permits may be issued, site plan, and if necessary, subdivision approval must be obtained.

An application for Site Plan Approval for an ECRD 1 or 2 development which has already received approval for a change of zone and concept development plan shall not be required to readdress traffic impact and

other considerations outlined in Section 15 of these Regulations as those issues were previously addressed during the public hearing in the first portion of the approval process.

**I. Site Plan Submission Requirements**

An applicant who seeks approval of a site plan for an ECRD 1 or 2 shall submit the following:

A site plan, drawn to a scale of not less than 40 feet to the inch, showing development plan contents as listed in Section 15 of these Regulations.

**J. Site Plan Amendments**

Any major or substantial change to an approved ECRD 1 or 2 site plan must be reviewed and approved by the Planning and Zoning Commission before zoning permits may be issued or, if construction has commenced, before a certificate of zoning compliance may be issued.

**K. Project Phasing**

Nothing in these regulations shall preclude the applicant from phasing the development of an ECRD 1 or 2. Thus, the applicant may submit a site plan and/or a subdivision plan for one or more phases at a time, of an approved ECRD 1 or 2 Development Plan.\* The Middlefield Planning and Zoning Commission may establish, as a condition of its site plan approval, time limits for any development or phase of development. Such time limits are to apply to the start and completion of construction.

The Planning and Zoning Commission shall determine whether each project phase can safely and adequately sustain its residential population before granting approval. Accessory uses and private recreational features shall be developed in coordination with the residential development.

All work shall be completed within five years of the approval of the site plan. The certificate of approval of such site plan shall state the date on which such five-year period expires. Failure to complete all work within such five-year period shall result in the automatic expiration of the approval of such site plan. The Planning and Zoning Commission may grant one or more extensions of such five-year period, provided the total extension or extensions shall not exceed ten years from the date such site plan is approved. "Work" for purposes of this section means all physical improvements required by the approved plan.

\*If the applicant chooses to develop an ECRD 1 or 2 in phases, a preliminary plan showing the development of the entire site shall be submitted to the Commission for review.

## **4.7 CLUSTER SUBDIVISIONS**

### **4.7.1 Purpose**

The purpose of this Section is to allow for the flexible development of parcels of land by permitting cluster subdivisions in the AG-2 zone provided specific criteria are met and approval of a site plan is granted by the Planning and Zoning Commission. It is the intent of these Regulations to preserve the Town's scenic beauty and rural character by allowing for more desirable lot arrangements and configurations.

### **4.7.2 Design Criteria**

A cluster subdivision shall be permitted by the Commission provided the application meets a minimum of three (3) of the following criteria:

1. The proposal shall minimize the disturbance of the natural landscape and preserve natural features, including streams, rivers, ponds, and other areas of unique topography;
2. The proposal shall preserve land as unsubdivided common open space;
3. The proposal shall preserve land for park and recreation needs;
4. The proposal shall preserve and protect agricultural areas, scenic and natural areas and areas that are environmentally sensitive.

#### 4.7.3 Minimum Parcel Size

Cluster subdivisions shall be permitted on sites containing a minimum of five (5) contiguous acres.

#### 4.7.4 Density

AG-2 Zone: The density formula for the AG-2 zone shall be as follows:

Gross area minus 50% of soils with very low potential and extremely low potential for the installation of on-site sewage disposal systems (see Section 4.6.8 of these Regulations) divided by 2 (Gross Area - 50% Unsuitable Soils - 2 = Total Number of Lots Permitted).

#### 4.7.5 Lot Requirements

Minimum lot sizes as to depth, width and areas shall be as follows:

Minimum Lot Area .....	43,560 Square Feet*
Minimum Lot Width at Building Setback Line.	175 Feet
Minimum Lot Depth .....	150 Feet

\*Lot area shall be defined as that area of a lot measured along a horizontal plane bounded by the front, side, and rear lot lines. In determining compliance with minimum lot area requirements, land subject to easements for drainage facilities may be included provided that no less than 90% of the minimum lot area requirement is left unencumbered on the lot, but no street, highway, easement for vehicular access or private right of way for vehicles or utility easement, wetland, swamp, or watercourse may be included in the computation of lot area. Lot area as defined herein shall be contiguous.

Each lot shall contain a "minimum rectangle" of 100 feet by 130 feet which can be placed between a 10-foot setback from all property lines and a 50-foot setback from wetlands and watercourses. The "minimum rectangle" shall not include: (1) land subject to easements for drainage facilities, utilities, and vehicular access; (2) land classified as wetland, swamp, or watercourse; or (3) land with a slope in excess of 30% as measured over 100-foot intervals.

#### 4.7.6 Schedule of Height and Yard Requirements

RESIDENTIAL DISTRICTS						
District	Minimum Required					Maximum
	Lot Size	Lot Frontage	Front Yard Setback	Side Yard Setback	Rear Yard Setback	Building Height

Cluster Subdivision	1 acre	185'	60'	20' *	20' *	35'
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#### **4.7.7 Open Space**

Open Space shall be defined as a parcel or parcels of land or an area of water, or a combination of land and water, designed and intended for the use or enjoyment of the residents of the subdivision and/or the general public. Common open spaces may contain complementary structures and improvements necessary or desirable for educational, recreational, or cultural uses. Both active and passive recreation facilities for residents are encouraged and should be in locations easily accessible to the living units and where they do not impair the view and privacy of the living units. Informal children's play areas, formal parks, picnic areas, playgrounds, swimming pools, scenic open areas, community recreation facilities, agricultural or farming areas and ecologically and/or archaeologically sensitive areas are examples of the types of open space and recreational activities considered acceptable within parcels designated as Open Space.

#### **4.7.8 Dedication of Open Space**

A minimum of 30% of the gross area shall be dedicated for open space purposes for a cluster subdivision in the AG-2 zone. The Commission shall also determine whether the proposed open space is appropriate and meets the intent of these Regulations.

#### **4.7.9 Preservation of Open Space**

All Open Space, as shown on the final site development plan and recorded in the Office of the Town Clerk of Middlefield, must be conveyed by one (1) or more of the following methods:

- a. Deeded to Town in fee simple - no building permits shall be issued for any lot in the subdivision until the land is accepted by Town Meeting.
- b. Deeded in less than fee simple to the Town.
- c. Held in single, partner or corporate ownership provided, however, that development rights are transferred to the Town or some other comparable method of preserving the open space is provided.
- d. Held in common ownership by the residents of the development, provided such ownership is mandatory for all residents and is stipulated in the deed to individual dwelling units.
- e. Deeded in whole, or in part, to a non-profit organization dedicated to the conservation of natural open space.
- f. Deeded to the State of Connecticut for open space purposes.

#### **4.7.10 Subdivision Regulation Requirements**

All applicable Sections of the Middlefield Subdivision Regulations shall apply to parcels developed under this Section.

#### **4.7.11 Additional Requirements**

All applications for a Cluster Subdivision shall include the following additional information:

#### A. Cutting Plan

A cutting plan showing the existing tree species with their approximate height, diameter, and age, as well as identifying all trees to be removed. The Commission may permit the applicant to indicate general boundaries and descriptions of tree stands which are to be left undisturbed.

#### B. Open Space Plans

It is the intent of the Commission to preserve open space parcels of significant size, land which is environmentally sensitive, such as streambelts or ridgetops, land which borders existing open space and areas containing significant natural features, unusual terrain, vegetation, wildlife, or scenic vistas. The applicant shall submit a site analysis map showing significant features, environmentally sensitive areas, or other important features. The applicant shall also submit an open space plan showing the area to be preserved for open space, proposed uses of open space, any proposed trails, roads, activity areas or structures to be located thereon and the proposed means of preservation. Any subsequent changes in the use of open space shall require the approval of the Commission.

#### C. House Location Plan

The applicant shall submit a house location plan which shall show the location of the proposed house, well and sewage disposal system. The plan shall also note that the house, well and sewage disposal system locations are positioned to account for low-to-lot relationships so that minimum setback and separation distance requirements contained in local zoning and subdivision and State public health code regulations are maintained. The plans shall also indicate that in light of the above, the layout of lots are interrelated such that changes on one (1) lot could adversely affect the layout of surrounding lots. Therefore, any changes in the location of the house, well and sewage disposal systems deemed significant by the Town Sanitarian, Zoning Enforcement Officer, Town Planner, or Commission Chairman shall be referred back to the Planning and Zoning Commission for approval.

### **4.8 INTERIOR LOTS**

Interior lots shall only be used for uses permitted in the AG-I, AG-2, and MD zones and industrial uses permitted in the IPD-I and IPD-II zones by Special Permit and (re-) Subdivision. An interior lot may be permitted only after approval by the Town Planning and Zoning Commission. The applicant shall demonstrate to the Commission that interior lots are practical and appropriate due to topography, soil conditions, lot configurations or other relevant design factors; and that such use will be in harmony with the purpose and intent of the comprehensive plan.

#### **4.8.1 Access**

Access from an interior lot to a public road shall be on land which is owned in fee by the owner of the interior lot.

(1) Width of access strip:	<u>ZONE</u>	
	<u>Residential</u>	<u>Industrial</u>
Single access strip	25 feet	50 feet
Adjoining access strips	25 feet	30 feet

- (2) The number of adjoining interior lot access strips shall not exceed two.
- (3) Each access strip shall extend to an accepted public road or to a road in an approved subdivision and shall have frontage equal to the required width; on curved streets the frontage shall be measured on the chord or tangent of the curve, whichever is smaller.
- (4) The grade of the access strip shall not exceed 15.0 percent within 35 feet of its intersection with the accepted or approved road in a Residential District and shall conform to the Town Ordinance requirements for driveways. The grade of the access strip shall not exceed 10 percent within 35 feet of its intersection with the accepted or approved road in an Industrial Zone. All driveways with a grade over 10% shall be paved.
- (5) Minimum length of access strip shall be 150 feet.
- (6) Maximum length of access strip.

<u>ZONES</u>	<u>LENGTH</u>
Residential :	
AG-2 zone	1,100'
All other zones	500'
Industrial	700'

- (7) Access strips shall make adequate provision for water courses and run- off.

#### **4.8.2 Area**

Each lot shall contain in area not less than the minimum lot area required in the applicable zone. Private access strips shall not be included in calculation of the lot area.

#### **4.8.3 Maximum Number of Interior Lots Allowed**

The maximum number of interior lots shall not exceed one third of the total number of lots in any subdivision.

#### **4.8.4 Yard Requirements**

The following yard requirements shall be observed: The lot line or lines nearest the street to which the lot has access and most nearly parallel thereto shall be considered the street line for the purpose of establishing the building line.

<u>ZONE</u>	<u>AG-2</u>	<u>MD</u>	<u>INDUSTRIAL</u>
Minimum width on assumed street line as described above	200 ft.	185 ft.	230 ft.
Minimum Depth	200 ft.	200 ft.	200 ft.
Minimum depth			
Minimum width at minimum depth	150 ft.	150 ft.	175 ft.
Minimum setback from assumed street line	60 ft.	60 ft.	75 ft.



Minimum side and rear yards	20 ft.	20 ft.	30 ft.
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#### **4.8.5 Location**

No interior lot shall be located to the rear of another interior lot as determined by 09.05.05. above.

#### **4.8.6 Interior Lots of Record**

Interior lots of record shall not be divided or otherwise altered in area or dimension except in conformance with these Zoning Regulations. The use of right-of-way as access to interior lots of record shall establish such lots as non-conforming.

### **4.9 HOME OCCUPATIONS**

#### **4.9.1 Intent and Purpose**

Intent and Purpose - The Town of Middlefield recognizes the need for some citizens to use their place of residence for limited non-residential activities. However, the Town believes that the need to protect the integrity of its residential areas is of paramount concern. A "home occupation" approval is the method used to allow and to regulate non-residential activity within the Town's residential districts.

In essence, the objective of a "home occupation" approval is to allow a limited commercial-type activity in a residential area only to an extent that no neighbors or passersby will be aware, by outward appearance, of the activity. In practice, a "home occupation" approval gives the permittee the legal right to use his/her residence or accessory structure for a business telephone, business mailing address and related activities, but not to the extent that pedestrian and vehicular traffic are generated that is disruptive to the residential character of the neighborhood.

#### **4.9.2 Standards**

- a. The occupation is carried on by the residents of the dwelling and with no more than three non-resident employees.
- b. There shall be no external evidence of the operation of the home occupation so as to change the residential character of the dwelling, except that one sign of not more than two square feet in area shall be permitted.
- c. The storage of goods, materials or products connected with a home occupation are prohibited outside of the dwelling or accessory buildings.
- d. There shall be no entrance or exit way specifically provided in the dwelling for the conduct of the home occupation thereon.
- e. The total floor area for such occupation conducted within the dwelling shall not exceed 25% of the total living area of a dwelling or 500 square feet, whichever is less. Such occupation shall be limited to one room of the dwelling if conducted in the dwelling.
- f. Such occupation does not create offensive odors, noise, vibrations, light electrical interference, or other objectionable conditions as might adversely affect the neighborhood as to property value, health, safety, and welfare. There shall be no discharges of a hazardous or toxic substance to the air, surface water, groundwater, or ground.
- g. No product shall be displayed and no retail sales on the premise shall occur.
- h. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard. The Planner may require buffering or screening or designate the location of parking spaces associated with the home occupation.

#### **4.9.3 Application Requirements**

- a) Fee \$35.00
- b) Application form provided by Town with signature of property owner and applicant.
- c) Site Plan based on best available information showing lot lines, parking (existing and required), house and accessory structure, significant natural features, notations as to the distance to the dwellings within 300 feet of the proposed home occupation, and names of abutting property owners. The Planner may require compliance with Section 15 if it is deemed necessary to determine if the standards for home occupations are being complied with.
- d) Floor plan of dwelling or accessory structure indicating the area occupied by proposed home occupation.
- e) A description of the frequency and type of commercial vehicles and customer vehicles which will be associated with occupation.
- f) Verification that abutting property owners are aware of the application.

#### **4.9.4 Application Procedures**

- a) Applications shall require site plan approval.
- b) Home occupation approvals are not transferrable by an applicant and once a use has been discontinued for 90 days the approval becomes null and void.
- c) Failure to conduct the home occupation in accordance with the approved application shall result in the revocation of the approval.
- d) Home occupation permits may be renewed bi-annually provided there has not been any violation of the provisions of this section. Requests for renewals shall be submitted to the Zoning Enforcement Officer on a form provided by the Town. The Zoning Enforcement Officer shall make an inspection of the home occupation and renew the approval if it is in compliance with these regulations and the approved application.

### **4.10 NON-COMMERCIAL AND COMMERCIAL KENNELS**

Non-commercial and commercial kennels shall not be considered farming or agriculture.

#### **4.10.1 Non-Commercial Kennels**

Non-commercial kennels shall conform to the following Special Standards:

- a) The use shall be located on a lot of not less than two (2) acres.
- b) No buildings, enclosures, feed yards or runs for animals shall be located less than 60 feet from any property or street line;
- c) Adequate provision shall be made for off-street parking of automobiles and other motor vehicles of all persons using or visiting the use;
- d) When a non-commercial kennel is located in a residential district, or within 500 feet of a residential district, adequate provisions shall be provided for noise control by construction of all buildings or other enclosures wherein animals may be housed to achieve Sound Transmission Class .45 or greater, as discussed in the Industrial Noise Absorption Manual, published by the National Institute of Occupational Safety and Health, and further will be constructed so that no noise caused by the occupants is apparent from any street or property line. Enclosed runs shall be required when site conditions do not restrict noise as a possible nuisance condition;
- e) All animals shall be confined indoors between the hours of 9:00 p.m. and 7:00 a.m.
- f) The operator of the kennel shall be a resident of the premises on which the kennel is located;
- g) Buffering shall be required when deemed necessary by the Planning and Zoning
- h) Commission.

#### **4.10.2 Commercial Kennels**

Commercial kennels shall conform to the following Special Standards:

- a) The use shall meet the minimum lot area requirements specified for the zoning district in which the property is located, except in the AG-2 zone where the minimum acreage is 5 acres.
- b) All buildings related to the commercial kennel or outside exercise area for animals shall meet the minimum setback requirements specified for the zoning district in which the property is located, except in the AG-2 zone where the minimum setback from the nearest property line shall be at least 150 feet and 50 feet from any wetland or watercourse. The Commission may require fencing, earth beams, and/or landscaping, as it deems necessary to assure that the proposed use will not negatively impact abutting properties.
- c) In the AG-2 zone the maximum building coverage is five (5) percent for commercial kennel structures.
- d) All pens and runs shall be enclosed in a structure constructed of concrete block or other solid construction, which will have the equivalent sound deadening qualities. No pens or runs shall access directly to the outside. Doors accessing pens or runs or to the outside shall be of solid core construction. Ceilings shall have the similar sound deadening qualities as the walls of the structure. Pens and runs shall be climate controlled there shall be no open windows. Windows shall be double paned to prevent the transmission of sound. Outside exercise areas may be provided where animals are permitted to exercise, provided the animals are on leashes or under the control of a handler and shall not be housed in such areas and use by animals shall be temporary and only during normal business hours of the kennel; and provided further that such areas will be located in compliance with section 5.7 No noise caused by the use shall exceed the State of Connecticut DBA Noise Standards when measured at any lot line.
- e) Off-street parking shall be provided on the parcel with at least one car space for each fulltime employee or equivalent and in addition there shall not be less than five car spaces for visitors.
- f) Provisions for the treatment and management of waste shall be in accordance with the Connecticut Public Health Code, Regulations of the Connecticut Department of Agriculture, and if applicable, the Meriden, Middlefield, or Middletown Water Pollution Control Authority.
- g) The Commission may refer such applications to town, regional or state agencies, as it deems appropriate.

#### **4.11 VETERINARIAN CLINICS STANDARDS**

- a) Veterinary clinics shall be for the purpose of providing veterinary services only. Boarding and grooming of healthy animals will not be permitted.
- b) All facilities shall be indoor and enclosed and shall be constructed in such a way as to satisfy all general environmental performance standards as stipulated in Section 21 of the Middlefield Zoning Regulations.
- c) Veterinary clinics shall be restricted to those roadways shown in the Plan Development as collector or arterial streets. (Routes 66, 157, 147 etc.)
- d) Adequate off-street parking for staff and patrons shall be provided and the parking area shall be shielded from view from the road.
- e) Any animal that dies while at the clinic or any animal that is dead on arrival that is left for disposal shall be stored indoor and frozen. Disposal will be done off site. Cremation or burial of animals will not be permitted on the property. Pathological waste shall be disposed of in the same manner as animal carcasses.
- f) The lot shall conform to the Zoning Regulations.

- g) Total impervious area shall not exceed 20 percent; non-pervious surfaces are not included in the impervious calculation.

#### **4.12 ACCESSORY APARTMENTS**

The intent of this regulation is to promote the creation of accessory apartments for the purpose of providing affordable rental housing in the Town of Middlefield. Accessory apartments are further intended to encourage the viability of single-family zones and provide housing diversity throughout the Town.

- a) With additions, a dwelling shall not exceed the total allowable lot coverage of the zoning district.
- b) An owner of the structure must live in the principal or accessory dwelling unit.
- c) The number of additional dwelling units allowed is one. Accessory Dwelling units are not allowed on lots with multi-family housing structures.
- d) The maximum size for an accessory dwelling unit shall not exceed 800 square feet.
- e) The maximum number of bedrooms in an accessory unit shall be one.
- f) One parking space is required for the accessory dwelling unit.
- g) Well water and septic must be approved by the Plainville Southington Health Department. If in a sewer area, approval is required by the WPCA.
- h) Detached accessory structures may be used for accessory dwelling units provided they meet all the bulk and area requirements for the district they are located in and the requirements of the regulation. No variances are allowed to accommodate detached accessory dwelling units.
- i) Accessory Dwelling Units are allowed by Site Plan Approval.

#### **4.13 GROOMING FACILITIES**

Standards for Residential Districts

- a) No outside employees.
- b) Maximum of five (5) clients (dogs and/or cats) per day.
- c) Hours of operation limited to 8:00 a.m. to 5:00 p.m. Monday through Friday.
- d) Minimum separation distance between facility and neighboring residence 50 feet.
- e) No outside runs.
- f) All animals will be leashed and/or caged when dropped off and picked up.
- g) Approval of the use by the Middlefield Health Department including the list of all chemicals and processes to be utilized.
- h) Compliance with all State of Connecticut regulatory requirements of grooming facilities.
- i) The applicant shall apply for a renewal of the special permit every two (2) years to assure compliance.
- j) No adverse odors.
- k) The Commission may impose such screening, buffering, separation distances or other conditions between the facility and neighboring residences, as it deems necessary to protect abutters from possible negative impacts.

## SECTION 5 COMMERCIAL DISTRICTS

### 5.1 PURPOSE

The purpose of these regulations is to provide for a detailed review of all proposed commercial development. The primary goals are to ensure compatible development with adjacent areas, to protect the rights of property owners and to encourage sound planning principles.

### 5.2 DESIGNATION OF COMMERCIAL DISTRICTS

District Name	District Symbol	Description
Planned Commercial	PC	
Planned Office	PO	
Route 66 Design District #1	DD#1	
Route 66 Design District #2	DD#2	

### 5.3 PERMITTED USES

Permitted Uses in Commercial Districts are listed in the table below. All other uses are prohibited except as stated herein.

ZP- Zoning Permit, SP- Special Permit, P- Site Plan, NA- Not Allowed				
Uses	PC	PO	DD#1**	DD#2**
Automobile Sales in conjunction with or accessory use of property as a public garage and/or gasoline service station	NA	SP	NA	SP
Automotive Sales Agency, Trailer or Camper Sales,	NA	SP	NA	SP
Bakeries, Confectioneries	SP	SP	SP	SP
Banks, Financial Institutions with or without drive thru windows and/or drive-up automated teller machines (ATMs)s	SP	SP	SP	SP
Banquet, Conference and Meeting Facilities	SP	NA	SP	SP
Buildings and Uses of Public Service Companies	SP	SP	SP	SP
Churches and Religious Institutions	SP	SP	SP	SP
Child Day Care Facilities	P	NA	NA	NA
Excavation, removal, or deposition of earth products in excess of 50 cubic yards but less than 500 cubic yards.	ZP	ZP	NA	NA
Existing Residential Uses and their Expansion (1)	P	P	P	P

Grocery Store	NA	NA	SP	SP
Grooming Facilities- Animal Per Section 4.13	SP	NA	NA	NA
Hotels, Inns and Motels	SP	SP	SP	SP
Kennels, Commercial	SP	SP	NA	NA
Laundry or Dry-Cleaning Establishments	SP	SP	SP	SP
Limited Warehousing, Mini-Warehouses, Self-Storage Units (no outdoor storage)	NA	NA	SP	SP
Mixed Use- Residential up to 50 % Overall Site Floor Area	SP	SP	NA	NA
Nurseries or Garden Supply Shops	P	P	SP	SP
Outdoor Recreation Facilities	SP	SP	NA	NA
Parks, Playgrounds, Fire Departments, Libraries, Office Buildings, Police Departments, Ambulance Headquarters, or other Municipal Buildings and uses of the Town of Middlefield	SP	SP	SP	SP
Private Medical and Health Care Facilities including hospitals, , continuing care facilities, convalescent facilities, and other facilities serving the medical needs of the non-elderly and elderly populations	SP	SP	SP	SP
Private, Non-profit clubs or lodges	SP	SP	NA	NA
Professional Offices, Studios, Medical Offices, Medical clinical services	P	P	SP	SP
Public Garages, Gasoline Service Stations with a min. 3,000 sq. ft. retail building	NA	NA	SP	N/A
Restaurants	SP	SP	SP	SP
Personal Service Shops	P	P	SP	SP
Retail Businesses	P	P	SP	SP
Theaters, Bowling Alleys, Places of Indoor Entertainment	SP	SP	SP	SP

(1) The Commission may waive the applicable requirements for Site Plan Review.

\*\* A mix of approved uses in DD1 and DD2 may be provided on the same lot

## 5.4 DIMENSIONAL STANDARDS

### COMMERCIAL DISTRICTS

<u>District Symbol</u>	<u>Minimum Required</u>	<u>Maximum</u>

	<u>Lot Size</u>	<u>Lot Frontage</u>	<u>Front Yard Setback</u>	<u>Side Yard Setback</u>	<u>Rear Yard Setback</u>	<u>Building Height</u>	<u>Building Coverage</u>	<u>Combined Coverage of Buildings, Structures, Parking Areas *</u>
PC	1 acre	185'	50'	25'	25'	45'	25%	60%
PO	12 acres	200'	100'	100'	100'	n/a	20%	50%
DD#1	3 acres	185'	50'	25'	25'	35'	25% w/o sewers: 30% with sewers	60% w/o sewers 60% with sewers
DD#2	1 acre	185'	30'	25'	25'	35'	25% w/o sewers: 30% with sewers	60% w/o sewers 75% with sewers

\* The maximum combined lot coverage shall include all buildings, accessory structures, paved areas, and any other impervious surfaces. The remaining percentage of the lot shall be left in its natural state unless buffered areas, formal or informal landscaped parking areas (excluding parking islands), lawn or gardens are to be provided.

## **5.5 GENERAL REQUIREMENTS**

### **5.5.1 Lot Reductions**

No lot shall be reduced so that the area of the lot or the dimensions of the open space shall be smaller than herein prescribed for the district in which said located.

### **5.5.2 Vision Obstructions**

On any lot, no wall, fence, or other structure shall be erected or altered, and no hedge, tree, shrub, or other growth shall be maintained, which may cause danger to traffic on a public street by obscuring the view.

### **5.5.3 Access for Fire Apparatus**

No building shall be erected or occupied for residential or any other purpose on any lot unless such lot has a frontage or not less than twenty-feet (20) on a public street, or an unobstructed right-of-way not less than 20 feet wide leading to a public street.

## **5.6 ROUTE 66 DESIGN DISTRICTS**

### **5.6.1 Purpose**

The purpose of establishing the Route 66 Design District is to encourage the orderly development of the district for primarily retail and office uses while retaining the rural community identity which characterizes Middlefield provided certain criteria are met:

- Preserve and permanently protect natural features of land including views, vistas, terrain, geological features, indigenous vegetation, inland wetlands, and watercourses;
- To achieve a design of structures which is sensitive to the architectural character of Middlefield in terms of the use of materials, massing and location of structures, landscaping, and signage;
- To control access to Route 66 for efficient and safe traffic flow.

### 5.6.2 Parking Standards

Parking shall be in accordance with Section 9 of these regulations; provided that no parking except as otherwise provided in this Section shall be allowed in any Front or Rear Yard setbacks for parcels of two acres or larger in size. No more than five (5) parking spaces serving a self-storage facility located in Design Development District #1 shall be located in the required front yard.

### 5.6.3 Site Access

Points of access to Route 66 shall be limited to one per property or one every 500 feet of frontage whichever is greater. When two adjacent properties under separate ownership share a single access, each property may receive a bonus to permit a 30% maximum building coverage and 75% lot coverage; but, in any event, the Commission may require provisions for shared access for any site. Where possible, the use of interior drives parallel to Route 66 to limit access points is encouraged.

Where topographic and other conditions permit, provisions shall be made for circulation driveway connections to adjoining lots of similar existing or potential use 1) when such driveway connection will facilitate fire protection services, as approved by the First Selectmen and Town Fire Marshal, or their agents, and/or 2) when such driveway will enable the public to travel between two existing or potential sites, open to the public generally, without need to travel upon a public street.

\* Developed lots of record as of the effective date of this amendment either non-conforming or approved under the Planned Commercial Regulations shall follow dimensional requirements for Design District 2.

### 5.6.4 Landscaping

The portions of the site not included within the lot coverage shall be landscaped with grass, trees, shrubs, and other appropriate plantings. To the greatest extent possible, landscaped areas shall contain indigenous vegetation either as a result of retaining existing vegetation or new plantings.

### 5.6.5 Design Guidelines

As discussed in 5.5.1 Purpose, a criterion to be addressed in the Route 66 Design District is a design of structures which is sensitive to the architectural character of Middlefield. Therefore, in addition to the standards of Section 15 and 16, preferred structural elements include:

- The use of wood clapboard, brick, and other natural materials for the exterior of structures
- The use of roof details such as dormers, roof pitches, etc.
- A scale of buildings which are comparable with other buildings on the site and encourage pedestrian movement among the buildings
- Avoid long, unarticulated structures

Preferred signage design:

- Signs should be proportioned to the scale of buildings and site
- Use natural materials (stone, brick, or wood)
- Integrate landscaping with signage where appropriate

### 5.6.6 Self-Storage Facilities

- A. **Excluded Uses-** The use of real property as a “Self-Storage Facility” may not include any of the following activities: outdoor storage; outdoor parking of vehicles for other than self-storage patrons and facility employees; human or animal habitation; patron activity other than that reasonably necessary for the



storage or removal of personal property, including the repair, maintenance, improvement, sale, or creation of personal property. This listing of excluded activities is intended to be illustrative only and not exhaustive.

#### **B. Additional Criteria and Considerations**

In addition to the site plan and special permit criteria provided in Sections 15 and 16 of these Regulations, all self-storage facilities shall meet the following additional criteria and be subject to the following considerations:

1. A minimum of 15 percent of all units offered for rent shall be climate- controlled for temperature and humidity.
2. A minimum of 50 percent of the floor area of all units offered for rent shall be located at least two hundred (200) feet back from the public highway line.
3. All land used as part of a self-storage facility shall front exclusively on a State highway and all vehicular access to a self-storage facility shall be exclusively to and from a State highway.
4. A self-storage facility shall include an on-site office for customer support during established hours and the sale of items relating to moving and self- storage. The portion of any building where such office is located shall present the external appearance of a two-story building.
5. Patron access to a self-storage facility shall only be permitted between the hours of 6:00 a.m. and 10:00 p.m.
6. No self-storage facility unit may be interconnected with any other unit except via a common hallway or other common accessway.
7. No water supply or drainage plumbing shall be installed or used in any self- storage unit, except as reasonably necessary to provide climate control in climate-controlled units.
8. No more than five (5) delineated parking spaces shall be required at a self-
9. storage facility. Temporary parking incidental to the loading and/or unloading of a storage unit may take place in areas of driveway proximate to the storage unit being accessed. Access to a self-storage facility may be controlled by an electronically controlled gate or another similar device. Any such gate or any associated controls shall be considered a fence or part of a fence.
10. In order to maintain and promote diversity of uses in the Design Development Districts, the Commission may consider the number of already- existing self-storage facilities in the Design Development District in determining whether to approve an application for additional self-storage facilities. No self-storage facility shall be located or operated on a parcel of land less than fifteen (15) acres.
11. The site plan for a self-storage facility shall include depictions and/or samples of architectural, landscaping, fencing and other design elements and photometric drawings and cut sheets for lighting fixtures.
12. Where improvements associated with a self-storage facility are adjacent to areas zoned for residential use, a site plan for a self-storage facility shall include provisions for fencing, landscaping, and other buffering to attenuate light, noise, and visual impacts on the adjacent residentially-zoned property.

### **5.7 OUTDOOR RECREATIONAL FACILITIES**

#### **5.7.1 Principal Uses**

Apparatus Play	Rallies
Archery	Religious services
Art Exhibits	Reunions

Baseball	Rhythmical games
Basketball	Riflery
Bicycling	Scuba diving
Bird Watching	Short-term, event-based camping in conjunction with approved events. Applicant is required to obtain a license from the First Selectman for camping events in accordance with section 19a-435 through 19a-443 of the Connecticut General Statutes.
Boating	Shuffleboard
Bowling on Green	Skiing
Canoeing	Skin Diving
Conferences	Sledding (snow)
Cookery	Snow play
Cricket	Soccer and other field Sports
Croquet	Social dancing
Day Camping (children)	Softball
Drama	Speeches
Field Hockey	Spraying
Folk Dancing	Square Dancing
Golf	Swimming and diving
Group singing	Tag, games, relays
Handball	Tennis and other court and racket games
Handicrafts	Theatre, summer
Health club activities	Tobogganing on snow
Hiking	Tubing
Horseback riding	Track and Field
Horseshoe pitching	Volleyball
Hunting	Wading, pools
Ice Skating	Water skiing
Informal Vigorous play	Water sliding
Kite Flying	Workshops
Meetings	
Mountain Coasting	
Musical performances	
Outings	
Picnicking	

### 5.7.2 Incidental Uses

A. Such use includes facilities for the provision of goods and services incidental to the outdoor cultural activities being conducted. Only the following incidental uses are permitted:

Bath houses, dressing areas, cabanas	Recreational Campground
Chair lifts, towers and associated mechanical equipment	Restaurant
Club House	Short-term, event-based camping
Dining Hall	Snack bar and/or concession stand
Docks	Snow making equipment
Emergency medical facilities	Sound amplification system
Equipment storage	Staff building
Lighting	Stage (indoor or outdoor)

Lodge	Swimming pools
Manmade water bodies, causeways and falls	Tube runs
Non-motorized coaster vehicles	Water filtration/pump facilities
Outdoor pavilion	Water slides
Parking areas- car and bus	Wave pool

**\*\***Provided however that such facilities, to be included within these regulations so as to be exempt from the zone classifications and restrictions within which they would otherwise fall, if considered alone, must be provided solely as incidental to the principal outdoor, recreational or cultural activities conducted on the premises and not so conducted as to constitute independent or separable commercial or business activities drawing any significant portion of their clientele or patronage from persons not upon the premises principally as participants in or spectators of such recreational activities.

## B. Recreational Campground

**Definition:** Recreation Campground. A parcel of land used for the parking of camper units or the establishment of overnight living quarters, such as tents or other temporary shelters, and occupied temporarily by families engaged in travel.

1. Camping Season shall run from April 15<sup>th</sup>-October 31<sup>st</sup>.
2. The layout and operation of recreational camping grounds shall conform to the provisions of Section 19-13-B97 of the Connecticut Public Health Code, as amended
3. The Commission may require a buffer of plantings if located within 200' of a residential structure.
4. No campsite or camper unit shall be occupied except during the camping season of April first through the following November first.
5. No campsite may be occupied for longer than 7 days.
6. One or more service buildings shall be provided containing adequate toilet and bath facilities.
7. Adequate provision is made for safe travel within the campsite and access by emergency vehicles.
8. No camper unit or tent shall be located within twenty (20) feet from any other camper unit or tent.
9. An application for recreational camping shall include:
  - a. Name of owner, names of adjoining owners.
  - b. Number and dimensions of campsites.
  - c. Location of service buildings.
  - d. Season of operation if seasonal.
  - e. Location of residence of custodian.
  - f. Location of buffer strips.
  - g. Available water supply, capacity and test results.
  - h. Location of proposed sewage disposal system with results of percolation tests conducted in accordance with the Connecticut Public Health Code; or if not providing full hook-ups with sewer means of pumping trailers and proper disposal of waste.

### **5.7.3 Prohibited Activities**

#### **A. Residential Housing**

Except as provided herein, no portion of any premises being used pursuant to these provisions shall be used or occupied as places of principal residence or for homes by participants, spectators, guests, patrons or employees, except by the family of one resident owner or corporate officer or business manager plus the family of one resident employee, unless it is located within and conforms with the requirements of a residential zone, or constitutes a valid non-conforming use.

For an outdoor recreational facility with an area in excess of one hundred acres, no portion of and premises being used pursuant to these provisions shall be used or occupied as places of principal residence or for homes by participants, spectators, guests, patrons or employees, except by the families of not more than two resident owners or corporate officers or business managers, plus the families of not more than seven resident employees, unless it is located within and conforms with the requirements of a residential zone, or constitutes a valid non-conforming use.

#### **B. Independent Commercial or Industrial Enterprises**

No independent commercial or industrial activity shall be carried on upon such premises unless it is located within and complies with the requirements of the appropriate commercial or industrial zone, or constitutes a valid, nonconforming use.

In addition to such reasonable criteria as the commission may employ in determining compliance with these regulations, it shall be considered conclusive proof that such premises are being used in violation of these provisions if:

1. goods manufactured, assembled, or processed upon the premises are transported away from said premises for sale, delivery or use elsewhere.
2. if the management, owners, lessees, permittees, or occupants of such premises advertise to the general public the sale or rental of any goods or services available upon the premises for use or consumption there or elsewhere independently of the outdoor recreational facilities available or activities conducted upon the premises or other than as incidental to the principal outdoor recreational or cultural use of the premises.

### **5.8 COMMERCIAL KENNELS**

Commercial kennels shall conform to the following Special Standards:

- a) The use shall meet the minimum lot area requirements specified for the zoning district in which the property is located, except in the AG-2 zone where the minimum acreage is 5 acres.
- b) All buildings related to the commercial kennel or outside exercise area for animals shall meet the minimum setback requirements specified for the zoning district in which the property is located, except in the AG-2 zone where the minimum setback from the nearest property line shall be at least 150 feet and 50 feet from any wetland or watercourse. The Commission may require fencing, earth beams, and/or landscaping, as it deems necessary to assure that the proposed use will not negatively impact abutting properties.
- c) In the AG-2 zone the maximum building coverage is five (5) percent for commercial kennel structures.
- d) All pens and runs shall be enclosed in a structure constructed of concrete block or other solid construction, which will have the equivalent sound deadening qualities. No pens or runs shall access directly to the outside. Doors accessing pens or runs or to the outside shall be of solid core construction. Ceilings shall have the similar sound deadening qualities as the walls of the structure. Pens and runs shall be climate

controlled there shall be no open windows. Windows shall be double paned to prevent the transmission of sound. Outside exercise areas may be provided where animals are permitted to exercise, provided the animals are on leashes or under the control of a handler and shall not be housed in such areas and use by animals shall be temporary and only during normal business hours of the kennel; and provided further that such areas will be located in compliance with section 5.7(b). No noise caused by the use shall exceed the State of Connecticut DBA Noise Standards when measured at any lot line.

- e) Off-street parking shall be provided on the parcel with at least one car space for each fulltime employee or equivalent and in addition there shall not be less than five car spaces for visitors.
- f) Provisions for the treatment and management of waste shall be in accordance with the Connecticut Public Health Code, Regulations of the Connecticut Department of Agriculture, and if applicable, the Meriden, Middlefield, or Middletown Water Pollution Control Authority.
- g) The Commission may refer such applications to town, regional or state agencies, as it deems appropriate.

## **5.9 NON-COMMERCIAL KENNELS**

Non-commercial kennels shall conform to the following Special Standards:

- a) The use shall be located on a lot of not less than two (2) acres.
- b) No buildings, enclosures, feed yards or runs for animals shall be located less than 60 feet from any property or street line;
- c) Adequate provision shall be made for off-street parking of automobiles and other motor vehicles of all persons using or visiting the use;
- d) When a non-commercial kennel is located in a residential district, or within 500 feet of a residential district, adequate provisions shall be provided for noise control by construction of all buildings or other enclosures wherein animals may be housed to achieve Sound Transmission Class .45 or greater, as discussed in the Industrial Noise Absorption Manual, published by the National Institute of Occupational Safety and Health, and further will be constructed so that no noise caused by the occupants is apparent from any street or property line. Enclosed runs shall be required when site conditions do not restrict noise as a possible nuisance condition;
- e) All animals shall be confined indoors between the hours of 9:00 p.m. and 7:00 a.m.
- f) The operator of the kennel shall be a resident of the premises on which the kennel is located;
- g) Buffering shall be required when deemed necessary by the Planning and Zoning Commission.

## **5.10 RESTAURANTS**

All restaurants shall require a Special Permit in accordance with Section 16 of these Regulations and, in addition, the following requirements and standards.

### **5.10.1 Standards**

- a) Food service shall be primarily to customers seated at tables or at counters within an enclosed building. There shall be no outdoor seating or eating, provided, however, that the Commission may permit outdoor cafe service as an accessory use to a restaurant where the applicant establishes that adequate provisions have been made for litter, public health, insect/pest control, unauthorized access or use, and where the site is suitable for such accessory outdoor cafe service.
- b) The Commission may approve a specific request for drive-through service as an accessory use to a restaurant, provided that the applicant demonstrates, to the satisfaction of the Commission, that adequate provision has been made for the stacking of adequate numbers of vehicles in a lane which is separate from the traffic circulation pattern associated with the restaurant and its parking area. Likewise, the Commission may approve a specific request for outdoor window service as an accessory use to a restaurant,

provided that the applicant demonstrates, to the satisfaction of the Commission, that adequate provision has been made for pedestrians to park and safely reach the window, without crossing through adjacent lanes of moving traffic or stacking lanes for drive-through service; and a covered, sheltered, illuminated area has been provided for pedestrians adjoining the drive-in window.

- c) Take-out service of food to be consumed off the premises may be permitted as an accessory use to a restaurant. Take-out restaurants as a principal use are prohibited.
- d) No restaurant located as the principal use of a building on a separate lot shall have fewer than thirty (30) seats for the service of patrons, excluding counter seats, and table seats in a separate bar or tap room. A restaurant which is part of a unified shopping center or other multi-use (i.e., more than two principal uses) shall have no fewer than ten (10) seats for the service of patrons, excluding counter seats, and table seats in a separate bar or tap room.
- e) The foregoing restrictions on minimum seating shall not apply to the retail sale of specialty foods to be consumed primarily off the premises, with only incidental on-premises consumption, such as ice cream and donut shops, delicatessens, gourmet and health food stores, and the like.

#### **5.10.2 Fast Food Additional Standards**

Fast food restaurants, shall be required to meet the following additional standards:

- a) The applicant shall provide a traffic study prepared by a qualified traffic engineer which contains, at a minimum, an analysis of current and projected traffic volumes, peak hour projections, turning movements, sight lines, parking demands, access for emergency vehicles, deliveries and loading, and such other factors as may be relevant for the particular site and its conditions.
- b) Buildings shall be designed to serve the intended use, and to be in harmony with the architectural character of a small rural Town. Buildings are not to be advertisements in themselves, including the use of "motif" colors. All building designs must be approved by the Commission per Section 10.02B of these Regulations.
- c) Glass shall occupy no more than thirty (30%) percent of the exterior wall surface of the building, and all glass shall be tinted. Glass shall not be reflective.
- d) No "fast food" restaurant shall be located less than five hundred (500') feet from any Residential Zone, measured from any point on the site to any zone line.
- e) The control of litter shall be the sole and exclusive responsibility of the owner/operator of the "fast food" restaurant which generated it, and adequate provisions shall be made for its containment, recovery, and removal from the site and from any surrounding properties where it may be found. This obligation shall be secured by a cash bond to be posted with the Commission, the size of which shall be determined by the Commission based on the size and anticipated volume of off-site consumption of food. Further, violation of this provision shall be considered a violation of these Regulations and shall subject the owner/operator to those penalties set forth in these Regulations and the Connecticut General Statutes.
- f) Menu boards for accessory drive-through shall be no more than eighteen (18) square feet in area.

- g) Directional signs at driveways or other locations shall be considered “signs” and shall count toward the maximum number and square footage of signs permitted under Section 8 if such signs contain motif colors or symbols of occupant of the premises.
- h) There shall be no music or other audio transmission audible outside of the building.

## SECTION 6 INDUSTRIAL DISTRICTS

### 6.1 PURPOSE

### 6.2 PERMITTED USES

The schedule below indicates permitted uses in the Industrial Zone. Uses not listed should be considered prohibited. Anything to the contrary notwithstanding, residential uses, as defined in Connecticut General Statutes Section 8-30g or any judicial interpretation thereof shall be prohibited.

ZP- Zoning Permit, SP- Special Permit, P- Site Plan, NA- Not Allowed

<b><u>Uses</u></b>	<b><u>IN</u></b>	<b><u>IPD1</u></b>	<b><u>IPD2</u></b>
Accessory caretaker's apartment, one-unit apartment occupied by the owner, manager, caretaker, or janitor for purposes of securing the premises. The unit shall be located in the existing building at least five (5) years old before conversion; shall not exceed 15% of the area of the building(s) on the premises. Such use shall be accessory to an active industrial use.	SP	SP	SP
Accessory retailing of products assembled or manufactured on the premises, where such showroom is separated from the manufacturing or work area by permanent partitions and shall be limited to no more than 25% of the building area.	P	P	P
Accessory roadside stand for sale of farm products	P	P	P
Accessory uses when located in the same building or on the same building lot as the principal use	ZP	ZP	ZP
Administrative and support services	P	P	P
Agricultural or farm uses (subject to Section 11)	ZP	ZP	ZP
Analytical, pharmaceutical, and commercial laboratories including product testing	P	P	P
Apparel manufacturing	SP	SP	SP
Art galleries, art dealers and artist's studios	P	P	P
Automobile and equipment service, public garage with no on-site retail	P	P	P
Beverage, Tobacco, Product Pharmaceuticals, and Marijuana Manufacturing	SP	SP	SP
Broadcasting and telecommunications	P	P	P



Building, development and general contracting	P	P	P
Churches and religious institutions	NA	NA	NA
Computer and Electronic product manufacturing	P	P	P
Contractor's yard, for the storage of lumber and building materials without wholesale or retail sales, plumbing, heating, electrical, industrial, hardware and contracting establishments.	SP	SP	SP
Contractor's yard, general contracting establishments, yards for the storage of lumber and building materials with wholesale or retail sales, plumbing, heating, electrical, industrial, hardware and contracting establishments on-site retail shall be limited to no more than 25% of the building area	SP	SP	SP
Crematoria (animal or human)	SP	SP	SP
Day Care Center, Adult	P	P	P
Day Care Center, Child	P	P	P
Electrical equipment, appliance, and component manufacturing	P	P	P
Employment Agencies	P	P	P
Energy production by using solar, wind or hydro-thermal	SP	SP	SP
Excavation, removal, or deposition of earth products in excess of 500 cubic yards in accordance with Section 14.5	SP	SP	SP
Executive and Administrative offices	P	P	P
Experimental and research laboratories including theoretical research in all the science, product development, engineering development and sales development	P	P	P
Fabricated metal products manufacturing	P	P	P
Floral arrangements, preparation of, for off-site use; on-site retail shall be limited to no more than 25% of the building area	P	P	P
Food manufacturing	P	P	P
Food processing, on-site retail shall be limited to no more than 25% of the building area	P	NA	NA
Furniture and related product manufacturing	P	P	P

General Freight Trucking	SP	SP	SP
Gift, consignment, and antique shops	P	P	P
Glass and Mirror Fabrication	P	P	P
Grooming Facilities	SP	SP	SP
Gymnasium, fitness, or wellness center	SP	SP	SP
Handcraft shops, no outside storage and on-site retail is limited to 25% of the building area	P	P	P
Heavy Construction	SP	SP	SP
Hospital, sanitarium, or cemetery	NA	NA	NA
Indoor Recreational facilities	SP	SP	SP
Information services and data processing services	P	P	P
Kennels-commercial	NA	SP	SP
Leather and allied product manufacturing	P	P	P
Machinery manufacturing	P	P	P
Management companies and enterprises	P	P	P
Medical, dental, optometrist offices and optical sales	P	P	P
Motion picture and sound recording industries	P	P	P
Non-metallic mineral products manufacturing	P	P	P
Outdoor recreational facilities subject to Section 5.6	SP	SP	SP
Parks, playgrounds, fire departments, libraries, office buildings, police departments, ambulance headquarters or other municipal buildings and uses of the Town of Middlefield	P	P	P
Photographic studio	P	P	P
Plastics manufacturing	P	P	P
Postal service, couriers, and messengers	P	P	P
Primary metal manufacturing	P	P	P
Principal dwelling	NA	NA	NA
Printing and related support activities	P	P	P

Private non-profit club or lodge, philanthropic institution	NA	NA	NA
Public service company, building and uses	SP	SP	SP
Publishing industries	P	P	P
Restaurant, Full-Service	SP	SP	SP
Restaurant, Full-Service, accessory entertainment	SP	SP	SP
Rooming House, tourist home, motel	NA	NA	NA
Secondary school or college profit schools	SP	NA	NA
Services to buildings and dwellings	P	P	P
Sign making	P	P	P
Special Trade Contractors without outside storage	P	P	P
Special Trade Contractions with outside storage	SP	SP	SP
Textile mills and product mills	P	P	P
Towers, antennae, and other similar structures as a principal use	SP	SP	SP
Transportation equipment manufacturing	P	P	P
Utilities	P	P	P
Warehouse and storage	P	P	P
Waste management and remediation services, excluding landfills and no outside storage of materials	SP	SP	SP
Wholesale trade durable and non-durable goods	P	P	P
Wood products manufacturing including woodworking/millwork shop	P	P	P

### **6.3 GENERAL STANDARDS FOR GENERAL INDUSTRIAL DISTRICT**

- a) Off Street Parking and loading spaces shall be provided as required in Section 9.
- b) No dust, dirt, fly ash or smoke shall be emitted into the air as to endanger the public health and safety, to impair the safety, value, and enjoyment of other property or to constitute a critical source of air pollution by itself or in conjunction with other existing sources of dust, dirt, fly ash or smoke.
- c) No offensive odors or noxious toxic or corrosive fumes or gases shall be emitted into the air.
- d) With the exception of time signals and noise necessarily involved in the construction or demolition of buildings and other structures, no noise which is objectionable due to volume, intermittence, beat frequency or shrillness shall be transmitted outside the property where it originates.

- e) The use shall be arranged so that any glare or radiant heat produced is shielded so as not to be perceptible at or beyond any property line.
- f) With the exception of vibration necessarily involved in the construction or demolition of buildings and other structures, no vibration shall be transmitted outside the property where it originates.
- g) The disposal of sanitary wastes shall comply with standards and regulations established by the Sanitary Code of the State of Connecticut and by the Town of Middlefield. The discharge of substances into river and streams shall be subject to regulations of the Connecticut State Water Resources Commission, and to any other applicable regulation.
- h) The use shall conform to the Fire Safety Code of the State of Connecticut, the regulations of the Town of Middlefield, and any other applicable regulation.
- i) The use shall conform to the regulations of the Sanitary Code of the State of Connecticut with regard to sources of ionizing radiation and radioactive materials, and to any other applicable regulation.
- j) The use shall conform to the regulations of the Federal Communications Commission with regard to electromagnetic radiation and interference, and to any other applicable regulation.

#### **6.4 GENERAL REQUIREMENTS FOR IPD1 AND IPD2 INDUSTRIAL DISTRICTS**

- a) Only outdoor storage areas which are shown on the approved Site Development Plan on file with the Town Clerk are permitted. All outside storage shall comply with Section 15.4(o) of these Regulations.
- b) Off street parking and loading spaces shall be provided as required in Article III.
- c) Provision shall be made in the development of any parcel, when deemed practical and necessary and in accordance with the objectives of the Middlefield Plan of Conservation and Development and of the District, to allow for future access to abutting parcels.
- d) All utilities shall be placed underground.
- e) Appropriate screening shall be provided for parking areas, loading areas, accessory buildings, storage areas, and other appropriate areas as required by Section 15.4(q).
- f) All roads shall be constructed according to the Road and Drainage Specifications of the Planning and Zoning Commission Town of Middlefield adopted February 13, 1964, as amended.
- g) Accessory buildings shall not be permitted to substantially decrease the amount of open space area on the parcel.

#### **6.5 SPECIFIC REQUIREMENTS FOR GENERAL INDUSTRIAL DISTRICT (IN)**

##### **6.5.1 Open Space Requirements**

- a) No industrial building shall be less than 25 feet away from the front lot line, 15 feet from side lot line and 25 feet from any rear lot line.
- b) The maximum industrial building coverage shall not exceed 60% of the lot area.

##### **6.5.2 Building Height**

No building in an industrial district shall be over 45 feet in height.

#### **6.6 SPECIFIC REQUIREMENTS FOR INDUSTRIAL PARK 1 (IDP1) and INDUSTRIAL PARK 2 (IDP2)**

##### **6.6.1 Lot Size- IDP 1**

- a) Each lot shall have a minimum of two acres and shall have a minimum width of 200 feet at the building setback line on an approved town road.
- b) A ratio of four-square feet of land area to one square foot of floor area, excluding basement floor area and parking area, but including the area occupied by accessory structures, and outdoor uses, shall be maintained.
- c) Natural or landscaped open space shall cover a minimum of 50 percent of the net lot area.

### **6.6.2 Minimum Building Size- IDP 1**

No primary building shall be less than 5,000 square feet in floor area.

### **6.6.3 Setbacks- IDP 1**

No building or structure shall extend within 50 feet of any street line. Buildings shall not extend within 25 feet of any lot line. For buildings which exceed 45 feet in height, an additional 1 foot shall be added to the minimum setback distance from the closest street or lot line for each additional foot of building height in excess of 45 feet.

### **6.6.4 Lot Size- IDP 2**

- a) Each lot shall have a minimum gross area of two acres and shall have a minimum width of 200 feet, or more, at the building setback line, with frontage on an approved town road.
- b) The gross area shall be determined by dividing the total parcel area, less road rights-of-way, by the total number of industrial lots.
- c) The minimum net area of a particular lot shall be 1.25 acres.

### **6.6.5 Building Coverage- IDP 2**

a) The maximum building coverage of a lot shall not exceed 40% and the maximum lot coverage including building, parking (including processed stone), driveways, sidewalks, and outside storage shall not exceed 75%. Lots that exceed 50% maximum lot coverage, as enumerated above, shall provide for on-site detention so as not to increase the existing rate and volume of runoff into the existing storm water drainage system.

b) Natural or landscaped open space shall cover a minimum of 25 percent of the net lot area.

### **6.6.6 Minimum Building Size- IDP 2**

No primary building shall be less than 3,000 square feet in floor area.

### **6.6.7 Setback- IDP 2**

No building or structure shall extend within 50 feet of any street line. Buildings which do not exceed 40 feet in height shall not extend within 15 feet of any lot line. For buildings which exceed 40 feet in height, an additional 1 foot shall be added to the minimum setback distance from the closest street or lot line for each additional foot of building height in excess of 40 feet.

## **6.7 ADULT ORIENTED USES IN THE INDUSTRIAL PARK 2 (IDP2)**

### **6.7.1 Adult Oriented Uses General Requirements**

Adult-Oriented Establishments must meet the general criteria for Special Exception uses contained in Section 15 and the specific requirements enumerated below as determined by the Commission. Adult Oriented uses are only allowed in the Industrial Park 2 zone. Adult Oriented uses are prohibited in all other Zoning Districts.

A. Minimum lot size is 3 acres; minimum lot width is 400 feet; maximum impervious coverage is 25%.

B. No adult-oriented establishment shall be permitted within a 750-foot radius of any lot or parcel located in any residential zone. Measurement of the 750-foot radius shall be made from the outermost boundaries of the lot upon which the existing or proposed adult-oriented establishment will be situated.

C. No adult-oriented establishment shall be permitted within a 1,000-foot radius of the property line of a public school, duly authorized school other than a public school, church, charitable institution whether supported by

public or private funds, hospital, library, public playground or park, municipal fire or police station or municipal building. Measurement of the 1,000-foot radius shall be made from the outermost boundaries of the lot upon which the existing or proposed adult-oriented establishment will be situated.

D. No adult-oriented establishment shall be permitted within a 500-foot radius of an existing business or commercial establishment. Measurement of the 500-foot radius shall be made from the outermost boundaries of the lot upon which the existing or proposed adult-oriented establishment will be situated.

E. No building may contain more than 1 adult-oriented establishment.

F. No adult-oriented establishment shall be conducted in any manner that permits the observation from any public way of any material depicting or describing specified sexual activities or specified anatomical areas. This provision shall apply to any building exterior display, decoration, sign, show window, or other exterior opening.

H. Pursuant to CGS Section 8-6, use variances shall not be granted to allow an adult-oriented establishment in any zone other than IPD2.

### 6.7.2 Adult Oriented Uses Definitions

For the purpose of this Regulation, the words and phrases used herein shall have the following meanings, unless otherwise clearly indicated by the context:

**ADULT AMUSEMENT MACHINE-** Includes any amusement machine that is regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities and specified anatomical areas, as defined below, for observation by patrons therein.

**ADULT BOOKSTORE-**An establishment having any portion of its stock and trade in books, films, video cassettes, or magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined below, provided that this definition shall not apply to any establishment in which such materials constitute less than 10% of the value of the inventory of said establishment and in which the display of such materials does not permit the viewing of "specified sexual activities" or "specified anatomical areas" within the establishment.

**ADULT ENTERTAINMENT-** Any exhibition of any adult-oriented motion pictures, live performance, display or dance of any type, removal of articles of clothing or appearing unclothed, pantomime, modeling, or any other personal services offered customers, which has as a significant or substantial portion of such performance or any actual or simulated performance of "specified sexual activities" or exhibition and viewing of "specified anatomical areas"

**ADULT MINI-MOTION PICTURE THEATER-**An enclosed building with a capacity of less than 50 persons regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," as defined below, for observation by patrons therein.

**ADULT MOTION PICTURE THEATER-**An enclosed building with a capacity of 50 or more persons regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," as defined below, for observation by patrons therein.

**ADULT-ORIENTED ESTABLISHMENT-**Includes, without limitation, "adult bookstores," "adult motion picture theaters," "adult mini-motion picture theaters" and commercial establishments containing one or more "adult amusement machines." "Adult-oriented establishment" further means any premises to which the public, patrons or

members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, studios, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures, or any premises wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, when such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect. An "adult-oriented establishment" further includes, without limitation, any adult entertainment studio or any premises that are physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio, or any other term of like import.

**AMUSEMENT MACHINE**-Includes any machine which upon the payment of a charge or upon insertion of a coin, slug, token, plate, or disk, may be operated by the public for use as a game, entertainment, or amusement, whether or not registering a score and whether or not electronically operated.

**ENTERTAINER**-Any person who provides entertainment within an adult-oriented establishment as defined in this section, whether or not a fee is charged or accepted for entertainment and whether or not entertainment is provided as an employee or an independent contractor.

**MINOR**-Shall be deemed to refer to a person under the age of 18 years.

**OPERATOR**-Any person, or any proprietor, shareholder, general partner, or limited partner who holds any share of or partnership interest of any business which is operating, conducting, owning, or maintaining an adult-oriented establishment.

**SEXUAL ACTIVITIES**-As used in this article, is not intended to include any medical publications or films or bona fide educational publication or films, nor does it include any art or photography publications which denote at least 25% of the lineage of each issue to articles and advertisements dealing with subjects or art or photograph. Nor does this definition apply to any news periodical which reports or describes current events and which, from time to time, publishes photographs of nude or semi-nude persons in connection with the dissemination of the news. Nor does this definition apply to publications or films which describe and report different cultures and which, from time to time, publish or show photographs or depictions of nude or semi-nude persons when describing cultures in which nudity or semi-nudity is indigenous to the population.

#### **SPECIFIED ANATOMICAL AREAS-**

(1) Less than completely and opaquely covered.

a. Human genitals, pubic region.

b. Buttocks.

c. Female breasts below a point immediately above the top of the areola; and

(2) Human male genitals in a discernibly turgid state even if completely covered.

#### **SPECIFIED SEXUAL ACTIVITIES-**

(1) Human genitals in a state of sexual stimulation or arousal.

(2) Acts of human masturbation, sexual intercourse, or sodomy.

(3) Fondling or erotic touching of human genitals, pubic region, buttock, or female breasts.

## **SECTION 7 NONCONFORMING USES AND STRUCTURES**

### **7.1 DESCRIPTION AND PURPOSE**

No building, structure or lot shall be used or occupied, and no building shall hereafter be erected, moved, or altered except in conformity with these Regulations.

### **7.2 NON-CONFORMING USES**

Any lawful use of a building or land existing at the effective date of these Regulations may be continued subject to the following conditions:

- a) Except as provided herein, a non-conforming use shall not be enlarged or extended to occupy a greater area of land than was occupied at the effective date or amendment of these regulations.
- b) A non-conforming use may be changed to a non-conforming use of the same or more restricted classifications in accordance with Section 15 Special Permit, but such use shall not be permitted to change back to a less restricted classification.
- c) Any change of a non-conforming use to a similar non-conforming use may be allowed provided that such replacement use is consistent with the public health, safety, and welfare; is appropriate with the overall development of the neighborhood and zone which it is located in. The Commission shall review the impacts to parking, traffic volume and types of traffic, hours of operation, and exterior appearance of the building, structure, or lot.
- d) Any non-conforming building which is destroyed or substantially damaged by fire or other casualty may be reconstructed and/or structurally altered, provided: (1) the nonconforming footprint has not been expanded; (2) the height of the building in its nonconforming footprint has not been increased; and (3) there is no increase in the volume of the building and such reconstruction or alteration is commenced as evidenced by the issuance of a building permit.

### **7.3 EXPANSION OF A NON-CONFORMING USE**

- a) If any existing structure devoted to a use not permitted by these regulations in the zone in which it is located is proposed to be enlarged extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the zone in which it is located, then such enlargement, extension, construction, reconstruction, move or structural alteration shall be approved by the Commission as specified in these regulations.
- b) Limitation. No expansion of a non-conforming structure or site shall be permitted except with the approval of the Zoning Board of Appeals.
- c) Expansion of a non-conforming use pursuant to this section is limited to the commercial uses listed below. No uses not listed may be expanded pursuant to this section.
  - 1. Retail Business
  - 2. Personal Service Shops
  - 3. Professional offices, studios, office building
  - 4. Restaurant
- d) All expansions of non-conforming use pursuant to this section shall be subject to approval by the Planning and Zoning Commission as a Special Permit.
- e) All expansions of non-conforming use pursuant to this section shall be subject to the following limitations:



1. Expansion shall be permitted only on a lot which satisfies the minimum lot size for the zone in which the parcel is located.
  2. No building or structure shall be erected which is more nonconforming with reference to the Building Set-Back line, other lines, or the maximum building height than herein prescribed for the district in which the parcel is located.
  3. The maximum % of lot to be covered by buildings shall be that for the zone in which the parcel is located.
  4. Appropriate screening shall be provided between the nonconforming use and the surrounding areas.
- f) The applicant shall cause to be posted in a conspicuous place on the premises a sign containing no less than 20 square feet with the following words printed thereon:

#### NOTICE

These premises are the subject of an application for expansion of a non-conforming use.

Said sign shall be posted in such a manner as to be clearly visible from the public highway for a period of ten (10) consecutive days during the twenty-one (21) days immediately preceding the public hearing thereon. The applicant shall make a return to the Commission, under oath, of compliance with the foregoing regulation. Such return shall be prima facie evidence that such regulation has been complied with.

### **7.3 NON-CONFORMING LOTS**

- a) Any lot existing as a separate parcel and not complying with the minimum area or width of the lot required at the time of the adoption of these regulations (adopted September 18, 1961) thereto may, anything in these regulations or amendments to the contrary notwithstanding, be improved with the construction of a residential structure in accordance with all other regulations of its zone, provided the owner at the time of the adoption of these regulations, owned no adjacent land which may, without undue hardship to him, be included as part of the lot in question.
- b) If two or more unimproved lots of record one or both of which fail to meet the requirements of these regulations with regard to lot area and/or average lot width and are in single ownership at any time after the application of the provisions of these regulations to such lots and if such lots taken together would form one or more lots each meeting the requirements of these regulations with regard to lot area and average lot width, such lot or lots must be joined and used in compliance with the lot area and average lot width requirement irrespective of subsequent change in ownership.

### **7.4 VOLUNTARY ABANDONMENT OF NON-CONFORMITIES**

A property owner who has the right to re-establish or reconstruct a non-conforming use or building as provided in this Section may elect to voluntarily abandon such right, in which case the right shall cease to exist. Such abandonment shall be document in writing and will be filed in the Land Use Office and filed in the Town Clerk's Office.

In accordance with 8-2 of the Connecticut General Statute, "Such regulations shall not terminate or deem abandoned a nonconforming use, building or structure unless the property owner of such use, building or structure voluntarily discontinues such use, building or structure and such discontinuance is accompanied by an intent to not reestablish such use, building or structure. The demolition or deconstruction of a nonconforming use, building or structure shall not by itself be evidence of such property owner's intent to not reestablish such use, building or structure."

## **7.5 ABANDONMENT OF NON-CONFORMING USE BY CHANGE OF USE**

Any non-conforming use shall lose its non-conforming status and shall thereafter conform to these Regulations, if said use is altered to a conforming use.

## **SECTION 8 SIGNAGE**

### **8.1 PURPOSE AND INTENT**

Except as provided in this Section, no sign, billboard, or outdoor advertising structure shall be established, constructed, reconstructed, enlarged, extended, moved, or structurally altered until an application for a sign permit has been approved by the Zoning Enforcement Officer. It is the purpose and intent of this Section to accommodate the installation of signs that are necessary for identification, direction, and reasonable commercial promotion. All signs shall conform to the following provisions in addition to any other conditions or limitations that may be imposed by the Commission in connection with the approval of a site development plan or special permit.

### **8.2 GENERAL REQUIREMENTS**

- a) Signs which are unrelated to an active land use, other than a real estate sign or existing outdoor advertising, off-premise sign, shall be considered abandoned or derelict and shall be removed from public view.
- b) No sign or sign structure shall be permitted at any location where it could interfere with or obstruct the view of traffic, or be confused with any authorized traffic sign, signal, or device.
- c) Flashing signs, moving signs and sky signs shall be prohibited.
- d) No red or green neon signs shall be located within 200 feet of a traffic signal.
- e) Signs attached to buildings or other structures shall not project more than 12 inches there from, unless attached to an awning, sunscreen, or similar type of structure, and shall be located so that the highest part of the sign shall not extend above the highest portion of the main exterior wall of the building facing the street.
- f) No sign shall be erected within the right-of-way of a public street, other than traffic or directional or other signs erected by a government agency, and less than four (4) square feet in area. Such signs shall be exempt from these Regulations.
- g) No sign shall be erected or located so that it could prevent free ingress or egress from any window, door, or fire escape
- h) No sign shall be placed in such a position that it could obscure light from or obstruct the movement of air within a building.
- i) Any sign which includes illumination shall be arranged so that all light is concentrated on the sign. No direct light shall be cast on the street, sidewalk, or an adjacent property.
- j) Directional or informational signs for vehicular traffic and pedestrian movement indicating entrances, exits or parking areas, shall not exceed two (2) square feet in area. The number of directional or informational signs on a site shall not exceed three (3).
- k) In determining the total permitted sign area, only one side of a two-sided free-standing or hanging sign shall be considered.
- l) Billboards shall be prohibited in all zoning districts.
- m) Unless provided otherwise in these Regulations, no free-standing sign shall have a height greater than fifteen (15) feet or project above the height of the structure served, whichever is less.
- n) Middlefield welcomes you signs: "Middlefield Welcomes You"– type signs or other related identification signs shall be permitted in all zoning districts subject to approval by the Board of Selectmen. These signs shall be limited to not more than twenty-one (21) square feet in total area. Sponsor identifications shall be limited to six square feet of the total permitted area or not more than thirty percent (30%) of the total area. The Selectmen shall approve a sign detail to be used by all applicants and applicants shall submit a plot plan showing the proposed location and method of installation. Signs located within a right-of-way of the State of Connecticut shall meet all applicable state regulations. Signs shall not be illuminated or create traffic hazards. The size of any "Middlefield Welcomes You"- type sign shall not be included in the calculation of the maximum allowable signage for a parcel.

- o) No sign permit shall be required where:
  - 1. changing the advertising copy or message on an approved sign that is specifically designed for the use of replaceable copy;
  - 2. painting or repainting the same or different copy;
  - 3. cleaning the sign; or
  - 4. performing normal maintenance and repair on a sign or sign structure unless a structural change is made.

### **8.3 COMMERCIAL AND INDUSTRIAL DISTRICTS**

- a) Every place of business may have upon the property on which the business is conducted signs indicating the name of the owner or proprietor, the character of the business and/or the products made or sold on the premises.
- b) When affixed to a building, the total area of all signs shall not exceed 1.5 square feet for each linear foot of building frontage. In the case of a building which faces two or more streets, only one side of the building shall be considered as having frontage
- c) Each parcel in a PO or PC zone shall be allowed at least one (1) free-standing sign, the maximum area of which shall not exceed thirty-two (32) square feet for zones that abut roads with a posted speed limit of less than 45 miles per hour and 50 square feet for zones that abut roads with a posted speed of more than 45 miles per hour and Route 66. No sign shall be erected within 25 feet of an abutting private property owner. For parcels that have more than one commercial building and different businesses or uses, each building in excess of 3,000 square feet would be allowed a free-standing sign providing there is a minimum of 150 feet between signs. Accessory buildings are not eligible for signs regardless of size.
- d) Parcels in the IPD-I, IPD-II and I zones shall be allowed one (1) free-standing sign, the maximum area of which shall not exceed fifty (50) square feet.
- e) Any sign permitted in a residential district shall be permitted in a commercial or industrial district.
- f) Signs required by state and federal regulations for retail gasoline outlets shall not be computed in the total allowable sign area and number.

### **8.4 RESIDENTIAL DISTRICTS**

- a) Non-residential uses permitted under Section 4.3 and home occupations may have upon the property on which the business is conducted one non-illuminated sign not to exceed two square feet in area indicating the name of the owner or proprietor, the occupation or character of the activity involved, and/or the name of the business.
- b) Single-family dwelling units may display one sign which shall not exceed two square feet in area and shall indicate the name and address of the occupant.
- c) Subdivisions and planned residential developments may display one (1) sign which shall not exceed nine (9) square feet in area and shall indicate only the name and address of the development, the name and address of the management, and the names of the occupants therein.
- d) Temporary and permanent signs erected and maintained by the Town of Middlefield or any agency thereof pursuant to the performance of a governmental function related to traffic control, public safety and directional signs to public facilities shall be permitted.
- e) Temporary political signs associated with political campaigns within a time period of sixty (60) days before and seven (7) days after an election shall be permitted.
- f) Non-profit organizations and municipal facilities may display one (1) sign, either freestanding or affixed to the building, which shall not exceed fifteen (15) square feet in area.
- g) Temporary off-premises signs for non-profit organization events may be erected listing the name of the organization, the time and place of the meeting or event and any other pertinent information, provided there are not more than a total of seven (7) in number, with a minimum separating distance of four

thousand (4,000) linear feet between each sign, shall be located on a State Highway, and each sign shall not exceed thirty-two (32) square feet in area and shall not be erected more than sixty (60) days prior to the meeting or event and shall be removed within seven (7) days of the meeting or event.

### **8.5 REAL ESTATE SIGNS- SALES OR LEASING**

- a) In residential districts, temporary real estate sale or leasing signs for individual parcels shall not exceed four square feet.
- b) Temporary real estate sale or leasing signs for subdivisions or planned residential developments shall not exceed fifteen (15) square feet.
- c) In commercial districts, temporary real estate sale or leasing signs shall not exceed fifteen (15) square feet.
- d) In industrial districts, temporary real estate sale or leasing signs shall not exceed twenty-five (25) square feet.
- e) All real estate sale or leasing signs shall be removed when occupancy of the building begins.

### **8.6 CONSTRUCTION SITE SIGNS**

- a) A temporary sign in commercial and industrial districts indicating construction or alteration shall not exceed 15 square feet. Such temporary sign shall contain only the name of the building(s), the developer(s), the architect, and other professional(s), involved in the building(s) design, the general subcontractor(s), the proposed tenant(s), and a graphic representation of the completed development.
- b) All construction signs shall be removed when occupancy of the building begins

### **8.7 OUTDOOR RECREATIONAL USES SIGNAGE**

This Section shall apply to premises, regardless of the number of parcels, which are proposed to be, or have been granted, a Special Permit for Outdoor Recreation Facilities in accordance with Section 5.6 of the Regulations. For such Facilities, the Commission may approve, in connection with the approval of a new Special Permit for Outdoor Recreation Facilities or an application for modification of an existing Special Permit for such uses, the Commission may approve signs as follows:

#### **8.7.1 Free-Standing Signs**

One (1) free-standing sign located at each driveway entrance as depicted on the site plan for the Outdoor Recreation Facility. Such sign shall be located no closer than twenty-five (25) feet from the property line of an abutting property. No such sign shall be permitted at a driveway which is for exit traffic only. The size of such sign shall not exceed thirty-two (32) square feet for entrance driveways that intersect with public streets with a posted speed limit of less than 45 miles per hour and 50 square feet for such entrance driveways that intersect public streets with a posted speed limit of more than 45 miles per hour and Route 66. The maximum area of such signs may be doubled providing they are located behind the building setback line. Free-standing signs shall be no higher than ten (10) feet in height.

#### **8.7.2 Wall Signs**

Wall sign(s) for each building used in accordance with a Special Permit for Outdoor Recreation Facilities. No such wall sign(s) shall exceed 1.0 square foot per lineal foot of the longest single side of any building, but in no event greater than one hundred (100) square feet in sign area. The total of all wall signs shall not exceed one hundred (100) square feet in sign area. If such building is located behind more than twice the building setback line, no such wall sign(s) shall exceed 2.0 square feet per lineal foot of the longest single side of any building, but in no event greater than two hundred (200) square feet in sign area. The total of all wall signs shall not exceed two hundred (200) square feet in sign area.

### **8.7.3 Illumination**

All free-standing and wall signs shall be indirectly illuminated only.

### **8.7.4 Internal Directional Signs**

Signs in accordance with Section 8.7.4 of these Regulations, provided that any number of such signs may be located on the premises of an Outdoor Recreation Facility where the location and number of all such signs shall be depicted on the approved Special Permit site plan.

### **8.7.5 Existing Non-Permitted Signs**

Nothing in this Section shall be construed to validate or approve any existing sign used in connection with an Outdoor Recreation Facility which was not approved in accordance with a Special Permit for such use.

### **8.7.6 Nullification**

A sign permit shall become null and void if the work authorized by the permit has not been completed within six (6) months after the date the permit has been issued.

## **SECTION 9 PARKING**

### **9.1 GENERAL PROVISION**

Off street parking spaces 9'x18' shall be provided on the same lot, or on another lot under the same ownership within a radius of not more than 300 feet from the lot to which it is appurtenant, in accordance with the following schedule:

<b>USE</b>	<b>REQUIRED SPACES</b>
Dwellings	One space per family
Tourist Home, Hotel	One space for each guest sleeping room
Restaurant, Cafe, Tavern	One space for each 50 square feet of public floor space
Theatres, Auditorium, Church, or place of Public Assembly	One space for every five (5) seats
Retail Stores	One space for every 100 square feet of floor space used for sale or display of merchandise
Offices	One space for each 200 square feet of floor space
Industrial building	One space for each two employees, employed or intended to be employed at full capacity of the building at its largest shift

### **9.2 LOADING DOCK/SPACE REQUIREMENTS**

Every hospital, institution, hotel, retail store, office building, wholesale house or industrial building, shall contain on the premises such loading space of such dimensions as may be appropriate and adequate to their specific needs.

### **9.3 OTHER PARKING REQUIREMENTS**

Reasonable and appropriate off-street parking requirements for structures and land uses which do not fall within the categories listed under this section shall be determined, in each case, by the Zoning Commission, which shall consider all factors entering into the parking needs of such use.

## **Section 10 Ridgelines**

### **10.1 STATUTORY AUTHORIZATION**

This regulation is adopted pursuant to Section 8-1aa and Section 8-2(c) of the Connecticut General Statutes.

### **10.2 PURPOSE**

To restrict development in the Ridgeline Setback Area as defined herein.

### **10.3 APPLICABILITY**

- a) All development proposals within the Ridgeline Setback Area as defined in Section 02.18.01., whether public or private, shall comply with the requirements and purposes of this regulation and other applicable ordinances of the Town.
- b) For the purposes of this regulation, development proposals include proposals requiring review and approval of the planning and/or zoning commission or the zoning board of appeals in accordance with any provision of these regulations.

### **10.4 ABROGATION AND GREATER RESTRICTION**

It is not intended by this regulation to repeal, abrogate, or impair any existing regulations, easements, covenants, or deed restrictions. However, where this regulation imposes greater restrictions, the provisions of this regulation shall prevail.

### **10.5 GENERAL REQUIREMENTS**

- a) **Ridgeline Overlay.** The Ridgeline Overlay shown on the official zoning map generally delineate the Ridgeline Setback Area as defined in Section 2 (hereinafter, "The Ridgeline Overlay"). This Ridgeline Overlay shall not be in lieu of the definition of these areas as set forth in Section 2 but will serve to alert the public and municipal officials of the potential presence of a Ridgeline, as defined herein.
- b) **Ridgeline Setback Area.** The Town, acting by and through its planning and zoning commission (hereinafter, "the Commission") may subsequently amend the Ridgeline Overlay as newly acquired information concerning the presence of additional Ridgeline Setback Areas is presented to it. Information provided by the Ridgeline Overlay shall be used for general informational and illustrative purposes only. The actual presence and location of Ridgeline Setback Areas as defined in Section 2 and as determined by qualified professionals shall govern the applicability of this regulation to a proposed development proposal. "Qualified professionals" shall include, as relevant, licensed land surveyors' geologists and/or geographers.
- c) **Permitted Operations and Uses.** Anything in this section to the contrary notwithstanding, the following operations and uses shall be permitted in Ridgeline Setback Areas, as of right, as set forth in Connecticut General Statutes Section 8-2(c) as amended:
  - Emergency work necessary to protect life or property.
  - Approved development proposals which were applied for prior to the effective date of this regulation, which approvals remain in effect.
  - Any legal nonconforming use of the land.
  - Selective timbering grazing in pasture areas existing only on the effective date of this regulation, and passive recreation.
- d) **Declaratory Rulings:** Any person may apply to the Commission for a declaratory ruling to determine or contest the Commission's jurisdiction under this section. Such application shall be supported with substantial evidence to permit the Commission to make the determination of its jurisdiction. The Commission may refer any such application to any State or local agencies for comment and assistance and may hold a public hearing any such application.



## 10.6 REGULATED ACTIVITIES

- a) **Activities Requiring Special Permit:** Development, underground utilities, and clear cutting, all as defined in this section, shall not be permitted except upon the issuance of a Special Permit by the Commission in accordance with the procedure set forth in Section 16 of these Regulations, and such application shall include a site plan and such other information set forth in Section 16 as may be relevant to the criteria set forth in this section. In addition to the requirements of Section 16, an applicant for a Special Permit hereunder shall provide the following information:
1. **Visual Impact:** Illustrations of the visual impact of proposed activities as viewed from public highways, public parks, or other areas accessible to the general public. Such illustrations may be by means of photographic, graphic, or other means sufficient to portray the visual impact of the proposed activity. The Commission may require the installation of flags, balloons, or other on-site markers to allow evaluation of visual impacts as seen from various vantage points.
  2. **Environmental/Habitat Impact:** An inventory of Federal or State rare or endangered species inhabiting, breeding, foraging, or migrating through or over the area of the proposed activity, and, in addition, of any other wildlife; an analysis of the nature of the area as a wildlife resource (habitat, breeding ground, foraging area, migratory pathway, etc.); and an analysis of the impact of the proposed activity on such resource(s).
  3. **Groundwater Impact:** An analysis, by a qualified hydro geologist or geohydrologist, of the groundwater recharge potential of the area of the proposed activity, the aquifer being recharged, and an analysis of the possible impacts of the proposed activity on groundwater recharge.
  4. **Archaeological and Historic Impact:** An archaeological examination of the area of the proposed activity, and an analysis, by a qualified archaeologist, of the impact of the proposed activity on any known or potential archaeological resources. In addition, the report of a qualified historian concerning the role which the site may have played in any recorded chapter of American history, and the impact which the proposed activity would have on the preservation of that historic resource.
  5. **Miscellaneous:** The Commission may require such other information as may be required to determine compliance with the purposes and criteria of this Section, or any other applicable section of these Regulations.

By a majority vote of the Commission, the submission of any of the preceding may be waived or modified where the proposed activity has no foreseeable impact on the resource involved.

- b) **Criteria for Special Permit.** In addition to any applicable criteria of Section 16 of these Regulations, the Commission shall evaluate any application under this Section in accordance with the following criteria:
1. **Visual Impact:** The visual impact of proposed activities as viewed from public highways, public parks, or other areas accessible to the general public. Such impacts may include, but not be limited to unnatural gaps, cuts, projections, or other obviously artificial alterations of existing natural tree lines, ridgelines, prominent topographic features, or rock formations; the use of materials which, by their color, reflectiveness, finish, size, or orientation disrupt the natural or historic character of the ridgeline; the size, height, shape, and location of buildings. The use of earth tone materials may be required by the Commission in all proposed buildings, and the use of reflective materials or surfaces may be restricted or prohibited. Lighting poles shall be no higher than 10 feet, and all luminaries shall be designed to prevent the visibility of the light source from off the property. The use of strobe lights on any antenna or other structure is prohibited. The Commission may require that clear cutting occur in a staggered or other pattern which reduces the visual impact of such cutting and may further require that clear cutting be staged over a period of time to allow for regrowth of remaining vegetation.
  2. **Environmental/Habitat Impact:** The impact of the proposed activity on any Federal or State rare or endangered species inhabiting breeding, foraging, or migrating through or over the area of the

proposed activity, and, in addition, of any other wildlife. The Commission shall consider the nature of the area as a wildlife resource (habitat, breeding ground, foraging area, migratory pathway, etc.) and shall consider the impact of the proposed activity on such resource(s). The Commission may require that clear cutting occur only during certain seasons of the year, or that it be restricted to only certain areas, patterns, methods of removal, or other restrictions which may be necessary to minimize the impact on wildlife and wildlife habitats. The Commission may further restrict the size of lawn areas or other clearings in connection with development and may require the use of retaining walls or other methods to minimize the disturbance of the existing topography and vegetation. The Commission may restrict the size of proposed grazing areas to be created by clear cutting, and may require that their shape, location, or character be altered to minimize adverse wildlife impacts. The Commission may require reforestation or landscaping of quarries upon reaching finished grade, or of other areas disturbed by development or clear cutting.

3. **Groundwater Impact:** The groundwater recharge potential of the area of the proposed activity, the aquifer being recharged, and an analysis of the possible impacts of the proposed activity on groundwater recharge. The Commission may restrict the size or location of septic systems; the size and methods of maintenance of lawn or garden areas, and the use of fertilizers, pesticides, and/or herbicides; the burial of underground tanks; or other aspects of development which may impact groundwater. The Commission may require the use of biofilters, detention ponds, retention ponds, and other methods of storm water management which protect surface and subsurface waters. The Commission may require or prohibit (as may be appropriate) the use of drywells for roof runoff and storm water. The Commission may regulate or prohibit the use of floor drains or the conduct of activities within a development which may impact groundwater resources, such as the storage or handling of hazardous wastes, petroleum products, or processes which require the use or handling of such materials.
  4. **Archaeological and Historic Impact:** The impact of the proposed activity on any known or potential archaeological resources and on the role which the site may have played in any recorded chapter of American history. The Commission may require the use of particular roof lines or other architectural treatments, lighting, pavement materials, or other site or building features in order to ensure the compatibility of the development with existing or planned historic sites, buildings, or landscapes. The Commission may require the planting of landscaping or retention of certain vegetated areas in order to preserve a historic landscape or vista. The Commission may require a predevelopment archaeological exploration and preservation of any relics discovered on the site. The Commission may require the preservation of identified historic sites but may not require public access to such sites.
- c) **Conditions and Modifications:** In addition to any other provision of these Regulations, the Commission may, in approving any Special Permit under this Section, require any conditions or modifications which may be necessary or desirable in order to further the objectives of this Section and to meet the criteria contained herein.

## **SECTION 11 AGRICULTURAL REGULATIONS**

### **11.1 GENERAL REQUIREMENTS**

Agricultural, farmhouses, and usual farm buildings shall be permitted without restriction, except as follows:

1. The minimum size of a "farm" shall be considered as three (3) acres, except there shall be no minimum in the AG-2 zone.
2. Any farm or any other outbuilding which houses livestock or poultry, other than a dwelling, shall follow the setbacks required for the Zoning District.
3. Farmland used for pasture, grazing and/or other outdoor keeping of animals shall be enclosed with fencing, walls, or other continuous physical barriers reasonably adequate to contain the animals kept within the enclosed area. No such fence, wall or other continuous physical barrier shall exceed six (6) feet in height, exclusive of any portion of a pole or other vertical support device extending above the continuous barrier.
4. Farmland used for cultivation of fruits, vegetables, grasses, grains, trees, shrubs, nursery stock or other crops may be fenced to resist animal and/or human entry. No such fencing shall exceed eight and one half (8-1/2) feet in height, exclusive of any portion of a pole or other vertical support device extending above the continuous barrier portion of the fence. All such fencing shall be constructed of open wire mesh with openings no smaller than 3" affixed to wooden vertical poles and may incorporate wood or metal frame gates covered with open wire mesh and horizontal or angular wood or metal reinforcement at corners or other intermediate locations. All fences installed pursuant to the provisions of this paragraph shall be located outside public highway boundaries unless otherwise permitted by authorities having jurisdiction over such public highway. In the event the location of a highway boundary is uncertain, it shall be presumed that such boundary lies twenty-five (25) feet from the physical centerline of the travel way of the adjacent highway. No fence, wall or other continuous physical barrier installed pursuant to this section shall be located so as to interfere with any highway sightline, drainage, public utilities, driveway apron or other highway facilities or improvement. Prior to the installation of any such fence, wall or continuous barrier, a zoning permit shall be obtained from the Zoning Enforcement Officer.
5. All grazing or pasture areas utilized for this purpose shall be fenced.
6. Commercial Farms: No manure storage shall be established closer than seventy-five feet (75') to any property line. Manure storage piles shall be maintained to prevent runoff to adjacent lots or watercourses. Non-Commercial Farms: Storage of manure and litter shall be indoors or in covered outside bins or containers.
7. No farm use shall be maintained if it is conducted in a way which creates a danger of public safety or health to neighboring residential uses. The fact that a farm use creates an annoyance or inconvenience shall not be deemed a danger to public safety or health.

### **11.2 DISPLAY AND SALE OF FARM PRODUCTS**

The display and sale of farm products shall be permitted provided that:

- a) Signs shall be subject to the requirements of this Regulation.
- b) At least 50% of such products shall have been produced on the property on which they are offered for sale.
- c) Parking spaces for at least three (3) cars shall be provided behind the street right-of-way line.
- d) The sale of farm products shall be conducted from a portable stand, removed at the end of the growing season, or from a permanent building located at least one hundred (100') feet from the street right-of-way line.

### **11.3 STORAGE AND PROCESSING OF AMMONIUM NITRATE**

Storage and processing of Ammonium Nitrate, blasting agents and explosives shall be permitted by special permit subject to the following conditions:

- a) Minimum parcel size - 200 contiguous acres.
- b) No dwellings on parcel.
- c) No public utilities located on the property including but not limited to electric transmission lines, communication cables, water mains, sewer mains, dams, and highways.
- d) Applicant to provide yearly statement that all facilities are in compliance with the special permit and are located in accordance with the American Table of Distances published by the Institute of Makers of Explosives.

#### **11.4 TEMPORARY EVENTS**

Temporary events may be permitted on properties under agricultural operations with a zoning permit provided adequate parking and pedestrian access is provided. Permit must be approved by all appropriate Town Officials which may include the Building Official, Fire Marshal, and the Plainville Southington Health District if food is to be served. The Town Planner has the discretion to require Planning and Zoning Commission approval if intensity of event is warranted.

## SECTION 12 SPECIAL REGULATIONS

### 12.1 WIRELESS COMMUNICATION TOWERS, ANTENNA AND FACILITIES

#### 12.1.1 Description and Purpose

The intent of this section is to make provisions as required by Telecommunication Act of 1996 to permit the location of wireless communication towers, antennae and facilities in the Town of Middlefield while protecting neighborhoods as well as ecologic, scenic, historical, and recreational resources; minimizing conflicts with adjacent areas; and ensuring protection of public health. Specific objectives are as follows:

- To accommodate the need for communication towers and antennae while regulating their location and number;
- To minimize the adverse visual effects of towers, antenna and facilities through careful design, siting, and vegetative screening;
- To encourage shared or joint use of towers and facilities;
- To reduce the number of antennae or towers needed in the future.

#### 12.1.2 Definitions

When used in this section the following words or phrases shall have the meaning found below:

**Accessory Structure:** An accessory facility or structure serving or being used in conjunction with a communications tower and located on the same parcel as the communications tower. Examples of such structures include utility or transmission equipment storage sheds or cabinets.

**Antenna:** A device used to receive or transmit telecommunications or radio signals. Such signals shall include but not be limited to radio, television, cellular, paging, personal communications services (PCS) and microwave communications.

**Co-located Antennae:** Antennae which utilize existing towers, buildings, or other structures for siting of a new telecommunications facility.

**Telecommunications Facility:** Towers and/or antennae and accessory structures and equipment used in receiving or transmitting telecommunications or radio signals from mobile communication sources and transmitting those signals to another wireless site, and other communication source or receiver or to a central switching computer which connects the mobile unit with land-based telephone lines.

**Tower:** The structure designed to support equipment and antennae used to transmit and/or receive telecommunication or radio signals. Examples of such structures include, without limitations, free standing towers, guy towers, monopoles, and lattice towers.

#### 12.1.3 Siting Preferences

Middlefield's order of preference for facility locations shall be:

- a) On existing structures such as buildings, communications towers, and smokestacks;
- b) In industrial and commercial districts where the existing topography, vegetation, buildings, or other structures provide the greatest amount of screening;
- c) On new towers on bare ground with visual mitigation in commercial and industrial districts;
- d) On new towers in residential districts where the existing topography, vegetation, buildings, or other structures provide the greatest amount of screening.

#### **12.1.4 Special Permit**

All wireless communication towers, antenna and facilities shall be subject to the issuance of a Special Permit in accordance with the following standards and in accordance with Section 10.02.1. through 10.02.06. of these regulations.

#### **12.1.5 General Requirements For All Towers, Antenna And Facilities**

- a) Each application shall submit a detailed site justification report, including a description of the narrowing process that eliminated other potential sites as well as a map showing the extent of planned coverage within the Town of Middlefield, approved locations of all other telecommunication sites in Middlefield, or adjoining towns which provide coverage within Middlefield including the applicant's location and the location and service area of the proposed telecommunication site.
- b) The antenna tower shall be designed and constructed to all applicable standards of the American National Standards Institutes, ANSI/EIA-222-E manual, as amended.
- c) A soil report complying with Appendix I: Geotechnical Investigations, ANSI/EIA-222-E manual standards, as amended, shall be submitted to verify the design specifications of the foundation for the tower and anchors for the guy wires, if used shall be submitted prior to the issuance of a building permit.
- d) Ground landscaping shall be required to soften the appearance of a tower and screen as much of the tower as possible, the fence surrounding the tower and other ground level features such as a building. Any combination of existing vegetation, topography, walls, decorative fences, or other features instead of landscaping may be permitted if the same degree of screening as the required landscaping is achieved, as determined by the Commission.
  - An evergreen screen shall be required to surround the site. The screen can be either a hedge (planted 3 feet on center maximum) or a row of evergreen trees (planted 10 feet on center maximum). The evergreen screen shall be a minimum height of 6 feet at planting and shall grow to a minimum of 15 feet at maturity.
  - Existing vegetation on and around the site shall be preserved to the greatest extent possible.
- e) All other uses ancillary to the antenna and associated equipment (including a business office, maintenance depot, vehicle storage, etc.) are prohibited.
- f) To minimize the number of antenna or wireless sites in the community in the future, the proposed support structure shall be required to accommodate other users, including other wireless communication companies and particularly local police, fire, and ambulance companies, unless it is determined to be technically unfeasible, and any tower approved here under shall be made available under commercially reasonable terms to others, including competing users.
- g) A telecommunication site not in use for six months shall be removed by the facility owner. This removal shall occur within ninety days of the end of such six-month period commencing upon written notice to the property owner by the Zoning Enforcement Officer. Upon removal, the site shall be restored to its previous appearance and, where appropriate, revegetated.
- h) The Commission may require that applicants provide simulations of tower locations and impact. Such simulations may entail the flying of balloons or other devices necessary to visualize the proposed facility.
- i) In all cases in which the Commission feels that a peer review of the applicant's service areas, tower sharing, or other technical issues is warranted, the applicant may be required to deposit up to \$25,000 to reimburse the Town for the cost of the peer review. The unused portion of this deposit will be returned to the applicant after a decision is rendered. If funds in excess of \$25,000 are necessary, payment will be made prior to the decision by the Commission on the application.
- j) Using technological evidence, the applicant must demonstrate that the proposed location is necessary to satisfy its function in the company's grid system. Specific locations will be evaluated using the following analysis and criteria (not listed in any order of priority).
  - capacity and propagation analyses.

- tower height visibility analyses.
- antenna separation analyses based on wavelength.
- analyses of signal strength and signal thresholds necessary for cell handoff.
- environmental analysis of the proposed access road and structures when new construction is necessary (determined by the Commission).
- modeling consistent with FCC criteria to document that a prepared facility would be in compliance with federal radio frequency health standards.
- availability of suitable structures for antenna mounting.
- topography as it relates to line-of-sight transmission for optimum service efficiency.
- leasable lands and willing landlords.
- screening potential of existing vegetation, structures, and topographic features.
- compatibility with adjacent land uses, and preservation of historic views, vistas, buildings, and areas.
- least number of sites to cover desired area.
- greatest coverage consistent with physical requirements.
- opportunities to mitigate possible visual impact.
- availability of sites not within an established single-family community.
- preservation of view corridors, vistas.
- potential for preservation of pre-existing character of site.
- minimal impact on residential areas surrounding commercial or industrial zoned sites.
- selection of sites which lend themselves to visual mitigation.
- availability of road access.
- availability of electric power.
- availability of land-based telephone lines or microwave link capability.

If a tower is proposed the application shall include support materials that show the location of structures in excess of 50' within one quarter mile radius of the site proposed, that the owners of those locations have been contacted and asked for permission to install the antenna on those structures and denied for other than economic reasons. This would include smokestacks, water towers, tall buildings, antenna or towers of other wireless communications companies, other communication towers (fire, police, etc.) and other tall structures.

#### **12.1.6 Standards For Towers**

- a) Towers not requiring FAA painting/marketing shall have either a galvanized finish or be painted a non-contrasting blue, grey, black or such other color as the commission may require to minimize the visibility of the tower.
- b) No signs shall be permitted on any tower or antenna.
- c) No lights or illumination shall be permitted unless required by the FACC or FAA.
- d) Towers shall be surrounded by a chain link fence or wall not more than eight (8) feet in height. If barbed wire is included in the fence, it shall be within the eight (8) foot height limit.
- e) Towers shall have a setback of at least three hundred (300) feet from any offsite dwelling.
- f) Towers shall be setback one hundred fifty (150) feet from any street line.
- g) A tower supporting an antenna shall be the minimum height necessary to satisfy the technical requirements of the telecommunications facility.
- h) Tower in Residential Districts:
  - Shall be limited to monopoles.
  - Satellite and microwave dishes attached to monopoles shall not exceed two (2) feet in diameter and four (4) in number.



- Shall be setback from all property boundaries, two hundred (200) feet or 100% of the height of the tower, whichever is greater.
- i) In commercial and industrial zones;
  - Satellite and microwave dishes attached to towers shall not exceed six (6) feet in diameter and four in number.
  - Shall comply with the setbacks of the zone in which it is located.

#### **12.1.7 Standards For Equipment Buildings**

- a) Shall not contain more than 750 square feet of gross floor area or be more than twelve (12) feet in height.
- b) Shall comply with the setback requirements of a principal building for the zone in which it is located.
- c) If located on the roof of a building, shall not occupy more than 15% of the roof area.

#### **12.1.8 Standards For Structure Or Rooftop Mounted Antennas, With An Equipment Building Or Facility**

- a) Shall be attached to a non-residential structure or building, which building, or structure is the principal building or structure on the lot.
- b) Shall be of a material or color which matches the exterior of the building or structure.
- c) If roof mounted:
  - Shall not exceed a height of fifteen (15) feet above the highest part of the structure or building;
  - Shall be set back from the roof edge a minimum of ten (10) feet or 10% of the roof depth (measured from the edge facing a public street to the opposite edge of the roof), whichever is greater;
  - Satellite and microwave dish antennas shall not exceed six (6) feet (two (2) in residential zones) in diameter and shall be located or screened so as not to be visible from abutting public streets.
- d) If facade mounted:
  - Shall project not more than two (2) feet beyond the wall or facade of the structure;
  - Shall not project more than five (5) feet above the cornice line.



## **SECTION 13 EXCAVATION AND REMOVAL OR DEPOSITION OF EARTH PRODUCTS**

### **13.1 GENERAL REQUIREMENTS**

The excavation, removal or deposition of sand, gravel, loam, topsoil, dirt, clay, peat, sod, or other earth products, in excess of 500 cubic yards is permitted upon the issuance of a special permit from the Planning and Zoning Commission with the exception of the following, which may be undertaken without a special permit with the exceptions set forth in 14.2, 14.3, and 14.4. The mining of bedrock is prohibited in all zones, except when in conjunction with an approved special permit, site plan or subdivision plan.

### **13.2 FOUNDATION AND TRENCH EXCAVATION ONLY**

Necessary foundation and trench excavation only in connection with work on the premises for which a building permit or septic permit has been issued, an approved municipal use, ordinary and customary activities related to an agricultural operation or for a property for which a site development plan has been approved by the Planning and Zoning Commission including filling, removal, and processing of earth materials associated with an approved use in Industrial Zones.

### **13.3 SUBDIVISION SITE GRADING**

Necessary site grading only in accordance with a subdivision plan of proposed lots, roads, or site development plan approved by the Planning and Zoning Commission.

### **13.4 EXCAVATION OR DEPOSITION 50-500 CUBIC YARDS**

Excavation, removal, or deposition of less than 50 cubic yards from a single parcel of land recorded as such in the Office of the Town Clerk. Removal or filling in excess of 50 cubic yards but less than 500 cubic yards will require a zoning permit from the Zoning Enforcement Officer. The Zoning Enforcement Officer may refer any application to the Planning and Zoning Commission for action.

### **13.5 SPECIAL PERMIT REQUIRED**

Application for a special permit to excavate, remove or deposit any of said products shall be made to the Planning and Zoning Commission by the property owner or his authorized agent on forms provided by the Commission and shall be accompanied by a plan of operations which includes the following map(s), plans, documents, information, and specifications:

#### **13.5.1 Application Requirements**

- a) Location of the premises, names of abutting owners, and an estimate of the amount, area, and nature of material to be excavated, removed, or deposited. For a permit to deposit materials, the location of the source(s) from which material is to be removed, and name and type of business of the property owners and abutting owners. The Commission may require testing for hazardous contaminants based on this information.
- b) Grading plan showing existing contours in the area to be excavated or deposited and proposed contours for the area after completion of excavation or deposition. Such Plans shall include the area to be excavated or deposited to a scale of 1" = 100' or greater and where trees are proposed to be cleared. A boundary survey prepared in accordance with Sections 20 300b-1 through 20 300b-20 of the Regulations of Connecticut State Agencies "Standards for Surveys and Maps in the State of Connecticut" as adopted by the Connecticut Association of Land Surveyors, Inc. on September 26, 1996 shall be submitted with the grading plan or as part of the plan. The Commission may accept written boundary agreements with abutting owners in lieu of the boundary survey.
- c) Storm drainage plans showing the drainage area and estimated runoff of the area to be served by any existing drainage facilities, together with detailed plans and specifications of all proposed drainage

facilities or other protective devices to be constructed in connection with, or as a part of, the proposed use to prevent the collection and stagnation of water and the prevention of harmful effects upon surrounding properties from water or sediment.

- d) Erosion and sedimentation control plans in accordance with Section 17.
- e) Landscaping plans showing the type, location and extent of all proposed planting or vegetation to be retained on, or otherwise provided for, the site in order to prevent erosion of the site and to diminish fugitive dust and noise impacts.
- f) Proposed vehicular access to the site and proposed work roadways within the site. The estimated maximum and average number of trucks entering or exiting the site per day and per week.
- g) The estimated number and types of trucks and other machinery proposed to be used on the site and the location and type of any buildings to be erected.
- h) The estimated starting and completion dates and the estimated hours and days of the week proposed for operation on the site.
- i) Detailed plans for any proposed blasting, and or storing of explosives on the site.

#### **13.5.2 Additional Application Information**

- a) The Planning and Zoning Commission may, when deemed necessary to protect the public health, safety, and general welfare, require an environmental and/or engineering-geological investigation, based on the most recent grading plan. The report shall include an adequate description of the on-site and nearby off-site (within 300 feet) natural resources (such as streams, wetlands, public and private wells, etc.) and geology of the site, and conclusions and recommendations regarding the effect of the proposed operation on the resources. The report shall include the results of an inquiry to the Connecticut Department of Environmental Protection Natural Diversity Data Base (NDDDB) regarding presence of rare species or natural communities. The report shall be prepared at the applicant's expense. In areas of excessive fill (i.e., 30 feet or more) the Commission may, require an environmental and/or engineering, geological investigation. The Commission may also require the determination of the seasonal high groundwater level and may require that the lowest level of excavation be a minimum distance from the seasonal high groundwater level in order to protect the quality of subsurface waters.
- b) The Planning and Zoning Commission may, when deemed necessary to protect the public health, safety, and general welfare, require a soils engineering investigation. Such reports shall include data regarding the nature distribution, and strength of existing soils, conclusions and recommendations for grading procedures, sediment control, and design criteria for corrective measures.
- c) The Planning and Zoning Commission may require any additional information which it feels is necessary to determine whether the public health, safety and general welfare may be endangered by the proposed operation. The Commission may also require a reuse plan demonstrating that the proposed excavation or filling will leave the premises in a condition suitable for a use permitted in the subject zone.

#### **13.5.3 Granting Of A Special Permit**

Granting of Special Permit. The excavation, removal or deposition of earth products may be permitted by the Commission when it is satisfied that the following requirements or standards will be complied with in undertaking of such excavation, removal, or deposition.

#### **13.5.4 Standards And General Requirements**

- a) The premises shall be excavated and graded in conformity with the plan as approved and any deviation from the plan shall be a violation and cause for the Commission to revoke the permit upon notice to the permit holder and property owner and the opportunity to be heard.

- b) The applicant shall file with the Commission a performance bond in the form of an irrevocable letter of credit or cash, with any bond documents to be executed by the owner and the operator, if any, of the land on which such excavation is to be conducted in such amount and in such form as the Commission shall deem sufficient to cover the cost of any proposed or required street grading, roadway paving or surfacing and planting, the installation of storm water facilities, erosion and sediment control facilities, all monuments, bridges, and reclamation of the land and all such other improvements as the Commission deems necessary to promote public health and safety and to safeguard the town from undue expense in the future maintenance of all streets and open spaces. The financial institution issuing such bond shall maintain offices within the State of Connecticut. The bond shall be released only upon certification by the Commission that all the required improvements have been completed to its satisfaction.
- c) Screening and sifting of sand, sand and gravel and topsoil is permitted in any zone.
- d) No washing, crushing, or other forms of processing shall be conducted upon the premises unless located within an industrial zone and then it must not be located within 100 feet of any property or street line.
- e) No fixed machinery shall be erected or maintained within 100 feet of any property or street line.
- f) If the excavation/filling is below/above the established grade of a street the following requirements shall be met.
  - No excavation/filling in excess of 18" shall take place 60 feet of a street line.
  - No excavation/filling of 18" or more shall take place within 25 feet of a property line.
  - Where contiguous parcels of land have been or are being excavated or filled the street or property line buffer may be waived upon acceptance of an integrated site improvement plan.
- g) No building shall be erected on the premises except as may be permitted in the general zoning regulations or except as temporary shelter for machinery and field office and only in accordance with the site plan approved under this section.
- h) The Planning and Zoning Commission may require the applicant to reserve adequate slope and/or drainage easements on the lot in order to allow the necessary coordination of any grading, filling, excavating, or removal operations that might be permitted on any abutting lot or street.
- i) No materials shall be stockpiled, and no equipment or structures authorized by the Permit shall be operated or located beyond the exterior limits of the specific area approved for filling or removal.
- j) During the period of excavation, removal, or filling barricades or fences shall be erected as are deemed necessary by the Planning and Zoning Commission for the protection of pedestrians and vehicles. The Commission may require flag men.
- k) Truck access to the excavation or deposition area shall be so arranged as to minimize danger to traffic and nuisance to surrounding properties. That portion of access road within the area of operations to the street shall be provided with a dustless surface.
- l) Proper measures, as determined by the Commission, shall be taken to minimize the nuisance of noise, flying dust, and unsightly or dangerous conditions. Such measures may include, when considered necessary, limitations upon the practice of stockpiling excavated materials upon the site.
- m) Excavation and deposition shall be permitted between 7:00 a.m. to 5:00 p.m. Monday through Saturday. There shall be no excavation, removal or deposition on Sundays or legal holidays, except with the approval of the Commission.
- n) The operation shall insure protection of the working slope by continuous grading of the crest of the working face to eliminate dangers of earth slides and overhangs. Deposited materials shall be adequately compacted to provide stable soil conditions.
- o) The Commission reserves the right to require project stages to limit the amount of land to be denuded and stripped at any one time. Such requirements shall be based upon the character of the neighborhood, the topography of the site, the potential for erosion by wind or water.
- p) When excavation, removal or deposition operations are completed, or work has progressed sufficiently to where reclamation is practicable the site and excavated area shall be graded so that slopes in disturbed

areas shall be no steeper than 1:3 (vertical to horizontal). A layer of topsoil shall be spread over the excavated area, to minimum depth of six inches in accordance with the approved final grading plan. The area shall then be seeded with suitable grass mixture containing at least 50.0% permanent grasses and maintained of mulching, repairing, and reseeded until the area is stabilized and approved by the Commission except that this provision shall not apply to areas of water nor to exposed areas of ledge either existing prior to the work or authorized as an integral part of the Permit and Site Plan Approval.

- q) In determining whether or not to grant a permit, if the Commission determines that there is sufficient potential for impacts on natural resources, ground or surface waters, or neighborhoods, the Commission may request an alternative analysis, evaluating other possible locations for fill deposition or other sources of material needed.
- r) Deposits of Waste Material: Garbage, rubbish, or other waste material shall be dumped only in areas designated by the Town except that soil, gravel, rock, or other clean fill material may be deposited for the purpose of regrading or landscaping.

### **13.6 DEPOSITION AND FILL MATERIAL STANDARDS**

Deposition or fill material shall meet the following standards:

- a) Fill materials consisting of organic materials or non-soil materials such as tree stumps, wood chips, and bark, bricks, asphalt, concrete, metal, wallboard, etc., even with a soil mixture, shall not be used.
- b) The fill should be essentially homogeneous. If bedding plans and other discontinuities are present, fill shall be “virgin” excavated natural materials, uncontaminated by hazardous materials. The Commission may require testing and certifications that the fill does not contain contaminants at the source of generation. The Commission may also require documentation of past land uses at the fill source showing very low probability of hazardous contaminants.

### **13.7 PERMIT RENEWAL AND EXPIRATION**

- a) Any permit issued under these regulations shall expire 24 months from the date of issuance unless renewed by the Planning and Zoning Commission or the Zoning Enforcement Officer, as the case may be.
- b) The Commission or Zoning Enforcement Officer may deny an application for renewal or extension, if the permittee has not conformed to the plan of operation as approved, until such time as the permittee has brought his operations into conformance with the plan of operation.

### **13.8 PERMIT REQUIRED**

After passage of these regulations, no person, firm, or corporation shall establish, maintain, conduct, or operate any excavation or deposition within the Town of Middlefield without having first obtained a zoning permit or special permit or approval in accordance with Section 14. The owner of an excavation or deposition of materials site which is in existence without an approved permit upon the effective date of these regulations shall within 90 days present plans showing the present condition of the property, the extent of excavations contemplated and proposed ultimate development of the property, and further provided that the Commission approves said plans subject to such conditions as may be in the best interests of the Town and in harmony with these regulations.

## **SECTION 14 SITE PLAN REVIEW**

### **14.1 GENERAL PROVISIONS**

Certain uses of premises, buildings and other structures, and the construction, reconstruction, expansion, extension, moving and alteration of buildings, and other structures and site development in connection therewith, and any changes in site development of a previously approved site plan, are permitted under these Regulations subject to the submission of a Site Plan Review and approval of the PLAN by the Commission under this Article. In any instance involving a use or uses requiring a Site Plan Review as set forth in Article II of these Regulations, no land or water areas shall be used, nor uses altered or expanded in space, time, or intensity, nor buildings or structures erected, altered, enlarged, or used until the Commission shall grant such Site Plan Review in accordance with this Section.

Current Regulations require such review by the Commission but may be modified to allow review by the Zoning Board of Appeals, or some other agency. Thus, wherever “the Commission” is referenced, it shall be deemed to read, “the Commission or other agency having approval authority in connection with the Site Plan Review.”

The provisions which follow establish the Site Plan Review submission requirements and the GENERAL STANDARDS and SPECIAL STANDARDS for site development. The provisions which follow also establish the procedures for Commission administrative approval of Site Plan Reviews for uses, other than Special Permit uses, for which such a PLAN is required to be submitted and approved.

### **14.2 SUBMISSION REQUIREMENTS**

The Site Plan Review submission shall consist of the following:

- a) Application Form and Fee: the completed Site Plan Review application form as adopted by the Commission, and the payment of the application fee as provided by Town Ordinance.
- b) Statement of Use: a written statement, signed by the applicant, and by the owner if different from the applicant, describing the following in sufficient detail to determine compliance with these Regulations and to establish the nature and extent of site occupancy as proposed; six (6) copies shall be submitted;
  1. a detailed narrative description as to the nature and extent of the proposed use or occupancy;
  2. provision to be made for water supply, sewage disposal, solid and liquid waste disposal, drainage, and other utilities;
  3. the number of persons estimated to occupy or visit the premises on a daily basis, and the basis for determining the parking and loading requirements for the use; provisions for pedestrian access within and into the site, where appropriate;
  4. an estimate of the type of vehicular traffic and number of vehicle trips to be generated on a daily basis and at peak hours;
  5. the equipment or other methods to be established to comply with required performance standards; and
  6. disclosure of any toxic or hazardous materials to be used, stored or processed in connection with the proposed use or occupancy as identified in the U.S. Environmental Protection Agency list of priority pollutants, Section 3001 of the Resource Conservation and Recovery Act (40 CFR Part 261) or the State of Connecticut Hazardous Waste Regulations, which disclosure shall include a description of how such materials are to be managed and a report on the status of permits and approvals required from Federal, State and Town agencies having jurisdiction.
- c) Site Plan: a site plan prepared in accordance with the specifications and showing the information hereinafter required; fifteen (15) copies shall be submitted.

### **14.3 SITE PLAN REQUIREMENTS**

- a) Preparation: The site plan shall be clearly and legibly drawn on good quality fixed line mylar or other material that will enable production of clear prints as required by these Regulations. The site plan shall be prepared by and shall bear the name, signature, and seal of a licensed land surveyor, professional engineer, architect and/or landscape architect, each as required by law for preparation of parts of the site plan and licensed to practice in the State of Connecticut. The seal shall be impressed on all copies of the site plan presented for approval.
- b) Size and Scale: The site plan shall be drawn to a scale of not less than 1" = 40' or such greater scale as may be necessary to show the site development features clearly and in detail. The parts of the site plan that are intended for approval and will be required to be endorsed and filed in the office of the Middlefield Town Clerk shall be prepared on sheet sizes 36"x24", 24"x18" or 18"x12", and shall be printed on material acceptable for such filing.
- c) Information on Plans: The information listed below is required to be shown on the site plan to the extent that the information occurs on or is applicable to the particular site or is required to demonstrate compliance with this Section. The title of individual site plan sheets and orientation of north arrows shall, to the extent practicable, be consistent from one sheet to the other.
- d) General Information, as follows:
  - 1. title of development.
  - 2. name and address of applicant and owner.
  - 3. north arrow, numerical and graphic scale.
  - 4. date of plan and revision dates with each revision identified.
  - 5. a location map showing streets, property lines and zoning district boundary lines within 500 feet of the site, and an index map if the proposed site development is divided into sections or phases or is of such size that more than one sheet for each plan element is provided.
  - 6. a schedule specifying in square feet the area of the lot, certified by a Connecticut Licensed Land Surveyor;
  - 7. the area of wetlands and water courses, as determined by a Certified Soils Scientist and calculated by a Connecticut Licensed Land Surveyor;
  - 8. amount of floor area by use, building ground coverage and total coverage by building and paving;
  - 9. and the basis for computation of required off-street parking and loading spaces, all for existing development, proposed development and as required by these Regulations.
- e) Property Information, as follows:
  - 1. the boundaries of and existing conditions on the Lot based on a survey meeting or exceeding a "Class A-2" type survey as defined in the Regulations of State Agencies adopted pursuant to Connecticut General Statutes §20-00b, as amended
  - 2. the names of all Abutting Lot owners, as disclosed in the records of the Town Assessor.
  - 3. any line delimiting a portion of the Lot to be used under the Application and any zoning District boundary on the Lot.
  - 4. location, width and purpose of all existing and proposed Easements and other encumbrance lines.
  - 5. existing and proposed grading contours at an interval not exceeding two (2) feet, or equivalent ground elevations, based on Mean Sea Level, including identification of a benchmark at the site.
  - 6. location of all Wetlands as determined by a Certified Soils Scientist and plotted by a Connecticut Licensed Land Surveyor, Watercourses, rock outcrops, wooded areas, high tide line (HTL), floodway and flood hazard area boundaries, established encroachment or building lines, and other significant physical features.
  - 7. U.S.D.A. Soil Conservation Service soils type boundaries and codes.

8. the Commission or other agency reviewing the Site Plan may require submittal of a descriptive report, prepared by an individual qualified in the on-site (in-situ) evaluation and characterization of soils for on-site sewage disposal leaching system suitability, detailing the soils present, evaluation of the results of on-site soil testing, location of ledge and ground water levels, and providing ratings of soils for suitability as on-site sewage disposal leaching areas (as defined in "Soil Potential Ratings Septic Tank Absorption Fields for Single Family Residences, Middlesex County, Connecticut", dated 1986).
- f) Location of Existing and Proposed Buildings and Uses, as follows:
1. The height, bulk, use and location of all buildings and structures; typical floor plans or other plans for the use of interior spaces of proposed buildings; location of heating, air conditioning, ventilation, and similar equipment if located outside the building;
  2. Signs;
  3. fences, walls including retaining walls, including details
  4. outside storage areas.
  5. supporting or accessory uses, including underground and overhead services and utilities, as well as any associated above ground equipment.
  6. the anticipated decibel level readings at the property line for on-site equipment or operations.
- g) Location, Design and Dimensions for Existing and Proposed Parking, Loading and Circulation, as follows:
1. The site plan shall include all information necessary to establish conformance with the requirements of Section 9 of these Regulations, Off-Street Parking Space, and shall also include the calculations utilized to determine the parking and loading areas as depicted on the site plan.
  2. The site plan shall depict and dimension all access aisles and circulations driveways, the dimensions of all Parking and loading spaces, the total number of such spaces, and any proposed future or expansion parking or loading spaces. In addition, the site plan shall include the location, invert elevations, pipe sizes, flow calculations, and all other similar information as may be required by the Commission's engineering consultant to properly evaluate the stormwater management plan for the site.
  3. For any site plan which depicts more than two thousand (2,000) square feet of impervious surface, be it building areas or paved areas, the site plan shall include provisions to retain stormwater runoff so as to produce no increase in peak runoff. The methods used to meet this requirement shall be as prescribed by the Commission's engineering consultant.
  4. The proposed design, location, and illumination level of all outdoor lighting, particularly in pedestrian and vehicular areas;
  5. sidewalks and other pedestrian ways;
  6. fire access lanes;
  7. specifications for parking, loading and circulation improvements.
  8. off-site roadway improvement and traffic management facilities.
- h) Signs and Outdoor Illumination, as follows:
1. location, size, height, character, and illumination of project Signs.
  2. location, size, and message of traffic management Signs.
  3. location, height, intensity, and design of outdoor luminaries, including manufacturer's specifications.
- i) Landscaping and Open Spaces, as follows:



1. location of existing trees of 6" caliper or more (excepting densely wooded areas not being disturbed).
  2. location, arrangement, type, and size of planting for all landscaped areas.
  3. trees required for Parking areas and landscape strip along Street Lines.
  4. lines delimiting areas not to be disturbed and the top and toe of graded slopes.
  5. materials for required transition landscape strips, screening of outside storage areas, including refuse collection facilities and utility lines and mechanical equipment.
  6. ornamental paved areas, plazas, and courts.
  7. a schedule of new plant materials to be used by botanical and common name, size and spacing, and size of maturity.
  8. methods of planting.
  9. provision to preserve existing trees, vegetation, wetlands, and water courses.
  10. methods to protect plantings from vehicles.
  11. special natural features identified for preservation and Lot requirement modification, therefore.
  12. significant archeological sites.
  13. irrigation system(s) to be installed, including source of water and coverage;
- j) Existing and proposed drainage, utilities and related facilities and services, as follows:
1. electric, telephone and cable television lines (underground and aboveground).
  2. storm drainage including pipe, catch basins, manholes, grates, ditches, detention basins, recharge facilities and swales and the size, specifications, and inverts, therefore. In any site plan requiring the erection of any structure, grading, drainage work, paving or other improvement, those aspects of the plan shall be prepared, signed, and sealed by a Connecticut Registered Professional Engineer.
  3. facilities for subsurface sewage disposal systems, including location of seepage tests and deep test pits.
  4. well locations and facilities for water supply.
  5. underground storage for fuel or other liquids and fill facilities and connecting lines.
  6. base flood elevation and floor elevation data.
- k) Non-Commercial Cutting Plan. For wooded sites, a non-commercial cutting plan depicting the limits of clearing.
- l) Measures for soil erosion and sediment control in accordance with Section 10.09 of these Regulations.
- m) A signature block for approval by the Commission or other agency responsible for review of the site plan and date of signing.
- n) The following legend below the signature block: "The statutory five-year period for completion of all physical improvements expires on \_\_\_\_\_, 20 \_\_."
- o) Sanitary Waste Disposal Plan: If the applicant proposes to utilize a community sewerage system, as defined in Connecticut General Statutes Section 7-245, a report from the Middlefield Water Pollution Control Authority indicating that all requirements of Connecticut General Statutes Section 7-246f have been satisfied shall be provided. Where on-site effluent disposal is to be used, the applicant shall provide a report from the Town Sanitarian indicating that all requirements of the Public Health Code have been satisfied.



- p) Protection of Surface and Ground Water Supply: Pursuant to Connecticut General Statutes Section 8-2, as amended by Public Act 85-279, every application for Site Plan Review shall include an evaluation of the impact of the proposed development upon existing and potential public surface and ground drinking water supplies. Such evaluation shall contain, at a minimum:
1. A statement describing the nature of the use of any buildings or areas of the site and their method of solid and sanitary waste disposal.
  2. The nature of any discharges anticipated.
  3. The nature of any materials to be stored, processed, or otherwise present on the site, and the period of time for which, and conditions under which, such materials shall be present on the site.
  4. The nature of the ground or surface waters on and around the site, including any public or private domestic users of such waters, their classification, as designated by the Connecticut Department of Environmental Protection's Groundwater Classification System, and the depth to any groundwater, the nature of the soils surrounding such groundwater, and the like.
  5. Measures to be taken by the applicant to control any potential adverse impact on surface and ground drinking water supplies.
  6. Other information which might assist the Commission in determining that such waters will be protected from potential adverse impacts created or increased by the proposed development. Any such evaluation shall be prepared by a qualified geohydrologist or other professional who provides evidence satisfactory to the Commission he/she is qualified to prepare such evaluations. The Commission may refer such evaluations to any governmental agency for review and comment.
  7. The information described in subsections (d), (e) and (f) need only be provided when the information set forth in paragraphs (a), (b) and (c) indicates the presence of materials or processes which have the potential to adversely impact groundwater.
  8. The Site Plan Review shall also conform to the requirements of Section 09.09 of these Regulations (Ridgeline Regulations). Any Special Permit required under said Section for a proposed use or site development shall be obtained prior to approval of the Site Plan Review.
- q) Water Supply; Certificate for Community Wells: The location and design of the proposed water supply systems shall be provided, including design calculations, materials specifications, hydrostatic testing procedures, and flow testing procedures.
- In accordance with Section 8-25a of the Connecticut General Statutes, as amended by Public Act 84-330, any development providing water by means of a "water company", as that term is defined in Connecticut General Statutes Section 16-262m(a), shall provide to the Commission a certified copy of a Certificate of Public Convenience and Necessity issued for the development by the Connecticut Department of Public Utility Control. No application for Site Plan Review involving such a water company shall be deemed complete without said Certificate, unless the applicant shall provide a resolution of the Middlefield Board of Selectmen waiving said Certificate and agreeing to be responsible for the operation of the subject water company in the event that the company is at any time unable or unwilling to provide adequate service to its consumers.
- r) Covenants and Restrictions. The applicant shall provide the text of any proposed covenants, easements, deed restrictions, and community organizations necessary to assure the fulfillment of the intent and requirements of these Regulations and the Final Development Plan as approved.
- s) Architectural Plans: architectural plans of all proposed buildings and structures, drawn to scale, and signs and outdoor illumination facilities unless otherwise provided in connection with the site plan, which plans may be preliminary in form but shall include exterior elevation drawings, floor plans and perspective drawings in sufficient detail to indicate the exterior building materials, color, height, bulk, stories, roof line,

ornamentation and general character and the interior uses of the floor area, and special exterior features, such as building-mounted signs, drive-in windows, building or roof lighting, roof drainage/gutters, and features on the interior of the building designed to be capable of being seen from the exterior all prepared, except for drawings for signs, by an architect or professional engineer licensed to practice in the State of Connecticut; six (6) copies shall be submitted.

- t) Soil Erosion and Sediment Control Plan: a Soil Erosion and Sediment Control Plan in accordance with the provisions of Section 17 of these Regulations, which Plan may be combined with the site plan submission.
- u) Wetlands, Water Courses and Coastal Areas: If any part of the Lot affected by the Site Plan Review is within the jurisdiction of the Inland Wetlands and Water Courses Regulations of the Town of Middlefield, the report and action of the Inland Wetlands and Watercourses Agency of the Town of Middlefield concerning any regulated activity on the lot shall be submitted with the PLAN. Any plans submitted to the Commission shall conform, in all relevant respects, to those plans submitted to the Agency as the same were approved, or modified and approved, by said Agency.
- v) Traffic Impact Report: For Site Plan Reviews involving 50 or more new parking spaces or proposed uses projected to generate either more than 200 vehicle trips per day or more than 100 vehicle trips per day per 1,000 square feet of floor area, a traffic impact report, prepared by a recognized traffic engineer, indicating the expected average daily vehicular trips and peak hour volumes to be generated by all of the uses on the lot and the access conditions at the lot, the turning radii for anticipated truck traffic both within the site and into or out of the site, the distribution of such traffic to be generated, types of vehicles expected, effect upon the level of service on the street giving access to the lot and at nearby intersections and the roadway capacity and traffic management improvements needed to accommodate projected traffic; six (6) copies shall be submitted.
- w) Additional Reports: The following additional engineering and technical reports prepared by a professional engineer licensed to practice in the State of Connecticut; six (6) copies shall be submitted;
  - 1. results of potable water supply analyses and tests required under Paragraph 10.02A.3.9a;
  - 2. results of test holes and percolation tests for storm drainage and sewage disposals and the basis for design of the sewage disposal system, as required under Paragraph 10.02A.3.9b;
  - 3. storm drainage study and runoff computations for design of storm drainage systems; and
  - 4. identification of source of water for fire protection, and where appropriate and based on evidence of consultation with the appropriate fire department, explanation of provision for a fire well, fire pond, water tank or other source of water adequate for firefighting purposes; the report shall include evidence that comments from the fire department have been solicited and considered as received. Fire protection shall be provided in accordance with the recommendations of the Insurance Service Organization, as the same may be amended from time to time.
- x) Other:
  - 1. Other Permits: a list of Federal, State, and other local agencies which have responsibility for approval of, or granting of, permits for the proposed use and site development, and identification of the current status of such approvals and/or permits;
  - 2. Legal Documents: draft copies of all proposed Easements and other legal documents pertaining to and/or required by the proposed Use and site development.
  - 3. Sufficiency of Information Presented. Any of the foregoing plans, reports, and evaluations may be presented on one or any number of separate sheets or documents, depending upon the complexity of the application. It shall be the duty of the applicant, however, to provide plans and other documents which incorporate all of the above information and demonstrate compliance with all of

the Requirements and criteria of these Regulations, in a way that is clear and comprehensible to the Commission and its staff.

4. Adequacy of Information to Establish Compliance. All applications shall contain sufficient information to permit the Commission to make the findings required in Section 3 of these Regulations.

#### **14.4 SITE PLAN REVIEW CRITERIA**

The Commission shall consider the following criteria in evaluating a Site Plan Review.

- a) General Standards: The proposed use, buildings, structures, and site development shall conform to all of the requirements of these Regulations and shall be designed and arranged as follows:
  1. to protect and enhance the public health, safety, property values, and welfare, in accordance with the purposes of these Regulations (See Section 01 of these Regulations) and Chapter 124 of the Connecticut General Statutes;
  2. to conserve, to the maximum extent practical, the existing terrain, vegetation, and other natural resources of the site;
  3. to be in harmony with the character of the surrounding area, and to enhance the unique rural and historic character of Middlefield;
  4. to protect nearby residential, historic, and environmentally fragile areas.
  5. to show that reasonable consideration has been given to the matter of restoring and protecting the ecosystem and habitat of Long Island Sound and reducing the amount of hypoxia, pathogens, toxic contaminants, and floatable debris therein.
- b) Complete Application. The application shall contain all information required by this Section 15, and the number of copies required, and said information has been prepared by persons possessing the necessary expertise to prepare it. Information shall be presented with adequate clarity and professionalism to permit the Commission to understand it and determine compliance with these criteria. The presentation of a complete application, as described herein, is the obligation of the applicant, and failure to meet this criterion shall be grounds for denial without prejudice to future, complete applications.
- c) Compliance with Regulations. The application shall conform in all respects with these Regulations, unless a certified copy of a variance from any such provision is submitted with the application, or the Zoning Enforcement Officer has issued a finding that the nonconformance is a legal, pre-existing nonconformity in accordance with Section 7 of these Regulations. Further, the application shall conform to the Middlefield Subdivision Regulations; the Middlefield Inland Wetlands and Watercourses Regulations, as evidenced by the submission of an Inland Wetlands Permit issued by the Middlefield Inland Wetlands and Watercourses Agency, where required, or a report from such agency indicating that it lacks jurisdiction over any proposed activity; the Public Health Code, as evidenced by a report of the Town Sanitarian or his/her authorized designee; and all relevant provisions of the Connecticut General Statutes, whether or not cited in these Regulations.
- d) Plan of Conservation and Development: The Site Plan Review shall be in conformance with the purpose and intent of any plan of conservation and development, or supplement or amendment thereto, adopted by the Planning Commission under the provisions of Chapter 126 of the Connecticut General Statutes and pertaining to the area in which the use is to be located, particularly in regard to but not limited to the following:

1. the provision or improvement of streets in the area of the site which the use may require; the provision or improvement of frontage roads used for access to the site; limitations on the location and number of access driveways; and maintenance of safety, convenience, and level of service on streets, and avoidance of congestion;
  2. the setback, location and bulk of buildings and structures; the appearance of buildings and structures from any street or highway, or from other lots;
  3. the preservation of natural landform features, wetlands, and water courses;
  4. the provision, location, and character of landscaping;
  5. the location, character, and intensity of outdoor illumination; and
  6. the extent, character, purpose, and location of signs.
- e) Neighborhood: The use of premises, buildings and other structures, the location and bulk of buildings and other structures and site development shall be of a character as to harmonize with and enhance the neighborhood, to accomplish a transition in character between areas of unlike character, to protect property values and to preserve and enhance the appearance and beauty of the community.
- f) Access and Circulation: Provision shall be made for vehicular access to the premises and circulation upon the premises in such a manner as to safeguard against hazards to traffic and pedestrians in the street and upon the lot, to avoid traffic congestion on any street and to provide safe and convenient circulation upon the lot and on the street giving access to the premises. Access and circulation shall also conform to the following:
1. The street giving access to the lot shall have traffic carrying capacity and roadway improvements and traffic management facilities that are sufficient to accommodate the amount and types of traffic generated by the proposed use, taking into account access to existing uses along the street and existing traffic projected to the date the proposed use will be in effect. Roadway, traffic management and other deficiencies in the Street giving access, which result in congestion or impairment of safety and convenience, may be remedied by the applicant if authorized by the owner of the street or other traveled way.
  2. Where necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, provision shall be made for turning lanes, traffic directional islands, frontage road driveways and traffic controls within the street.
  3. Access driveways shall be of a design and have sufficient capacity to avoid queuing of entering vehicles on any street.
  4. Driveways into the lot shall have suitable alignment and grade, not exceeding 10%, as well as transition grades and sight distances, for safe, convenient, and efficient access and shall meet the street line and travel way of the Street in such a manner as to conform to the established cross section for the Street as may be specified by the Town or State of Connecticut.
  5. Where a Lot has frontage on two (2) or more Streets, the entry and exit from the Street shall be provided where potential for traffic congestion and for hazards to traffic and pedestrians are minimized.
  6. Where reasonable alternate access is available, the vehicular access to nonresidential use of a premises shall be arranged to minimize traffic use of local residential streets and other traveled ways situated in or bordered by residential districts.
  7. Where topographic and other conditions permit, provisions shall be made for circulation driveway connections to adjoining lots of similar existing or potential use 1) when such driveway connection will facilitate fire protection services, as approved by the Traffic Authority and Town Fire Marshal, or their agents, and/or 2) when such driveway will enable the public to travel between two existing or potential sites, open to the public generally, without need to travel upon a street.

8. There shall be no more than one (1) driveway connecting from any lot to any street, except that 1) separate entrance and exit driveways may be provided where necessary to safeguard against hazards and to avoid congestion and 2) additional driveway connections may be provided, particularly for but not limited to large tracts and uses of extensive scope, if traffic flow in the street will be facilitated by the additional connection.
  9. Driveways shall not exceed 30 feet in width at the street line, or such lesser width as will be sufficient to accommodate the traffic to be generated, unless a greater width is required by Town ordinance or by the State of Connecticut.
  10. The Commission may require that any site plan shall provide for pedestrian walkways and circulation in commercial and industrial parking areas and around buildings. Walkways along streets may also be required and should be constructed of slate, brick, or concrete and be a minimum width of five (5') feet.
  11. Interior walkways should be constructed of slate, brick, or suitable paving blocks. The Commission may permit gravel or other surfaces for interior walkways.
- g) Existing Streets: Along an existing street where the lot has frontage or access, proper provision shall be made for grading and improvement of shoulders, and sidewalk areas within the right-of-way and for provision of curbs and sidewalks, as approved by the owner of the Street and in accordance with the pattern of development along the street. Provision shall be made for turning lanes and traffic controls within the street as necessary to provide the access required.
- h) Handicapped Persons: The site plan shall make proper provision for buildings and site development that are accessible to and usable by physically handicapped persons, such as by 1) provision of walks and ramps of suitable width and grade, 2) inclined curb approaches or curbs cut flush with parking areas, 3) reserved, wide parking spaces, and d) ground level building entrances.
- i) Parking and Loading: Off-street parking and loading spaces shall be provided in number and with location and design as specified in Section 9 of these Regulations.
- j) Lighting: Outdoor illumination facilities shall be designed for safety, convenience and security while minimizing sky glow, safeguarding against discomfort glare and disability veiling glare and avoiding trespass lighting and adverse effect from illumination upon the use, enjoyment, and value of property and upon the appearance and beauty of the community. Building-mounted floodlights shall be discouraged. There shall be no change in the height, intensity, location, or other aspects of site or building lighting except as an amendment to any approval granted under this Section.
- k) Sanitation: Proper provision shall be made for the water supply; sewage disposal and waste management requirements of the proposed use as follows:
1. Demonstration of a suitable system of potable water supply to serve the proposed use shall include 1) Chemical, bacteriological or other analyses and tests, performed by a licensed water analyst and which meet water standards established by the State Department of Health Services, and 2) pumping tests of the well or wells to be used, conducted for at least 12 hours, determining the yield and maximum draw down. The potable water supply system shall be approved by the Director of Health.
  2. On-site sewage disposal systems shall be designed in accordance with the Connecticut Public Health Code And standards of the Connecticut Department of Energy and Environmental Protection (CT DEEP) and with Town ordinances and regulations where applicable. The design of the sewage

disposal system shall be approved in writing by the Director of Health, and by CT DEEP when applicable, prior to approval of the Site Plan Review.

3. Provision shall be made for collection, storage, and disposal of solid wastes, accumulated in connection with the proposed use, in a manner approved by the Director of Health. Facilities for management of toxic or hazardous wastes shall be designed by a professional engineer when required by the Director of Health. Waste management shall include control of litter by means of receptacles, fences, or other means.

- l) Storm Drainage: Provision shall be made on the Lot for the management of storm water, including collection and disposal thereof, in the following manner:

1. to assure the usability of off-street Parking and loading spaces;
2. to avoid hazards to pedestrians and vehicular traffic on the Lot and in any Street;
3. to avoid storm water flow across sidewalks and other pedestrian ways;
4. to protect Watercourses and Wetlands from pollution, erosion, and sedimentation;
5. to avoid an amount of discharge and time of concentration of flow beyond the capacity of downstream drainage channels; and
6. to avoid downstream flooding.

Provision shall also be made for the protection or improvement of existing water courses, channels, and other drainage systems, on the Lot or downstream from the Lot, as needed to accept the proposed drainage discharge, based on sound design criteria under good engineering practice, taking into account the drainage requirements of the entire watershed in which the lot is located. Provision shall also be made on the Site Plan Review for control of storm water runoff during construction. Analysis of increased runoff from the proposed use shall be based on the appropriate method from Chapter 9 of the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended, unless an alternative method is approved by the Commission or other responsible agency. The 100-year frequency, 24-hour duration, Type III distribution storm shall be used for runoff calculations.

- m) Utilities: Electric, telephone and cable television lines on the Lot shall be installed underground unless underground installation is determined to be impractical by the Commission or other agency responsible for approval of the Site Plan Review. Lines when necessary to be installed aboveground shall be located, landscaped, or screened in a manner to harmonize with the design of the Premises. Utility services located out of doors, such as transformers and heating and cooling equipment, shall be placed at the side or rear of buildings being served and screened from view; and if on rooftops, shall be screened in a manner which compliments the architectural style of the building.
- n) Emergency Services: Suitable provision shall be made on the lot for access to lots, buildings and other structures by fire, police, and other emergency services. Suitable provision shall be made for fire wells, fire ponds, water tanks or access to other water sources for fire protection.
- o) Outside Storage: Outside storage includes the following when not located within an enclosed building: sales, storage and/or display of merchandise, supplies, equipment, or machinery; storage of wastes; and manufacture, processing or assembling of goods; but not including the parking of registered motor vehicles in daily use. Outside storage provided in connection with a use for which a Site Plan Review or Special Permit is required to be submitted under these Regulations shall be located in areas on the lot as shown on such the approved site plan and shall be limited and screened as follows:
  1. No outside storage area shall extend into the area required for building setback from a street line, property line or residential district boundary line.
  2. All outside storage areas shall be enclosed, except for necessary access drives, by buildings and/or fences, walls, embankments or evergreen shrubs or trees so as to screen the storage area from view from any other lot, from any street and from any portion of a Residence or Rural District, provided,

however, that the Commission, in connection with approval of a Site Development Plan or Special Permit under its jurisdiction, may determine that such enclosure is not necessary for all or a portion of necessary and reasonable outside storage that is an adjunct to retail sales.

- p) Total Ground Coverage: The maximum Total Ground Coverage shall be sixty (60%) percent.
- q) Landscaping: Landscaping shall be provided and permanently maintained on the lot to conform to the following:
  - 1. Landscaping shall be provided and permanently maintained with an intent to reduce excessive heat, glare, and dust, to provide privacy from noise and visual intrusion, to control erosion of soil and excessive runoff of stormwater, to enable recharge of groundwater and to avoid degradation of groundwater, wetlands, and water courses.
  - 2. All portions of the lot not covered by buildings and other structures, outside storage areas, areas for off-street parking, loading and driveways and permitted paved areas shall be suitably landscaped with trees, shrubs, lawns or other suitable landscaping or, if not disturbed by filling, grading, excavation or other construction activity, may be left as natural terrain provided any such area has trees and other vegetation and a location, size and shape that supports the landscaping plan for the premises.
  - 3. Any parking area accommodating 20 or more cars shall 1) be provided with interior landscaping within the paved portion of the Parking area and 2) have a landscaped area along its perimeter of at least twenty (20') feet in width, except where the parking area is functionally integrated with an adjoining parking area on an immediately adjacent Lot. Landscaped areas within the interior of the Parking area shall have a minimum size of 100 square feet and a minimum dimension of at least eight (8) feet. Parking areas shall contain no more than 15 spaces in a row or have more than four (4) rows across without an intervening landscaped area. Interior landscaped areas shall be planted with grass or shrubs and with at least one (1) tree for each 20 cars or fraction thereof. The perimeter landscaped area shall have a minimum dimension of five (5) feet and shall be planted with grass or shrubs and with at least one (1) tree for every 50 feet along such perimeter. All such trees shall be of not less than three (3) inches caliper and 10 feet in height when planted. Landscaping required under the following paragraph (e) may, if appropriately located, be counted to satisfy this requirement. Islands within the Parking area shall indicate and assure safe and efficient channelization of both pedestrian and vehicular traffic. The Commission or other agency responsible for approval of a Site Plan Review may by resolution, upon request of the applicant, modify or adjust one or more of the requirements of this Paragraph for the purpose of recognizing the particular conditions of the site with respect to enhancement of growth potential of landscaping or assurance of safety of site utilization and the proper functioning of site improvements while maintaining the purpose and intent of this paragraph. (Revised 4/3/95)
  - 4. A strip of land on the lot along and adjacent to the street line and not less than 20 feet in width shall be landscaped with lawn, shrubs and/or other growing ground cover and provided with one (1) deciduous tree not less than three (3) inches caliper and six (6) feet in height for each 40 feet of lot frontage or fraction thereof. Such required landscaped strip may be crossed with driveways and sidewalks approved under the Site Plan Review. The area in front of the lot between the street line and edge of street pavement shall also be graded and landscaped with lawn or other growing ground cover as may be approved by the owner of the street.
  - 5. All off-street loading bays or docks visible from any Street or Residence District shall be screened from view by means of fences, walls, embankments or evergreen shrubs or trees.
  - 6. Landscaping, including trees and shrubs, shall be selected, located, and maintained so as to avoid sight line hazards for vehicles and pedestrians within the site and for access to the site from the street.
  - 7. All plant and other landscaping materials shall be provided in accordance with good landscaping practice and be suitable for survival and growth under the conditions at the site. Landscaping shall be protected from damage by motor vehicles by means of curbs, fences, or other devices. Planting islands in Paved Areas shall have suitable area and dimensions to support plantings. Plant materials and landscape design are subject to approval by the Commission.

8. Landscaping, including trees, shrubs, fences, walls, and other landscape features, provided in connection with an approved site plan to comply with these Regulations shall be maintained, and replaced when deteriorated, for the full duration of the approved use on the lot. Such maintenance and replacement are a continuing requirement for compliance with these Regulations.
  9. The Commission may require the preservation of specimen or significant trees existing on the site at the time of application.
- r) Signs: All Signs shall conform to the standards of Section 09.03 of these Regulations. The following are also applicable to Signs:
1. Signs installed on or at the Lot for the purpose of traffic management shall, to the extent practicable, have a message and be of a size and design established by the Connecticut Department of Transportation for the particular traffic management purpose.
  2. The Commission, in connection with approval of a Site Plan Review under its jurisdiction, may approve an overall Sign design program for the Premises establishing, in advance, the area, location and character of Signs and avoiding need to submit in the future each Sign for individual review and approval, and/or approve a Sign program for additional Signs attached to buildings and designed to be read only by Persons who are pedestrians on the Lot, as such Signs may be needed to identify the location of particular stores, offices or other occupancies.
- s) Preservation of Natural Features: The Site Plan Review, including proposals for the location and arrangement of buildings, structures, driveways, landscaping, drainage, wetlands protection, paved areas, and other development, shall be prepared with consideration for preservation of the natural assets of the lot and to minimize changes in the elevation of existing topography. When the Commission finds that there exist on the lot significant natural or manmade features (such as water bodies, rock formations, major trees, scenic vistas and distant views, wildlife habitats, historical or archeological sites, or unusual landscaping), the preservation of which would contribute significantly to the livability and values of the general area and thus promote the purposes of these Regulations, such Commission may, after due notice and public hearing as required by law, grant a Special Permit reducing by not more than 25% the minimum Lot shape and/or the building setbacks specified in these Regulations, or modifying the required location of the square on the lot, provided that the following requirements are met:
1. The reduction or modification shall be only to the degree necessary to achieve such preservation;
  2. The features to be preserved shall be clearly and accurately shown on the site plan element of the PLAN and their significance described in writing as part of the PLAN submission;
  3. The precise extent of the area within which such features lie shall be accurately delineated on such site plan and this area restricted by notation on the site plan, providing for such area to be preserved in a natural or undisturbed condition;
  4. The reduced Lot shape and/or building setback requirements and modified location of square shall be shown on such site plan and reference made to this section of the Regulations by notation thereon; and
  5. The total lot area required by the Zoning Regulations remains the same.
- t) Significant Archeological Sites: When a lot or premises for which a Site Plan Review is to be submitted has been identified by the State of Connecticut Archeologist as historically or architecturally significant, the Site Plan Review submission shall include the location of the archeological resource, a statement as to the nature of the resource and description of measures being or to be undertaken to protect the resource.
- u) Soil Erosion and Sediment Control: Provision shall be made in the Site Plan Review for installation, maintenance, and completion of measures for soil erosion and sediment control in accordance with Section 10.09 of these Regulations.
- v) Surface and Groundwater Protection. In reviewing any site plan or use, the Commission shall consider the impact on existing and potential public surface and ground drinking water supplies. The application may be denied if the Commission concludes that unreasonable adverse impact will result from the approval of the Site Plan Review.
- w) Water Supply. No Site Plan Review depicting a development to be served by a water company, as defined herein above, shall be approved unless and until a Certificate of Public Convenience and Necessity, or the waiver thereof by the Middlefield Board of Selectmen.



- x) Buildings and Structures: The overall architectural character of the premises and building designs shall not be detrimental to property values in the neighborhood or the Town, and shall preserve and enhance the Town's historic and rural character in terms of scale of buildings, the preservation of scenic vistas and public access, materials used, roof lines, door and window details, site and building lighting, street furniture, paving materials, landscaping, signs, colors, and all other features of the site and buildings which are visible from the exterior of any building on the site or from abutting lots or streets, or which may impact the character or quality of life on adjoining properties, in the neighborhood, or throughout the Town. In particular:
1. Buildings and other structures shall have an exterior design, including finish and color acceptable to the Commission. The exterior walls of any buildings that are visible from any street or any other lot shall present a finished appearance by means of materials consistent with the design of the building as a whole.
  2. No mechanical equipment shall be located on the roof of a building, or on the ground, if visible from any street or from any residence district unless such equipment is housed or screened from view in a manner consistent with the architectural design of the building.

#### **14.5 PROCEDURE WHEN COMMISSION ACTION ON SITE PLAN IS REQUIRED**

No use shall be established, altered, expanded, or extended until approval of a Site Plan Review. When a use, other than a SPECIAL PERMIT USE, is permitted in a District subject to administrative approval of a Site Plan Review by the Commission, the following procedures, standards, and conditions are applicable.

- a) Preliminary Consideration: Prior to filing of an application for approval of a Site Plan Review, the future applicant is invited to prepare and present for informal discussion with the Commission or its land use staff a preliminary or sketch plan of the proposed use and site development. The plan should be drawn to scale, not less than 1" = 40', and should include the location of proposed buildings, access driveways, parking lots, utilities, existing and proposed drainage, wetlands and water courses, test holes and percolation tests and data therefore, and significant natural and manmade features at the site as well as existing contours from available U.S. Geological Survey maps or other sources. While preliminary consideration is not a part of or requisite for formal application, it is expected that an informal discussion with the Commission or its land use staff will assist the applicant with the subsequent formal application, serving the purpose of presenting preliminary plans or concepts and receiving preliminary comments, observations, questions, or areas of concern. Neither the proponent nor the Commission shall be in any way bound by statements made in such informal discussions, their purpose being only to minimize delay, expense, and inconvenience to the public, the proponent, and the Commission upon the future receipt, if any, of a formal application. Following any preliminary consideration, the Commission may suggest that the proposal, or certain aspects thereof, be referred to other municipal, State, or Federal agencies for review and comment, or may suggest that additional information is or will be required prior to action on a formal application.
- b) Application and Fee: Application for approval of the Site Plan Review shall be submitted in writing to the Zoning Enforcement Officer, shall be accompanied by an APPLICATION for a ZONING PERMIT and shall be accompanied by the following:
  - An application for approval of the Site Plan Review on forms approved by the Commission and an application fee as set by such Commission pursuant to Town Ordinance.
  - The following persons may apply for a Site Plan Review: An owner, or all of the joint owners, of the property upon which the use is to be located; the prospective purchasers of such property, pursuant to a written purchase agreement, option agreement, bond for deed, or similar document, provided, however, that the said document accompanies the application and authorizes the prospective purchaser to apply for zoning permits from the Town, or, in the alternative, the written consent of the owner of the fee simple interest accompanies the application; the lessee of a leasehold interest, provided that either the written consent of the owner of the fee simple interest accompanies the application or, in the alternative, that a written lease, which must accompany the application, provides that the lessee is authorized to apply for zoning permits from the Town.

- Site Plan Review submission documents as specified in Section 2.
- c) Application Review: When received, the Commission shall review the application and Site Plan Review submission for completeness, may consult with the applicant and may make determinations concerning the sufficiency of the submission as provided in Section 10.02A.2.14. Incompleteness of a Site Plan Review submission is cause for disapproval. The Commission shall consider 1) whether a Site Plan Review meets the General and Special Standards set forth in Section 3; and 2) the potential environmental impact of the proposed project on Town resources and on water bodies adjacent to the Town.
- d) Notices of Consideration.
- Notices Mandated by Statute. The Commission shall notify the clerk of any adjoining municipality of the pendency of any application concerning any Site Plan Review application in accordance with Connecticut General Statutes §8-3h.
  - In accordance with Connecticut General Statutes §8-3i, in any Site Plan Review application for any property which is within the watershed of a water company, as defined in Connecticut General Statutes §16-1, the applicant shall provide written notice of the application to the water company and the Commissioner of Public Health, provided such water company has filed a map showing the boundaries of the watershed on the Land Records of the Town. Such notice shall be by certified mail, return receipt requested, and shall be mailed at the time of application. The applicant shall submit evidence of such notice to the Commission at the time of application. Such water company may, through a representative, appear and be heard at any hearing on such application.
  - In addition to the requirements set forth in the preceding paragraphs, the Commission may, in its sole discretion, submit any plans or other information to consultants, employees, or other governmental agencies for comment and recommendations.
- e) Posting of Sign. No less than seven (7) days prior to the opening of any public hearing, or the consideration of any Site Plan Review, the applicant shall post a sign on the property which is the subject of any application. The face of such sign shall be as prescribed, by resolution, by the Commission, and shall set forth the date, time and place of the public hearing, the agency (the Commission or the Board) hearing the application, and a brief description of the use. It shall be the obligation of the applicant to post such sign on the property in a location which is plainly visible from the nearest Street, and to maintain the sign until the opening of the public hearing or meeting of consideration. No sign need be posted for the continuation of a public hearing once it has opened.
- f) Public Hearing: The Commission may hold a public hearing regarding any Site Plan Review submission if, in its judgment, circumstances warrant such hearing. The Commission shall give notice of the hearing in the same manner as required by law for hearings on Special Permits. (Conn. Gen. Stats. §8-3c.) In the event that public hearing is scheduled, the applicant shall also notify all Abutting landowners of record of the date, time, and place of the public hearing of the Commission at which said Site Plan Review is to be considered no less than ten (10) days preceding the date of said hearing and shall submit proof to the Commission of such notification. No notice shall be required for the continuation of a public hearing once it has been opened.
- g) Action and Notice: The Commission shall review the application for conformance with the criteria of this Section 15. The Commission may approve, modify, and approve, or disapprove the application. If the Commission determines that the application is incomplete, the same may be denied without prejudice to any future complete application.

If such re-application is made within one (1) year of the denial without prejudice, the Commission may, in its sole discretion, waive all or a part of the application fee to reflect the cost of staff review expenses previously performed. The Commission may approve any application subject to certain stipulations and/or conditions of approval as it may deem necessary and desirable for the purpose of preventing or diminishing any noncompliance with the criteria set forth in this Section. Such conditions may specifically include hours of operation, restrictions on days of the week, and similar restrictions as to time. Where appropriate (e.g., for non-structural uses such as tag sales, outdoor events, and

the like), the Commission may grant a Site Plan Review which is temporary and will be effective only commencing on, or terminating on, specified dates.

The Commission shall state, upon the record, the reasons for its action, and shall publish notice of such action as required by Connecticut General Statutes. The Commission shall, in addition send written notice of its decision under the signature of the Commission's Secretary or clerk, by certified mail, to the applicant within fifteen (15) days of its action. A copy of the decision shall also be transmitted by the Zoning Commission to the Zoning Enforcement Officer.

- h) Filing of Site Plan: A copy of the site plan element of an approved Site Plan Review, and as such PLAN may have been required by the Commission to be modified, shall be made on translucent polyester film .003 mil thick or better and presented to the Commission for endorsement of its approval within sixty-five (65) days of such approval. The following are applicable to endorsement and filing of the site plan:
- Upon receipt of such copy of the site plan, together with executed copies of any required legal documents in form for recording and the posting of any completion bond required, the Chairman, Vice Chairman, or Secretary of the Commission shall endorse the approval of such Commission on such copy and note thereon the date of such endorsement and as required by Section 4.8, the date of expiration of the period allowed for completion of the work. The applicant shall then be notified by the Commission that such endorsed copy of the site plan and executed copies of any required legal documents may be obtained from its clerk.
  - The applicant shall then file in the office of the Middlefield Town Clerk such endorsed copy of the site plan and shall record in such office any required legal documents received from the Commission's clerk, such filing to take place within 90 days from the date of the endorsement approving such site plan; provided, however, that the Commission may, by majority vote, extend the time of such filing for up to two (2) additional consecutive period of 90 days, during which periods the approved site plan shall remain valid.
  - Filing and recording fees shall be paid by the applicant, and the applicant shall, as promptly as filing and recording procedures permit, furnish the Commission's clerk a memorandum stating the date when the endorsed copy of the site plan was filed, and each required legal document was recorded together with the map number(s) assigned to such site plan and the number and page of the volume in which each such legal document was recorded. No ZONING PERMIT shall be issued for the proposed use of the land involved in the proceeding until the aforementioned documents have been recorded.
- i) Commencement and Completion of Work. For any Site Plan involving non-residential property, the applicant shall commence construction of any building or structure, or the establishment of any use, within two (2) years of the effective date of such approval, and the Commission may extend such period for an additional one (1) year upon the request of the applicant; said construction or establishment shall be completed by the applicant, and a Certificate of Zoning Compliance and Certificate of Occupancy, where required, shall be issued, within five (5) years of the effective date of such approval. Any such approval not completed within the time limits contained in this Section shall be void. For residential property, such approval shall be void within the time limits prescribed for non-residential property, but any re-application for such approval shall continue to be governed by the Regulations and zone classification in effect at the time of the original approval.
- j) Posting of a Completion Bond: The Commission as a condition of approving a Site Plan Review may require that the applicant, within 90 days from the date of the endorsement approving the site plan element of such Plan, file with the Treasurer of the Town of Middlefield a completion bond in an amount approved by the Commission as security for the satisfactory completion of all of the work shown on such site plan element.
- Term and Form of Bond: Such bond shall refer to and identify the various site plan sheets, shall be for a term expiring no earlier than 90 days after the planned completion date of the project, and shall remain in full force and effect until modified or released by the Commission. The form of the bond shall be satisfactory to legal counsel for the Commission.

- Continuing Effectiveness: Such bond shall remain in full force and effect, regardless of future ownership of the property being developed, until released by vote of the Commission. The site plan element filed in the office of the Middlefield Town Clerk shall so state. Where the Commission deems it appropriate, it may authorize release of bonding in stages. The Commission shall not authorize final release of a bond until after it shall have received written certification from the applicant and from the Commission's engineer or other technical staff member designated by the Commission that all of the requirements of the Site Plan Review have been met. The Commission may require a bond for landscaping to assure replacement of landscape material that dies or is otherwise removed, and such bond may be kept in force for at least one growing season after planting, and for such greater period as the Commission may require. In particular, the Commission may require a long-term bond where landscaping is required under this Section for a visual buffer.
  - Prerequisite to Field Work: No field work implementing an approved Site Plan Review shall commence until the required completion bond in content and form acceptable to the Commission shall have been filed with the Town Treasurer.
- k) Minor Changes to Site Plans: The Zoning Enforcement Officer shall have the authority to approve minor changes to an approved Site Plan if in the judgment of the Zoning Enforcement Officer such changes do not alter the character, quality, density, intensity, types of uses, amenities or other major features of the Site Plan as approved, and such changes are in conformity to the requirements of these Regulations.
- l) Major Changes to Site Plan Reviews: If the Zoning Enforcement Officer determines that changes in the Site Plan, or any change of use within a building or structure or on a lot, may alter the overall character, quality, density, intensity, uses, amenities, traffic generation, parking facilities or other major features of the Site Plan as approved, said modification shall be made only after approval thereof by the permitting agency. The permitting agency may determine that the modifications are so substantial as to require a new application.

## **SECTION 15 SPECIAL PERMITS**

### **15.1 GENERAL STATEMENT**

General: Certain uses of land, buildings and other structures, and the construction, reconstruction, Extension, moving and alteration of buildings, and other structures and site development in connection therewith, and any changes in site development of a previously approved site development plan, are, as specified on Article II, permitted in a District subject to the securing of a Special Permit from the Planning and Zoning Commission or Zoning Board of Appeals as designated on such SCHEDULES. The provisions which follow establish the application and submission requirements, the GENERAL STANDARDS and SPECIAL STANDARDS applicable to Special Permits and the procedures to be followed by such Commission or Board, hereinafter referred to, for simplicity, as “the Commission.”

### **15.2 PURPOSE**

Uses permitted as Special Permit uses subject to the approval of the Commission are deemed to be permitted uses in the districts specified, subject to the satisfaction of the requirements and standards of this Section. Special Permit uses that may be permitted in a District are unusual uses which under favorable circumstances will be appropriate, harmonious, and desirable uses in the District but that possess such special characteristics that each use must be considered as an individual case.

### **15.3 SPECIAL PERMIT REQUIREMENT/WAIVER**

In any instance involving a use or uses requiring a Special Permit as set forth in Article II of these Regulations, no land or water areas shall be used, nor uses altered or expanded in space, time, or intensity, nor building or structures erected, altered, enlarged, or used until the Commission shall grant a Special Permit in accordance with this Section 16, or amend a previously granted Special Permit.

The Commission may waive the requirement for a Special Permit where it finds that: (a) One Special Permit use is being substituted for another similar use on the same lot which was previously granted a Special Permit by the Commission; (b) The new use will require no greater parking or loading than the original, as set forth in Section 9 of these Regulations; (c) The new use shall entail no exterior change to the building or premises; and (d) The new use shall have no impact on the site, the neighborhood, or the Town which is different from the original, such impact to be measured by the standards set forth in Section 16.5 of these Regulations.

### **15.4 APPLICATION PROCEDURE**

#### **15.4.1 Informal Discussion**

Any proponent of a use permitted by Special Permit may request the opportunity to place such proposal on the agenda of a regular or special meeting of the Commission for the purpose of presenting preliminary plans or concepts and receiving preliminary comments, observations, questions, or areas of concern. Neither the proponent nor the Commission shall be in any way bound by statements made in such informal discussions, their purpose being only to minimize delay, expense, and inconvenience to the public, the proponent, and the Commission upon the future receipt, if any, of a formal application for Special Permit. Following any informal discussion, the Commission may suggest that the proposal, or certain aspects thereof, be referred to other municipal, State, or Federal agencies for review and comment, or may suggest that additional information is or will be required prior to action on a formal application for Special Permit.

#### **15.4.2 Who May Apply**

The following persons may apply for a Special Permit: An owner, or all of the joint owners, of the property upon which the use is to be located; the prospective purchasers of such property, pursuant to a written purchase agreement, option agreement, bond for deed, or similar document, provided, however, that the said document

accompanies the application and authorizes the prospective purchaser to apply for zoning permits from the Town, or, in the alternative, the written consent of the owner of the fee simple interest accompanies the application; the lessee of a leasehold interest, provided that either the written consent of the owner of the fee simple interest accompanies the application or, in the alternative, that a written lease, which must accompany the application, provides that the lessee is authorized to apply for zoning permits from the Town.

### 15.4.3 Application

Application for a Special Permit shall be submitted in writing to the Zoning Enforcement Officer, and shall also be accompanied by the following:

- a) **Application and Fee**: an application for approval of a Special Permit on forms approved by the Commission and signed by the applicant and by the owner if different from the applicant, and an application fee as set by such Commission pursuant to Town Ordinance.
- b) **Site Development Plan**: A site plan and other documentation consisting of the Statement of use, Site Plan, Architectural Plans, Soil Erosion and Sediment Control Plan, Traffic Impact Report and other reports and lists as specified in Section 15 of these Regulations for Site Development Plans. Six (6) copies shall be submitted. The Commission is aware of the holding in the case of SSM Associates Limited Partnership v. Plan & Zoning Commission 211 Conn. 331, 334 (1989). The reference herein to Section 15 is for convenience only to avoid the repetition of the information contained there and shall not be construed as creating a separate application or request for Site Development Plan review. The materials required to be submitted in connection with a Special Permit application are to allow the Commission to evaluate the Special Permit and determine compliance with the standards of this Section 16.
- c) **Complete Application**: A complete application shall consist of the application form and fee, together with the required information set forth in this Section 16. The date of receipt of any such application shall be the next regularly scheduled meeting of the Commission or thirty-five (35) days following, the submission of such application, whichever shall first occur.
- d) **Notices Mandated by Statute**: The Commission shall notify the clerk of any adjoining municipality of the pendency of any application concerning any Special Permit in accordance with Connecticut General Statutes § 8-3h. In accordance with Connecticut General Statutes § 8-3i, in any Special Permit application for any property which is within the watershed of a water company, as defined in Connecticut General Statutes §16-1, the applicant shall provide written notice of the application to the water company and the Commissioner of the Department of Public Health, provided such water company has filed a map showing the boundaries of the watershed on the Land Records of the Town. Such notice shall be by certified mail, return receipt requested, and shall be mailed at the time of application. The applicant shall submit evidence of such notice to the Commission at the time of application. Such water company may, through a representative, appear and be heard at any hearing on such application.
- e) **Notice to Abutting Owners**: The applicant shall also notify all Abutting landowners of record, as disclosed by the Assessor's records, of the date, time, and place of the public hearing of the Commission at which said Special Permit is to be considered no less than ten (10) days preceding the date of said hearing and shall submit proof to the Zoning Enforcement Officer of such notification. No notice shall be required for the continuation of a public hearing once it has been opened.
- f) **Posting of Sign**: No less than seven (7) days prior to the opening of any public hearing, the applicant shall post a sign on the property which is the subject of any application for Special Permit. The face of such sign shall be as provided by the Commission, and shall set forth the date, time and place of the public hearing, the agency hearing the application, and a brief description of the use. It shall be the obligation of the applicant to post such sign on the property in a location which is plainly visible from the nearest public street, and to maintain the sign until the opening of the public hearing. No sign need be posted for the continuation of a public hearing once it has opened.

- g) **Submission for Review:** In addition to the requirements set forth in the preceding paragraph, the Commission may, in its sole discretion, submit any plans or other information to consultants, employees, or other governmental agencies for comment and recommendations.
- h) **Time Limits:** The Commission shall, within sixty- five (65) days of receipt of any application, schedule a public hearing thereon, said public hearing to be noticed in accordance with the requirements of the Connecticut General Statutes. The applicant or his/her authorized representative shall attend the public hearing, and the absence of the applicant or his/her authorized representative shall be proper grounds for the denial of the application. Said public hearing may be held open for no more than thirty-five (35) days following the opening thereof. Within sixty-five (65) days following the close of said public hearing, the Commission shall act upon said application. The applicant may request an extension of any of the time limits set forth in this paragraph for a period not to exceed a cumulative total of sixty-five (65) days. These time limits are in accordance with Connecticut General Statutes as of the time of adoption of these Regulations; any subsequent amendment to such Statutes shall control, and be used in place of the preceding, without amendment of these Regulations.

#### **15.4.4 Review And Modification Of Submission**

The Commission, upon written request by the applicant, may by resolution 1) determine that the required submission of all or part of the information required under Section 16 is not necessary in order to decide on the application and need not be submitted or 2) determine that required submission of part of such information is deferred for submission and decision at a later date, and the Commission may by resolution otherwise determine that 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.

#### **15.5 GENERAL STANDARDS**

The proposed SPECIAL PERMIT use, buildings and other structures and site development shall conform to all of the requirements of these Regulations including the following GENERAL STANDARDS and any SPECIAL STANDARDS that may be contained in these Regulations for particular uses:

- a) **Complete Application.** The application shall contain all information required by this Section 10.02B, and the number of copies required, and said information has been prepared by persons possessing the necessary expertise to prepare it. Information shall be presented with adequate clarity and professionalism to permit the Commission to understand it and determine compliance with these criteria. The presentation of a complete application, as described herein, is the obligation of the applicant, and failure to meet this criterion shall be grounds for denial without prejudice to future, complete applications.
- b) **Compliance with Regulations.** The application shall conform in all respects with these Regulations, unless a certified copy of a variance from any such provision is submitted with the application, or the Zoning Enforcement Officer has issued a finding that the nonconformance is a legal, preexisting nonconformity in accordance with Section 7 of these Regulations. Further, the application shall conform to the Middlefield Subdivision Regulations; the Middlefield Inland and Watercourses Regulations, as evidenced by the submission of an Inland Wetlands Permit issued by the Middlefield Inland Wetlands and Watercourses Agency, where required, or a report from such agency indicating that it lacks jurisdiction over any proposed activity; the Public Health Code, as evidenced by a report of the Town Sanitarian or his/her authorized designee; and all relevant provisions of the Connecticut General Statutes, whether or not cited in these Regulations.
- c) **Conformance with Criteria of Section 16.5:** Any application for Special Permit shall, at a minimum, conform to all of the GENERAL STANDARDS for SITE DEVELOPMENT PLANS of Section 15. Those standards and criteria are considered the basic ones for all uses and premises in Middlefield, other than uses permitted as of right.



- d) **Character:** The location, type, character, and extent of the uses and of any building or other structure and site development in connection therewith shall be in harmony with and conform to the appropriate and orderly development of the Town and the neighborhood and shall not hinder or discourage the appropriate development and use of adjacent property or impair the value thereof.
- e) **Lot Size:** The lot on which the use is to be established shall be of sufficient size and adequate dimension to permit conduct of the use and provision of buildings, other Structures, and facilities in such a manner that will be in harmony with and not be detrimental to the neighborhood or adjacent property.
- f) **Landscaping:** The Premises will be suitably landscaped to be in harmony with adjacent Lots and the character of the neighborhood.
- g) **Access:** The traffic to be generated by the use and the provision to be made for vehicular access to the lot shall assure safety and convenience on the street and a level of vehicular traffic consistent with the pattern of traffic in the neighborhood. The nature and location of the use, buildings, structures, and site development shall be such that there is adequate access for fire protection purposes and within the equipment capability of the applicable fire department. The Commission may require that any site plan shall provide for pedestrian walkways and circulation in commercial and industrial parking areas and around buildings. Walkways along Streets may also be required and should be constructed of slate, brick, or concrete and be a minimum width of five (5') feet. Interior walkways should be constructed of slate, brick, or suitable paving blocks. The Commission may permit gravel or other surfaces for interior walkways.
- h) **Traffic Access.** All driveways, parking areas, paths, and sidewalks shall be interconnected and/or combined, where possible, with adjacent parking areas, driveways, paths, and sidewalks for similar uses, to minimize curb cuts and to maximize pedestrian and vehicular movement between adjacent sites without excessive curb cuts, access movements, and congestion. Provision shall be made for such interconnection, and for the extension of any road or driveway, terminating at or upon the subject site so as to serve adjacent undeveloped land in the same or a comparable zone. Such provision shall include rights-of-way to the Town and/or to the adjacent property owner(s). No driveway onto a public street shall exceed thirty (30') feet in width, excluding the radius fillets at the point of intersection with the street, and no proposed driveway shall be closer than one hundred (100') feet to any other existing or proposed driveway, unless the site is of such width that compliance with this requirement would preclude access, in which case the separating distance between driveways shall be the maximum feasible for the site. In the interests of public safety, the number of driveways onto public streets shall be minimized, and, in non-residential zones, access to adjacent sites shall be by common driveways wherever feasible. The Commission may require that any driveway be designed, and easements to adjacent properties be conveyed, in order to facilitate present or future sharing of such driveways. Driveway widths and site lines shall comply with State standards, where applicable.
- i) **Water Supply.** No site plan depicting a development to be served by a water company, as defined herein above, shall be approved unless and until a Certificate of Public Convenience and Necessity, or the waiver thereof by the Middlefield Board of Selectmen.
- j) **Public Health and Safety; Environmental Protection.** The site and building plans shall be designed so as to minimize any delay, inconvenience, and expense of providing for the public health, safety and welfare, including, but not limited to the following: adequate access for emergency vehicles and equipment; adequate water supply for firefighting, in accordance with recommendations of the Fire Marshal or his/her designee; adequate utility capacity; Flood proofing measures which may be desirable, even if over and above the minimum requirements of these Regulations or applicable State or Federal standards; protection of the natural environment; potential environmental impact of the proposed project on Town resources and on water bodies adjacent to the Town; avoidance of glare visible from streets or adjacent properties.
- k) **Appropriateness of Use.** The proposed use shall be appropriate for the designated location with regard to: The size and intensity of the proposed use, and its relation to existing land uses, and shall be such as to be



in harmony with the appropriate and orderly development of the area in which it is to be situated and will not be detrimental to the orderly development of adjacent properties; the capacity of adjacent and feeder streets to accommodate peak and average traffic volumes, and special traffic characteristics of the proposed use, and the avoidance of non-residential traffic through residential streets; the development will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof; the obstruction of light or air, or the emission of noise, light, smoke, odor, gas, dust, and/or other offensive emissions without adequate buffering or controls; the overall impact on neighborhood property values, and the special problems of fire or police protection inherent in the proposed use; the preservation of the character of the neighborhood in terms of scale, density and intensity of use, architectural character, and similar factors; the availability of adequate effluent disposal, water supplies, stormwater disposal systems, and other special burdens on utilities which the use may entail; the degree of population concentration and building density resulting from the use is not excessive and existing provisions for fire and police protection, transportation, water, sewerage, schools, parks and other public requirements are adequate; the uses may be carried out so as to protect and enhance, and without the undue destruction of, valuable historic or natural resources or the pollution of lakes, streams, and other water bodies, while providing the best possible design of structures and land uses compatible with the shape, size and topographic and natural character of the site.

- l) **Architectural Character, Historic Preservation, Site Design.** The overall architectural character of the site and building designs shall not be detrimental to property values in the neighborhood or the Town, and shall preserve and enhance the Town's historic and rural character in terms of scale of buildings and structures, the preservation of scenic vistas and public access, materials used, roof lines, door and window details, site and building lighting, street furniture, paving materials, landscaping, Signs, colors, and all other features of the site and buildings which are visible from the exterior of any building on the site or from adjoining properties or streets, or which may impact the character or quality of life on Abutting properties, in the neighborhood, or throughout the Town. Failure to maintain any landscaped area or buffer strip required by these Regulations shall constitute a violation of these Regulations. In multi-building commercial or industrial developments, all buildings shall reflect a common architectural theme through the use of similar materials, roof lines, and other exterior treatments.

## **15.6 USES IN, ADJACENT TO, OR IMPACTING RESIDENTIAL AREAS**

In addition to the above General Standards, in the case of any use to be located in, or directly adjacent to, or served by way of, a Residential District or area of residential uses, the Commission shall find that:

- a) The location and size of such use, and the nature and intensity of operations involved in or conducted in connection therewith, shall be such that both pedestrian and vehicular traffic to and from and in the vicinity of the use will not be hazardous or inconvenient to, or detrimental to the character of the said residential district or conflict with the traffic characteristics of the neighborhood. Commercial and industrial buildings shall be oriented away from residential areas and access to them shall not disrupt or disturb adjacent residential areas or residential zones. Access, parking, service areas, lighting, Signs, and landscaping shall be designed so as to protect the residential character of surrounding residential neighborhoods or residential zones.
- b) Where any lot, or part thereof, adjoins or is separated by a street from a residential zone shall be subject to other applicable regulations concerning buffering. In addition, the Commission may require additional setbacks or buffers for uses which pose special potential for adverse impacts due to their hours of operation, lighting, noise, odor, and any other similar characteristics.

- c) The location and height of buildings, the location, nature and height of walls and fences, and the nature and extent of landscaping on the premises shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.
- d) No use shall be permitted which does not meet the requirements of Section 08.16 (General Regulations) (dealing with Environmental Performance Standards) of these Regulations.
- e) No outside storage of materials, products or refuse shall be permitted unless specifically authorized by the Commission, and such authorized outside storage shall be screened in such manner as the Commission may require. All loading areas shall be oriented away from residential areas and public ways and adequately screened from view by appropriate landscaping.
- f) All buildings in multi-building developments shall be logically related to provide convenient access to a common open space.

## **15.7 SPECIFIC RECOMMENDATIONS AND REQUIREMENTS FOR SITES AND BUILDINGS**

The following recommendations and requirements are provided to assist the applicant in determining the specific items which the Commission will examine in evaluating any application for Special Permit, and the preferred or required features, as the case may be:

- a) **Mechanicals.** All roof-mounted ventilation, heating, and air conditioning equipment, including solar collectors, should, where possible, be recessed or otherwise incorporated into the roof design so that they are not visible from any adjacent property at the height of the proposed building.
- b) **Lighting.** Lighting shall be limited to that required for basic security and protection of the Premises. In public commercial, industrial, and recreational developments, during operating hours, only sufficient illumination shall be provided for the safe passage and illumination of vehicles and pedestrians, being, in general, illumination to an average level of one-half foot candle per square foot. Lighting standards in most parking areas should not exceed sixteen (16') feet in height, but in no event higher than the height of the building adjacent to area to be illuminated. (See specific requirements in Section 08.09, Off-Street Parking and Truck Loading.) No lighting shall create glare, and the light source shall be recessed into the body of the luminaire and shall be designed with reflectors and/or lenses to focus all light downward, with sharp cutoff on the horizontal plane, so that neither the light source nor unreasonable ambient light will be visible from beyond any property line of the site. Pedestrian ways shall be illuminated by light bollards or other low-level lighting standards with shielded light sources. All loading areas, rear entries, and other high crime areas shall be illuminated to the level of parking areas. Building-mounted lighting shall utilize shielded light sources and shall be of a style and character which is in harmony with the character of the Town. Building-mounted floodlights, and ornamental building lighting are discouraged.
- c) **Walkways.** The Commission may require that any site plan shall provide for pedestrian walkways and circulation in commercial and industrial parking areas and around buildings. Walkways along Streets may also be required.
- d) **Landscaping and Screening.** All parking, service and storage areas shall be reasonably screened by landscaping and/or fences or walls; the general grading, improvement and landscaping of the site shall be designed so as to protect and enhance the historic and rural character of the Town and the subject neighborhood, and to provide all-season visual buffers between the proposed use and any incompatible use of adjacent property through the use of grade separation, landscaping, buffer areas, and/or open spaces. All parking areas should include landscaped islands to direct vehicular and pedestrian circulation and to reduce the visual impact of large, paved areas. All deciduous trees shall have a minimum caliper measured at breast height of two and one-half inches (2 ½" DBH), all evergreen trees shall have a minimum height of six (6') feet, and all shrubs shall be of a size at least one-third their mature potential. All artificial trees, shrubs or grass are prohibited, except for seasonal, festive, or other temporary decoration. The Commission may require that any or all buildings shall have foundation plantings.

- e) **Special Standards** – Various: The proposed SPECIAL PERMIT use, and the buildings, structures and site development proposed in connection therewith, shall also conform to any SPECIAL STANDARDS contained in Section 16; or any other applicable standards of these Regulations.

## **15.8 ACTION ON APPLICATIONS**

### **15.8.1 Time Limits**

The Commission shall, within sixty- five (65) days of receipt of any application, schedule a public hearing thereon, said public hearing to be noticed in accordance with the requirements of the Connecticut General Statutes. The applicant or his/her authorized representative shall attend the public hearing, and the absence of the applicant or his/her authorized representative shall be proper grounds for the denial of the application. Said public hearing may be held open for no more than thirty-five (35) days following the opening thereof. Within sixty-five (65) days following the close of said public hearing, the Commission shall act upon said application. The applicant may request an extension of any of the time limits set forth in this paragraph for a period not to exceed a cumulative total of sixty-five (65) days. These time limits are in accordance with Connecticut General Statutes as of the time of adoption of these Regulations; any subsequent amendment to such Statutes shall control, and be used in place of the preceding, without amendment of these Regulations.

### **15.8.2 Action**

The Commission shall review the application for conformance with the criteria of this Section 16. The Commission may approve, modify, and approve, or disapprove the application. If the Commission determines that the application is incomplete, the same may be denied without prejudice to any future complete application. If such re-application is made within one (1) year of the denial without prejudice, the Commission may, in its sole discretion, waive all or a part of the application fee to reflect the cost of staff review expenses previously performed.

The Commission may approve any application subject to certain stipulations and/or conditions of approval as it may deem necessary and desirable for the purpose of preventing or diminishing any noncompliance with the criteria set forth in this Section 16. Such conditions may specifically include hours of operation, restrictions on days of the week, and similar restrictions as to time. Where appropriate (e.g., for non-structural uses such as excavations, outdoor events, and the like), the Commission may grant a Special Permit which is temporary and will be effective only commencing on, or terminating on, specified dates.

The Commission may state, upon the record, the reasons for its action, and shall publish notice of such action as required by Connecticut General Statutes. The Commission shall, in addition, send written notice of its decision under the signature of the Commission's Secretary or clerk, by certified mail, to the applicant within fifteen (15) days of its action.

### **15.8.3 Endorsement and Filing**

Within ninety (90) days of the Commission approval, the applicant shall submit one (1) set of final plans on a reproducible material suitable for filing in the Town Clerk's Office and one (1) set on paper, reflecting all conditions or modifications required by the Commission, and the Commission may require that said plans be accompanied by signed, sworn statements of the applicant's land surveyor, engineer, architect, and any other professional who has participated in the preparation of the application materials, to the effect that the plans submitted are the same as those approved by the Commission except for the depiction of modifications and conditions required by the Commission in its approval vote. If, upon considering the statements and reviewing the plans submitted, the Commission shall find them to be in accordance with the final approval, and if all required accompanying documents (such as bonds, per Section 16 of these Regulations) have been provided, the plan shall be endorsed by the signature of the Chairman, Vice Chairman, or Secretary of the Commission, as the case may be. Thereafter, it shall be the responsibility of the applicant to file one (1) set of endorsed final plans in the Office of the Town Clerk. In accordance with Section 8-3d of the Connecticut General Statutes, no Special Permit shall be

effective until the final, endorsed plans are filed with the Town Clerk, and any plans not so filed within ninety (90) days following the Commission's vote of approval shall become null and void, however, the Commission may, by majority vote, extend the time of such filing for up to two (2) additional consecutive periods of 90 days, during which periods the approved site plan shall remain valid. Any Special Permit site plan filed in the Town Clerk's Office without the endorsement of the Commission's Chairman, Vice Chairman, or Secretary shall likewise be void. Such filing is a prerequisite to eligibility for issuance of a ZONING PERMIT for the proposed use. The Commission may establish an effective date for the SPECIAL PERMIT, which shall be on or after the date of such filing with the Town Clerk; in the event the Commission shall fail to designate an effective date, such date shall be presumed to be the date of filing with the Town Clerk.

#### **15.8.4 Bond**

If the Zoning Commission determines that a bond is required, the applicant shall file a completion bond with the Treasurer of the Town of Middlefield, in an amount approved by the Commission, to guarantee satisfactory completion of work shown on any site plan element of the approved Special Permit. The form of the bond shall be satisfactory to the legal counsel to the issuing agency. The approved plans shall be cited in the bond agreement. The Bond may be released only after written certification, that all of the requirements of the Special Permit have been met, is received from the Zoning Enforcement Officer or the project engineer designated by the Commission, as the case may be.

#### **15.8.5 Commencement and Completion of Work**

For any Special involving nonresidential property, the applicant shall commence construction of any building or structure, or the establishment of any use, within two (2 ) years of the effective date of such approval, and the Commission may extend such period for an additional one (1) year upon the request of the applicant; said construction or establishment shall be completed by the applicant, and a Certificate of Zoning Compliance and Certificate of Occupancy, where required, shall be issued, within five (5 ) months of the effective date of such approval. Any such approval not completed within the time limits contained in this Section shall be void. For residential property, such approval shall be void within the time limits prescribed for non-residential property, but any re-application for such approval shall continue to be governed by the Regulations and zone classification in effect at the time of the original approval.

#### **15.8.6 Conformance to Approved Plans, Specifications, Representations; Changes; Enforcement.**

No person who has obtained a Special Permit shall attempt to erect any building or structure, or establish any use of land, which is not in substantial conformance with any element of the plans, descriptions, applications and supporting materials, information, specifications submitted, or any representations of fact made, before the Commission, Planning Commission without an amendment as provided in these Regulations. Likewise, no person who has obtained a Special Permit violate any condition imposed thereon. Violation of this provision shall be grounds for the Commission to void said Special Permit following a public hearing with notice to the subject property owner and permit holder, and to take such other legal action as may be required to secure compliance with said Special Permit developments and the conditions attached thereto.

## **SECTION 16 EROSION AND SEDIMENTATION CONTROL PLANS**

A soil erosion and sedimentation control plan shall be submitted with any application for development when the disturbed area of such development totals, cumulatively, more than one-half acre or when there is no application for development, but the disturbance is caused by excavation and or filling and exceeds (10,000) ten thousand square feet (excluding agricultural activities and residential landscaping involving grading, filling and/or removal of earth materials less than 50 cubic yards).

To be eligible for certification, a soil erosion and sediment control plan shall contain provisions to adequately control accelerated erosion and sedimentation and reduce the danger from storm water runoff on the proposed site based on the best available technology. Such principles, methods, and practices necessary for certification are found in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended. Alternative principles, methods and practices may be used with prior approval of the Commission.

### **16.1 PLAN REQUIREMENTS**

Said plan shall contain, but is not limited to:

- a) A narrative describing:
  - the development;
  - the schedule for grading and construction activities including:
    - start and completion dates;
    - sequence of grading and construction activities;
    - sequence for installation and/or application of soil erosion and sediment control measures;
    - sequence for final stabilization of the project site
  - the design criteria for proposed soil erosion and sediment control measures;
  - the construction details for proposed soil erosion and sediment control measures;
  - the installation and/or application procedures for proposed soil erosion and sediment control measures;
  - and,
  - the operation and maintenance program for proposed soil erosion and sediment control measures.
- b) A site plan map that is in compliance with Section 15 of the Middlefield Zoning Regulations.
- c) Any other information deemed necessary and appropriate by the Commission or its designated agent.

### **16.2 MINIMUM ACCEPTABLE STANDARDS**

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

### **16.3 CERTIFY/DENY EROSION AND SEDIMENT CONTROL PLANS**

- a) The Planning and Zoning Commission shall certify a soil erosion and sediment control plan when the plan complies with the requirements and objectives of this regulation. When the soil erosion and sediment control plan fails to comply with these regulations, the Commission shall deny certification of the plan.

- b) When the Planning and Zoning Commission requires that a soil erosion and sediment control plan be submitted to the Soil and Water Conservation District and/or other agencies for review and comment, it shall be the responsibility of the applicant to submit the plans to the appropriate agencies. Comments from review agencies shall be submitted to the Planning and Zoning Commission as part of the application.

#### **16.4 CONDITIONS**

- a) The estimated cost of measures required to control soil erosion and sedimentation and for site stabilization At any time during the construction phase may be covered in a performance bond at the discretion of the Commission.
- b) Zoning permits shall not be issued for construction on the site until the erosion and sediment control plan is:
- certified by the Planning and Zoning Commission; and,
  - the specified control measures, as outlined in the plan, are installed properly.
- c) The developer/owner shall be responsible for maintaining all erosion and sediment control measures and facilities in proper working order throughout the life of the project.

#### **16.5 INSPECTION**

Inspections shall be made by the Commission or its designated agent during development to ensure compliance with the certified plan and that control measures and facilities are properly installed and maintained.

#### **16.6 ENFORCEMENT**

Enforcement of the Soil Erosion and Sediment Control Regulations shall be the responsibility of the Planning and Zoning Commission or its designated agent. Failure to properly install and/or maintain any erosion and sediment control measure may result in the issuance of a stop work order until the problem is satisfactorily corrected.



## **SECTION 17 STORMWATER RUNOFF CONTROL PLANS**

Site Plans shall be accompanied by plans providing measures for detention and controlled release of stormwater runoff when proposed developments contain an area of five (5) acres or more or the impervious area is 60.0% or greater. All other developments may be required to provide such measures if deemed necessary to protect the public health, safety and well-being by the Middlefield Planning and Zoning Commission.

### **17.1 GENERAL REQUIREMENTS FOR STORMWATER CONTROL PLANS**

When required, measures for the detention and controlled release of stormwater runoff shall meet the following standards and shall be designed in accordance with the requirements as set forth in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended.

- a) Peak discharges from the 2-year, 10-year, and 100-year frequency, 24- hour duration, type III distribution storms shall be analyzed.
- b) No increases in peak flow from these storms shall be allowed. This may be accomplished by detention basins, roof or parking lot storage or other acceptable means.
- c) The required stormwater detention volume shall be that necessary to handle the runoff from the drainage area of a 100-year frequency, 24- hour duration, type III distribution rainfall, as published by the National Weather Service or other recognized agency, minus that volume discharged during the same duration at the approved rate as specified in (1).
- d) For developments of less than 10 acres, runoff may be computed using the rational formula. In all other cases, runoff shall be computed in accordance with Technical Release #55, Urban Hydrology, Engineering Division, Soil Conservation Service, USDA, January 1975, as amended.
- e) When the Commission determines that engineering, aesthetics, and economic factors make combined retention or other drainage facilities more practical for construction by the Town, the Town shall require a fee or equivalent dedication of land which shall be used to construct these facilities. The Commission may permit several developers to construct joint facilities.
- f) Maximum infiltration to the ground water is encouraged. Design of the stormwater management system shall consider reducing runoff by use of such techniques as minimizing impervious areas and maximizing travel times by using grass or rock lined channels in lieu of storm sewers.
- g) All on-site facilities shall be properly maintained by the owner such that they do not become nuisances.
- h) All runoff control structures located on private property whether dedicated to the Town or not, shall be accessible at all times for Town inspection. Where runoff control structures have been accepted by the Town for maintenance, access easements shall be provided.
- i) Runoff management system components shall be designed according to sound engineering principles and installed in a sequence that permits each to function as intended without causing a hazard. Single components shall not be installed until plans for the entire runoff management system are completed and approved. Final discharge points shall be approved by the Commission or its authorized agent.
- j) Runoff management systems shall be visually compatible with the surrounding landscape.
- k) Permits for runoff management systems may also be required from the Inland Wetlands Commission where such systems may have an impact on inland wetlands, and from the Connecticut Department of Environmental Protection where a dam is to be constructed or water diverted. See Sections 22a-365 et seq. and 22a-409 of the Connecticut General Statutes.

## **SECTION 18 ENFORCEMENT AND RECORDS**

### **18.1 ZONING PERMIT**

Before any land, building or structure is devoted to a new or changed use, or before the erection or alteration of any structure is commenced, a Zoning Permit shall be obtained. Application for such a permit shall be made on a form approved by the Commission and all information requested thereon shall be provided in written form and certified correct by the applicant.

### **18.2 PERMIT FEE**

The fee for such permit, to cover administrative costs, shall be determined by the Zoning Commission.

### **18.3 CERTIFICATE OF ZONING COMPLIANCE**

A Certificate of Zoning Compliance is a document stating that the site plan of a proposed use has been adhered to and completed and is in conformance with these Regulations. Only after a Certificate of Zoning Compliance has been issued by the Zoning Enforcement Officer will a Certificate of Occupancy permitting land, building and other structures, or parts thereof, to be used or occupied, or changed in use be issued.

### **18.4 RECORDS**

The Zoning Commission shall keep on file and available to the public, a full and accurate record of all applications, permits and violation records required by these Regulations. The Building Inspector shall obtain and maintain records of elevations and floodproofing levels for all new or substantially improved structures located within the Special Flood Hazard Area, and whether or not such structures contain a basement.

### **18.5 EXPIRATION OF PERMITS**

Any Zoning Permit issued under these Regulations but for which no work is commenced within six months from the date of issuance shall expire by limitation unless an extension is granted by the Zoning Commission.

### **18.6 INTREPRETATION**

In interpreting and applying these Regulations, the requirements contained herein are declared to be the minimum requirements for the protection of the public health, morals, safety, comfort, convenience, and general welfare. These Regulations shall not be deemed to affect in any manner whatsoever any easements, covenants, or other agreements between parties, provided however, that where these Regulations impose a greater restriction upon the use of building or land, or upon the erection, construction, establishment, moving or alteration of buildings, than are imposed by other ordinances, rules, regulations, licenses, certificates, or other authorization, or by easements, or covenants or agreements, the provisions of these Regulations shall prevail.



## **SECTION 19 ZONING BOARD OF APPEALS**

There shall be a Zoning Board of Appeals as provided by law to have the following power and duties:

- a) To hear and decide appeals where it is alleged that there is an error in any order, requirement or decision made by the official charged with the enforcement of these Regulations.
- b) To hear and decide all Special Exceptions upon which it is required to pass under the specific terms of these Regulations.
- c) To determine and vary the application of these regulations in harmony with their general purposes and intent, and with due consideration for conserving the public health, safety, convenience, welfare and property values solely with respect to a parcel of land, where owing to conditions especially affecting such parcel but not affecting generally the district in which it is situated, a literal enforcement of such regulations would result in exceptional difficulty or unusual hardship so that substantial justice will be done and the public safety and welfare secured. All applications for appeals from the rulings of the Planning and Zoning Commission and/or the enforcement officer shall be within thirty (30) days and shall be made in accordance with Section 8-7 of the General Statutes of Connecticut.

### **19.1 FINDINGS**

Before any variance is granted, the Zoning Board of Appeals must make a written finding in its minutes as part of the record in each case, stating specifically:

- a) The special circumstances, described in detail, that attach to the property but do not generally apply to other property in the neighborhood and have not resulted from any act of the applicant subsequent to the adoption of these Regulations.
- b) That relief can be granted without detriment to the public welfare or impairment of the integrity of these Regulations, and that the variance is the minimum necessary to relieve the hardship.

### **19.2 NOTICE REQUIREMENTS**

Notice of the public hearing shall be mailed by the applicant by certificate of mailing to the owner(s) of record of abutting land, as shown on records of the Middlefield Assessor's Office, no less than fifteen (15) days prior to the day of the hearing, and proof of such mailing shall be presented by the applicant at the public hearing. For purposes of this paragraph, "abutting land" shall include land which is, in whole or in part, separated from the subject property only by an intervening street.

### **19.3 USE VARIANCES**

In accordance with Connecticut General Statutes Section 8-6, no variance shall be granted by the Zoning Board of Appeals which would allow any use of land within the Ridgeline Setback Area which would violate this Section.

## **SECTION 20 GENERAL ENVIRONMENTAL PERFORMANCE STANDARDS**

All land uses within the town shall meet the following standards:

- a) All uses shall, to the greatest extent possible, preserve, match or blend with existing natural topography.
- b) All uses shall occur in a manner which ensures that sedimentation or other materials deposited in rivers, lakes, streams or other watercourses, flood plains, wetlands or any other publicly or privately owned lands will not exceed that which would have been deposited if land had been left in its natural state.
- c) No dirt, dust, fly ash or smoke shall be emitted into the air as to endanger the public health and safety, to impair the safety, value, and enjoyment of other property or to constitute a critical source of air pollution by itself, or in conjunction with other existing sources of dust, dirt, fly ash or smoke.
- d) No offensive odors or noxious, toxic, or corrosive fumes or gases shall be emitted into the air.
- e) With the exception of time signals, noise necessarily involved with construction or demolition of buildings, or emergency warning signals, no noise which is objectionable due to volume, intermittence, frequency, or shrillness shall be transmitted outside the property where it originates.
- f) Surface or subsurface discharges shall be limited to levels which do not degrade the quality of surface or ground waters within the Town of Middlefield either by themselves or in conjunction with any other existing source of surface or subsurface discharge.

## **SECTION 21 AMENDMENTS, VALIDITY AND EFFECTIVE DATE**

### **21.1 AMENDMENTS**

These regulations and boundaries of zoning districts may, after public notice and hearing, be amended in accordance with the procedures established in Chapter 124 of the General Statutes of the State of Connecticut, 1958 revision, as amended.

### **21.2 PETITIONS**

All petitions for amendment or change in the Zoning Regulations or zoning boundaries shall be submitted in writing on a form prescribed by the Commission.

The petition shall be accompanied by a fee established by the Commission.

### **21.3 AMENDMENT TABLE WITH EFFECTIVE DATES**

AMENDMENT NUMBER	SUBJECT	SECTION	EFFECTIVE DATE
1	Interior lots	04.04.02., 04.04.03., 04.04.04.	10/13/78
2	Site plan review B waiver to A-2 survey	10.02.02.	10/21/79
	Clarify municipal users	02.16.03., 04.01.01.i, 04.01.01.j, 05.01.01.i, 05.01.01.j, 06.02.02, 06.02.03.	3/21/79
	Delete towers as a principal use	04.01.01.p 05.01.01. aa	3/21/79
3	Revision of floor area requirements based on number of bedrooms	08.10.	5/1/79
4	Excavation and/or removal of earth products	04.01.01.q, 04.01.01.r, 05.01.01.bb, 05.01.01.cc, 06.02.04., 09.01.	8/26/79
5	General Environmental Standards, Flood Hazard Area Regulations, Storm water Runoff Control and miscellaneous other changes	02.13.01., 02.20.01., 03.03., 08.06.02., 08.16., 09.04., 10.02.02.15., 10.05.,	1/15/80

6	Definitions for: Child Day Care Center, Family Day Care Home, Group Day Care Home	02.03.01., 02.06.02., 02.07.03.	4/15/80
	Add the above uses as permitted uses as a special permit in AG-1, AG-2, MD, and HD Zones	04.01.01.	
	Allow farm and outbuildings with livestock or poultry within 100 feet of a property line	08.13.03.	
	Manure piles shall be maintained so as to prevent runoff to adjacent lots or watercourses	08.13.06.	
7	Revised method of calculating density in PRD regulations	04.03.08.	12/1/81
	Elimination of lot frontage requirement in residential districts	04.02.01.	
	Interior lots 04.04. replaced by new section 09.05.	09.05.	
	Technical revision to site development plan requirements	10.02.02.	
8	Non-confirming uses	08.02.01.	8/6/82
9	Non-conforming uses	08.02.04.	8/6/82

10	Residential housing in outside recreation areas	08.07.04.	5/10/84
11	Automobile sales in GC Zones	05.01.01.	11/30/84
12	Elder housing	02.05.01., 04.03.05., 04.03.06., 04.03.08.,	4/8/85
13	Cluster requirements	04.02.01.	11/8/85
14	Interior lots access strip	09.05.02.	4/15/86
15	Planned Office (PO) District	05.B.	5/7/86
16	Veterinary clinics by special permit in the AG-1 and AG-2 Zones	10.02.08.	8/11/86
17	Home Occupation	02.08.02., 04.01.01., 09.06.	5/4/87
18	Commercial District Permitted Uses	05.01.01.	10/9/87
19	Accessory Apartments	02.01.a., 04.01.01., 10.02.09.	11/14/87
20	Ambulance Facilities	04.01.01.	11/14/87
21	Amend Residential District	04.01.01.	8/1/88
22	New Section - Ammonium Nitrate Blasting Agents and Explosives	08.13.09.	8/1/88

23	Modify Section - Permitted Uses	10.0.02.(9)	8/1/88
24	Amend Section	10.02.02.(c)	8/1/88
25	Amend Section (y.)	05.01.01.	12/15/88
26	Amendments or modifications to Special Permit	10.02.06.01.	12/15/88
27	Amend Section	04.03.05.	1/1/89
28	New Section (Site Development Plan Requirements)	10.02.02.(3)(a)	2/15/89
29	Kennels	02.11.01., 09.07.	3/1/89
30	Industrial Building Height	07.04.01.(5), 07.04.02.(4)	11/15/89
31	Commercial Districts (entire section)	05.	1/1/90
32	Definitions	02.19.	4/16/90
33	Signs	09.03.	4/16/90
34	Planned Residential	04.03.05.	6/1/90
35	Open Space	04.03.09.	6/1/90

36	Density Formula	04.03.08.	6/1/90
37	Endorsement of Plans, filing with Town Clerk	10.02.06.	6/15/91
38	Notice of Public Hearing by Applicant	03.04., 10.02.04.01.	5/1/92
39	Add to ECRD Section	03.01.	10/15/92
40	Delete existing section and replace (ECRD)	04.03.	10/15/92
41	Cluster Subdivisions	04.04.	10/15/92
42	Replace Flood Hazard Area Regulations	09.04.	12/9/92
43	General Industrial District	06.01.	6/15/94
44	Delete sign requirements and renumber section	05.06.01.05.(2)	7/1/96
45	Clarification of Permitted Uses in Planned Commercial and Planned Office Districts	05.01.	4/3/97
46	Wireless Communication	09.08.	7/30/97
47	Commercial Districts, Permitted Uses	05.01., 05.01.01.	10/1/97
48	Ridgelines and Insertion of Definitions into Section 02.	09.09.	11/15/97

49	Zone Change		1/1/98
50	Zone Change		3/1/99
51	Zone Change		5/15/99
52	Sign Regulations Amendments	09.03.01.13.,	3/1/00
53	Zone Change		6/15/00
54	Text Amendment Changes	03.01., 04.02.01.	10/1/00
	Zone Changes HD to HD1 (Lake Beseck Residential) HD to HD2 (Rockfall Residential)		10/1/00
55	Text Amendment Changes Home Occupation	04.01.01., 09.06.01., 09.06.04.01., 09.06.04.02.	11/1/00
56	Zone Change (Ag-1 to AG-2)		4/1/01
57	Delete "Special Permit, Special Standards - Elder Housing 55 Years and Older" and renumber remaining section	10.02.07.	4/15/01



58	New Section - Commercial Vehicles	04.01.03.	4/15/01
59	New Subsection - Fences	08.15.03.	6/1/01
60	New Section - Billboard Prohibition	08.17.	6/1/01
61	Zone Change - MD (Residential) to PC (Planned Commercial)		10/1/01
62	Net Residential Density - adding or detached  multi-family developments of three units or more; delete dwelling units (more than two units per multi-family structures)	04.03.09.02.	10/1/01
63	Zone Change - AG2 (Agricultural) to PC (Planned Commercial)		3/15/02
64	Banquet, Conference and Meeting Facilities	02.02.01., 05.01.	4/23/02
65	Handicapped Ramps	03.05.	11/1/02
66	Zone Change	AG-2 and AG-2 to ECRD-1	2/1/03

67	Zoning Text Amendments - Grooming Facilities	02.07.05., 04.01.01., 05.01., 07.03.05., 10.02.09.	8/1/03
68	Signs and Outdoor Advertising Structures	09.03.02.03.	9/1/03
69	Zone Change - IN (Industrial) to MD (Residential)	Zoning Map	10/1/03
70	Zone Change - MD (Residential) to AG-2 (Agricultural)	Zoning Map	1/1/04
71	Zone Change - AG-1 (Agricultural) to AG-2 (Agricultural)	Zoning Map	1/1/04
72	Zone Change - IPD-1 (Industrial Park District I) to AG-2 (Agricultural)	Zoning Map	1/1/04
73	Zoning Text Amendments - Non-Commercial and Commercial Kennels	02.11., 04.01.01., 09.07., 09.07.02.01., 09.07.02.02., 09.07.02.03., 09.07.02.04., 09.07.02.05., 09.07.02.06., 09.07.02.07.	1/1/05

74	Zone Change - MD (Residential) to ECRD-2 (Environmental Conservation Rural District)	Zoning Map	6/1/05
75	Eliminate the AG-1 Zone	Zoning Map 03.01., 03.03., 04.03.05., 04.03.09.02., 04.04.01., 09.07.02.01., 09.07.02.02., 09.07.02.03., 04.04.04., 04.04.08., 09.05.02.(6)., 09.07.10.01.	8/1/05
76	Accessory Apartments	02.01.01., 10.02.08.	7/1/06
77	Residence District Permitted Uses	04.01.01.	1/5/07
78	Drive-In and Drive-Through Restaurants	02.04.	12/10/07
79	Restaurant, Fast Food, Restaurant, Full Service, Restaurant, Take-Out	02.18.	12/10/07
80	Restaurants	09.10.	12/10/07

81	Delete 05.06 through 05.09 and 10.01.01 through 10.02.06 and replace with 10.02.A. Site Plan Review and 10.02.B. Special Permits	10.02.A., 10.02. B.	12/10/07
82	Expansion of Non-Conforming Use - Change the word Commission to Zoning Board of Appeals	08.02.04.	7/21/08
83	Definitions for Impervious Surface and Lot Coverage	02.09.01., 02.12.03.	8/1/08
84	New section Route 66 Design District	05.06.	8/1/08
85	Comprehensive Revisions to the Special Flood Hazard Area Regulations	09.04.	8/28/08
86	Revision to Reconstruction of Non-Conforming Buildings	08.02.03.	2/15/09

87	Excavation and Removal of Earth Products	04.01.1.p., 05.01.j., 04.01.01.q., 05.01.k., 06.02.03., 09.01., 09.01.01., 09.01.01.03., 09.01.03., 09.01.-09.01.05., 09.01.01.04., 09.01.03.05., 09.01.03.15., 09.01.03.16., 09.01.03.17., 10.09.	3/17/09
88	Day Care Facilities in the Planned Commercial Zone by Site Plan Review	05.01.	7/1/09
89	Zone Change AG-2 to ECRD1, 29 & 31 Powder Hill Road	Zoning Map	8/1/09
90	New Section - Demolition Reconstruction of Non-Conforming Residential Buildings and renumbering of remaining section	08.04.	2/24/10
91	New Section - Welcome to Middlefield Signs	09.03.01.14.	3/28/12

92	Add new use accessory buildings and structures to the permitted use table in Residential Districts.	04.01.01.	5/1/13
	Commencement and completion of work.	10.02A.4.8.	5/1/13
	Endorsement and Filing (Special Permits)	10.02. B.	5/1/13
	Add a new section (Zoning Board of Appeals) requiring applicants to notify abutting property owners of the pending application.	10.08.05.	5/1/13
93	Amendments to Sign Regulations for Outdoor Recreation Uses	02.19., 09.03., 09.03.01. - 09.03.07.	7/8/15
	Amendments to Submission Requirements for Site Plan and Special Permit Review	10.02A.2.3.	7/8/15
94	New or Amended Definitions	02.01.03., 02.03.04., 02.19.01., 02.19.11.	11/18/15
	Revisions to Industrial Districts	06., 06.01. - 06.04.07., 07., 07.01. - 07.03.03	11/18/15

95	Amendments to Farm Regulations	08.14.04 and 08.16	6/15/18
96	Amendments to Special Permits, Veterinary Clinics	10.02. B.9	8/8/18
97	Add Short-Term, Event-Based Camping	08.08.01 and 08.08.02	11/18/15
98	Addition of Self-Storage Facilities to Design District 1	05.06.03, 05.06.05, 05.06.09.01, 05.06.09.02 and 05.06.09.03	9/10/19
99	Regulation Reorganization	ALL	2/16/2021
100	Interior Lots	4.8 4.8.1(4) 4.8.3	2/16/2021

101	Non-Conforming	All Sections	2/16/2021
102	Floodplain Regulations	Remove Section 9.04 Replaced With Appendix "A"	02/16/2021
103	Definition Updates	Addition of Multiple Definitions	10/12/2021
104	Projections Regulation	Addition of Regulations regarding allowable projections	10/12/2021
105	Cannabis Prohibition	Prohibition of all Cannabis Related Uses	10/12/2021
106	Adult Oriented Uses	Adult Oriented Uses Regulations	10/12/2021



107	Home Occupations	Commission approval to Planner Approval	10/26/22
108	Recreational Campgrounds Outdoor Recreational Facility Accessory Use	New Section	5/26/2023
109	Accessory Dwelling Units	Updated	5/26/2023
110	Agricultural Temporary Events	New Section	5/26/2023
111	Remove Forestry-Definition and Use per DEEP Order	Removal of Sections	09/27/2023
112	Updates Use Table- Section 5.3-Drive Thru's and Gas Stations	Add Language	10/25/2023
113	Update Family and Group Home Day Care	Add Language Change from SP to ZP	11/29/2023
114	Updated Commercial Use Table	Reviewed and Updated Multiple Uses	08/13/2024
115	Two Family Dwellings	Allowed Two Family in AG2 and MD Zones	09/14/2024
116	Update to Parking Standards, Prohibited Uses, Agricultural Regulations	Prohibit Smoke Shops, Commercial Farms- 3 acres, Parking Space Size	02/18/2025

## **21.4 VALIDITY**

If any section, paragraph, clause, or provision of these Regulations shall be declared by a court of competent jurisdiction to be invalid, such decision shall apply only to the section, clause, or provisions so adjudged and the remainder of these Regulations shall be deemed valid and effective.

## **21.5 EFFECTIVE DATE**

These Regulations shall take effect on September 18, 1961.

As amended to: May 10, 1984

As amended to: November 30, 1984

As amended to: April 8, 1985

Approved: June 26, 1985

Effective date: July 20, 1985

Effective date: November 8, 1985

Effective date: April 15, 1986

Effective date: May 7, 1986

Effective date: June 15, 2000

Effective date: October 1, 2000

Effective date: November 1, 2000

Effective date: April 1, 2001

Effective date: April 15, 2001

Effective date: June 1, 2001

Effective date: October 1, 2001

Effective date: March 15, 2002

Effective date: August 11, 1986  
Effective date: May 4, 1987  
Effective date: October 9, 1987  
Effective date: November 1, 1987  
Effective date: November 14, 1987  
Effective date: August 1, 1988  
Effective date: December 15, 1988  
Effective date: January 1, 1989  
Effective date: February 15, 1989  
Effective date: March 1, 1989  
Effective date: November 15, 1989  
Effective date: January 1, 1990  
Effective date: April 16, 1990  
Effective date: June 1, 1990  
Effective date: June 15, 1991  
Effective date: December 15, 1991  
Effective date: May 1, 1992  
Effective date: October 15, 1992  
Effective date: December 9, 1992  
Effective date: June 15, 1994  
Effective date: July 1, 1996  
Effective date: April 3, 1997  
Effective date: July 30, 1997  
Effective date: October 1, 1997  
Effective date: November 15, 1997  
Effective date: January 1, 1998  
Effective date: March 1, 1999  
Effective date: May 15, 1999  
Effective date: March 1, 2000  
Effective date: February 16, 2021  
Effective date: October 26, 2022  
Effective date: September 14, 2024

Effective date: April 23, 2002  
Effective date: November 1, 2002  
Effective date: February 1, 2003  
Effective date: August 1, 2003  
Effective date: September 1, 2003  
Effective date: October 1, 2003  
Effective date: January 1, 2004  
Effective date: January 1, 2005  
Effective date: June 1, 2005  
Effective date: August 1, 2005  
Effective date: July 1, 2006  
Effective date: January 5, 2007  
Effective date: December 10, 2007  
Effective date: July 21, 2008  
Effective date: August 1, 2008  
Effective date: August 28, 2008  
Effective date: February 15, 2009  
Effective date: March 17, 2009  
Effective date: July 1, 2009  
Effective date: August 1, 2009  
Effective date: February 24, 2010  
Effective date: March 28, 2013  
Effective date: May 1, 2013  
Effective date: July 8, 2015  
Effective date: November 18, 2015  
Effective date: June 15, 2018  
Effective date: August 8, 2018  
Effective date: November 5, 2018  
Effective date: September 10, 2019  
Effective date: October 12, 2021  
Effective date: December 26, 2023