

# TOWN OF WASHINGTON ZONING REGULATIONS

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## TOWN OF WASHINGTON ZONING REGULATIONS

### SECTION 1 – TITLE, AUTHORITY, PURPOSE

- 1.1 **Title.** These Regulations shall be known as the “Zoning Regulations of the Town of Washington, Connecticut” and are herein referred to as “these Regulations.”
- 1.2 **Authority.** These Regulations are prepared and adopted pursuant to the provisions of Chapter 124 of the General Statutes, 1978 Revision, as amended.
- 1.3\* **Purpose.** It is the purpose of the Regulations to promote the health and safety of the community; to encourage the most appropriate use of land; to prevent overcrowding of land; to lessen congestion in the streets; to secure safety from flood; to protect the ecology and prevent pollution and defilement; and to promote the general welfare of this rural community by sustaining harmonious residential development and encouraging the construction of safe, convenient business buildings attractively and conveniently located with adequate provision for parking. These Regulations are intended to promote effectively the Town’s Plan of Conservation and Development.
- 1.4 **History of These Regulations.** On December 15, 1939, the first Zoning Regulations for the Town of Washington became effective. They were amended on November 17, 1948; December 27, 1948; November 15, 1952; December 28, 1955; November 15, 1957; May 29, 1962; April 1, 1967; April 26, 1968; March 20, 1972; June 25, 1973; November 26, 1976; May 6, 1977, Sec. 11, Soil Based Zoning; March 3, 1978; July 28, 1978; July 25, 1979; March 28, 1980; June 23, 1980; July 6, 1981; August 4, 1981; February 28, 1983; April 4, 1983; June 11, 1984; January 25, 1985; August 1, 1985; April 1, 1986; August 25, 1986; November 1, 1986; January 3, 1987; and August 6, 1987. They were further amended November 2, 1988, Sec. 13.1; January 3, 1989, Sec. 13.15; March 25, 1989, Sec. 4.3.10, 5.3.4, 6.3.4, 9.3.14, 2.3.6; December 20, 1989, Sec. 4.2.6, 4.2.9, 4.3.11, 5.2.2, 5.3.5, 6.2.6, 21.1.8; February 26, 1990, Sec. 5.2.3, 6.3.5, 7.3.8, 8.3.4, 9.3.15, 11.3, 21.1.6, 21.1.31, 21.1.32; April 16, 1990, Sec. 14.7.3; June 18, 1990, Sec. 13.12.2; and July 16, 1990, Sec. 4.3.12, 7.3.9, 8.3.5, 9.3.16, 13.16. They were amended again in April 1992, Sec. 11.2.5, 12.1.3, 12.13 - 12.13.2, 13.17 - 13.17.9, and 16.3.9. On July 17, 1993 amendments to the following sections were effective, Sec. 2.3, 2.3.2.e, 2.3.3, 2.3.5, 2.3.7, 4.2.2, 4.2.7, 4.2.8, 4.3.13, 4.3.14, 4.3.15, 5.2.4, 5.3.6, 5.3.7, 6.2.5, 6.2.7, 6.3.6, 6.3.7, 6.3.8, 6.3.9, 7.2.2, 7.2.7, 7.3.8, 7.3.11, 7.3.12, 7.3.13, 8.2.2, 8.2.7, 8.3.8, 8.3.11, 8.3.12, 8.3.13, 9.2.2, 9.2.7, 9.3.15, 9.3.17, 9.3.18, 9.3.19, 10.2.2, 10.3.15, 10.3.17, 10.3.18, 10.3.19, 12.5, 13.8, 14.2, 14.2.a, 14.2.b, 14.3, 14.7, 18.1.1, 18.2.3, 21.1.1, 21.1.1.a, 21.1.1.b, 21.1.12. On November 21, 1993 amendments to Section 13.14.1 were effective. Section 11.3 was amended effective 1/1/95. Revisions to Sections 13.8, 13.11, 13.12, 16.3, 16.5.6, 7.3.14, 8.3.16, 9.3.20, 10.3.20, 11.1, 11.1.10, 2.3.3, 4.2.8, 6.2.7, 7.2.7, 8.2.7, 9.2.7, 11.5, 21.1.28, 11.5.1.c, and 11.2.5 became effective 3/27/95. Section 11.3 was revised again 12/1/95. Revisions to Sections 4.2, 4.3, 4.4.16, 5.2, 6.2, 6.3, 6.4.10, 7.2, 7.3,

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\* Sect. 1.3 amended 4/22/02.

8.2, 8.3, 9.2, 9.3, 10.2, 10.3, 11.4.1, 11.4.2, 11.5.1.d, 12.6, 21.1.13, and 21.1.15 as they correspond with Section 12.6: Home Occupation, were effective 4/15/96. Revisions to Sections 4.4.5, 7.3.16, 8.3.17, 9.4.21, 10.4.21, 13.18, and 21.1.5 re: Commercial Kennels were effective 9/25/96. Revisions to Sections 4.2.7, 4.2.8, 5.2.5, 5.2.6, 6.2.7, 6.2.8, 7.2.16, 7.2.17, 8.2.17, 8.2.18, re: outdoor sports courts and patios, 2.3.2.f and 16.3.5 re: prohibition of back lit and internally illuminated signs, 2.3.9 and 14.7.3 re: driveway grades, 21.1.1.a re: definition of accessory building, and updating section numbers referred to in 11.2.5 were approved effective February 18, 1997. On July 28, 1997 the following were adopted: Section 2.3.2: a six-month moratorium on the construction and approval of commercial wireless communications facilities and Section 21.1.38, a definition of “wireless communications facilities.” Effective 1/15/98: 11.5.1.b, 11.5.1.c re: setbacks for pools and sports courts, 6.4.11 re: boathouses in the R-3 District by Special Permit, 21.1.3 re: definition of boathouse, 2.3.1 re: zoning permits required for first cuts, 2.3.4.a re: written notification of Special Permit applications to adjoining property owners, 13.19 re: Telecommunications Antennae, Facilities, and Antenna Towers Including Personal Wireless Service Facilities and Towers, 14.1.a re: reference to site plan requirements under 13.19, 21.1.a re: reference to definitions under 13.19 and 4.4.17, 6.4.12, 7.4.15, 8.4.16, 9.4.22, 10.4.22 re: telecommunications facilities by Special Permit in all districts except the Washington Green District. Effective 6/20/99: revisions to the following definitions; 21.1.6-Building Line, 21.1.17-Farm Stand, 21.1.22-Lot Depth, 21.1.23-Lot Frontage, 21.1.43-Street, 21.1.24-Lot, Interior, 21.1.26-Lot Line, Front; addition of the following definitions; 21.1.2- Accessway, 21.1.10-Driveway, 21.1.19-Gallery, 21.1.45-Studio; revisions to the following sections to clarify the use of terms such as street, driveway, and accessway; 2.3.4.a, 2.3.9, 11.2, 11.2.5, 11.5.4, 12.1.3, 12.3, 12.4, 13.3.d, 13.8.8, 13.11.5, 13.12.5, 14.7.1, 14.7.3, 14.7.6, 14.7.10, 15.1, 15.2, 15.2.2, 16.3.10, 16.5.1, 16.5.6.a; and revisions to 11.2.2-clarification re: front yard setback, 11.5.1.c-front yard setback is 50 feet, 16.4.1-prohibit business signs on residential lots, 11.3-delete 2½ story maximum height, 12.13-standards for farm stands moved from Section 21 to Section 12, 16.5.6.g-off the premises signs permitted for Washington businesses only, 21.1.14-standards for farm stands moved from Section 21 to Section 12, 7.3.20, 8.3.21, 9.4.23, 10.4.23-Gallery use added to these districts, 13.1.B-standards changed to include neighborhood impact, nuisances, traffic, and buffering, 10.4.1-neighborhood commercial facility deleted from Woodville Business District, 11.5.1, exception of steps and safety structures from front yard setbacks, 11.5.1.a, 11.5.1.b, 11.5.1.c-clarification structures must meet minimum setback requirements. Effective 11/26/99: Addition of Section 12.14: Generators, Air Conditioners, Pool Filters, and Other Noise Generating Equipment and as a use permitted in each district. Effective 3/21/2000: Complete revision of Section 11: Lot Size, Density, and Other Dimensional Requirements and Soil Chart and addition in Section 21 of definitions for Density, Floodplain, Lot, frontage, Lot, interior, Open space, Parcel, Resubdivision, Slope, Soil scientist, Subdivision, Wetlands, and Watercourses. Effective July 15, 2000: Sections 2.3.4: increase in zoning permit fee, 11.7.4: maximum height of accessory structure 26 feet. Effective 8/15/2000: Revision of entire Section 10; Woodville Neighborhood Business District. Effective 12/26/2000: Revision of entire Section 13.11; Accessory Apartments, delete Section

13.12, revisions to Sections 7.3.14, 7.3.21, 7.4.6, 8.3.14, 8.3.22, 8.4.6, 9.3.12, 9.3.13, 9.4.10, 10.3.11, 10.3.12, 10.4.9, and addition in Section 21 of definitions for Accessory Apartment, Accessory Apartment, Attached, Accessory Structure, Residential Purpose. Revision Section 9: Marbledale Business District effective 11/10/01. Revisions effective 4/22/02: 1.3: update name of Plan of Conservation and Development, 2.3.1: gives Zoning Comm. authority to approved lot line revisions, 2.3.4.a: Certified notification letters to adjoining owners shall be postmarked no later than 10 days prior to the hearing, 3.2: requires signature of Comm. Chairman, 6.4.6: Add purpose, 7.4.15, 8.4.17, 9.4.1.1: Add Sports Facilities, 11.1.4: Soil type determination shall be made prior to any soil disturbance, 11.2.2: Slopes shall be determined prior to any land disturbance, 11.3.2, 11.5.1, 11.5.2: clarifications – no substantive changes, 11.7.4: brings this section into conformance with Sect. 12.5.2, 13.8 and 21.1.20: reconciliation of Sections 13.8 and 21.1.20 re: when permit for excavation is required, 13.11.2.e and 21.1.25: reconciliation of Sects. 13.11.2.e and 21.1.25 – no change in substance, 13.14.3, 13.14.4, 13.14.11: change duration of Bed and Breakfast permit to 3 years, make sections consistent, and eliminate redundancies, 13.16.4: outside storage area permitted decreased to 5,000 sq. ft., 20.2: rewording so future updates will not require a change in this section, 21.1.24: Add definition of fence and renumber following sections, 21.1.39: Delete section because it is duplicated elsewhere, 21.1.54: Add all structures shall be considered permanent. Effective 9/23/02: 2.3.1.A and B: Zoning permits required for first cuts and lot line revisions and 13.1.B: Update of Special Permit standards. Effective 11/18/02: Section 12.14 – 12.14.3: Add purpose, Increase distance noise generating equipment may be located from principal structure served, Section 17: Deletion of language contrary to 8-2 of Ct. General Statutes, clarification of terms, renumbering as required, and Section 18.1.3: Use variances not permitted. Effective 5/15/03: Add intent to Section 17, add references to increase in area, volume, and/or percentage of the structure that is nonconforming to Section 17.4.a. Amendments 11/17/03: Addition of definitions Lot Coverage, 21.1.30 and Setback, 21.1.49. Effective 12/22/03: Revisions to Section 6, Addition of 6.5 and 6.6, Additions of definitions for: Dock, Dock, rowing shell, Float, Shoreline, Revised definition of Boathouse, Revised the written description and boundary of the R-3 District. Effective 2/23/04: Addition of Section 17.5: Special Exceptions. Effective 12/15/04: Amendments re: maximum height of primary and accessory buildings: Section 11.7.2, Total vertical height of primary structures not to exceed 40 ft. and add height chart, 12.5.2, accessory buildings shall be clearly subordinate to primary buildings, and Section 21: Add definition for Ground Floor Area, revise definition for Accessory Building. Effective 2/12/05: Add Sections 12.14.5 and 18.1.3 re Special Exceptions for noise generating equipment. Effective July 18, 2005: Revisions to Sections 11.7.1 and 11.7.2 re: method of measuring maximum and mean height and addition of definitions in Section 21 for Average pre-existing grade and Average finished grade. Revisions to Section 12.1: Wetlands and Watercourse Setbacks effective September 19, 2005. Revisions to/addition of Sections 11.5, 7.5, 7.6, 8.5, 8.6, 13.17.4 (deleted), and 15 regarding Parking and Setbacks and Coverage in the New Preston and Washington Depot Business District effective August 16, 2006. Effective 12/25/06: Sections 4.4.17: Accessory structures used to operate or maintain a pre-existing golf course, 6.6 re:

rowing shell docks, 6.6.10: construction materials for docks, floats, and stairs, 6.4.6: clarification re: what constitutes a fence, 21.1.19: Added definition of rowing shell dock and renumbering as required, and 21.1.29 (formerly 21.1.28): revision of the definition of fence. Effective April 14, 2007: New Section 12.15: Outdoor Lighting in Residential Districts, Sections 4.3.8, 5.3.6, 6.3.6, 7.3.18, 8.3.19, 9.3.6, 10.3.5 to require outdoor sports courts be unilluminated, Sections 14.2 and 14.3 to require the location and description of all exterior lighting fixtures on sketch plans and site plans submitted for zoning and Special Permit applications, Section 16.3.4 to specify requirements for the light source of illuminated signs, Section 13.20 to permit Outdoor wood-burning furnaces, and Sections 4.4.18, 5.4.8, 6.4.12, 7.4.16, 8.4.18, and 9.4.12 to permit outdoor wood-burning furnaces by Special Permit in all districts. Effective 6/21/07: Addition of Section 2.3.2g for the prohibition of drive through eating and drinking establishments in all districts. Effective 12/17/07: 6.6.14, 6.6.15, and 6.6.16 regarding docks; 11.64, 12.16 regarding fences; the revised or added definitions 21.1.12 (“Building”), 21.1.28 (“Fence”), 21.1.65 (“Structure”), and 21.1.68 (“Wall”). Effective 5/22/08: Revision 16.5.1: setback for nonresidential signs. Effective 6/16/08: Revision of 12.15.4 and 12.15.9; to prohibit outdoor residential lighting in trees and to clarify the non binding recommendations and revision of 21.1.8, 21.1.9, and 11.7.2.3 to provide an alternate method for computing average pre existing and average finished grade. Effective July 15, 2008: Revision of 13.9 re: frontage on state highway required for inns. Effective: March 2009: Revision of 10.4.1 to permit Eating and Drinking Establishments by Special Permit in the Woodville Business District. Effective 4/20/09: Revisions: 1) 9.2.3 re: addition of Offices to permitted uses under specific circumstances in Marbledale District, 2) Deletion of 12.14.5: Special Exception for noise generating equipment, 3) 16.4.1 re: permitting certain business and institutional signs in residential districts. Effective 9/18/09: Revisions: 1) 6.4.13 allowing accessory structures used to operate or maintain a pre existing golf course by Special Permit in the Lake Waramaug Residential District, 2) 12.14.1 – 12.14.3 to require only noise generating pool equipment, not all pool equipment, to be located within 50 ft. of the pool served. Effective 11/16/09: Revision of 17.5.a.1 to allow the ZBA to grant Special Exceptions for Section 12.1.1 provided the Inland Wetlands Commission has already approved a permit for the enlargement of modification. Effective 1/19/10: Revisions to 7.3.7, 7.4.17, 8.3.7, 8.4.19, 9.4.1.a, 9.4.1.d to require Special Permits for eating and drinking establishments in all business districts. Effective April 16, 2010: Revisions to 2.3.2.g, 12.6.1.c.10, 15.2 to change the term, “restaurant” to “eating and drinking establishment” and 21.1.24 to add the definition of “Eating and Drinking Establishment.” Effective August 20, 2010: Revision of 2.3.6 to allow acceptance and approval of applications for uses involving the installation or repair of a sewage disposal system prior to Health Dept. approval in cases under the jurisdiction of the State Health Dept. or Ct. DEP and deletion of language in Sections 13.6, 13.10, 13.11.2.d, 13.11.3.d, 13.14.7, 13.15, 13.17.5 because these are now covered by 2.3.6. Revision of Sections 12.14 – 12.14.6 re: permanently installed noise generating equipment, including new Sections 12.14.4 and 12.14.5 effective 11/22/10. Effective 12/20/10: Revision of Section 13.10.3 to delete minimum apartment size under Residential Conversion of Older Homes. Effective 3/21/11: New Section 2.4 re: public hearing submissions. Effective

4/25/11: Revision of Section 13.13.4 to delete minimum apartment size for housing in the business districts. Effective 7/18/11: New Section 17.8 to allow the enlargement or extension of a non conforming use by Special Permit. Effective 12/11: Section 15.1: Addition of compact car parking spaces. Effective May 1, 2014: Numerous minor revisions re: spelling and grammar, clarifications, combining of like sections, updating per state statutes, improved explanations of actual procedures, etc. in Sections 2.2.1, 2.2.2, 2.3, 2.3.1.A, 2.3.3, 2.3.4, 2.3.5, 2.3.6, 2.3.7, 14.7.2.D, 2.3.9.C, 2.3.9.D, 4.3.3, 12.13, 21.1.28, 4.3.4, 7.3.5, 8.3.5, 4.3.5, 4.4.19, 4.3.6, 5.5.5, 6.3.4, 7.3.6, 8.3.6, 9.3.3, 10.3.2, 4.3.7, 4.3.9, 5.3.7, 6.3.7, 7.3.20, 8.3.20, 9.3.7, 10.3.6, 4.3.10, 5.3.8, 6.3.8, 7.3.14, 8.3.14, 9.3.1, 10.3.7, 4.3.10, 5.3.2, 5.3.4, 5.3.5, 5.4.6, 6.4.5, 6.3.10, 6.4.6, 6.5.2.A, 6.5.2.C, 6.6.1, 21.1.30, 6.6.7, 6.6.10, 6.6.10.C, 6.6.13, 7.4.7, 8.4.7, 9.4.9, 10.4.9, 9.3.1, 10.3.7, 9.3.5, 10.3.4, 10.5, 10.5.2, 10.5.3, 11.1.2, 11.3.1, 11.5.1.B, 11.6.1, 21.1.58, 11.6.3, 11.6.4, 11.7.3.2, 12.1.1, 12.3.5, 12.6.1.A.5, 12.6.1.B, 12.6.1.B.5, 12.6.3, 12.7.2, 12.7.5, 12.9, 12.11, 12.14. Also effective 5/1/14: Sections 2.3.9.A, 2.3.9.B, 14.7.2.B and 14.7.2.C re: maximum widths for residential and nonresidential driveways, 6.6.6.C re: maximum size for inflatable floats, 7.7, 8.7, and 9.7 re: additional criteria for Special Permits and business uses permitted by right, and 7.5.4, 7.6.4, 8.5.4, and 8.6.4 re: addition of provision for outside storage. Effective July 18, 2016: Numerous minor revisions re: spelling, clarifications, updating outdated references, improved explanations of actual procedures, etc. in Sections 2.3.10, 4.2.2, 4.4.10, 5.2.2, 5.4.5, 5.4.9, 7.2.2, 7.3.20, 7.4.18, 8.4.20, 6.4.11, 6.6.1, 6.6.6.C, 6.6.13, 7.3.6, 7.3.15, 7.4.8, 8.2.2, 8.3.6, 8.3.20, 8.4.8, 9.2.4, 9.4.3, 9.4.1.H, 10.2.3, 11.4.4, 11.5.1.C, 11.6.1.A, 11.6.3.C, 12.1.1.B.1, 12.6.1.C.1, 12.7.2, 12.7.5, 12.14.4, 12.14.5, 13.2-13.4, 13.8.3, 13.8.9, 13.8.10, 13.10.5-6, 13.11.2.C-D, 13.11.2.G, 13.11.3.C-E, 13.11.3.G, 13.13.5, 13.14.4, 13.14.5, 13.16.7, 13.18, 14.1-14.7, 14.7.5, 14.7.6, 14.7.9, 14.7.10, 14.7.14, 15.6.3, 16.1, 16.3.2, 16.3.9, 16.3.10, 16.3.11, 16.4, 16.4.1, 16.4.1.H, 16.4.2, 16.4.3, 16.5, 16.5.2-7, 17.5.A.1, 17.5.C.1, 17.5.F, 17.6, 18.1.1, 18.2, 19.1, 21.1.14, 21.1.25, 21.1.30, 21.1.32, 21.1.67 and the following more significant revisions: Sections 4.3.7, 5.3.5, 6.3.8, 7.3.13, 8.3.13, 9.3.1, 10.3.6-addition of pool houses as permitted accessory uses, 6.3.2-addition of stairs as permitted accessory use in R-3, 6.6.9 and 6.6.10.D-addition of standards and materials for waterfront stairs, 13.1-13.1.B.3-procedures to apply for Special Permits, renewals of Special Permits, and modifications of Special Permits, 13.1.B.9-addition of standard for blasting or removal of rock, 13.8-addition of processing in the definition of excavation, 13.10.4-change of date to 1950 for eligibility under this section, 13.10.7-Commission may require architectural plans and elevations, 13.14.8-sign permitted for bed and breakfast establishment, 13.15.5-Commission may require screening, 13.16.1-2 and 13.16.5-distinction made between requirements for R-1 and business districts, 16.1.1-16.1.5-revised standards for signs, 16.5.8-portable signs permitted in business districts, 21.1.53 and 21.1.59-addition of definitions for pool house and sign. Effective September 12, 2017: Complete revision/update of Section 17 including addition of replacement of nonconforming structures by special permit, addition of Section 16.3.11 re: off the premises signs for Town Landmark sites, addition of definition of "Abandonment," and expansion of Depot Business District to include 4 additional properties. December 17, 2018: Adoption of Sections 7.8, 7.8.1, and 7.9 re: waiver of Section 3.2 by Special Permit in the New Preston Business

District. Effective March 10, 2021: Revision of Section 12.8 Temporary Uses to Temporary Structures and Uses. Effective October 25, 2021: Addition of 21.1.36 definition of Helipad. Effective November 4, 2021: Amendments to Sections: 3.2, 7.5, 7.6, 7.8.1, 7.9, 8.5, 8.6, 8.8, 8.8.1, 8.9, 8.9.1-9, 9.5, 9.5.1-4, 9.6, 9.6.1-4, 9.8, 9.8.1-3, 9.9, 10.5, 10.5.1-4, 10.6, 10.6.1-4, 10.8, 10.8.1, 10.9, 10.9.1-9 to streamline language within the Business Districts.

## SECTION 2 - GENERAL REQUIREMENTS AND PROCEDURES

- 2.1 **Interpretation.** The provisions of these Regulations shall be held to be minimum requirements adopted for the purpose stated in Section 1 above. It is not intended by these Regulations to repeal, abrogate, annul, or in any way impair, conflict, or interfere with any existing provision of law or ordinance or with any rules, regulations, or permits previously adopted or issued, or which shall be adopted or issued, pursuant to law, relating to the present use of buildings or premises; nor is it intended by these Regulations to interfere with or abrogate or nullify any easements, covenants, or other agreements between parties, provided, however, that where these Regulations impose a greater restriction upon the use of land or buildings or premises or upon the heights of buildings, or require larger yards or other open spaces than are imposed or required by existing provisions of law or ordinance or by such rules, regulations, or permits, or by such easements, covenants, or other agreements between parties, the provisions of these Regulations shall control.
- 2.2 **Classification of Uses.** Uses of land or buildings are classified and regulated by these Regulations as either PERMITTED USES or as SPECIAL PERMITS.
- 2.2.1 PERMITTED USES are those, which are allowed by right in a zoning district. Applications for permitted uses shall be submitted to the Land Use Office and may be approved by the Zoning Enforcement Officer or by the Zoning Commission depending upon the nature of the proposed use. (See 2.3.5.)
- 2.2.2 SPECIAL PERMITS are permitted only after meeting the special provisions of Sections 13 and 14 of these Regulations. Application for a Special Permit shall be submitted to the Land Use Office and approved by the Commission.
- 2.3 **Zoning Permit.** No building or structure shall be erected, moved, or structurally enlarged and no land or building shall be changed to another use nor shall any use be established or changed in any area of the Town of Washington without a zoning permit issued in conformance with the provisions of these Regulations. All applications shall be reviewed and approved by the Town Health Department before any zoning permit shall be issued.
- 2.3.1\* A. A zoning permit shall be required for the creation of any lot or parcel, excluding a building lot in a subdivision or resubdivision that already has been approved by the Washington Planning Commission, which approval has not expired.
- B. A zoning permit shall be required for all property line revisions.
- 2.3.2† All uses not specifically permitted by right or Special Permit in these Regulations are prohibited. In addition, the following are specifically prohibited:
- A. Abandoned buildings, which may be detrimental to the health, safety, and welfare of townspeople, or impair property values.

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\* Revision of 2.3.1 effective 1/15/98; addition of 2.3.1.B effective 4/22/02; section 2.3.1 revised effective 9/23/02

† Revision of 2.3.2.f effective 2/18/97



- B. Junk yards of all descriptions except when maintained temporarily by the Town, or any agency of the Town.
- C. Mobile homes or mobile home parks.
- D. Tents, portable houses, or temporary structures used as dwelling units.
- E. Helipads.
- F. Back lit and/or internally illuminated signs including back lit and internally illuminated vending machines.
- G.\* Drive through establishments selling food or drink and eating and drinking establishments that serve food or drink to customers in vehicles.

2.3.3 The Zoning Commission shall authorize a Zoning Enforcement Officer who shall have the responsibility and authority to enforce the provisions of these Regulations in accordance with any administrative rules and procedures established by the Commission. This shall include the authority to request an as-built survey map from the property owner prior to the issuance of a zoning compliance sign off or to help resolve an enforcement issue when the structure or use in question is 5 feet or less from the setback line. The Commission may appoint a deputy Zoning Enforcement Officer to assist and act for the Zoning Enforcement Officer. Any person violating these Regulations and failing to comply with the lawful orders of the Zoning Enforcement Officer shall be subject to such fines and penalties as are provided by the Connecticut General Statutes.

2.3.4<sup>†</sup> Application for a zoning permit or Special Permit shall be made on a form provided for the purpose and obtainable in the Land Use Office. Requirements for site plans to accompany a permit application are in Section 14 of these Regulations.

It shall be the responsibility of the applicant to send written notification of the pending Special Permit application to all neighboring property owners. Neighboring properties shall include all adjoining properties plus any properties located across the street, which except for the street would also be adjoining. Notification shall be by certificate of mailing and shall include forms provided by the Land Use Office. The applicant shall submit to the Commission a list of the names and addresses of all adjoining property owners and all certificate of mailing receipts prior to the commencement of the public hearing. Certified letters sent to adjoining property owners to inform them of public hearings shall be postmarked no later than ten days prior to the hearing. The Commission shall not consider the application complete, nor may it approve such application, if the list and the receipts have not been submitted. An application for renewal of a Special Permit is exempt from this notification requirement.

2.3.5 All applications for zoning permits shall be submitted to the Land Use

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\* Addition of Section 2.3.2.g: prohibition of drive through eating and drinking establishments effective 6/21/07.

<sup>†</sup>Revisions to Section 2.3.4.a effective 1/15/98, 6/20/99; Revision of 2.3.4 effective 7/15/2000; revision of 2.3.4.a re: postmark date added effective 4/22/02

Office and may be approved by the Zoning Enforcement Officer, or in his absence the Deputy Zoning Enforcement Officer, or in his absence the Zoning Commission, provided such applications meet the requirements of these Regulations. All applications for Site Plan Approval and Special Permits shall be submitted to and approved by the Commission prior to the issuance of any zoning permit where such approvals are required by the Regulations. All applications for amendments to the Zoning Regulations or the Zoning Map must be submitted to and processed by the Zoning Commission pursuant to the applicable provisions of the General Statutes.

- 2.3.6 **Sewage Disposal System.** Except as provided herein, an application for a Zoning permit or Special permit for a use that involves, or legally would require, the installation or modification of a sewage disposal system shall not be approved unless the proposed new or modified system has been reviewed and approved by the Town Health Department or the Department's authorized agent, or if the Department does not have the jurisdiction to approve the system, by any state agency or official that may have jurisdiction over the approval of such system. If the proposed sewage disposal system would require the approval of a state agency or official, such as the Connecticut Department of Public Health or the Connecticut Department of Energy and Environmental Protection, the Commission may issue a Zoning permit or Special permit, as appropriate, only upon condition that the approval shall not become effective, and that no building or construction may begin, until the septic system has received all required state approvals and copies of the approval notices have been provided to the Commission. No certificate of zoning compliance shall be issued for purposes of a certificate of occupancy until any required sewage disposal system or modifications thereto have received all required approvals from local and state agencies and officials and notices of such approvals have been filed with the Commission. If an approval by any state agency or official includes conditions that require changes in any plan that was approved by the Commission or its authorized agent in connection with any Zoning permit or Special Permit, the Zoning permit or Special permit will not be valid unless the Commission or its authorized agent, as applicable, has reviewed and approved those changes.

- 2.3.7 No zoning permit shall be valid after one year from the date of approval unless construction, as defined in Section 2.3.8 below, shall have been started within such year and is diligently prosecuted to completion. The Commission, in its sole discretion, for good cause shown, may grant an extension of time to start and/or diligently prosecute construction to completion for an additional period of one year. A permit extended under such conditions may be revoked by the Commission when it determines that there is a failure to complete construction in said diligent manner.

- 2.3.8 Nothing in these Regulations shall require any change in a permitted use or in the plans or construction of any building on which construction was begun under a permit issued prior to the effective date of these Regulations. Construction is the:

- A. excavation of a basement, cellar, or foundation, or
- B. actual placing of construction materials in their permanent position fastened in a permanent manner, or
- C. substantial beginning of demolition and removal of an existing building preparatory to rebuilding, provided, however, in each circumstance that the construction shall be diligently carried on until the completion of the building involved.

- 2.3.9\* A zoning application or Special Permit application, which involves the installation of a driveway, must meet the following requirements:
- A.<sup>†</sup> A residential driveway shall not exceed 15 percent in grade at any point along its length nor shall the driveway exceed 20 feet in width.
  - B.<sup>‡</sup> A nonresidential driveway shall not exceed 10 percent in grade at any point along its length nor shall the driveway exceed 30 feet in width.
  - C. No driveway may be constructed with a grade greater than 10 percent either ascending or descending within 50 feet of the intersection of the driveway with the street or highway.
  - D. Approval by the Selectmen's Office or the State Department of Transportation shall be required for any proposed driveway construction or reconstruction within 50 feet of the intersection of the driveway with the street.
- 2.3.10§ Once approved by the Zoning Commission, a Special Permit must be filed by the applicant on the Town Land Records to become effective.

- 2.4 **Public Hearing Submissions.** If a public hearing is to be held on any application for a permit, all documentary evidence in support of the application shall be filed with the Commission and available for public inspection no less than fifteen (15) days prior to the day of the hearing or any reconvening thereof. All other persons wishing to present documentary evidence in the proceeding should file such evidence on or before the date on which the public hearing is commenced. Nothing in this section shall prohibit the Commission, in the exercise of its discretion, from receiving evidence from any person at a later time. However, the Commission may refuse to consider any information and documentary evidence, including but not limited to any proposed modifications to the applicant's site plans or regulated activities, that is submitted after the aforesaid dates if it determines that the Commission's members, staff, or consultants would not have sufficient time to review such information or evidence properly or thoroughly before the public hearing is closed.

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\* Revisions to 2.3.9 effective 2/18/97 and 6/20/99

<sup>†</sup> Maximum width for residential driveway added 5/1/14

<sup>‡</sup> Maximum width for nonresidential driveway added 5/1/14

§ Addition of Section 2.3.10 effective 7/18/16

### SECTION 3 - DESIGNATION OF ZONING DISTRICTS

- 3.1 **Purpose.** In order to provide a variety of living, employment, and business opportunities in the Town of Washington, the following districts are hereby established:
- 3.1.1 Residential Districts.
    - A. R-1, Farming and Residential District.
    - B. R-2, Washington Green District.
    - C. R-3, Lake Waramaug Residential District.
  - 3.1.2 Business Districts.
    - A. B-1, New Preston Business District.
    - B. B-2, Washington Depot Business District.
    - C. B-3, Marbledale Business District.
    - D. B-4, Woodville Business District.
- 3.2\* **Zoning District Boundaries.** The districts hereby established are bounded and defined on a map entitled, “Town of Washington, Connecticut—Zoning District Map,” and any revisions thereto, bearing the signature of the current Zoning Commission Chairman and filed in the office of the Town Clerk. Said map and all explanatory matter thereon are hereby declared to be a part of these Regulations. In case of any uncertainty, the Zoning Commission shall determine the exact location of any boundary. Unless otherwise specified in the regulations, where the boundary between two districts divides a lot that is either partly located in a business district or used principally for commercial purposes, the use of the entire lot shall be governed by the more restrictive district conditions.  
(See copy of the Zoning District Map.)

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\* Revision Section 3.2 effective 11/10/01; revision Section 3.2 effective 4/22/02; revision Section 3.2 effective 11/4/21

## SECTION 4 - FARMING AND RESIDENTIAL DISTRICT

- 4.1 **Purpose. R-1, Farming and Residential District.** It is intended that development in this district, which covers most of the Town of Washington, will consist primarily of scattered residential, agricultural and related uses, open space, low intensity recreational activities, and other uses that will retain the rural character and natural beauty of the Town.
- 4.2\* **Uses Permitted/No Permit Required.**
- 4.2.1 Home office or studio per Section 12.6.1.A.
- 4.3† **Uses Permitted.**
- 4.3.1 Single family dwelling.
- 4.3.2 Farming.
- 4.3.3 Farm stand for the sale of farm products subject to the provisions of Section 12.13.
- 4.3.4 State licensed family day care homes.
- 4.3.5 Unilluminated tennis, basketball, and other outdoor sports courts.
- 4.3.6 Generators, air conditioners, pool mechanical equipment, and other noise generating equipment.
- 4.3.7 Accessory buildings or structures not used as dwelling units, including but not limited to swimming pools, pool houses‡, patios, fences, and above ground storage tanks.
- 4.3.8 Accessory apartment, attached, per Section 13.11.
- 4.3.9 Traditional home enterprise.
- 4.4§ **Uses Permitted by Special Permit.** The following uses are permitted provided they meet the conditions of Sections 13 and 14 of these Regulations.
- 4.4.1 Inn or Tourist home.
- 4.4.2 Cemetery.
- 4.4.3 Commercial horseback riding establishment.
- 4.4.4 Convalescent home.
- 4.4.5 Kennel.
- 4.4.6 Room and Board or Bed and Breakfast establishment.
- 4.4.7 Residential conversion of older home.
- 4.4.8 Accessory apartment, detached, per Section 13.11.
- 4.4.9\*\* Buildings, uses, and facilities of the Town of Washington.
- 4.4.10 Church, parish hall, school, library, museum, state licensed group day care home.

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\* Revisions to 4.2, 4.2.1, 4.2.2, 4.3.2, 4.3.3 effective 4/15/96

† Revisions 4.3.7 and 4.3.8 effective 2/18/97; addition of 4.3.9: Generators, etc. effective 11/26/99; revisions 4.3.10, 4.3.11: accessory apartments and structures effective 12/26/2000

‡ Revision 4.3.7: addition of pool houses effective 7/18/16

§ Revision to 4.4.5 effective 9/25/96; revision to 4.4.16 effective 4/15/96; revision to 4.4.17 effective 1/15/98; revision to 4.4.8 effective 12/26/2000

\*\* Effective date: 12/25/06

- 4.4.11 Shop and storage use by contractors and building tradesmen.
- 4.4.12 Town of Washington or non-profit sponsored affordable housing.
- 4.4.13 Town landmark site.
- 4.4.14 Boarding house.
- 4.4.15 General home occupation.
- 4.4.16 Telecommunications antennae, facilities, and antenna towers including personal wireless facilities and towers.
- 4.4.17 Accessory structures used to operate or maintain a pre-existing golf course.
- 4.4.18\* Outdoor wood burning furnaces.
- 4.4.19 Solid waste transfer station, sanitary landfill, and other facilities for the disposal of sewage, garbage, and waste materials only if operated or controlled by the Town of Washington.
- 4.4.20 Replacement of a Nonconforming Structure per Section 17.9.

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\* Addition of Section 4.4.19: outdoor wood-burning furnaces effective 4/14/07

## SECTION 5 - WASHINGTON GREEN DISTRICT

- 5.1 **Purpose. Washington Green District.** Activities in this district shall be restricted to those, which are compatible with a residential historical district.
- 5.2\* **Uses Permitted/No Permit Required.**
- 5.2.1 Home office or studio per Section 12.6.1.A.
- 5.3† **Uses Permitted.**
- 5.3.1 Single family dwelling.
- 5.3.2 State licensed family day care home.
- 5.3.3 Unilluminated tennis, basketball, and other outdoor sports courts.
- 5.3.4 Generators, air conditioners, pool mechanical equipment, and other noise generating equipment.
- 5.3.5 Accessory buildings or structures not used as dwelling units, including but not limited to swimming pools, pool houses‡, patios, fences, and above ground storage tanks.
- 5.3.6 Accessory apartment, attached, per Section 13.11.
- 5.4 **Uses Permitted by Special Permit.** The following uses are permitted provided they meet the conditions of Sections 13 and 14 of these Regulations.
- 5.4.1 Room and Board or Bed and Breakfast establishment.
- 5.4.2 Residential conversion of older home.
- 5.4.3 Accessory apartment, detached, per Section 13.11.
- 5.4.4 Buildings, uses, and facilities of the Town of Washington.
- 5.4.5 Church, parish hall, school, library, museum.
- 5.4.6 State licensed group day care home.
- 5.4.7 Town landmark site.
- 5.4.8§ Outdoor wood burning furnaces.
- 5.4.9 Traditional Home Enterprise per Section 12.6.1.B
- 5.4.10 Replacement of a Nonconforming Structure per Section 17.9.

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\* Revisions to 5.2, 5.2.1, 5.2.2 effective 4/15/96

† Revisions 5.3.5 and 5.3.6 effective 2/18/97; addition Section 5.3.7: Generators, etc. effective 11/26/99; revisions Sections 5.3.8, 5.3.9, 5.4.3: accessory apartments, structures, effective 12/26/2000

‡ Revision to 5.3.5: Addition of pool houses effective 7/18/16

§ Addition of Section 5.4.8: outdoor wood-burning furnaces effective 4/14/07.

## SECTION 6 - R-3, LAKE WARAMAUG RESIDENTIAL DISTRICT

- 6.1 **Purpose. R-3, Lake Waramaug Residential District.** This district covers the land in Washington within 1000 feet of the shoreline of Lake Waramaug, the state's second largest natural lake, and all the land from which surface water drains towards the lake. It is intended that uses will be permitted in this district in a manner that will avoid deterioration of the lake's water quality and minimize runoff and the flow of nutrients and other harmful elements to the lake, groundwater, and other wetlands and watercourses in the District.
- 6.2\* **Uses Permitted.** (Zoning permit required) The following uses are permitted as a principal use of property.
- 6.2.1 Single Family Dwelling.
  - 6.2.2 Farming, except within 75 feet of the shoreline of the lake or within 75 feet of any other wetlands or watercourses in the district.
- 6.3† **Permitted Accessory Uses.** (Zoning permit required) The following uses are permitted as accessory uses to a permitted principal use.
- 6.3.1 Home occupation per Sections 12.6.1.A and B.
  - 6.3.2‡ Docks, rowing shell docks, and floats per Section 6.6 and as defined in Section 21, and stairs to access a dock or the waterfront.
  - 6.3.3 Farm stand for the sale of farm products, the major portion of which is derived from the same premises.
  - 6.3.4 State licensed family day care home.
  - 6.3.5 Fences, provided that the top of any fence on the Lake Waramaug side of East Shore Road and West Shore Road shall be no more than two feet higher than the elevation of the center of the road when viewed in a horizontal direction perpendicular to the center line of the road.
  - 6.3.6§ Unilluminated tennis, basketball, and other outdoor sports courts.
  - 6.3.7 Generators, air conditioners, pool mechanical equipment, and other noise generating equipment per Section 12.14.
  - 6.3.8 Accessory buildings or structures not used as dwelling units including but not limited to swimming pools, pool houses\*\*, patios, fences, and above ground storage tanks.
  - 6.3.9 Accessory apartment, attached, per Section 13.11.
- 6.4†† **Uses Permitted by Special Permit.** (Special Permit required) The following uses are

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\* Revisions to 6.2, 6.2.1, 6.2.2, effective 4/15/97

† Revisions to 6.3.2, 6.3.4 effective 4/15/97; revisions 6.3.7 and 6.3.8 effective 2/18/97; addition Section 6.3.9: Generators, etc. effective 11/26/99; revisions to Sections 6.3.10, 6.3.11: accessory apartments, structures effective 12/26/2000

‡ Revision of 6.3.2 to include stairs effective 7/18/16

§ Revision of Section 6.3.6 re: unilluminated sports courts effective 4/14/07.

\*\* Revision of 6.3.8: Addition of pool houses effective 7/18/16

†† Revision to 6.4.10 effective 4/15/96; revision to 6.4.11 effective 1/15/98; revision to 6.4.3, Accessory Apartment,



permitted provided they meet the purposes of the District and all other applicable sections of these Regulations.

- 6.4.1 Room and Board or Bed and Breakfast establishments per Section 13.14.
- 6.4.2 Residential conversion of older home per Section 13.10.
- 6.4.3 Accessory apartment, detached, per Section 13.11.
- 6.4.4 Buildings, uses, and facilities of the Town of Washington.
- 6.4.5 State licensed group day care home.
- 6.4.6\* Fences, walls, earthen berms, and hedges, including hedge-like rows of tightly spaced trees and bushes that have the visual effect of hedges, and other visual barriers or enclosures located on the Lake Waramaug side of East Shore Road and West Shore Road, if the top of the barrier or enclosure is or would be more than two feet higher than the elevation of the center of the road when viewed in a horizontal direction perpendicular to the center line of the road. No Special Permit shall be issued under this section unless the Commission concludes that the view of Lake Waramaug from the road will not be unduly obscured by the proposed barrier or enclosure.
- 6.4.7 Town landmark site per Section 13.17.
- 6.4.8 General home occupation per Section 12.6.1.C.
- 6.4.9 Boathouses as defined in Section 21.
- 6.4.10 Telecommunications antennae, facilities, and antenna towers including personal wireless service facilities and towers per Section 13.19.
- 6.4.11† Outdoor wood burning furnaces.
- 6.4.12\* Accessory structures used to operate or maintain a preexisting golf course
- 6.4.13 Replacement of a Nonconforming Structure per Section 17.9.

6.5‡ In order to help preserve the water quality of Lake Waramaug, all new construction including any new structure and any addition to or enlargement of an existing structure occurring between 50 and 75 feet of the shoreline of Lake Waramaug shall require a Special Permit.

- 6.5.1 In addition to meeting all other requirements in these Regulations, applications for such Special Permit shall include the following plans for the entire lot:
  - A. a landscape plan consisting of existing and proposed vegetation located and designed to retain and absorb stormwater runoff.
    - 1. Plants native to Connecticut are encouraged, especially along the shoreline.
    - 2. Plants shown in the “Non-native, Invasive, and Potentially Invasive Vascular Plants in Connecticut,” list by the George Safford Torrey Herbarium, University of Ct. in conjunction

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effective 12/26/2000; revision to 6.4.6; add purpose and clarify definition of fence, effective 4/22/02  
 General revisions to update and clarify Section 6 effective 12/22/03.

\* Effective date: 12/25/06

† Addition of Section 6.4.11: outdoor wood-burning furnaces effective 4/14/07.

‡ Addition of Section 6.5 effective 12/22/03

\* Addition Section 6.4.12 re: accessory structures used to operate or maintain a pre existing golf course added 9/18/09

with the State Geological and Natural History Survey of Ct. and the Ct. Invasive Plant Working Group will not be permitted.

- B. a stormwater management plan consisting of measures such as filtration, infiltration, and other measures designed to reduce the impact of stormwater runoff to the lake.
- 6.5.2 In addition to the standards for Special Permits listed in Section 13.1.B, additional standards for this Special Permit shall include the following:
- A. The construction design shall minimize any increase in impervious surfaces.
  - B. Post development stormwater runoff shall not exceed pre-construction runoff.
  - C. Removal or excavation of earth and indigenous rock shall be limited to no more than the amount necessary to make the proposed improvements.
- 6.6\* Docks, rowing shell docks, and floats are permitted provided all of the following criteria are met:
- 6.6.1<sup>†</sup> Only one dock and either one rowing shell dock or one float are permitted per shoreline property. No rowing shell dock or float may be attached to a dock. Floats shall not be attached to the shoreline and cannot be anchored closer than 10 feet from the shoreline. See the definition of Float in Section 21.
  - 6.6.2 They shall be for the private, non commercial use of the resident only.
  - 6.6.3 They must be removable, but not necessarily actually removed, on a seasonal basis and have no permanent contact with the submerged land and require no excavation of the submerged land.
  - 6.6.4 There shall be free movement of water underneath them.
  - 6.6.5 The dock shall be no more than 8 feet in width at its juncture with the existing shoreline. This 8-foot maximum width must not be exceeded within 5 feet of the shoreline, and the dock alignment must be perpendicular to the shore, and remain so for at least 5 feet from the shoreline.
  - 6.6.6 Maximum size permitted:
    - A. Dock: 360 square feet of total surface area.
    - B.<sup>‡</sup> Rowing shell dock: 100 square feet total surface area, but in no event more than 6 feet wide or 20 feet long.
    - C.<sup>§</sup> Float: A wooden, synthetic, or metal float cannot be larger than 10 feet by 10 feet. An inflatable float shall not exceed 120 square feet or a height of 4 feet above the water.
  - 6.6.7 All docks, rowing shell docks, and floats require a permit. Applications shall be submitted to the Land Use Office in duplicate. One copy shall be forwarded to the safety officer or other designated representative of the Lake Waramaug Authority (LWA). The LWA shall, within 35 days,

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\*Addition of Section 6.6 effective 12/22/03

<sup>†</sup> Effective date: 12/25/06

<sup>‡</sup> Effective date: 12/25/06

<sup>§</sup> Maximum size of inflatable float added 5/1/14

- submit a report to the Land Use Office recommending approval, denial, or modification of the proposed permit. If the recommendation of the LWA is to approve the permit, the Zoning Enforcement Officer may issue a permit upon a finding that all other criteria of this Section 6.6 have been met. If the LWA recommends denying or modifying the permit, the application shall be submitted to the Zoning Commission for consideration as a Special Permit pursuant to Section 13 of these Regulations. The LWA's recommendation is advisory and is not binding upon the Commission.
- 6.6.8 The dock and rowing shell dock shall be fastened to the shoreline in a manner to minimize any disturbance to the existing shoreline. There shall be no regrading, recontouring, or similar modification of the existing shoreline and surrounding land.
- 6.6.9\* If stairs are proposed to access the dock or waterfront, the stairs shall be no more than 5 feet in width. Masonry, wood, and stone stairs or any other stair construction process shall use methods that minimize regrading, recontouring, or similar modification of the surrounding land. Stair design shall minimize footings and maximize permeability whenever practical.
- 6.6.10<sup>†</sup> Materials for docks, rowing shell docks, floats, storage boxes, and stairs.
- A. Non corrosive, encapsulated, impact resistant buoyancy material that is resistant to fragmentation shall be used.
  - B. Rust retardant hardware shall be used.
  - C. Wood materials shall be naturally rot resistant such as decay resistant heartwood of redwood, black locust, cedar, or other similar lumbers. Pressure treated wood shall not be used for decking, stair treads, storage boxes, or railings, but may be used for framing and structural supports.
  - D. Masonry materials shall be natural. Efforts shall be made to maintain a uniform appearance with the surrounding natural shoreline. Exposed concrete and exposed mortar joints shall be kept to a minimum.<sup>‡</sup>
- 6.6.11<sup>§</sup> The height above the water of docks and floats shall be minimized. The height above the water for rowing shell docks shall be limited to 6 inches above the water line. Docks, rowing shell docks, and floats may not include appurtenances such as roofs, raised platforms, raised decks, etc. Removable fabric canopies or umbrellas and removable water slides are allowed.
- 6.6.12 Docks and rowing shell docks shall be subject to the side yard requirements, but not the front yard requirements, of these Regulations. In addition, no dock or rowing shell dock may be placed any closer than 25 feet from the lines formed by extending the side lot lines into the lake. The Commission may issue a Special Permit for a dock or rowing shell dock to be placed closer than 25 feet to the lines of extension if it finds that the applicant cannot reasonably meet the 25-foot setback because of the size or

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\* Revision of 6.6.9 re: methods and design for stair construction effective 7/18/16

<sup>†</sup> Effective date: 12/25/06

<sup>‡‡</sup> Section 6.6.10.D re: materials for deck, float, stair, etc. construction added effective 7/18/16

<sup>§</sup> Effective date: 12/25/06

- shape of the lot, location of physical obstructions such as rock, or the location of sensitive natural resources at the shoreline or within the lake.
- 6.6.13 For safety purposes, the street number of the primary residence, using numerals at least 3 inches high, shall be affixed to the end of the dock, rowing shell dock, and/or float so as to be visible from the lake.
- 6.6.14 Existing nonconforming structures that extend beyond the shoreline and are used as docks or could be used as docks, including concrete piers, overhanging boathouse decks whose upper surfaces are within three feet of the water's surface and are accessible from the lake, and similar structures, shall be considered docks for the purposes of these Regulations, and any part of such structures, which extends beyond the shoreline shall be included in any surface area calculations required under Section 6.6.
- 6.6.15\* The existing nonconforming structures described in 6.6.14 may be enlarged if:
- A. the enlarged structure is to be used as a dock, and
  - B. the added portions meet the requirements of Section 6.6, and
  - C. the combined surface area of the original nonconforming structure and its extension meets the size requirements of Section 6.6.6.
- 6.6.16† Existing nonconforming concrete piers that extend beyond the shoreline may be resurfaced with wood or masonry if
- A. the new deck surface is no more than 8 inches higher than the original surface of the nonconforming concrete pier, and
  - B. the new deck surface does not extend more than 1.5 inches beyond any edge of the existing nonconforming pier.

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\* Effective date: 12/17/07

† Effective date: 12/17/07

## SECTION 7 – B1, NEW PRESTON BUSINESS DISTRICT

- 7.1 **Purpose. B-1, New Preston Business District.** This district is intended to provide village or neighborhood type shopping and business opportunities such as presently exist within this limited commercial area.
- 7.2\* **Uses Permitted/No Permit Required.**
- 7.2.1 Home office or studio per Section 12.6.1.A.
- 7.3† **Uses Permitted.**
- 7.3.1 Single family dwelling.
- 7.3.2 General home occupation.
- 7.3.3 Farming.
- 7.3.4 Farm stand for the sale of farm produce, the major portion of which is derived from the same premises.
- 7.3.5 State licensed family day care home.
- 7.3.6 Retail business such as grocery store, drug store, antique shop.
- 7.3.7 Business service such as bank, real estate, and insurance office.
- 7.3.8 Business or professional office.
- 7.3.9 Personal service such as barber shop, beauty salon.
- 7.3.10 Repair service such as radio, television, appliance and plumbing shops, upholstery, and shoe repair.
- 7.3.11 Funeral home.
- 7.3.12 Town or public building, library, museum, school, buildings for public recreation, assembly hall, or other similar municipal or cultural facility of a non-commercial nature.
- 7.3.13 Accessory buildings or structures not used as dwelling units, including but not limited to swimming pools, pool houses<sup>‡</sup>, patios, fences, and above ground storage tanks.
- 7.3.14 Private occupational school.
- 7.3.15 Kennel, commercial or private.
- 7.3.16§ Unilluminated tennis, basketball, and other outdoor sports courts.
- 7.3.17 Gallery.
- 7.3.18 Generators, air conditioners, pool mechanical equipment, and other noise generating equipment.
- 7.3.19 Accessory apartment, attached, per Section 13.11.
- 7.3.20 Traditional Home Enterprise per Section 12.6.1.B
- 7.4\* **Uses Permitted by Special Permit.** The following uses are permitted provided they

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\* Revisions to 7.2, 7.2.1, 7.2.2, effective 4/15/96

† Revisions to 7.3.2, 7.3.4 effective 4/15/96; revisions 7.3.17 and 7.3.18 effective 2/18/97; addition of 7.3.19, Gallery, effective 6/20/99; revisions 7.3.14, 7.3.21: accessory apartments, structures effective 12/26/2000; revision 7.3.16: Commercial kennel effective 9/25/96; addition Section 7.3.20: Generators, etc. effective 11/26/99; revision 7.3.21, 7.4.6: Accessory Apartments, effective 12/26/00

‡ Revision of 7.3.13: Addition of pool house effective 7/18/16

§ Revision of Section 7.3.18 re: unilluminated sports courts effective 4/14/07.

meet the conditions of Sections 13 and 14 of these Regulations.

- 7.4.1 Automotive service station.
- 7.4.2 Package liquor store.
- 7.4.3 Convalescent home.
- 7.4.4 Residential conversion of older home.
- 7.4.5 Room and Board or Bed and Breakfast establishment.
- 7.4.6 Accessory apartment, detached, per Section 13.11.
- 7.4.7 State licensed group day care home, registered child day care center.
- 7.4.8 Shop and storage use by contractors and building tradesmen per Section 13.16.
- 7.4.9 Housing in business districts.
- 7.4.10 Town of Washington or nonprofit sponsored affordable housing.
- 7.4.11 Town landmark site.
- 7.4.12 Boarding house.
- 7.4.13 Permanent off the premises directional signs.
- 7.4.14 Telecommunications antennae, facilities, and antenna towers including personal wireless service facilities and towers.
- 7.4.15 Sports facilities.
- 7.4.16<sup>†</sup> Outdoor wood burning furnaces.
- 7.4.17<sup>‡</sup> Eating and drinking establishments
- 7.4.18<sup>§</sup> Buildings, Uses, and Facilities of the Town of Washington
- 7.4.19 Replacement of a Nonconforming Structure per Section 17.9.

**7.5\*\* Maximum Lot Coverage.** The Commission may, by Special Permit, upon review of a site plan and other information supplied by the applicant, approve an increase of up to 50 percent in the maximum permitted lot coverage if:

- 7.5.1 The proposed lot coverage will enhance the village character of the District by making the project more in keeping with the coverage, building spacing, building alignment, pedestrian and vehicular access, and other significant characteristics generally established by neighboring existing lots and buildings in the District, and
- 7.5.2 The proposed project is harmonious in style, size, and proportion with architecture typical elsewhere in the District, and employs building materials that are harmonious in appearance with those typical elsewhere in the District.
- 7.5.3 The applicant shall provide surveys, photographs, architectural drawings, expert opinions, or other information to support the application.
- 7.5.4<sup>††</sup> In reviewing an application pursuant to this Section 7.5, the Commission may take into consideration any existing and proposed outdoor storage on the lot of merchandise, goods, supplies, machinery, motor vehicles, and

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\* Revision to 7.4.15 effective 1/15/98; Section 7.4.15: Sports facilities added effective 4/22/02

† Addition of Section 7.4.16 re: outdoor wood-burning furnaces effective 4/14/07.

‡ Section 7.4.17 to require Special Permits for eating and drinking establishments effective 1/19/10.

§ Section 7.4.18 re: Buildings, Uses, and Facilities of the Town added effective 7/18/16

\*\* Section 7.5 added 8/16/06; Increase to 50% effective 11/4/21

†† Section 7.5.4 to allow outside storage effective 5/1/14

other equipment and may condition the Special Permit upon an appropriate limitation or prohibition on such outdoor storage in order to preserve the village character of the district.

- 7.6\* **Minimum Setback and Yard Dimensions.** The Commission may, by Special Permit, upon review of a site plan and other information supplied by the applicant, approve a reduction of up to 50 percent in the minimum setback and yard dimensions under Section 11.6 of these regulations if the conditions set forth below are met. The Commission may not approve any reduction in the setbacks required by Section 7.7.
- 7.6.1 The reduction, as demonstrated by graphical and other information supplied by the applicant, will enhance the village character of the District by aligning the proposed structure or structures generally with neighboring existing buildings in the District, and will maintain building spacing, streetscape elements, and pedestrian access generally established by neighboring existing buildings in the District, and
  - 7.6.2 The proposed project is harmonious in style, size, and proportion with architecture typical elsewhere in the District, and employs building materials that are harmonious in appearance with those typical elsewhere in the District.
  - 7.6.3 The applicant shall provide surveys, photographs, architectural drawings, expert opinions, or other information to support the application.
  - 7.6.4† In reviewing an application pursuant to this Section 7.6, the Commission may take into consideration any existing and proposed outdoor storage on the lot of merchandise, goods, supplies, machinery, motor vehicles, and other equipment and may condition the Special Permit upon an appropriate limitation or prohibition on such outdoor storage in order to preserve the village character of the district.
- 7.7‡ **Additional criteria for Special Permits and business uses permitted by right in the Business Districts.** In addition to the conditions of Sections 13 and 14 of these Regulations, the following conditions shall be met:
- A. Standards for approval. The Commission shall exercise discretion in allowing only:
    - 1. Those uses in harmony with the purpose of this District as stated in Section 7.1.
    - 2.§ Setback, buffer, and frontage requirements: On any property used for Special Permits or business uses permitted by right, no building or paved area may exist within 50 feet of an adjoining property line of an adjoining residential or residentially used property or farm. Within this setback the owner of the property where the Special Permit use or business use permitted by right will occur, shall maintain a permanent landscape buffer to screen the Special Permit or business use permitted by right activity from the neighboring property.

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\* Section 7.6 added 8/16/06; Revision effective 11/4/21

† Section 7.6.4 to allow outside storage effective 5/1/14

‡ Section 7.7 added 5/1/14

§ Section 7.7.A.2 Revision effective 11/4/21

- 7.8\* **Development Options Permitted by Special Permit.** The Commission may permit the following site development option upon approval of a separate Special Permit application. To be considered favorably, the applicant must demonstrate to the Commission's satisfaction that the requirements and conditions of Section 7.9 and all other applicable sections of these Regulations have been met.
- 7.8.1 Split Lots. Notwithstanding the provisions of Section 3.2 of these regulations, for any lot that is divided by the boundary between the B-1 District and an adjoining district, the Commission may issue a Special Permit for the portion of the lot within the B-1 District to allow any use that would be permissible on any lot that is wholly within the B-1 District.
- 7.9† **Conditions for a Special Permit in the B-1 District.** The intention of the Commission is to encourage small scale development in the New Preston Business District that is both appropriate for Washington and consistent with the historical character of New Preston. In considering any application for a Special Permit in the B-1 District, the Commission will require that the applicant demonstrate that reasonable consideration has been given to the following:
- 7.9.1 The preservation of historically significant structures.
- 7.9.2 Architecture that is harmonious in style, size, and proportion with traditional architecture typical elsewhere in the District and in the Town.
- 7.9.3 The use of building materials that are harmonious in appearance with those typical elsewhere in the District and in the Town.
- 7.9.4 Appropriate consideration of building size and site design, possibly including submission of architectural elevations, renderings, or photographs to clarify issues regarding visual impact and building relationships.
- 7.9.5 Site planning and landscaping that:
- A. Enhance the attractiveness of the proposed development
  - B. Screen unsightly elements such as parking lots, utilities, and unattractive accessory structures, from public view
  - C. Help to visually or physically integrate the proposed development into the District and the Town.
- 7.9.6 Establishment and maintenance of landscape buffers satisfactory to the Commission.
- 7.9.7 The design of curb cuts, driveways, and parking lots that help to improve traffic patterns or limit additional congestion on Route 202, East Shore Road, Main Street, and New Preston Hill Road.
- 7.9.8 Buildings set back at least fifty (50) feet from any property line adjoining a use that is not of a business or commercial nature.
- 7.9.9‡ Paved areas set back at least fifty (50) feet from any property line adjoining a use that is not of a business or commercial nature.

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\* Sections 7.8, 7.8.1, 7.9 adopted 12/17/18

† Section 7.9 Revision of language effective 11/4/21

‡ Section 7.9.9 revision from 25 feet to 50 feet effective 11/4/21



## SECTION 8 - B-2, WASHINGTON DEPOT BUSINESS DISTRICT

- 8.1 **Purpose. B-2, Washington Depot Business District.** This district is intended to provide for a variety of uses appropriate for the Town's central business district and government center.
- 8.2\* **Uses Permitted/No Permit Required.**
- 8.2.1 Home office or studio per Section 12.6.1.A.
- 8.3<sup>†</sup> **Uses Permitted.**
- 8.3.1 Single family dwelling.
- 8.3.2 General home occupation.
- 8.3.3 Farming.
- 8.3.4 Farm stand for the sale of farm produce, the major portion of which is derived from the same premises.
- 8.3.5 State licensed family day care home.
- 8.3.6 Retail business such as grocery store, drug store, antique shop.
- 8.3.7 Business service such as bank, real estate, and insurance office.
- 8.3.8 Business or professional office.
- 8.3.9 Personal service such as barber shop, beauty salon.
- 8.3.10 Repair service such as radio, television, appliance, and plumbing shops, upholstery, and shoe repair.
- 8.3.11 Funeral home.
- 8.3.12 Town or public building, library, museum, school, buildings for public recreation, assembly hall, or other similar municipal or cultural facility of a non-commercial nature.
- 8.3.13 Accessory buildings or structures not used as dwelling units, including but not limited to swimming pools, pool houses<sup>‡</sup>, patios, fences, and above ground storage tanks.
- 8.3.14 Private occupational school.
- 8.3.15 Indoor theatre.
- 8.3.16 Kennel, commercial or private.
- 8.3.17<sup>§</sup> Unilluminated tennis, basketball, and other outdoor sports courts.
- 8.3.18 Generators, air conditioners, pool mechanical equipment, and other noise generating equipment.
- 8.3.19 Accessory apartment, attached, per Section 13.11.
- 8.3.20 Traditional Home Enterprise per Section 12.6.1.B.
- 8.4\*\* **Uses Permitted by Special Permit.** The following uses are permitted provided they

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\* Revisions to 8.2, 8.2.1, 8.2.2 effective 4/15/96

<sup>†</sup> Revisions to 8.3.2, 8.3.4 effective 4/15/96; revision to 8.3.17 effective 9/25/96; revisions 8.3.17 and 8.3.18 effective 2/18/97; revisions 8.3.14, 8.3.21: accessory apartments, structures effective 12/26/2000; addition of 8.3.20, Gallery, effective 6/20/99; addition Section 8.3.21: Generators, etc. effective 11/26/99

<sup>‡</sup> Revision of 8.3.13: Addition of pool house effective 7/18/16

<sup>§</sup> Revision of Section 8.3.19 re: unilluminated sports courts effective 4/14/07.

\*\* Revision to 8.4.17 effective 1/15/98; revision Section 8.4.6: detached Accessory Apartment, effective 12/26/2000; Section 8.4.17: sports facilities added effective 4/22/02

meet the conditions of Section 13 and 14 of these Regulations.

- 8.4.1 Automotive service station.
- 8.4.2 Package liquor store.
- 8.4.3 Convalescent home.
- 8.4.4 Residential conversion of older home.
- 8.4.5 Room and Board or Bed and Breakfast establishment.
- 8.4.6 Accessory apartment, detached, per Section 13.11.
- 8.4.7 State licensed group day care home, registered child day care center.
- 8.4.8 Shop and storage use by contractors and building tradesmen per Section 13.16.
- 8.4.9 Housing in business districts.
- 8.4.10 Town of Washington or non-profit sponsored affordable housing.
- 8.4.11 Town landmark site.
- 8.4.12 Boarding house.
- 8.4.13 Retail lumber, fuel, and building yard.
- 8.4.14 Research, experimental laboratories, and light manufacturing uses provided the number of employees does not exceed 30.
- 8.4.15 Permanent off the premises directional signs.
- 8.4.16 Telecommunications antennae, facilities, and antenna towers including personal wireless service facilities and towers.
- 8.4.17 Sports facilities.
- 8.4.18\* Outdoor wood burning furnaces.
- 8.4.19† Eating and drinking establishments.
- 8.4.20‡ Buildings, Uses, and Facilities of the Town of Washington.
- 8.4.21 Replacement of a Nonconforming Structure per Section 17.9.

8.5§ **Maximum Lot Coverage.** The Commission may, by Special Permit, upon review of a site plan and other information supplied by the applicant, approve an increase of up to 50 percent in the maximum permitted lot coverage if:

- 8.5.1 The proposed lot coverage will enhance the village character of the District by making the project more in keeping with the coverage, building spacing, building alignment, pedestrian and vehicular access, and other characteristics generally established by neighboring existing lots and buildings in the District, and
- 8.5.2 The proposed project is in harmonious in style, size, and proportion with architecture typical elsewhere in the District, and employs building materials that are harmonious in appearance with those typical elsewhere in the District.
- 8.5.3 The applicant shall provide surveys, photographs, architectural drawings, expert opinions, or other information to support the application.
- 8.5.4\*\* In reviewing an application pursuant to this Section 8.5, the Commission

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\* Addition of Section 8.4.18 re: outdoor wood-burning furnaces effective 4/14/07.

† Section 8.4.19 added re: Special Permit required for eating and drinking establishments effective 1/19/10.

‡ Section 8.4.20 re: Buildings, Uses, and Facilities of the Town added effective 7/18/16

§ Section 8.5 added 8/16/06; Increase of 50% effective 11/4/21

\*\* Section 8.5.4 to allow outside storage added 5/1/14

may take into consideration any existing and proposed outdoor storage on the lot of merchandise, goods, supplies, machinery, motor vehicles, and other equipment and may condition the Special Permit upon an appropriate limitation or prohibition on such outdoor storage in order to preserve the village character of the district.

- 8.6\* **Minimum Setback and Yard Dimensions.** The Commission may, by Special Permit, upon review of a site plan and other information supplied by the applicant, approve a reduction of up to 50 percent in the minimum setback and yard dimensions under Section 11.6 of these regulations if the conditions set forth below are met. The Commission may not approve any reduction in the setbacks required by Section 8.7.
- 8.6.1 The reduction, as demonstrated by graphical and other information supplied by the applicant, will enhance the village character of the District by aligning the proposed structure or structures generally with neighboring existing buildings in the District, and will maintain building spacing, streetscape elements, and pedestrian access generally established by neighboring existing buildings in the District, and
- 8.6.2 The proposed project is harmonious in style, size, and proportion with architecture typical elsewhere in the District, and employs building materials that are harmonious in appearance with those typical elsewhere in the District.
- 8.6.3 The applicant shall provide surveys, photographs, architectural drawings, expert opinions, or other information to support the application.
- 8.6.4† In reviewing an application pursuant to this Section 8.6, the Commission may take into consideration any existing and proposed outdoor storage on the lot of merchandise, goods, supplies, machinery, motor vehicles, and other equipment and may condition the Special Permit upon an appropriate limitation or prohibition on such outdoor storage in order to preserve the village character of the district.

- 8.7‡ **Additional criteria for Special Permits and business uses permitted by right in the Business Districts.** In addition to the conditions of Sections 13 and 14 of these Regulations, the following conditions shall be met:
- A. Standards for approval. The Commission shall exercise discretion in allowing only:
1. Those uses in harmony with the purpose of this District as stated in Section 8.1.
  2. Setback, buffer, and frontage requirements: On any property used for Special Permits or business uses permitted by right, no building or paved area may exist within 50 feet of an adjoining property line of an adjoining residential or residentially used property or farm. Within this setback the owner of the property where the Special Permit use or business use permitted by right will occur, shall maintain a permanent landscape buffer to screen the Special Permit or business use permitted by right activity from the neighboring property.

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\* Section 8.6 added 8/16/06; revision of language effective 11/4/21

† Section 8.6.4 to allow outside storage effective 5/1/14

‡ Section 8.7 added 5/1/14; Section 8.7.A.2 revision of language effective 11/4/21

- 8.8\* **Development Options Permitted by Special Permit.** The Commission may permit the following site development option upon approval of a separate Special Permit application. To be considered favorably, the applicant must demonstrate to the Commission's satisfaction that the requirements and conditions of Section 8.9 and all other applicable Sections of these regulations have been met.
- 8.8.1 Split Lots. Notwithstanding the provisions of Section 3.2 of these regulations, for any lot that is divided by the boundary between the B-2 District and an adjoining district, the Commission may issue a Special Permit for the portion of the lot within the B-2 District to allow any use that would be permissible on any lot that is wholly within the B-2 District.
- 8.9 **Condition for a Special Permit in the B-2 District.** The intention of the Commission is to encourage small scale development in the Washington Depot District that is both appropriate for Washington and consistent with the historical character of Washington Depot. In considering any application for a Special Permit in the B-2 District, the Commission will require the applicant to demonstrate that reasonable consideration has been given to the following:
- 8.9.1 The preservation of historically significant structures.
- 8.9.2 Architecture that is harmonious in style, size, and proportion with traditional architecture typical elsewhere in the District and in the Town.
- 8.9.3 The use of building materials that are harmonious in appearance with those typical elsewhere in the District and in the Town.
- 8.9.4 Appropriate consideration of building size and site design, possibly including submission of architectural elevations, renderings, or photographs to clarify issues regarding visual impact and building relationships.
- 8.9.5 Site planning and landscaping that:
- A. Enhance the attractiveness of the proposed development
  - B. Screen unsightly elements such as parking lots, utilities, and unattractive accessory structures from public view
  - C. Help to visually or physically integrate the proposed development into the District and the Town.
- 8.9.6 Establishment and maintenance of landscape buffers satisfactory to the Commission.
- 8.9.7 The design of curb cuts, driveways, and parking lots that help to improve traffic patterns or limit additional congestion on Routes 47 and 109.
- 8.9.8 Buildings set back at least fifty (50) feet from any property line adjoining a use that is not of a business or commercial nature.
- 8.9.9 Paved areas set back at least fifty (50) feet from any property line adjoining a use that is not of a business or commercial nature.

## SECTION 9 - B-3, MARBLEDALE BUSINESS DISTRICT<sup>†</sup>

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\* Sections 8.8, 8.8.1, 8.9, 8.9.1-9 – Added effective 11/4/2021

<sup>†</sup> Revision of entire Section 9: Marbledale Business District effective 11/10/01

- 9.1 **Purpose. B-3, Marbledale Business District.** The Marbledale Business District is a unique commercial and residential area within the Town of Washington. The purpose of this section is to encourage development of the District in ways that:
- Preserve its historical character as a distinct commercial zone and residential neighborhood,
  - Promote a thriving, attractive environment for small scale businesses that are appropriate for the District and the Town,
  - Protect the East Aspetuck River,
  - Avoid congestion and traffic hazards on Route 202, and
  - Help to implement the Washington Plan of Conservation and Development.
- 9.2 **Permitted Uses.** The following uses are permitted as a principal use of property.
- 9.2.1 Single family dwelling.
- 9.2.2 Farming.
- 9.2.3\* The uses in 9.4.1.A, 9.4.1.B, and 9.4.1.F, provided that they are located in existing structures already used commercially and require no physical changes to the exterior of the structure or the site plan.
- 9.2.4 Traditional Home Enterprise per Section 12.6.1.B.
- 9.3 **Permitted Accessory Uses.** The following uses are permitted as accessory uses to a permitted principal use:
- 9.3.1 Accessory uses, buildings, or structures not used as dwelling units, including but not limited to swimming pools, pool houses<sup>†</sup>, patios, fences, and above ground storage tanks.
- 9.3.2 Home occupation per Section 12.6.
- 9.3.3 State licensed family day care homes.
- 9.3.4 Farm stand for the sale of farm produce, the major portion of which is derived from the same premises.
- 9.3.5 Unilluminated tennis, basketball, and other outdoor sports courts.
- 9.3.6 Generators, air conditioners, pool mechanical equipment, and other noise generating equipment.
- 9.3.7 Accessory apartment, entirely within a single family dwelling per Section 13.11.1.
- 9.4<sup>‡</sup> **Uses Permitted by Special Permit.** The following uses may be permitted by the Commission provided they meet the purpose of the zone and the conditions of Section 9.6 and all other applicable sections of these Regulations.
- 9.4.1 Small scale business establishments, not exceeding 5,000 square feet in total floor area for each building lot as provided below:
- A. Retail establishments such as antiques, flowers, books, grocery store, delicatessen, and art gallery.
  - B. Personal service establishments such as answering services, hair care,

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\* Revision of 9.2.3: add offices to permitted uses under specific circumstances in Marbledale Dist. Effective 4/20/09

† Revision of 9.3.1: Addition of pool house effective 7/18/16

‡ Section 9.4.1.1: Sports facilities added effective 4/22/02

- nail care, shoe repair, and clothing rental, but excluding laundry and dry cleaning operations that use their processes on site.
- C. Package liquor store.
- D. Eating and drinking establishment.
- E. Funeral home.
- F. Office establishments such as financial institutions, business offices, and professional offices.
- G. Light manufacturing uses that are non polluting provided the number of employees does not exceed 30.
- H. Veterinarian office or commercial or private kennel with no outside runs.
- I. Storage facilities for individuals and small scale business establishments.
- J. Shop and storage use by contractors and building tradesmen per Section 13.16.
- K. Other establishments similar to the above.
- L. Sports facilities.
- 9.4.2 Buildings, uses, and facilities of the Town of Washington, Town of Washington or non-profit sponsored affordable housing, Town landmark site, or a private school.
- 9.4.3 Town or public building, library, museum, school, buildings for public recreation, assembly hall, or other similar municipal, cultural, or religious facilities of a non commercial nature.
- 9.4.4 Residential conversion of older home per Section 13.10.
- 9.4.5 Detached accessory apartment per Section 13.11.
- 9.4.6 Housing in business districts per Section 13.13.
- 9.4.7 Convalescent home.
- 9.4.8 Boarding house, room and board, or bed and breakfast establishment per Section 13.14.
- 9.4.9 State licensed group day care home, state licensed child day care center.
- 9.4.10 Permanent off the premises directional signs.
- 9.4.11 Telecommunications antennae, facilities, and antenna towers including personal wireless service facilities and towers.
- 9.4.12\* Outdoor wood burning furnaces.
- 9.4.13 Replacement of a Nonconforming Structure per Section 17.9.

- 9.5<sup>†</sup> **Maximum Lot Coverage.** The Commission may, by Special Permit, upon review of a site plan and other information supplied by the applicant, approve an increase of up to 50 percent in the maximum permitted lot coverage of these regulations if the conditions set forth below are met. The Commission may not approve any reduction in the setbacks required by Section 9.7.
- 9.5.1 The proposed lot coverage will enhance the village character of the District by making the project more in keeping with the coverage, building spacing,

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\* Addition of Section 9.4.12: outdoor wood-burning furnaces effective 4/14/07.

† Change Section 9.5 to MLC, add 9.5.1-4 effective 11/4/21

building alignment, pedestrian and vehicular access, and other characteristics generally established by neighboring existing lots and buildings in the District

- 9.5.2 The proposed project is harmonious in style, size, and proportion with architecture typical elsewhere in the District, and employs building materials that are harmonious in appearance with those typical elsewhere in the District.
- 9.5.3 The applicant shall provide surveys, photographs, architectural drawings, expert opinions, or other information to support the application.
- 9.5.4 In reviewing an application pursuant to this Section 9.5, the Commission may take into consideration any existing and proposed outdoor storage on the lot of merchandise, goods, supplies, machinery, motor vehicles, and other equipment and may condition the Special Permit upon an appropriate limitation or prohibition on such outdoor storage in order to preserve the village character of the District.

- 9.6\* **Minimum Setback and Yard Dimensions.** The Commission may, by Special Permit, upon review of a site plan and other information supplied by the applicant, approve a reduction of up to 50 percent in the minimum setback and yard dimensions under Section 11.6 of these regulations if the conditions set forth below are met. The Commission may not approve any reduction in the setbacks required by Section 9.7.
- 9.6.1 The reduction, as demonstrated by graphical and other information supplied by the applicant, will enhance the village character of the District by aligning the proposed structure or structures generally with neighboring existing buildings in the District, and will maintain building spacing, streetscape elements, and pedestrian access generally established by neighboring existing buildings in the District, and
  - 9.6.2 The proposed project is harmonious in style, size, and proportion with architecture typical elsewhere in the District, and employs building materials that are harmonious in appearance with those typical elsewhere in the District.
  - 9.6.3 The applicant shall provide surveys, photographs, architectural drawings, expert opinions, or other information to support the application.
  - 9.6.4 In reviewing an application pursuant to this Section 9.6, the Commission may take into consideration any existing and proposed outdoor storage on the lot of merchandise, goods, supplies, machinery, motor vehicles, and other equipment and may condition the Special Permit upon an appropriate limitation or prohibition on such outdoor storage in order to preserve the village character of the district.

- 9.7† **Additional criteria for Special Permits and business uses permitted by right in the Business Districts.** In addition to the conditions of Sections 13 and 14 of these Regulations, the following conditions shall be met:
- A. Standards for approval. The Commission shall exercise discretion in allowing

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\* Section 9.6, 9.6.1-4 changed to Min Setbck & Yrd Dmnsns – effective 11-4-21

† Section 9.7 added 5/1/14; 9.7.A.2 language revision effective 11/4/21

only:

1. Those uses in harmony with the purpose of this District as stated in Section 9.1.
2. Setback, buffer, and frontage requirements: On any property used for Special Permits or business uses permitted by right, no building or paved area may exist within 50 feet of an adjoining property line of an adjoining residential or residentially used property or farm. Within this setback the owner of the property where the Special Permit use or business use permitted by right will occur, shall maintain a permanent landscape buffer to screen the Special Permit or business use permitted by right activity from the neighboring property.

9.8\* **Development Options Permitted by Special Permit.** The Commission may permit one or more of the following site development options upon approval of a separate Special Permit application. To be considered favorably, the applicant must demonstrate to the Commission's satisfaction that the requirements and conditions of Section 9.9 and all other applicable sections of these Regulations have been met.

- 9.8.1 Split Lots. Notwithstanding the provisions of Section 3.2 of these regulations, for any lot that is divided by the boundary between the B-3 District and an adjoining District, the Commission may issue a Special Permit for the portion of the lot within the B-3 District to allow any use that would be permissible on any lot that is wholly within the B-3 District.
- 9.8.2 Expansion of an existing nonconforming use.
- 9.8.3 Relaxation of the 5,000 square foot limitation contained in Section 9.4.1, up to a maximum of 7,500 square feet in total floor area for each building lot.

9.9† **Conditions for a Special Permit in the B-3 District.** The intention of the Commission is to encourage small scale development in the Marbledale Business District that is both appropriate for Washington and consistent with the historical character of Marbledale. In considering any application for a Special Permit in the B-3 District, the Commission will require the applicant to demonstrate that reasonable consideration has been given to the following:

- 9.9.1 The preservation of historically significant structures.
- 9.9.2 Architecture that is harmonious in style, size, and proportion with traditional architecture typical elsewhere in the District and in the Town.
- 9.9.3 The use of building materials that are harmonious in appearance with those typical elsewhere in the District and in the Town.
- 9.9.4 Appropriate consideration of building size and site design, possibly including submission of architectural elevations, renderings, or photographs to clarify issues regarding visual impact and building relationships.
- 9.9.5 Site planning and landscaping that:
  - A. Enhance the attractiveness of the proposed development
  - B. Screen unsightly elements such as parking lots, utilities, and unattractive accessory structures, from public view
  - C. Help to visually or physically integrate the proposed development into

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\* Section 9.8 renumbered – previously 9.5 effective 11/04/2021

† Section 9.9, 9.9.1-9 previously 9.6-effective 11/4/21



- the District and the Town.
- 9.9.6 Establishment and maintenance of landscape buffers satisfactory to the Commission.
  - 9.9.7 The design of curb cuts, driveways, and parking lots that help to improve traffic patterns or limit additional congestion on Route 202.
  - 9.9.8 Buildings set back at least fifty (50) feet from any property line adjoining a use that is not of a business or commercial nature.
  - 9.9.9 Paved areas set back at least fifty (50) feet from any property line adjoining a use that is not of a business or commercial nature.

## SECTION 10 - B-4, WOODVILLE NEIGHBORHOOD BUSINESS DISTRICT\*

- 10.1 **Purpose. B-4, Woodville Neighborhood Business District.** This district is intended for farms and single family dwellings and for small scale commercial uses that are appropriate for a farming and residential neighborhood. Uses within the district must not harm, pollute, or detract from the beauty of the Shepaug River, and they must not create traffic congestion or traffic hazards within the Route 202 - Shepaug River Corridor.
- 10.2<sup>†</sup> **Uses Permitted.**
- 10.2.1 Single Family Dwelling.
  - 10.2.2 Farming.
  - 10.2.3 Traditional Home Enterprise per Section 12.6.1.B.
- 10.3<sup>‡</sup> **Permitted Accessory Uses.** The following uses are permitted as accessory uses to a permitted principal use:
- 10.3.1 Home occupation per Section 12.6.1.
  - 10.3.2 State licensed family day care home.
  - 10.3.3 Farm stand for the sale of farm produce the major portion of which is derived from the same premises.
  - 10.3.4 Unilluminated tennis, basketball, and other outdoor sports courts.
  - 10.3.5 Generators, air conditioners, pool mechanical equipment, and other noise generating equipment.
  - 10.3.6 Accessory buildings or structures not used as dwelling units, including but not limited to swimming pools, pool houses<sup>§</sup>, patios, fences, and above ground storage tanks.
  - 10.3.7 Accessory apartment within a dwelling, per Section 13.11.
- 10.4\*\* **Uses Permitted by Special Permit.** The following uses are permitted provided they meet the purposes of the district, the conditions of Sections 13 and 14 of these Regulations, and the conditions of Section 10.5.
- 10.4.1 Small scale business establishments as provided below and in conformance with the standards of Section 13.1.B.
    - A. Small scale and neighborhood-oriented retail establishments such as antique, flower, and book shops, and art galleries, and eating and drinking establishments. \*
    - B. Personal service establishments such as answering service, hair care,

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\* Revision of entire Section 10 effective 8/15/2000

<sup>†</sup> Revisions 10.2, 10.2.1, 10.2.2, effective 4/15/96

<sup>‡</sup> Revisions 10.3.2, 10.3.4, effective 4/15/96; Revisions 10.3.8 and 10.3.9 effective 2/18/97; addition Section 10.3.10: Generators, etc. effective 11/26/99

<sup>§</sup> Revision of 10.3.6: Addition of pool house effective 7/18/16

\*\* Deletion 10.4.1, Neighborhood Commercial Facility, effective 6/20/99; revision to Section 10.4.21: Commercial kennel, effective 9/25/96; revision to Section 10.4.22: Telecommunications facilities, effective 1/15/98; addition of 10.4.24, Gallery, effective 6/20/99; revision of 10.4.3, Detached Accessory Apartment, effective 12/26/2000

\*Revision of 10.4.1.a: addition of eating and drinking establishments effective March 2009

- nail care, and shoe repair establishments, but excluding laundry, dry cleaning, health clubs, and self storage.
- C. Business services such as advertising, employment services, management services, and consulting services.
- D. Professional services such as attorneys, doctors, dentists, engineers, and architects.
- 10.4.2 Residential conversion of older home per Section 13.10.
- 10.4.3 Detached accessory apartment or guest house per Section 13.11.
- 10.4.4 Housing in the business districts per Section 13.13.
- 10.4.5 Room and board or bed and breakfast establishment per Section 13.14.
- 10.4.6 Town of Washington or non profit sponsored affordable housing per Section 13.15.
- 10.4.7 Shop and storage use by contractors and building tradesmen per Section 13.16.
- 10.4.8 Buildings, uses, and facilities of the Town of Washington.
- 10.4.9 State licensed group day care home and registered child day care center.
- 10.4.10 Town Landmark Site per Section 13.17.
- 10.4.11 Telecommunications antennae, facilities, and antenna towers including personal wireless service facilities and towers per Section 13.19.
- 10.4.12\* Outdoor wood burning furnaces.
- 10.4.13 Replacement of a Nonconforming Structure per Section 17.9.3
- 10.5<sup>†</sup> **Maximum Lot Coverage.** The Commission may, by Special Permit, upon review of a site plan and other information supplied by the applicant, approve an increase of up to 50 percent in the maximum permitted lot coverage of these regulations if the conditions set forth below are met. The Commission may not approve any reduction in the setbacks required by Section 10.7.
  - 10.5.1 The proposed lot coverage will enhance the village character of the District by making the project more in keeping with the coverage, building spacing, building alignment, pedestrian and vehicular access, and other characteristics generally established by neighboring existing lots and buildings in the District, and
  - 10.5.2 The proposed project is harmonious in style, size, and proportion with architecture typical elsewhere in the District, and employs building materials that are harmonious in appearance with those typical elsewhere in the District.
  - 10.5.3 The applicant shall provide surveys, photographs, architectural drawings, expert opinions, or other information to support the application.
  - 10.5.4 In reviewing an application pursuant to this Section 9.5, the Commission may take into consideration any existing and proposed outdoor storage on the lot of merchandise, goods, supplies, machinery, motor vehicles, and other equipment and may condition the Special Permit upon an appropriate limitation or prohibition on such outdoor storage in order to preserve the village character of the District.

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\* Addition of Section 10.4.12: outdoor wood-burning furnaces effective 4/14/07.

† Change Section 10.5 to MLC, add 10.5.1-4 effective 11/4/21

- 10.6\* **Minimum Setback and Yard Dimensions.** The Commission may, by Special Permit, upon review of a site plan and other information supplied by the applicant, approve a reduction of up to 50 percent in the minimum setback and yard dimensions under Section 11.6 of these regulations if the conditions set forth below are met. The Commission may not approve any reduction in the setbacks required by Section 10.7.
- 10.6.1 The reduction, as demonstrated by graphical and other information supplied by the applicant, will enhance the village character of the District by aligning the proposed structure or structures generally with neighboring existing buildings in the District, and will maintain building spacing, streetscape elements, and pedestrian access generally established by neighboring existing buildings in the District, and
  - 10.6.2 The proposed project is harmonious in style, size, and proportion with architecture typical elsewhere in the District, and employs building materials that are harmonious in appearance with those typical elsewhere in the District.
  - 10.6.3 The applicant shall provide surveys, photographs, architectural drawings, expert opinions, or other information to support the application.
  - 10.6.4 In reviewing an application pursuant to this Section 10.6, the Commission may take into consideration any existing and proposed outdoor storage on the lot of merchandise, goods, supplies, machinery, motor vehicles, and other equipment and may condition the Special Permit upon an appropriate limitation or prohibition on such outdoor storage in order to preserve the village character of the district.
- 10.7 **Additional Criteria for a Special Permits and Business Uses Permitted by Right in the B-4 District.** In addition to the conditions of Sections 13 and 14 of these Regulations, a Special Permit in this district shall meet the following conditions:
- 10.7.1 Standards for Approval. The Commission shall exercise discretion in allowing only:
    - A. Those uses in harmony with the purpose of this district as stated in Section 10.1.
    - B. Architectural design in harmony with the character of the district.
  - 10.7.2<sup>†</sup> Setback, Buffer, and Frontage Requirements. On any property used for a Special Permit or business uses permitted by right, no building or paved area may exist within 50 feet of an adjoining property line of an adjoining residential or residentially used property or farm. Within this setback, the owner of the Special Permit or business use permitted by right property shall maintain a permanent landscape buffer to screen the Special Permit or business use permitted by right activity from the neighboring property.
  - 10.7.3 No nonresidential driveway shall access Wilbur Road without approval by the Zoning Commission.

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\* Section 10.6, 10.6.1-4 changed to Min Setbck & Yrd Dmnsns – effective 11/4/21

† Section 10.7.2, language revision – effective 11/4/21

- 10.8\* **Development Options Permitted by Special Permit.** The Commission may permit one or more of the following site development options upon approval of a separate Special Permit application. To be considered favorably, the applicant must demonstrate to the Commission's satisfaction that the requirements and conditions of Section 10.9 and all other applicable sections of these Regulations have been met.
- 10.8.1 Split Lots. Notwithstanding the provisions of Section 3.2 of these regulations, for any lot that is divided by the boundary between the B-4 District and an adjoining District, the Commission may issue a Special Permit for the portion of the lot within the B-4 District to allow any use that would be permissible on any lot that is wholly within the B-4 District.
- 10.9† **Conditions for a Special Permit in the B-4 District.** The intention of the Commission is to encourage small scale development in the Woodville Neighborhood Business District that is both appropriate for Washington and consistent with the historical character of Woodville. In considering any application for a Special Permit in the B-4 District, the Commission will require the applicant to demonstrate that reasonable consideration has been given to the following:
- 10.9.1 The preservation of historically significant structures.
- 10.9.2 Architecture that is harmonious in style, size, and proportion with traditional architecture typical elsewhere in the District and in the Town.
- 10.9.3 The use of building materials that are harmonious in appearance with those typical elsewhere in the District and in the Town.
- 10.9.4 Appropriate consideration of building size and site design, possibly including submission of architectural elevations, renderings, or photographs to clarify issues regarding visual impact and building relationships.
- 10.9.5 Site planning and landscaping that:
- A. Enhance the attractiveness of the proposed development
  - B. Screen unsightly elements such as parking lots, utilities, and unattractive accessory structures, from public view
  - C. Help to visually or physically integrate the proposed development into the District and the Town.
- 10.9.6 Establishment and maintenance of landscape buffers satisfactory to the Commission.
- 10.9.7 The design of curb cuts, driveways, and parking lots that help to improve traffic patterns or limit additional congestion on Route 202.
- 10.9.8 Buildings set back at least fifty (50) feet from any property line adjoining a use that is not of a business or commercial nature.
- 10.9.9 Paved areas set back at least fifty (50) feet from any property line adjoining a use that is not of a business or commercial nature.

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\* Section 10.8 added – effective 11/4/21

† Section 10.9, 10.9.1-9 added-effective 11/4/21

## SECTION 11 - DENSITY, LOT SIZE, AND OTHER DIMENSIONAL REQUIREMENTS\*

11.1<sup>†</sup>

### **Soil Survey.**

- 11.1.1 The following “Soil Type Table” and the map entitled, “Soil Survey, Town of Washington,” prepared by the U.S. Department of Agriculture, Soil Conservation Service are hereby incorporated as part of these Regulations.
- 11.1.2 The Soil Survey shall be presumed to show the correct classification of soil types in the Town of Washington except that a soil scientist shall be required to certify the location of, and a surveyor shall be required to certify the acreage of all soil types:
  - A. Within the parcel area proposed for subdivision or resubdivision when the proposed yield (total number of lots proposed) exceeds 40 percent of the theoretical yield) the maximum number of lots allowable based on the density regulations contained in Section 11.2, or
  - B. Within any proposed lot resulting from the subdivision or resubdivision that is less than 5 acres in area.
- 11.1.3 The Soil Survey presumption may be rebutted by an applicant or intervener or the Planning or Zoning Commission based upon a detailed soil survey made by a soil scientist at the applicant’s or intervener’s expense.
- 11.1.4 The soil type determination shall be made prior to any soil disturbance.

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\* Revision of entire Section 11 effective 3/21/2000

<sup>†</sup> Revision Soil Charts, Section 11.1.1, (previously 11.1.9) effective 3/21/2000; revisions to Sections 11.1.2-11.1.3 (previously 11.1.6) effective 3/21/2000; section 11.1.4 re: soil determination added effective 4/22/02

SOIL TYPE TABLE

	Natural Soil Group Type	Litchfield County Soils Survey (1970) Soil Map Symbols	Major Natural Soil Group Characteristics
Class A	A-1a, A-1b	GrA, GrC, HxA, HKC, HmA, HmC, WYA, WYB, WVC	Excessively drained
	A-1d, A-1e	BoB, BoC, CwA, CwB, CwC, Esa, EsB, Esc, HbA, HbB, HbC, MYA, MYB, MYC	Well drained
	B-1a, B-1b, B-1c	CaA, CaB, CaB2, CaC, CaC2, ChB, ChC, CrC, DoA, DoB, DoC, DvB, DvC, GaB, GaC, GbB, GbC, GaC	Well drained
	A-1c	Tg	More than 15 percent slope
Class B	B-1d, B-1e	CaD, CaE, ChD, CrD, DoD, GaD, GbD, GeE	More than 15 percent slope
	A-2	BaA, BaB, DeA, HeA, HeB, TwA, TwB	Seasonal high water
	B-2a, B-2b	SvA, SvB, SwA, SwB, SxA, SxC	Seasonal high water
	C-1a, C-1b, C-1c	BqB, BqC, BuB, BuC, BxC, BwC, NxC, PbA, PbB, PbC, PDC2, PdB, PdB2, PDC, PeA, PeB, PeC, PeC1, PeC2, PeC3, PeCC, SnA, SnB, SnB2, SnC, SnC2, SpB, SpC, SrC, WnC	Hardpan
Class C	D-1	FaC, HoC, HxC, Hyc, SKC	Shallow/Rocky
	C-1d, C-1e	BwD, Pbd, Pbd2, Pbe, Pbd, Pbd, Snd2, SPD, Srd	Hardpan - More than 15 percent slope
	C-2a, C-2b	AnA, AnB, AnC, AOB, AOC, APc, WxA, WxB, WxC, WYA, WYB, WYC, WZA, WZC	Hardpan - Seasonal high water
	D-2	FaB, FmC, FmE, HxE, HxC, HxE, HZE, Rh, SKE, SmC, SmE	Shallow/Rocky - More than 15 percent slope
Class D	G-1, G-2	BK, Bl, Ma	Silt & Clay
	Other Land		Variable
	A-3a, A-3b	Au, Fr, Gn, Wl, Pm, Sf, Wmx	Poorly Drained
	B-3a, B-3b	Lc, Le, Lg	Poorly Drained
Class E	C-3a, C-3b	Ka, Rd, Rg, Ke, Ly, Wp	Poorly Drained
	E-1	Gf, On, st	Alluvial
	E-2	Ee, Po	Alluvial - Seasonal high water
	E-3a, E-3b	Am, Lm, Ru, Re, Sb	Poorly Drained
Class F	F-1	Px	Peat/Muck
	G-3a, G-3b	Bz, Rc	Poorly Drained

Source: Litchfield County Soils Survey, U.S. Department of Agriculture, Soil Conservation Service, 1970; New York Land Natural Soils Groups for Connecticut, Soil Conservation Service, U.S. Department of Agriculture, 1978; Using Soils Data to Establish Lot Lines, UConn Cooperative Extension Service, 1984

## 11.2\*

**Density Regulations.**

11.2.1 Any parcel to be developed for residential use shall conform to the following density regulations:

Soil Type	Maximum Density Permitted on a Parcel of Land (Dwelling Units/Acre)
Class A	0.50
Class B	0.33
Class C	0.25
Class D	0.15
Class E	As determined by the Planning Commission based upon on-site soil investigation by a soil scientist
Class F	0.0

11.2.2 Land designated as Floodplain, Wetlands, or Watercourses, or having slopes in excess of 25 percent (as indicated by 10-foot contour intervals being separated by less than 40 feet horizontally, and prior to any land disturbance,) or subject to pre-existing utility easements, pre-existing conservation easements, or land that is classified as Class E (except as may be permitted by the Planning Commission) or Class F, shall not be used to calculate density for residential use.

11.2.3 In determining the maximum number of dwelling units to be permitted on a parcel to be subdivided, the area in acres of each soil class within the parcel shall be multiplied by the density factor for that soil class and the products shall be added together to determine the maximum number of dwelling units which may be permitted in the parcel. The final sum so calculated shall be rounded down to the next lower whole number.

Section 11.3<sup>†</sup> **Minimum Lot Size.**

- 11.3.1 Any lot, prior to approval for development for any use, shall require a certification by the Town Health Department that a functioning septic system can be provided in accordance with the requirements of the State Health Code, as amended and Section 2.3.6 of these Regulations.
- 11.3.2 Any lot to be developed for a commercial use in a business district shall contain a minimum of 1.0 acre of Class A soils or 1.5 acres of Class B soils, or 2 acres of Class C soils. Each lot shall meet the requirements of Section 11.3.1.
- 11.3.3 Any interior lot to be developed for residential use shall have a minimum lot area of at least 3.0 acres, excluding the area of the accessway. Each interior lot shall meet the requirements of Sections 11.3.1 and 11.3.2.

\* Section 11.2, Density, added effective 3/21/2000; Revision to 11.2.2 effective 4/22/02

<sup>†</sup> Revisions to 11.3 (previously 11.1, Minimum Lot Size, effective 3/21/2000; revision to 11.3.2 effective 4/22/02



#### 11.4\* **Minimum Lot Width and Frontage.**

11.4.1 All lots shall have a minimum width at the front yard setback line equal to or greater than the following:

Zone	Lot Width Requirement
R-1	200 feet
R-2	200 feet
R-3	100 feet
B-1	60 feet except 100 feet for a residential lot
B-2	60 feet except 100 feet for a residential lot
B-3	100 feet except 200 feet for a residential lot
B-4	100 feet except 200 feet for a Special Permit

11.4.2 All frontage lots shall have a minimum frontage on a street equal to the lot width requirement.

11.4.3 The frontage requirement may be reduced by 50 percent on lots fronting on the circular turnaround at the end of a permanent dead end street.

11.4.4† A lot or parcel abutting Lake Waramaug shall have a minimum lake shore frontage of 100 feet measured in a straight line between points of intersection of the side lot lines with the shoreline at normal high water elevation.

11.4.5 The minimum width of an accessway to an interior lot shall be 50 feet. An accessway may serve two interior lots, which may share a single driveway on such accessway. A third lot may share this same driveway provided the third lot is a frontage lot.

#### 11.5‡ **Maximum Lot Coverage.**

11.5.1 See Section 21 for the definition of lot coverage. In residential districts, the maximum land coverage for all buildings and structures (principal and accessory uses) including paved, impervious, or traveled surfaces shall not exceed:

- A. 15 percent of the total land area for lots less than 2 acres,
- B. 12.5 percent of the total land area for lots between 2 acres and 3 acres, and
- C. 10 percent for lots larger than 3 acres.

11.5.2§ In business districts, the maximum land coverage for all buildings and structures (principal and accessory uses) including paved, impervious, or traveled surfaces shall not exceed 25 percent of the total lot area unless

\* Revisions to 11.4 (previously 11.2, Minimum Lot Frontage), effective 3/21/2000; revision to 11.4.1 (previously 11.2.2) effective 6/20/99; Revision to 11.4.5 (previously 11.2.5) effective 2/8/97

† Revision to 11.4.4: Addition of parcel effective 7/18/16

‡ Revision to 11.5.1 effective 3/21/2000; revisions 11.5.1, 11.5.2 (previously 11.4.1, 11.4.2) effective 3/15/96; revision to Section 11.5.2 effective 11/10/01; revision to Section 11.5.1 effective 4/22/02; revision to Section 11.5.2 effective 4/22/02; Revision 11.5.1.c, 50 ft. front yard setback, effective 6/20/99; deletion 11.5.4, 75 ft. setback from center of road, effective 6/20/99

§ Section 11.5.2 revised 8/16/06

otherwise specified in the regulations pertaining to the particular district.

## 11.6\*

### **Minimum Setback and Yard Dimensions.**

- 11.6.1 See Section 21 for the definition of Setback. Unless otherwise specified in the particular zone for a commercial lot, the minimum yard setback requirements shall be as follows, except as provided in Sections 11.6.2 and 12.1:

	<b>Front</b>	<b>Rear</b>	<b>Each Side</b>
A. For buildings and structures used in part or wholly for Business	50 ft.	30 ft.	15 ft.
B. For buildings, structures, swimming pools, tennis courts, and other sports courts on interior lots	75 ft.	50 ft.	50 ft.
C. For all other buildings, structures, swimming pools, tennis courts, and other sports courts	50 ft.	25 ft.	25 ft.
D. For farm stands	25 ft.	25 ft.	25 ft.

- 11.6.2 The minimum setback distance for any structure from a town boundary line shall be 30 feet.
- 11.6.3
- A. Open fences that are no more than 8 feet tall are exempt from the requirements of Sections 11.6.1 and 11.6.2.
  - B. Semi open fences and closed fences, including picket fences and stone walls, are exempt from the requirements of 11.6.1 and 11.6.2 if
    - 1. They are no more than 4 feet tall, or
    - 2. They do not face a front lot line or a street.
  - C. Except in the Lake Waramaug Residential District, hedges are exempt from the requirements of 11.6.1 and 11.6.2. (Also see Section 6.4.6.)

## 11.7†

### **Maximum Building Height.**

- 11.7.1 The height of any principal building or structure in any district shall not exceed the standards shown in the following table.

Height may not exceed the following:

\* Addition of structures to 11.6.1.a-c (previously 11.5.1.a-c) effective 6/20/99; addition of 11.6.1.d (previously 11.5.1.d) effective 4/15/96; revisions 11.6.1.b, 11.6.1.c (previously 11.5.1.b, 11.5.1.c) effective 1/15/98; revision to Section 11.6.1 effective 11/10/2001.

† Revision to Section 11.7 (previously 11.3), delete 2½ story height, effective 6/20/99; revision to 11.7.3.2 (previously 11.3, Height) effective 3/21/2000; revision of Section 11.7.4 to reconcile with 12.5.2, effective 4/22/02. Revisions to 11.7.2 re: maximum height of primary and accessory buildings effective 12/15/04.

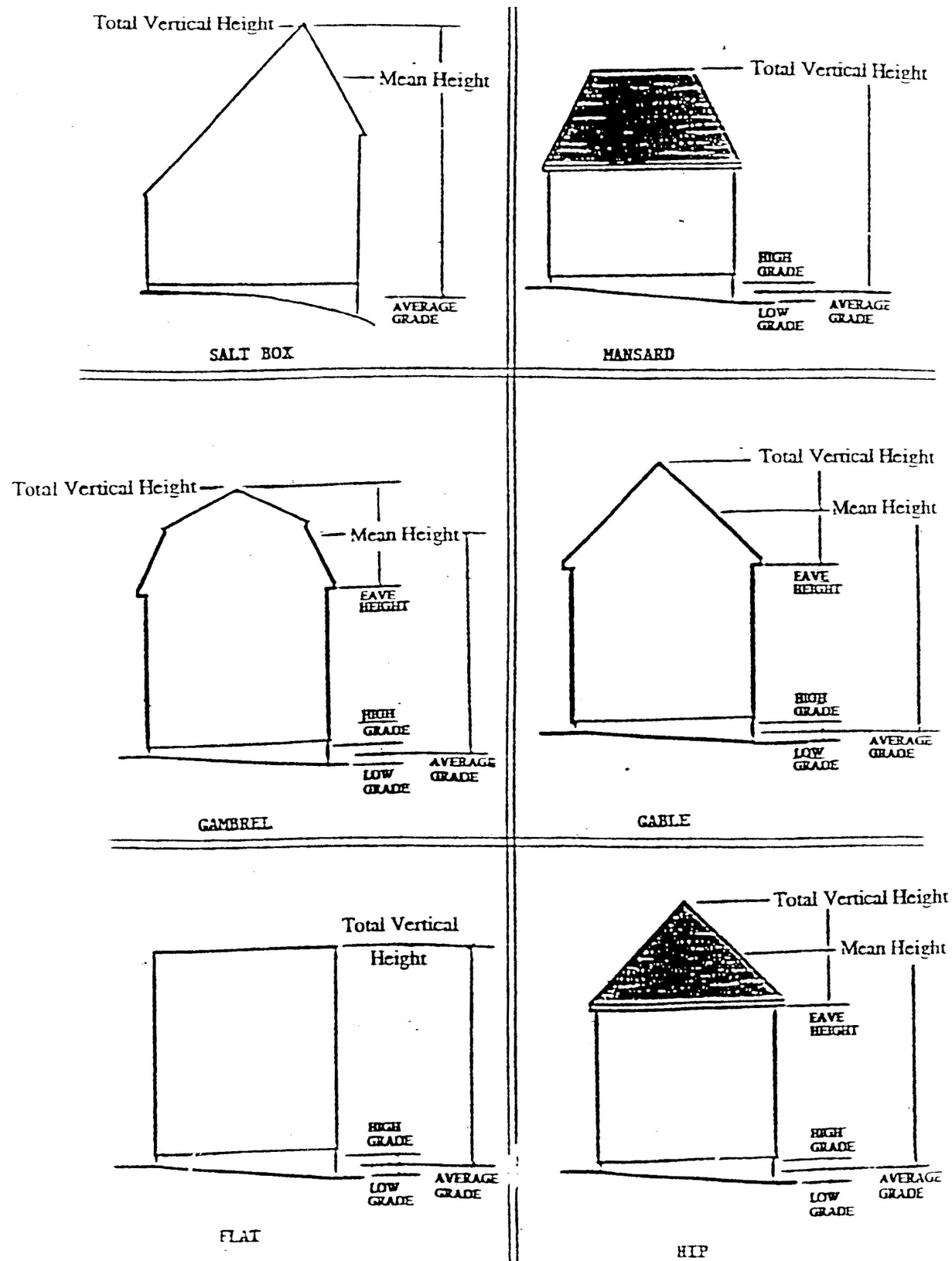
<b>Roof Type</b>	<b>Maximum Mean Height</b>	<b>Maximum Total Vertical Height</b>
A Frame	35 ft.	40 ft.
Dome		40 ft.
Flat		35 ft.
Gable or Hip	35 ft.	40 ft.
Gambrel	35 ft.	40 ft.
Mansard		35 ft.
Salt Box	35 ft.	40 ft.
Shed	35 ft.	40 ft.

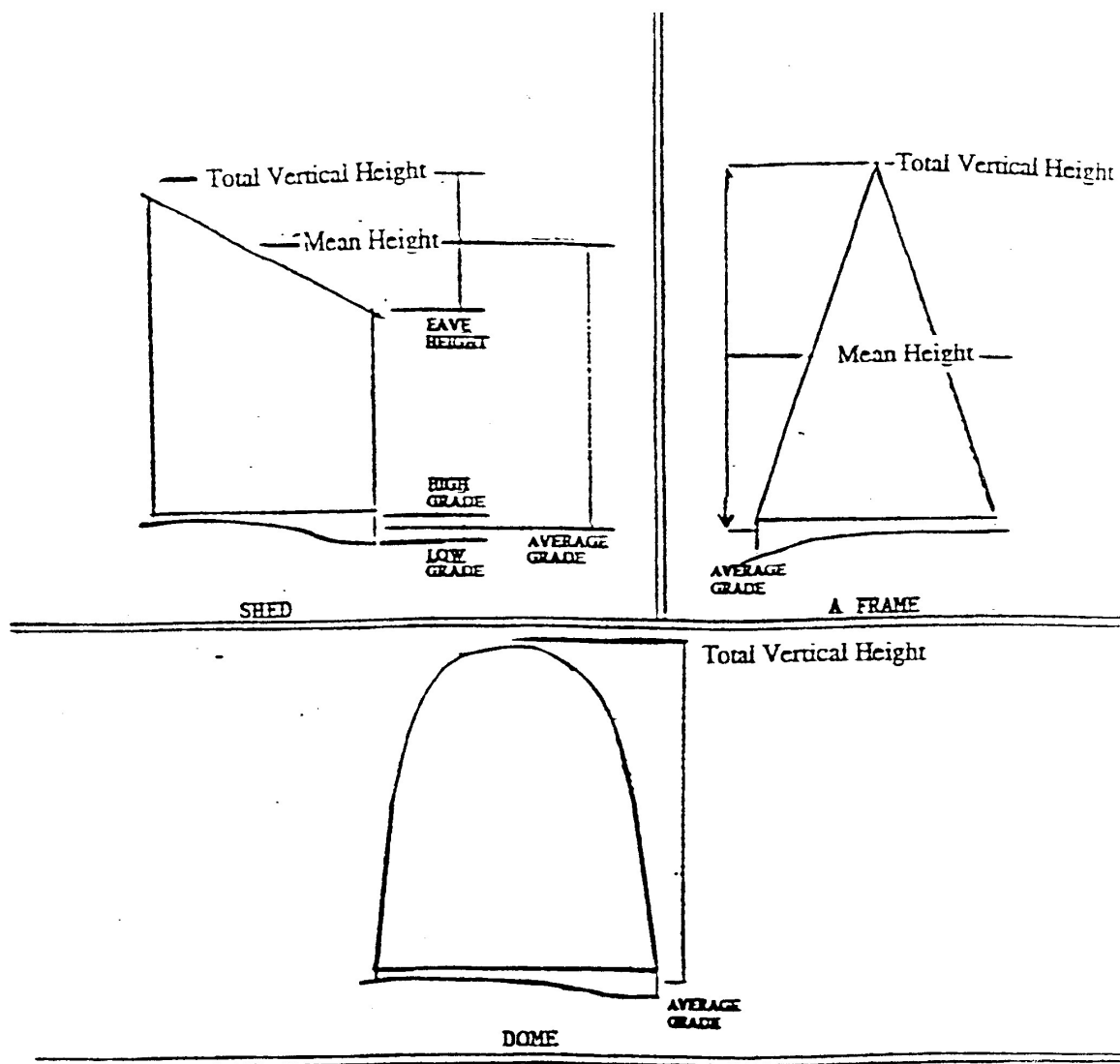
- 11.7.2 The total vertical height and mean height of a building or other structure shall be determined, prior to any site disturbance, by measuring the vertical distance from the average pre-existing grade, except per Section 11.7.2.5. (See the accompanying chart and pictorial diagram for total vertical height and mean height allowed by roof design.)
- 11.7.2.1 Maximum Total Vertical Height is measured to the highest point of any roof.
- 11.7.2.2 Mean Height is measured to the highest point of a dome, flat, or mansard roof; and to the mean height between the eaves and the ridge for gable, hip, gambrel, or A-frame; and the shorter rafter side of salt box roofs.
- 11.7.2.3 For purposes of determining the total vertical height and mean height of a structure, please refer to the definitions in Section 21 of “Average Finished Grade” and “Average Pre Existing Grade.” This average must be determined in the field prior to any site disturbance. A benchmark elevation distinguished and defined from the pre existing average grade must be marked on site and mapped prior to any land disturbance. This benchmark shall be maintained throughout the duration of construction and used to confirm the total vertical height and mean height of the structure after construction.\*
- 11.7.2.4 The Site Plan must show the vertical distance from the average pre-existing grade to the points of the roof representing the total vertical height and the mean height of the structure.
- 11.7.2.5 In situations where the average finished grade will be lower than the average pre-existing grade, the structure height will be measured from the average finished grade.
- 11.7.3 The maximum total vertical height for the roof of a principal structure or an accessory structure may be exceeded for such features as accessory farm buildings, church steeples, flag poles, utility poles, TV and radio receiving antennae, windmills, chimneys, cupolas whose footprints do not exceed twenty-five (25) square feet, and water towers and water tanks, provided that any of the above features or structures that exceed the total vertical

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\* Revision to provide an alternate method for computing grade effective 6/16/08.

- height limitation shall be required to provide front, rear, and side yard setbacks equal to or greater than the height of said building or structure.
- 11.7.4 In no case shall any portion of a roof of an accessory structure exceed a total vertical height of twenty-six (26) feet except in connection with an agricultural use.





**11.8 Minimum Ground Floor Area.**

- 11.8.1 The minimum ground floor area of a principal building shall be 600 square feet. Neither cellar space nor the floor area of any floor other than the ground floor shall be counted in computing the floor area requirement.

**11.9\* Development Flexibility for Open Space Preservation.**

- 11.9.1 The Planning Commission may modify certain requirements of Section 11 for any lot in a residential subdivision or resubdivision when open space will be preserved in perpetuity in the parcel being subdivided.
- 11.9.2 Prior to modifying any such requirement, the Planning Commission must make findings on the record that:
- A. There will be a significant community benefit resulting from the open space that is being preserved in perpetuity, such as
    - protection of important natural resources,
    - protection of scenic resources,
    - preservation of a sizable area of open space,
    - preservation of areas along Town or State roads that will protect rural appearance or character,
    - establishment of an open space corridor or greenway or interconnection of existing open spaces, and/or
    - provision for public access
  - B. That the open space will not result in small or fragmented open space parcels that do not provide community benefits.
- 11.9.3 The Planning Commission may modify the following requirements on a lot by up to the same percentage that open space is preserved in perpetuity in the parcel (i.e. if 30 percent of the parcel is preserved as open space, a requirement may be modified by up to 30 percent):
- 11.9.3.1 The minimum lot frontage and/or lot width may be decreased provided that, in no event, shall a frontage lot in a residential subdivision have less than 100 feet of frontage.
  - 1.9.3.2 The maximum lot coverage may be increased provided that, in no event, shall the maximum land coverage for lots in a residential subdivision exceed:
    - a. 20 percent of the total land area for lots less than 2 acres,
    - b. 0.4 acres for lots between 2 acres and 2.67 acres, and
    - c. 15 percent for lots 2.67 acres and larger.
  - 11.9.3.3 The minimum setback and yard dimensions may be reduced provided that, in no event, shall minimum setback and yard dimensions be reduced by more than one third.

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\* Addition of Section 11.9: Development Flexibility, effective 3/21/2000

Sections 11.7.1 and 11.7.2 re: method of measuring total vertical height and mean height revised effective 7/18/05

## SECTION 12 - DISTRICT SUPPLEMENTARY REGULATIONS

- 12.1\* **Wetlands and Watercourses Setbacks.**
- 12.1.1 No structure except a fence shall be located within 50 feet of any water body, watercourse, or wetland or within 50 feet of a flood plain boundary line with the following exceptions:
- A. Erosion and sedimentation remediation measures approved by the Inland Wetlands Commission
  - B. For Lake Waramaug only:
    - 1.† Boathouses, docks, rowing shell docks, and waterfront access stairs as provided for in Section 6 of these Regulations pertaining to the Lake Waramaug Residential District. Boathouses shall not extend over or into Lake Waramaug.
    2. One municipal boat ramp and associated parking and storage structures and facilities managed and operated by the Town of Washington.
- 12.1.2 No building, paved surface, ‡street, sewage disposal system, excavation, quarry, or refuse disposal shall be located within 200 feet of the streambanks of the Shepaug and Bantam Rivers or Bee Brook as defined by the Northwest Conservation District, or within 100 feet of the streambanks of the East Aspetuck River. (For the purposes of this section, Bee Brook originates 200 feet north of Christian Street.)
- 12.1.3 No part of the leach field for any sewage disposal system shall be located within 75 feet of any well. No part of the leach field for any sewage disposal system shall be located within 100 feet of any spring, watercourse, or lake or within 50 feet of any human habitation other than the building served.
- 12.2 **Visibility at Intersections.** On a corner lot in any district, no fence, wall, hedge, or other visual obstruction more than three feet high shall be erected, placed, or maintained within the triangular area formed by the intersecting street lines and a straight line adjoining said street lines at points 50 feet distant from the point of intersection, measured along said street line.
- 12.3§ **Buffers.** As a condition of approval of any use other than a single family residence, the Commission may require a landscaped strip along the property line and/or street frontage, suitably planted with trees and shrubs to provide an effective buffer, in order to minimize any adverse effect that the proposed use might have on the neighborhood.
- 12.4\*\* **Building on Unaccepted Streets.** A lot, which does not have frontage on a street, may be used for a purpose permitted in that district provided the lot is accessible from

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†Revision to 12.1.1.B.1: Addition of waterfront access stairs effective 7/18/16

‡ Revisions to 12.1 re: setbacks for wetlands and watercourses effective 9/19/05

§ Revision to 12.3, street, effective 6/20/99

\*\* Revision to 12.4, street, effective 6/20/99



a street over a private right of way at least 50 ft. in width, except that any such right of way serving more than three dwellings shall have a roadway built to the specifications of the Town of Washington, Connecticut Road Construction Specifications Ordinance. Uses shall conform to all other dimensional requirements of these Regulations.

**12.5 Accessory Structures.** The following regulations apply to accessory structures:

(Also see Section 21.1.1–6.)

- 12.5.1 No accessory structure or private garage except for agricultural purpose shall be built on any lot in a residential district unless the lot is improved with a dwelling or other principal structure or use.
- 12.5.2 Accessory buildings shall be clearly subordinate to and smaller in ground floor area and volume than the principal structure on the property except in connection with an agricultural use. The ground floor area and volume of an accessory building shall not exceed 75% of the ground floor area and volume of the principal building.
- 12.5.3 An accessory building attached or connected to the main structure by walls or roofs shall be considered a part of the main structure and limited by minimum yard requirements.
- 12.5.4 Windmills. New windmills shall be permitted as accessory structures in all zones subject to the following requirements:
  - 1. Height of the windmill as measured from grade to center of rotor shall be less than 70 feet.
  - 2. Rotor diameter shall be less than 35 ft.
  - 3. The minimum distance between the ground and any rotor blades used on a windmill shall be 15 feet as measured at the lowest point of the arc of the blades.
  - 4. The minimum setback distance from all property lines and habitable buildings shall equal the height of the machine from grade to the center of the rotor, plus 20 ft. or the diameter of the rotor, whichever is greater. Guy wires and anchors shall not be located closer than 10 feet from any property line. Setbacks will be measured to the center of the tower base.
  - 5. Climbing access to the tower shall be limited either by:
    - A. installation of a fence with locked gate around the tower base, or
    - B. by limiting tower climbing apparatus to no lower than 10 ft. from the ground.

If a fence is used it shall be no lower than 5 ft. and constructed in such a manner as to restrict passage through said fence, including such construction as stockade, woven wood, chain link, etc., but not split rail.

**12.6\* Home Occupation.** The purpose of this section is to regulate activities carried out for financial gain and conducted entirely within a dwelling or within an accessory

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\* Revisions to Section 12.6: Home Occupation, effective 4/15/96

Revision of Section 12.5.2 re: size of accessory buildings effective 12/15/04.

building and carried on by residents thereof, which is clearly incidental and secondary to the use of the dwelling for residential purpose and not disruptive to adjacent properties or the neighborhood.

12.6.1 Home Occupations shall include:

- A. Home Office or Studio. The use of a home office is permitted and does not require a zoning permit, provided that all the following conditions are met:
  - 1. There is no external evidence of business or office,
  - 2. There are no outside employees,
  - 3. There is no increase in traffic and no need for extra parking,
  - 4. There is no hazardous material, noise, or electrical interference beyond what is normal to a single family residence,
  - 5. Business is conducted only by telephone, mail, courier, fax, modem, email, and the like,
  - 6. No finished goods shall be acquired for resale in connection with a home office use,
  - 7. The total floor area occupied by the Home Office use shall not be more than 33% of the total finished floor area of the primary residence, or more than 100% of the total floor area of the accessory buildings; but in no case shall exceed 800 square feet.
- B. Traditional Home Enterprise. This use includes the production of homemade goods and merchandise, and the production of homemade and home grown foods and food products by the resident of the property or members of the family. This use is permitted and shall require a zoning permit, provided that all the following conditions are met:
  - 1. There is no external evidence of the business,
  - 2. There are no outside employees,
  - 3. There is no increase in traffic and no need for extra parking,
  - 4. There is no hazardous material, noise, or electrical interference beyond what is normal to a single family residence,
  - 5. Business is conducted only by telephone, mail, courier, fax, modem, email, and the like,
  - 6. No finished goods shall be acquired for resale in connection with a Traditional Home Enterprise use,
  - 7. The total floor area occupied by the Traditional Home Enterprise use shall not be more than 33 percent of the total finished floor area of the primary residence or more than 100% of the total floor area of accessory buildings; but in no case shall exceed 800 square feet.
- C. General Home Occupation. A General Home Occupation provides the opportunity for the use of the home for limited business purposes subject to criteria designed to maintain the residential character of the lot and the neighborhood, minimize the conflict of the home occupation use with surrounding residential uses and protect residential property values. A General Home Occupation as defined

here shall be allowed by Special Permit in a residential zone subject to the requirements of other sections of these Regulations and the following standards and criteria:

1. The total floor area occupied by the General Home Occupation use shall not be more than 33% of the total floor area of the primary residence or more than 100% of the total floor area of accessory buildings,
2. The application shall include building layout plans clearly drawn to scale showing the floor area and layout of the residence and/or accessory building and the floor area (in square feet) devoted to the General Home Occupation use,
3. The General Home Occupation use may occupy an accessory building(s) if the location and appearance of the accessory building(s) is consistent with the residential character of the lot and the neighborhood, and if it can be demonstrated that the type and intensity of the proposed use in the accessory building(s) will not alter the primary residential character of the lot,
4. The appearance of the lot and structures on the lot shall not be altered in a manner that would cause the residence to differ from its residential character either by use of materials, construction, lighting, signs, or the emission of sounds, vibrations, or electronic impulses,
5. No more than two (2) non-resident persons shall work on the residential lot in association with the General Home Occupation use,
6. Off street parking shall be provided to accommodate the parking needs of the General Home Occupation. The Commission may limit the number of parking spaces, their location, and their screening from the road as a condition of the permit. Parking will be encouraged in the rear yard of the residence wherever possible,
7. The use may increase vehicular traffic flow by no more than two vehicles at a time, not including employees' vehicles, except for the sale of homemade and home grown foods and food products by the residents of the property or members of their family at a farm stand,
8. There shall be no retail or wholesale sales of merchandise on the premises except for:
  - a. Tag sales under all the limitations provided for in Section 12.7.5 of these Regulations, and
  - b. The sale of homemade and home grown foods and food products by the resident of the property or members of the family at a farm stand.
9. The conduct of an office where the principal resides on the premises will be permitted, including offices such as offices for

real estate, insurance, accounting, architect, lawyer, musician, doctor, psychotherapist, engineer, surveyor, and the like provided that visitors to the premises typically come by appointment only,

10. General Home Occupations shall not include commercial and/or retail uses such as but not limited to: barber shops, beauty shops, dancing schools, karate schools, eating and drinking establishments, printing shops, employment agencies, TV and radio stations, veterinarian hospitals, shipping and parcel delivery service companies,
11. Repair services will be permitted, provided that goods are shipped and received by mail, parcel service, or the resident's vehicle. In no case shall vehicular traffic increase as a result of repair services conducted under the permit of a General Home Occupation, except in the case of repairs done by crafts persons who make similar items in their homes such as a seamstress, metalworker, potter, tailor, artist, and the like,
12. No goods, chattels, materials, supplies, or items of any kind shall be delivered either to or from the premises in connection with the General Home Occupation except in an automobile or commercial van. No tractor trailers or tandem trailers are permitted.

12.6.2 The following requirements shall be met with regard to all the foregoing home occupations:

- A. The use is clearly secondary to the use of the premises for dwelling purposes,
- B. The use does not change the residential character of the dwelling in any visible manner,
- C. The use does not create objectionable traffic, noise, odor, vibrations, obnoxious or unsightly conditions noticeable from off the premises,
- D. The use does not create interference with radio and television reception in the vicinity,
- E. The use does not create a health or safety hazard,
- F. No more than two persons not residing on the premises shall be employed on the premises,
- G. No merchandise transactions or retail sales are conducted on the premises other than tag sales as permitted in Section 12.7.5 of these Regulations; except that food grown on the premises or food items produced from raw materials by the home occupation may be sold on the premises,
- H. There will be no storage, stockpiling, or advertising for sale on the exterior of the dwelling or accessory building of any of the goods or materials produced by the home occupation and no exterior storage or display of parts, raw or finished materials and/or waste or by-products, except in the case of farm stands,
- I. No more than one commercial type vehicle shall be used in

connection with the home occupation, which vehicle shall not exceed one-ton capacity,

- J. Application for a Special Permit shall be on a form provided by the commission, and shall include, but not be limited to a list of all potentially hazardous materials and waste used or stored on the premises and the proposed methods for disposing of said waste or materials, hours of operation, number of employees, provisions for parking and screening, and the anticipated traffic impact.

- 12.6.3 The commission may impose conditions on any Special Permit for General Home Occupations to accomplish the general and specific requirements of these Regulations. Conditions may include a limitation on the hours of operation, noise, number and types of vehicles, parking matters, approval by the Washington Health Department and/or the Washington Fire Marshal, etc.
- 12.6.4 Special Permits may be issued for periods not to exceed two (2) years and may be renewed upon filing a new application for a Special Permit with the commission.

**12.7 Residential District Requirements.** The following requirements apply to all residential districts:

- 12.7.1 The parking of not more than one *commercial* motor vehicle is permitted per dwelling unit, provided the vehicle is self propelled, does not have more than a single axle rear end, and is owned or operated by the owner or occupant of the dwelling unit.
- 12.7.2 No wrecked or junked motor vehicle nor more than one unlicensed vehicle shall be stored or parked outside on any lot or parcel in a residential district.
- 12.7.3 No machinery parts, except for farm equipment on a farm, scrap metal, rubbish or similar unsightly material shall be stored in a residential district.
- 12.7.4 Stockpiled topsoil and other earth materials shall not be kept closer than 150 feet from a neighboring residence. The Commission may require that such material be graded, seeded, or otherwise stabilized to prevent dust, erosion, or unsightly appearance.
- 12.7.5\* Garage, yard, tag, and similar sales not to exceed three consecutive days shall be permitted twice in any one calendar year on any one piece of property. A permit must be procured for each sale from the Land Use Office staff for a fee established by the Commission.

**12.8 Temporary Structures and Uses.** Temporary permits may be issued for certain structures and uses in accordance with the following provisions:

- 12.8.1 **Temporary Construction Structures:** When a lot is being prepared for the construction of a permitted permanent structure or the establishment of a permitted permanent use, a permit may be issued for one or more temporary structures to be used solely for (a) storage of equipment and materials required for such preparation or construction, or (b) a construction office. The Zoning Enforcement Officer may issue a temporary permit for up to

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\* Revision of Section 12.7.5: Increase to 3 day limit for tag sales effective 7/18/16

two such structures provided the structures would meet all setback requirements for a permanent structure. The duration of the first such permit shall be no greater than one year, or two weeks after the completion of preparation or construction of the permanent use or structure, whichever comes first. Permits may be renewed for periods of no more than six months.

- 12.8.2 **Temporary Trailers for Living Purposes:** A permit, not to exceed four weeks in any calendar year, may be issued by the Zoning Enforcement Officer for one visiting trailer to be used for living purposes on a lot zoned for residential use. Any such trailer must be parked on the rear half of the lot and must be located at least 25 feet away from every lot line. No more than one such permit shall be issued in any calendar year.
- 12.8.3 **Temporary Uses Requiring No Permit:**
- A. All temporary uses that are incidental and customary to the permitted principal use of a parcel.
  - B. Recurring events that have previously not been issued a zoning permit, but that have been open to the public and have been held at the same location for a period of five years or more before March 10, 2021.
  - C. Temporary events on property principally used for Town, Religious, or School purposes.
- 12.8.4 **Temporary Uses Requiring a Zoning Permit:** The Zoning Enforcement Officer may issue a zoning permit for a single-day event not listed in Subsection 12.8.3.A, above, provided the applicant demonstrates that adequate parking can be provided. No more than two (2) such permits shall be issued in any one calendar year for the same site.  
All such uses/events shall require a zoning permit and shall be limited to the hours of 8:00 am to 10:00 pm.
- 12.8.5 **Temporary Uses Requiring a Special Permit:** A Special Permit shall be required for any temporary use not described in Sections 12.8.3 and 12.8.4. Such uses shall be subject to the standards of Section 13.1.C of these regulations and shall be limited to circuses, carnivals, festivals, concerts, artistic performances, galas and similar type entertainment.  
No more than one (1) Special Permit may be issued in any one calendar year for a temporary use on any lot or parcel. No such temporary use shall be permitted for more than seven days within a consecutive period of ten days. The Commission reserves the right to limit the hours of any use permitted under this Section 12.8.5.

- 12.9 **Poultry Operations.** No new building or structure may be built or an existing building or structure used for the raising of more than 25 poultry, whether they be replacement pullets, egg producers, or intended for sale as meat, unless such building is located at least 500 feet from the nearest neighboring dwelling, eating or drinking establishment, or inn, and set back a minimum of 200 feet from any street right of way. A 50 foot planted buffer strip between the poultry use and neighboring properties shall be required. The site plan requirements of Section 14 of these Regulations shall be complied with in applying for a zoning permit for a poultry

operation.

- 12.10 **Pigs.** Pigs shall be confined to an enclosed area and such enclosure shall not be located closer than 300 feet from any neighboring residence and shall be set back a minimum of 200 feet from any street or right of way.
- 12.11 **Animal Wastes.** No animal or poultry wastes shall be stored or stockpiled within 250 feet of the nearest neighboring dwelling, within 300 feet of a watercourse, or on sloping land, which may drain onto another property or into a watercourse or wetland.
- 12.12 **Soil Erosion and Sedimentation Control.**
- 12.12.1 Any zoning application involving soil erosion and sedimentation control, which is not already under the jurisdiction of the Inland Wetlands Commission or Section 14 of the Zoning Regulations, must include an acceptable erosion and sedimentation control plan to be considered a complete application.
- 12.12.2 Any complaint concerning conditions requiring soil erosion and sedimentation controls, which is not already under the jurisdiction of the Inland Wetlands Commission or Section 14 of these Regulations, shall fall under the jurisdiction of the Zoning Commission.
- 12.13\* **Farm Stands.** In all cases, more than 75 percent of all food and food items offered for sale must be grown on the premises or produced on the premises. Farm stands shall conform to the setback and Building Code requirements for all structures within the zoning district. Farm stands shall have adequate off street parking as determined by the Zoning Enforcement Officer or Zoning Commission. Signage must conform to Section 16 of these Regulations.
- 12.14† **Generators, Air Conditioners, Pool Equipment, and Other Noise Generating Equipment.** The purpose of this section is to limit the impact of noise generating equipment on neighboring properties. All noise generating mechanical equipment, the structures that enclose them, and their fuel tanks are considered structures under the definition of Structure in Section 21 of the Zoning Regulations and shall meet the setback requirements in Sections 11.6 and 12.1.
- 12.14.1‡ All pumps, pool heaters, and related equipment shall be located within fifty (50) feet of the pool served and no closer than fifty (50) feet from the nearest property line.
- 12.14.2 A. All generators and air conditioning equipment installed in a fixed location shall be located closer to the building principally served than to the nearest property line.  
B. Alternately, generators and air conditioning equipment may be located

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\* Addition of Section 12.13, Farm stands, effective 6/20/99

† Addition of Section 12.14, Noise generating equip., effective 11/26/99; revision of 12.14 – 12.14.3; add purpose, increase setback distances, effective 11/18/02; Addition of 12.14.5 re: Special Exceptions for noise generating equipment effective 2/12/05; deletion of 12.14.5 re: Special Exceptions for noise generating equipment effective 4/20/09

‡ Revision of 12.14.1 – 12.14.3 re: noise generating pool equipment effective 9/18/09.

no closer than the following from the nearest property line:

1. Four hundred (400) feet for equipment producing a maximum sound level of 75dB as published by the manufacturer's specification sheet.
2. Three hundred (300) feet for equipment producing a maximum sound level of 70dB as published by the manufacturer's specification sheet.
3. Two Hundred (200) feet for equipment producing a maximum sound level of 65dB as published by the manufacturer's specification sheet.

- 12.14.3 All generators installed in a fixed location, regardless of size, shall be provided with a sound suppressive housing.
- 12.14.4 By application for a special exception to the Zoning Board of Appeals, a request may be made to locate noise generating equipment other than as specified in sections 12.14.1 and 12.14.2. In order to be granted such a Special Exception the applicant must demonstrate to the satisfaction of the ZBA that the sound level at the nearest property line will be no higher than 50dB.

12.15\* **Outdoor Lighting in Residential Districts.** Nighttime darkness is a vanishing natural resource. Excessive or poorly designed outdoor lighting unnecessarily brightens the nighttime sky, emits objectionable illumination visible on other properties, poses a safety risk to pedestrians and drivers, disturbs natural habitats, and is not in keeping with the rural character of the Town. The purpose of these regulations is to permit reasonable illumination of outdoor areas during their active use, while reducing negative impacts.

- 12.15.1 All exterior lighting shall be shielded and aimed so that the lamps (bulbs) or other light sources cannot be seen from beyond the property served. No exterior lighting may be used in a manner that produces a bloom or a direct glare visible beyond the property served. These requirements can be met by using "Dark-Sky Friendly" exterior lighting fixtures approved by the International Dark-Sky Association, or fixtures similar to the "Fixtures that do meet the requirements of 12.15.1" in the chart in 12.15.10.
- 12.15.2 Nighttime outdoor activities may be illuminated only during periods when the activities are underway.
- 12.15.3 Decorative lighting of trees, other vegetation, ponds, land forms, steeples, structures, and other property features is prohibited. (See traditional holiday exception, 12.15.8). American flags and their flagpoles may be illuminated; no flagpole may be illuminated when its flag is not flying
- 12.15.4 No light fixture may be aimed at the sky or toward any area, structure, or surface that is not situated on the property. No light fixture may be mounted in, or attached to, a tree or other vegetation.<sup>†</sup>
- 12.15.5 Security lighting is permitted only if it is directed toward the structures being protected, not away from them. This requirement can be met by wall-

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\* Addition of Section 12.15 re: outdoor lighting in residential districts effective 4/14/07

† Revision prohibiting outdoor residential lighting in trees and other vegetation effective 6/16/08.



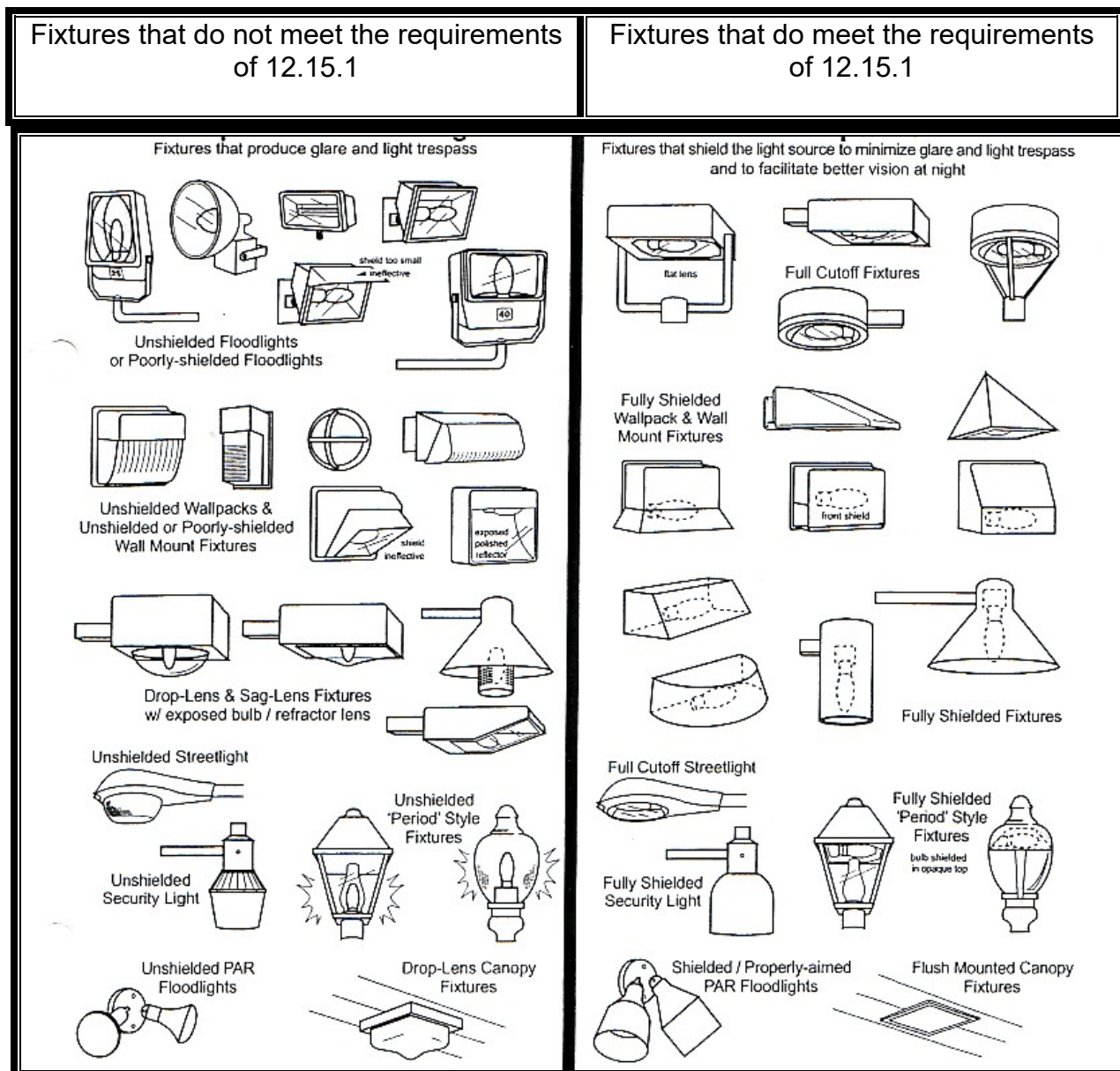
mounted fixtures only if the wall-mounted fixtures are aimed directly downward and properly shielded.

- 12.15.6 No exterior light source may be installed more than 15 feet above grade or more than 30 feet from the object or area that it is intended to illuminate.
- 12.15.7 Moving lights, lights producing varying intensities or changing colors, and search lights are prohibited.
- 12.15.8 Traditional decorative holiday lights may be operated temporarily, without a permit, between Thanksgiving and January 31.
- 12.15.9 **Non-binding Guidelines and Recommendations for Outdoor Lighting.** Residents are encouraged to use lamps (bulbs) of the lowest effective wattage, and to use sensor-activated fixtures whenever practical. Studies have shown that most security lighting is self-defeating because it creates deep shadows and blinding glare. Walkway lighting usually works better when it is mounted close to the ground rather than at the eyelevel of pedestrians. Empty parking lots do not need to be illuminated at night. Turning off unnecessary exterior lighting reduces energy consumption and saves money. Keeping exterior lighting to a minimum is neighborly, and it helps to preserve the rural character of our town.\*

- 12.15.10 Lighting Fixture Chart. (see page 59)

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\* Revisions to 12.15.9 effective 6/16/08.



Lighting Fixture Chart source: "Notice Regarding Town of Branford, Connecticut Planning & Zoning Commission Outdoor Lighting Regulations," 2002.

- 12.16\* **Non-binding Guidelines and Recommendations for Fences.** Fences, including stonewalls, should reflect the rural and historical character of our Town. Materials and construction methods should be harmonious with those that have been used in our region for generations. Stone walls that use native materials and traditional dry construction methods are encouraged; stone walls that use non-native materials, rectilinear stones, formal designs, and mortar-style construction are discouraged.

\* Effective: 12/17/07

## SECTION 13 - SPECIAL PERMITS (SEE ALSO SECTION 2.2.2)

### 13.1<sup>\*</sup>

- A. **Purpose.** Uses permitted as Special Permit uses subject to the approval of the Commission are deemed to be permitted uses in their respective districts, subject to the satisfaction of the requirements and standards of this section. Special Permit uses that may be permitted in a district are unusual cases that, under favorable circumstances, will be appropriate, harmonious, and desirable uses in the district, but that possess such special characteristics that each use should be considered as an individual use.
- B<sup>†</sup>. **Procedures.** In accordance with the procedures, standards, and conditions hereinafter specified, the Commission may approve, modify, or renew a Special Permit in a district where such uses are permitted. All requirements of this section are in addition to other requirements applicable to the district in which the Special Permit is to be located.
1. **Application for a Special Permit.** Special Permit application forms are available in the Land Use Office and shall be submitted with the appropriate documentation and fee at a time as specified in Section 2. All Special Permit applications requires a public hearing. See Section 13.2.
  2. **Request for Renewal of a Special Permit.** A Special Permit may be renewed upon request by letter to the Commission accompanied by the required fee. The request for renewal shall specify the reasons for the renewal and shall be submitted in time for the Commission to act prior to the Special Permit's expiration date.
  3. **Request for Revision or Modification of a Special Permit.** A Special Permit may be modified upon approval of an application using the Special Permit application form available in the Land Use Office. The completed form shall be submitted with appropriate documentation, which fully describes the proposed modification(s), the reason(s) for the modification(s), and the appropriate fee. All modifications shall require a public hearing and approval by the Commission.

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<sup>\*</sup> Revisions to 13.1.B.1-4 effective 6/20/99; revisions to 13.1.B.1-8 effective 9/23/02

<sup>†</sup> Revisions to Sections 13.1.B.1-3: Addition of procedures for Special Permits, renewals, and modifications effective 7/18/16

- C. **Standards.** After the conclusion of a public hearing, the commission may approve an application to permit the establishment of one or more of the uses for which a Special Permit must be secured if it shall find that the proposed use and any building or other structure in connection therewith will conform to the following general standards in addition to any specific standards set forth in these Regulations for particular Special Permit uses:
1. That the proposed use and any building or other structure in connection therewith are consistent with the objectives of the Plan of Conservation and Development for the Town of Washington, and the intent and requirements of the Zoning Regulations as such documents may be amended.
  2. That the location, type, character, size, scale, proportion, appearance, and intensity of the proposed use and any building or other structure in connection therewith shall be in harmony with and conform to the appropriate and orderly development of the Town and the neighborhood and will not hinder or discourage the appropriate development and use of adjacent property or substantially or permanently impair the value thereof.
  3. That the nature and location of the proposed use and any building or other structure in connection therewith shall be such that there will be adequate access to it for fire protection purposes and other emergency services.
  4. That the Town's existing rural street network, which includes state highways and Town streets serving the proposed use and any building or other structure in connection therewith are adequate, including without limitation, in width, grade, alignment, *capacity*, and sight lines to carry prospective traffic; that provision is made for entering and leaving the property in such a manner that no undue hazard to traffic or undue traffic congestion is created; and that adequate off-street parking and loading facilities are provided.
  5. That the lot on which the use is to be established is of sufficient size and adequate shape, dimension, and topography to permit conduct of the proposed use and any building or other structure in connection therewith in such a manner that will not be detrimental to the neighborhood or adjacent property.
  6. That provision is made for suitable landscaping to protect the neighborhood and adjacent property with a permanent landscaped buffer of evergreens, natural topography, stonewalls, or other appropriate screening material.
  7. That the proposed plans have provided for the conservation of natural features, drainage basins, the protection of the environment of the area, and sustained maintenance of the development.
  8. That the proposed use and any building or other structure in connection therewith will not create a nuisance such as noise, fumes, odors, bright lights, glare, visual obstructions, vibrations, or other nuisance conditions at or beyond the property line.
  - 9.\* Blasting and/or removal of earth and indigenous rock shall be kept to the minimum necessary to accomplish any proposed improvement.

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\* Revision of Section 13.1.B.9: Addition of standard for blasting and earth and rock removal effective 7/18/16

### 3.2 **Hearing and Decision.**

A. The Zoning Commission shall hold a hearing on the application within 65 days of receipt of the application and shall take action on the application within 65 days after the close of the public hearing. The Commission shall follow all procedural requirements for processing and decision on a Special Permit as required in Chapter 124 of the Ct. General Statutes, Section 8-3c as amended.

B\*. Once approved by the Zoning Commission, a certified copy of the Special Permit must be filed by the applicant on the Town Land Records to become effective.

13.3 **Effective Date.** A Special Permit shall become effective provided a certified copy of the Commission's action to approve shall have been filed by the applicant in the Office of the Town Clerk and on the Town Land Records in accordance with Section 8-3d of the State Statutes.

13.4 **Site Plan and Bond Required.** Any application for a Special Permit shall be accompanied by a site plan prepared in accordance with the general requirements and standards stated in Section 14. It shall also be subject to the requirements of other appropriate sections of these Regulations and the specific requirements and standards provided for in this section. As a condition of a Special Permit approval, a bond may be required to cover the costs of site plan improvements such as driveways, parking areas, curbs, drainage features, buffers, recreation facilities, and any other site improvements including building as may be required by the Commission.

13.5 **Convalescent Homes, Nursing Homes, and Rest Homes.** Application for these uses shall be subject to the following:

- 13.5.1 The Commission shall determine that the character of the neighboring area is not adversely affected.
- 13.5.2 The site shall be within 300 feet of a state designated highway.
- 13.5.3 It shall be certified by the Town Health Officer that adequate water is available.
- 13.5.4 One acre shall be required for each ten patient beds, but in no case shall a site be less than 5 acres.
- 13.5.5 No parking shall be within 50 feet of a property line.
- 13.5.6 Suitable open space and recreational facilities shall be provided.
- 13.5.7 An internal circulation plan shall provide for safe movement of vehicular and pedestrian traffic and for convenient access of emergency vehicles.

13.6 **Automotive Service Station.**

- 13.6.1 Only such repairs and mechanical work may be performed at an automotive service station as is permitted by a Limited Repairer's License issued by the State of Ct. pursuant to Chapter 246 of the Ct. General Statutes, and all such work shall be performed within the station building.
- 13.6.2 The outside storing of wrecked motor vehicles for a period exceeding ten

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\* Addition of Section 13.2.B re: requirement to file Special Permit on Land Records effective 7/18/16

days shall not be permitted.

- 13.7 **Package Liquor Store.** The following provisions apply to establishments selling or dispensing alcoholic beverages, except that these Regulations shall not apply to the sale of beer in a grocery store, which is permitted.

13.7.1 No building used for a package liquor store shall be located within 1,000 feet in a direct line from any other property used for a church, school, or another such store.

- 13.8\* **Excavations.** The processing and/or removal from any land premises in all districts within the Town of Washington of earth, top soil, loam, peat, clay, rock, quarry stone, sand, or other natural earth products in excess of 100 cubic yards in a single calendar year, except as surplus material resulting from a bona fide construction, landscaping, or agricultural operation conducted on the premises provided that no permanent damage is done to the landscape, requires a Special Permit. A Special Permit is not required to dredge an existing pond or to remove surplus material in accordance with an existing permit related to bona fide construction, landscaping, or agricultural operation conducted on the premises and provided that no permanent damage is done to the landscape.

Other excavation activities may be permitted by the Commission by Special Permit provided the site is properly stabilized, reclaimed, and restored as set forth herein after the activities are completed. No excavation approved by Special Permit shall take place:

- A. within 1500 feet of any church,
- B. within the Green District or the Lake Waramaug Residential District,
- C.† within 50 feet of a property line or 150 feet of any building, or below grade within 150 feet of any street.

Permits for excavations shall not be issued for periods exceeding one year and may be renewed if, upon inspection by the Commission or its officer, the character of the surrounding area has not been adversely affected, it is found that the excavation is not detrimental to the public health, safety, and general welfare, and if the operation is being conducted in compliance with the provisions of these Regulations. In addition to the requirements of Section 13.4, the following additional conditions shall be met by all excavation activities:

- 13.8.1 Such operations shall be conducted Monday through Friday only between the hours of 8:00 a.m. and 5:00 p.m. except for municipal purposes of the Town of Washington.
- 13.8.2 The site plan prepared by a Connecticut licensed surveyor and/or engineer shall show topography at 10 foot intervals. Where excavation is proposed, topography should be shown at 2 foot intervals for both existing and

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\* Revision Section 13.8 to reconcile 21.1.20 effective 4/22/02; revision Section 13.8.d, street, effective 6/20/99; revision Section 13.8.8, street, effective 6/20/99

† Revisions to Section 13.8 and 13.8.C: deletion of consent in writing to allow excavation closer than specified setbacks effective 7/18/16

- proposed topography.
- 13.8.3 The site plan shall show that measures approved by the “2002 Connecticut Guidelines for Soil Erosion and Sediment Control” are to be taken to guard against soil erosion and sedimentation both during and after excavation activity.
- 13.8.4 Before a permit for an excavation is issued the applicant shall post a bond in a form satisfactory to and in an amount approved by the Commission as sufficient to guarantee conformity with the provisions of the permit issued thereunder.
- 13.8.5 The whole area where excavation has taken place shall meet the following reclamation and restoration standards and requirements:
- A. Drainage and Water Resource Protection. All final site drainage shall be designed, sloped, vegetated, or treated so that drainage patterns including volume and outflow points will be the same as before the excavation occurred, unless an alteration of drainage patterns would improve drainage in the surrounding subwatershed or watershed. Measures must be specified to prevent erosion and sedimentation of regulated wetlands and watercourses. The pre-excavation quality of any underlying aquifer must be protected.
  - B. Slopes. No slope shall be left steeper than three feet horizontal to one-foot vertical (3:1) provided, however, that the applicant may apply for a waiver of this condition for quarry operations. For such quarry operations, the Commission or its designated agent shall certify the face of the quarry wall as safe and acceptable, and may require means necessary to reinforce potentially unsafe faces. Plans for reuse of a quarry, which do not call for restoration, shall be reviewed and approved by the Commission to ensure that such reuse does not result in unsightly or dangerous conditions.
  - C. Reclamation and Restoration Material. All reclamation and restoration material used in the final grading of the site shall be clean fill, and shall be compacted as much as is practicable such as by installation in layers. Any material that is not clean fill shall be removed from the excavation site and disposed of properly. Non toxic and non hazardous inorganic material shall be buried and covered with a minimum of two (2) feet of soil or removed from the site and disposed of properly.
  - D. Soil Cover. Final soil depths and types shall be appropriate for the expected reuse specified in the Special Permit application. Top soil shall be respread over the excavated area to a minimum depth of four (4) inches. If the original depth was less than four (4) inches, restoration shall be to a minimum of the original soil depth. This restored soil shall be treated with lime, organic fertilizer, and composted animal manure, and seeded with native grasses and forbs or legume mixture prescribed by the Commission after conferring with the Litchfield County Soil and Water Conservation District.
  - E. Top Soil Protection. All top soil shall be stripped from the active

excavation area and stockpiled on site and seeded or covered for use in accordance with these reclamation and restoration standards and requirements. Such stockpiles shall be protected to minimize the effects of erosion by wind or water.

- F. Revegetation. Revegetation of the site shall be required to control dust and erosion and to restore the natural biological character and functioning and species composition of the site in existence prior to the excavation, unless the Commission approves an alternate natural biological character or species composition. The property owner or licensee must develop, through planting, seeding, or sodding, complete ground cover sufficient to retain the soils.
- G. Timing of Reclamation and Restoration. In order to ensure that restoration of the excavated site be performed on an on-going basis, no more than five (5) acres of the site shall be under excavation at any one time. Restoration shall be a continuous operation subject to field review and approval at each semi-annual inspection and at the end of the permit period by the Commission or its designated agent. Grading of top soil or soil cover material and planting of the area designated for restoration during the one year permit period shall be completed before renewal of a Special Permit for excavation can be granted. Within three (3) months after termination of the excavation operation, all equipment, buildings, structures, and other installations shall be removed from the site.

- 13.8.6 Where any excavation shall have a depth of 10 feet or more and creates a slope of more than one in two, there shall be a substantial fence at least 6 feet in height with suitable gates constructed and maintained during the permit period. Such fence shall be located 15 feet or more from the edge of the excavation. Such fence shall be removed at the conclusion of the operation if the Commission shall deem such removal appropriate.
- 13.8.7 Adequate provision shall be made to prevent dust from blowing onto neighboring properties.
- 13.8.8 The location of driveways, internal access roads, stockpiling, and equipment storage shall be selected so as to minimize adverse effects on surrounding properties.
- 13.8.9\* The Commission or its Zoning Enforcement Officer shall have the right to order the revocation of any permit and the discontinuance of any operation conducted in violation of any of the provisions of these Regulations or in any way detrimental to the health, safety, or general welfare, in which event, such operations shall forthwith cease and desist.

**13.9 Tourist Home or Inn.** Section 19-13-b26, Sanitation of Motels and Overnight Cabins, and Section 19-13-b29, Motels and Overnight Cabins or the Public Health Code of the State of Ct. as amended, are adopted as a part of these Regulations. In addition:

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\* Section 13.8.9: prohibition on equipment for processing excavated material was deleted and following section renumbered effective 7/18/16



- A. The minimum size of the lot shall be 5 acres, and
- B. the frontage shall be on a state highway and shall not be less than 500 feet\*, and
- C. the minimum setback of any structure, excluding fences, shall be 100 feet from any street and 50 feet from any lot line.

**13.10 Residential Conversion of Older Home.** In any zone, the orderly and regulated conversion of older, larger residential homes may be permitted by Special Permit by the Commission, subject to the following conditions:

- 13.10.1 The intent of the Special Permit is to provide suitable uses for larger, older homes, the conversion of which into smaller residential units by virtue of energy inefficiency, contemporary demographic conditions, and economic circumstances, is in the public interest and beneficial to the health and welfare of the community.
- 13.10.2 The use of such homes shall be limited to residential use.
- 13.10.3<sup>†</sup> Each dwelling unit shall include complete kitchen and bath facilities.
- 13.10.4<sup>‡</sup> Only structures, all principal parts of which were originally constructed prior to 1950, shall be eligible for conversion under this regulation.
- 13.10.5 Parking space shall be provided on the premises for two cars for the first dwelling unit and 1.5 cars for each additional unit. Parking shall be behind the front line of the structure and hidden from public view to the extent feasible.
- 13.10.6 In accordance with Section 2.3.5, the Town Health Department or its agent shall certify that the existing or proposed modified subsurface sewage disposal system is adequate to serve the proposed use.
- 13.10.7<sup>§</sup> The Commission may require sufficient architectural plans and elevations to confirm compliance with Section 13.1.C of these Regulations.

**13.11\*\* Accessory Apartments.**

- 13.11.1 Intent. It is the intent of the Zoning Commission to permit property owners to create accessory apartments to provide small scale housing for a variety of possible occupants. Such occupants may include relatives of the property owners, caregivers, guests of the property owners, the elderly, individuals, couples, and small families with limited income or limited housing needs, and others.

It is not the intention of the Zoning Commission to permit property owners to use these Regulations to circumvent the Town's soil based housing density regulations by creating a second substantial dwelling on an undivided parcel.

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\* Revision of this provision (formerly 13.9.3, regarding frontage) and other changes effective 7/15/08.

<sup>†</sup> Section 13.10.3 deleted and remainder of section renumbered to eliminate minimum size requirement for apartments in residential conversion of older homes, effective 12/20/10.

<sup>‡</sup> Revision of Section 13.10.4; Change of date from 1920 to 1950 effective 7/18/16

<sup>§</sup> New Section 13.10.7 added re: additional plans and elevations to confirm compliance with 13.1.C effective 7/18/16

\*\* Revision – entire Section 13.11, Accessory Apartments, effective 12/26/00; revision Section 13.11.2.e to reconcile 21.1.25 effective 4/22/02

The requirements governing accessory apartments are more stringent for detached apartments than for attached apartments because the Zoning Commission believes that a property owner is more likely to maintain close supervision of an apartment that directly adjoins the property owner's own dwelling.

- 13.11.2 Accessory Apartment, Attached. An attached accessory apartment may be permitted in conjunction with a single family dwelling on the same property in compliance with the following provisions:
- A. No more than one attached accessory apartment shall be permitted per property.
  - B. The owner of the property shall reside on the property throughout the duration of the permit for the accessory apartment.
  - C. The accessory apartment shall be equipped with its own kitchen and full bath.
  - D. The Town Health Department shall approve the water supply and septic system for the principal dwelling and the accessory apartment.
  - E. The apartment shall contain at least 400 square feet of floor area.
  - F. The apartment shall not contain more than 1,200 square feet of floor area.
  - G.\* In all cases, an accessory apartment must be clearly subordinate to, and clearly smaller in ground floor area and volume, than the principal dwelling on the property.
  - H. The apartment shall utilize the same driveway as the principal use.
  - I. At least two additional off street parking spaces shall be provided for the use of the attached accessory apartment.
- 13.11.3 Accessory Apartment, Detached. A detached accessory apartment may be permitted in conjunction with a single family dwelling on the same property in compliance with the following provisions:
- A. No more than one detached accessory apartment shall be permitted per property.
  - B. The owner of the property shall reside on the property throughout the duration of the permit for the accessory apartment.
  - C. The accessory apartment shall be equipped with its own kitchen and full bath.
  - D. The Town Health Department shall approve the water supply and septic system for the principal dwelling and the accessory apartment.
  - E.† The apartment shall contain at least 400 square feet of floor area. Floor area shall be the finished floor area of all floor levels within the perimeter of the outside walls of the accessory structure, not including open air porches and decks, garages and unfinished basements and unfinished attics, and without deduction for hallways, stairs, closets, thickness of walls, columns, or other features as per State of Connecticut Building Code.

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\* Revision of 13.11.2.G to insert language to match that of Section 12.5.2 effective 7/18/16

† Revision of Section 13.11.3.E: Addition of open air porches and decks and unfinished attics effective 7/18/16

- F. The apartment shall not contain more than 1,200 square feet of floor area.
- G\*. In all cases, an accessory apartment must be clearly subordinate to, and clearly smaller in ground floor area and volume, than the principal dwelling on the property. For new accessory buildings also see Section 12.5.2.
- H. The apartment shall utilize the same driveway as the principal use.
- I. At least two additional off street parking spaces shall be provided for the use of the accessory apartment.
- J. In reviewing an application for a detached accessory apartment, the Zoning Commission:
  - 1. require architectural elevations, renderings, or photographs to clarify issues regarding visual impact and building relationships, and
  - 2. may attach reasonable conditions to any approval to lessen or eliminate any adverse impacts found in the Commission's review of the application under Section 13.1.B.

13.12<sup>†</sup> [Deleted.]

13.13<sup>‡</sup> **Housing in Business Districts.** In addition to the general requirements of Section 13.4 above, a Special Permit for residential uses in business buildings shall meet the following requirements:

- 13.13.1 It shall be the intent of the regulation to provide for residential uses in business buildings in the several business areas of Washington for the purpose of:
  - A. Increasing economic vitality in these areas,
  - B. Providing convenient housing, particularly for elderly persons, and
  - C. Utilizing existing space in an efficient and socially useful manner.
- 13.13.2 The building shall be found by the Commission to be capable of being altered, remodeled, or rehabilitated to accommodate habitation in a safe and healthful manner.
- 13.13.3 The lot area shall be sufficient to meet the requirements of the principal business use plus one parking space for each apartment unit.
- 13.13.4 Each apartment shall be equipped with its own kitchen, bath, and utility services.
- 13.13.5 The apartment may utilize the existing sanitary system on the lot if approved by the Health Department, but a complete new sanitary system may be required if it is found by the Health Department or its agent to be inadequate for the proposed use or if insufficient data is available concerning the nature of the existing system.
- 13.13.6 Each apartment shall have outside access convenient to the parking area and vehicular and pedestrian access to the lot. Apartments located on upper

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\* Revision of Section 13.11.3.G to insert language to match that in Section 12.5.2 effective 7/18/16

<sup>†</sup> Section 13.12 deleted 12/26/00

<sup>‡</sup> Section 13.13.4 (minimum apartment size) deleted 4/25/11 and sections renumbered.

floors shall have at least one access to ground level for the exclusive use of the apartment.

**13.14\* Room and Board or Bed and Breakfast Establishment.** The provision of rooms for transient visitors in an owner occupied residential dwelling may be permitted by Special Permit by the Commission subject to the following conditions:

- 13.14.1 In order to qualify for and maintain this Special Permit in a residence, the residence must be owner occupied for the duration of the permit; or in the case of a tenant, the tenant shall have the written permission of the owner for the duration of the permit.
- 13.14.2 A property owner may operate only one Bed and Breakfast whether it is owner or tenant occupied,
- 13.14.3 Permits for Bed and Breakfast and Room and Board Establishments are valid for three years and may be renewed by application to the Commission for additional three year periods.
- 13.14.4 The lot shall be of adequate size and shape to provide one additional accessible parking space for each guest room.
- 13.14.5† No more than three guest rooms shall be permitted.
- 13.14.7 At least one complete bathroom shall be provided accessible to the guest room or rooms.
- 13.14.8‡ One exterior sign not to exceed 2 square feet is permitted by Section 16.
- 13.14.9 Failure to abide by these Regulations is cause for the Commission to revoke the Special Permit at the discretion of the Commission.

**13.15 Town of Washington or Non-Profit Sponsored Affordable Housing.** The purpose of this Section is to provide the opportunity for Town or non-profit sponsored affordable housing, single or multiple, in suitable locations in any district, subject to the following conditions:

- 13.15.1 The applicant for this Special Permit shall be either the Town of Washington or a non-profit organization approved by the Board of Selectmen of the Town of Washington.
- 13.15.2 Each dwelling unit shall contain at least 550 square feet.
- 13.15.3 Each dwelling unit shall have its own outside access convenient to the parking area and vehicular and pedestrian access to the lot.
- 13.15.4 Each dwelling unit shall be equipped with its own kitchen facility, bath, and utility service.
- 13.15.5§ Parking must be sufficient to accommodate the needs of the occupants in the judgment of the Zoning Commission. The Commission may also require buffering and/or fencing to screen parking areas.

**13.16\*\* Shop and Storage Use by Contractors and Building Tradesmen.** Shop and storage

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\* Revision Section 13.14.3 to reconcile with 13.14.3, 13.14.11 effective 4/22/02; section 13.14.4 deleted 4/22/02; section 13.14.10 revised 4/22/02

† Section 13.14.5 re: Building Code requirements deleted and rest of section renumbered effective 7/18/16

‡ Section 13.14.8 revised to permit one 2 sq. ft. sign effective 7/18/16

§ Section 13.15.5 revised to include buffering and/or fencing to screen parking areas effective 7/18/16

\*\* Section 13.16.4 revised – decrease outside storage area – effective 4/22/02

use by contractors and building tradesmen such as plumbers, electricians, contractors, painters, landscapers, and similar occupations may be permitted by Special Permit. For the purpose of this Section, “Shop” is defined as a building or room in which workmen carry on their trades or occupation, as a carpenter shop. In addition to the requirements of Sections 13, 14, and 15 of these Regulations, the following conditions must be met:

- 13.16.1\* In the R-1, Farming-Residential District, any such use shall be conducted by the resident owner of the premises, shall be subordinate to the main use of the premises for residential purposes, and shall be a use customarily incidental to the work of such resident owner tradesman performed off the premises.
- 13.16.2 No retail sales shall occur on the residential premises in the R-1, Farming-Residential District. There shall be no visible display of goods, supplies, or other materials associated with the shop and storage use.
- 13.16.3 The Commission may limit the number of vehicles and type of vehicles associated with the shop and storage use. The maximum number of construction vehicles on site shall be 10. The number of parking spaces may be limited by the Commission and no additional off street parking spaces are to be created between the street and the building.
- 13.16.4 An outside storage area, not to exceed 5,000 square feet in size may be permitted where it can be properly provided for on the lot. Outside storage shall not be permitted in the front yard setback and must be 25 feet from the side and rear property lines. The following standards for outside storage shall apply:
  - A. The method of storing material shall ensure protection against contamination of ground and surface waters.
  - B. The method of storing material shall avoid regulated wetland areas.
  - C. Garbage and waste materials placed out- doors shall be kept in covered sanitary containers or dumpsters behind enclosures.
  - D. Adequate provision shall be made to prevent the unreasonable emission of dust, smoke, fumes, odor, glare, noise, or vibration beyond the lot line.
  - E. The storage site shall be screened by fence or natural plant material or by a building from the street and adjacent lots so as to protect the neighbors from unreasonable noise, dust, and view of the site. The storage area may be enclosed in a building, or if outside, proper screening from the street and neighboring properties shall be provided as required by the Commission.
  - F. The Commission may require floor drains and other drainage and catchment to protect ground and surface waters from pollution from oil, gas, silt, sand, etc. Such containments shall meet existing DEP standards or applicable Codes.
  - G. The storage site operation shall be subject to inspections by the Zoning Enforcement Officer for the purpose of verification of the

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\* Sections 13.16.1 and 13.16.2 revised to state these sections pertain to the R-1 District effective 7/18/16

proper handling and disposal of waste and toxic or hazardous materials. The Commission or its officer shall have the right to order the revocation of any permit and the discontinuance of any operation conducted in violation of any of the provisions of the Regulations or in any way detrimental to the health, safety, or general welfare, in which event such operations shall forthwith cease and desist.

- 13.16.5\* No such shop in the R-1, Farming-Residential District shall occupy a total floor area in a residence greater than 33% or the total square footage of an accessory structure. The shop and storage use may occupy an accessory building if the location and appearance of the accessory building are consistent with the residential character of the lot and the neighborhood and it can be demonstrated that the type and intensity of the proposed use in the accessory building will not alter the primary residential character of the lot.
- 13.16.6 The application shall include, in addition to the general requirements for Special Permits:
- A. Building layout plans drawn to scale which show the floor area and the layout of the residence and/or accessory building and the floor area (in square feet) devoted to the shop and storage use,
  - B. the number of employees,
  - C. the type and amount of materials to be used and the method of storage,
  - D. site plan showing the area proposed for outside storage, which shall also be clearly marked in the field, and
  - E. a list of the amount and composition of waste or potentially hazardous or toxic materials to be used or stored on the premises and the proposed methods of disposing said waste or materials.
- 13.16.7† Permits for shop and storage use may be issued for periods not to exceed three years and may be renewed by written request if upon inspection, the Commission finds that the character of the surrounding area has not been adversely affected, the storage is not detrimental to the public health, safety, and general welfare, and the operation is being conducted in compliance with the provisions of these Regulations.

The Commission may impose conditions on any Special Permit for shop and storage use to accomplish the general and specific requirements of these Regulations. Conditions may include a limitation of the hours of operation, noise, number and types of vehicles, number of non-resident employees, etc.

- 13.17 **Town Landmark Sites.** The purpose of this section is to preserve the cultural, historic, and architectural heritage of Washington. In doing so, it is recognized that certain structures and land areas in all zoning districts have value as town landmarks, which value transcends the ordinary standards incorporated in the Zoning Regulations, and, therefore, requires that each individual site be considered a special case. It is the policy of this regulation that significant landmarks of the Town should be preserved,

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\* Revision of Section 13.16.5 that this section pertains to the R-1 District effective 7/18/16

† Revision of 13.16.5: Addition of language to match Section 13.1.B.2 effective 7/18/16

insofar as doing so is consistent with the sound development of Washington and is in accordance with the policies of the Town Plan of Development. Such preservation may be permitted by Special Permit.

- 13.17.1 Standards. A Town Landmark shall be any building, structure, group of structures, or natural features, together with the site of land on which it stands. In order to determine if a site is a Town Landmark, the Commission shall decide on the basis of factual data and/or expert opinion that the landmark possesses a degree of historical significance, architectural uniqueness, or cultural value, which would represent a severe cultural loss to the community if destroyed or altered, and that preservation of the landmark warrants special consideration for its protection and proper use. For the purpose of this regulation, the designation of any building, structure, group of structures, or natural feature or site, as a historical structure or site by any local, state, or federal agency shall be prima facie evidence that the same is a Town Landmark.
- 13.17.2 Permitted Uses. The Zoning Commission may permit any use or combination of uses in a Town Landmark site, which would be permitted in any residential zone, and/or the sale of crafts made on the premises or the sale of other items closely related to the use of the landmark, provided that the Commission finds that such use would be beneficial to and consistent with the orderly development of the Town.
- 13.17.3 Guidelines for Applying Standards for Rehabilitation Outside Defined Historic Districts. Rehabilitation means the process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property, which are significant to its historic, architectural, and cultural values.
  - A. Every reasonable effort shall be made to provide a compatible use for a property, which requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.
  - B. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
  - C. All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
  - D. Changes, which may have taken place in the course of time, are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
  - E. Distinctive stylistic features or examples of skilled craftsmanship, which characterize a building, structure, or site shall be treated with sensitivity.

- F. Deteriorated architectural features shall be repaired whenever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications or features, substantiated by historical, physical, or pictorial evidence, rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
  - G. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
  - H. Every reasonable effort shall be made to protect and preserve archaeological resources affected by or adjacent to any project.
  - I. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, color, material, and character of the property, neighborhood, or environment.
  - J. Whenever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.
- 13.17.4 Off the premises directional signs may be permitted per Section 16.3.11.
- 13.17.5 The Washington Fire Marshal shall certify that the landmark facilities meet all state and local fire code requirements.
- 13.17.6 All signs shall comply with Section 16 of these Regulations unless use of the original sign or reproduction of the original non-conforming sign is determined appropriate by the Commission.
- 13.17.7 The application shall include, in addition to the general requirements for Special Permits:
- A. Building layout plans drawn to scale, which show the floor area and square footage.
  - B. The number of employees, if applicable.
  - C. If applicable, in the case of certain uses or crafts, which may take place on the premises, a list of the amount and composition of waste or potentially hazardous or toxic materials to be used or stored on the premises and the proposed methods for disposing of said waste or materials.
  - D. Landscaping plan.
  - E. Any other pertinent information the Commission deems necessary.
- 13.17.8 The Commission may impose conditions on any Special Permit for Historic Landmark Sites to accomplish the general and specific requirements of these Regulations. Conditions may include a limitation on the hours of operation, noise controls, limitation of the number of employees, etc.



- 13.18\* **Kennel, Commercial or Private.** A kennel where dogs or cats are kept for board, sale, or other use may be permitted by Special Permit by the Commission subject to the following conditions:
- 13.18.1 The lot shall be a minimum of ten (10) acres.
  - 13.18.2 Dogs and cats shall be kept in buildings, enclosures, or runs located not less than two hundred (200) feet from any property or street line.
  - 13.18.3 The Washington Health Officer shall certify that the proposed kennel meets the standards of the State of Connecticut Health Code.
  - 13.18.4 The Commission may require soundproofing measures and/or landscaping buffers when deemed necessary.
- 13.19† **Telecommunication Antennae, Facilities and Antenna Towers Including Personal Wireless Service Facilities and Towers.** The purposes of this regulation are to:
- a. Preserve the character and appearance of the Town while simultaneously allowing adequate Personal Wireless Services to be developed;
  - b. Protect the rural, scenic, historic, environmental, and natural or man-made resources for the community and the Town of Washington including roads designated as scenic roads by the local, state or federal government;
  - c. Provide standards and requirements for regulation, placement, construction, monitoring, design, modification and removal of Personal Wireless Service Facilities, including access roads, buildings and protective fencing;
  - d. Provide a procedural basis for action within a reasonable period of time for requests for authorization to place, construct, operate or modify Personal Wireless Services Facilities;
  - e. Preserve property values;
  - f. Minimize the total number and height of Towers throughout the community;
  - g. Locate Towers so that they do not have negative impacts (such as, but not limited to, attractive nuisance, noise and falling objects) on the general safety, welfare and quality of life of the community;
  - h. Require the owners of Towers and Personal Wireless Service Facilities to configure them so as to minimize and mitigate the adverse visual impact of the Towers and Facilities;
  - i. Require Tower sharing and the clustering of Personal Wireless Service Facilities where possible; maximize the use of existing communications towers, water towers, silos and other similar buildings, if available, to accommodate new wireless telecommunication antennae in order to reduce the number of towers within the community;
  - j. Provide consistency with Federal Law: These regulations are intended to be consistent with the Telecommunications Act of 1996 in that: 1) they do not prohibit or have the effect of prohibiting the provision of Personal Wireless Services; 2) they are not intended to be used to unreasonably discriminate among providers of functionally equivalent Services; 3) they do not regulate Personal Wireless Services on the basis of environmental effects of radio frequency emissions to the extent that the regulated Services and Facilities

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\* Revisions to 13.18 – 13.18.4 effective 9/25/99

† Section 13.19 effective 1/15/98

- comply with the FCC's regulations concerning such emissions;
- k. Provide consistency with Washington's Plan of Development with respect to preserving the rural, historic and agrarian character of the land use including protection of the landscape and scenic views consisting of hills, the Steep Rock Preservation areas, historic settings, streams, trees, meadows and other natural features;
- l. Avoid potential damage to adjacent properties from Tower failure through structural standards and setback requirements.
- 13.19.1 Exempted Wireless Telecommunications Uses.  
The following wireless telecommunications facilities uses are specifically exempted from this Section 13.19: police, fire, ambulance and other emergency dispatch; amateur (ham) radio; citizens band radio; any existing radio tower; radio dispatch services for local business. No Personal Wireless Service Facility shall initiate construction of such exempted facilities, towers or structures in order to subvert or avoid the regulations applying to Personal Wireless Services or Telecommunications Towers. No Personal Wireless Service Facility, Telecommunications Tower or structure shall be considered exempt from this regulation for any reason whether or not said Facility is proposed to share a Tower or other structure with such exempt uses.
- 13.19.2 Provision of Independent Consultants.  
a. Upon submission of an Application for a Special Permit under this Section 13.19, the applicant shall pay the cost for the Commission for retaining an independent consultant or consultants to analyze and report on the application including determining areas appropriate for Towers and the cost of the town's monitoring of operations of the Towers. These consultants shall each be qualified professionals with a record of service to municipalities in one or more of the following fields: 1) telecommunications engineering, 2) structural engineering, 3) monitoring of electromagnetic fields, and 4) others as determined necessary by the Commission.  
b. The Commission shall select the independent consultant(s).
- 13.19.3 Prohibition of Teleports. There shall be no Teleport(s) within the Town of Washington.
- 13.19.4 General Application Requirements: In addition to the requirements of Section 2, applications pursuant to Section 13.19 shall comply with the following:
  - a. Special Permit. No Tower or Personal Wireless Facility shall be erected, constructed, or installed without first obtaining a Special Permit from the Commission. One or both kinds of Special Permits are required: 1) for new Tower construction (or Major Modification of an Existing Tower); 2) for Personal Wireless Service Facilities (or Major Modification of an Existing Facility) to be mounted on an existing, or newly permitted, Tower or structure. If the Applicant is applying for both permits, they shall be submitted and examined concurrently. Applications shall be submitted using an application in

accordance with the requirements of Section 13.19 of these Regulations. The following additional information must also be submitted:

- b. Adequate Coverage, Adequate Capacity, and Justification of Need. The Applicant shall provide written documentation of any Facility sites in Washington, and in abutting towns in which it has a legal or equitable interest, whether by ownership, leasehold or otherwise, or facility sites for which it has applied. From each facility site, it shall demonstrate with written documentation that these Facility Sites are not already providing, or do not have the potential to provide by adjusting the Site, Adequate Coverage and/or Adequate Capacity to the Town of Washington. The documentation shall include, for each Facility Site listed, the exact location (in longitude and latitude, to degrees, minutes and seconds), an A-2 Survey Map, ground elevation, height of Tower or structure, type of Antennae, Antenna gain, height of Antennae on Tower or structure, output frequency, number of channels, power input, and maximum power output per channel. Potential adjustments to these existing Facility Sites, including changes in Antenna type, orientation, gain, height, or power output shall be specified. Radial plots from each of these Facility Sites, as they exist, and with adjustments as above, shall be provided as part of the Application. The applicant shall provide a map showing the extent of coverage through Washington.
- c. Applicant shall demonstrate with written documentation that he has examined all Facility Sites located in Washington, and in abutting towns in which Applicant has no legal or equitable interest, whether by ownership, leasehold or otherwise, or facility sites for which it has applied, to determine whether those existing or proposed Facility Sites can be used to provide Adequate Coverage and/or Adequate Capacity to the Town of Washington. The documentation shall include, for each Facility Site examined, the exact location (in longitude and latitude, to degrees, minutes and seconds), ground elevation, type of Antennae proposed, proposed Antenna gain, height of proposed Antennae on Tower or structure, proposed output frequency, proposed number of channels, proposed power input, and proposed maximum power output per channel. Radial plots from each of these Facility Sites, as they exist, and with adjustments as above, shall be provided as part of the Application. The applicant shall provide a map showing the extent of proposed coverage through Washington.
- d. The Applicant shall demonstrate with written documentation that he has analyzed the feasibility of Repeaters in conjunction with all Facility Sites listed in compliance with this Section 13.19 to provide Adequate Coverage and/or Adequate Capacity to the Town of Washington. Radial Plots of all Repeaters considered for use in conjunction with these Facility Sites shall be provided as part of the

Application.

- e. The Tower and Facilities shall be designed to withstand sustained wind speeds for the location proposed. The fall zone shall be determined so that non-facility structures are not located within the fall zone.

13.19.5 Required Documentation.

- a. Copies of all submittals and showings pertaining to: FCC licensing; Environmental Impact Statements; FAA Notice of Construction or Alteration; Aeronautical Studies; and, all data, assumptions and calculations relating to service coverage and power levels regardless of whether categorical exemption from Routine Environmental Evaluation under the FCC rules is claimed.
- b. Copies of all information submitted in compliance with requirements of Connecticut Department of Public Health including without limitation all laws, regulations and requirements relating to Facilities which generate electromagnetic fields in the frequency range of 300 KHZ to 100 GHZ and Microwave ovens or any revisions thereof as the Department of Public Health may, on written notice, create.
- c. The exact legal name, address of principal place of business and phone number of the Applicant. If any Applicant is not a natural person, it shall also give the state under which it was created or organized.
- d. The name, title, address, mailing address, and phone number of the person to whom correspondence and communications in regard to the application are to be sent. Notice, orders, and other papers may be served upon the person so named, and such service shall be deemed to be service upon the Applicant.
- e. Name, address, mailing address, phone number, and written consent to apply for this permit, of the owner of the property on which the proposed Tower or structure shall be located, or of the owner(s) of the Tower or structure on which the proposed Facility shall be located.
- f. Required Plans and engineering plans, prepared, stamped and signed by a Professional Engineer licensed to practice in Connecticut. Note: Survey plans should also be stamped and signed by a Professional Land Surveyor registered in Connecticut. Plans shall be on 24" x 36" sheets, on as many sheets as necessary, and at scales which are no smaller (i.e. no less precise) than listed below, and which show the following information: each plan sheet shall have a title block indicating the project title, sheet title, sheet number, date, revision dates, scale(s), and original seal and signature of the P.E. and other professionals who prepared the plan.

13.19.6 Application Requirements for New Tower construction or Major Modification of an Existing Tower: A Tower Construction Special Permit Is Required.

- a. The Applicant shall provide a written, irrevocable commitment valid for the duration of the existence of the Tower, to rent or lease

available space for co-location on the Tower at fair-market prices and terms, without discrimination to other Personal Wireless Service Providers.

- b. If the Applicant is not simultaneously applying for a Personal Wireless Service Facilities Special Permit, he shall provide a copy of its existing lease/contract with a Personal Wireless Service Provider. A Tower Construction Special Permit shall not be granted for a Tower to be built on speculation.
- c. The following site plans and maps are required:
  1. Location Map: Copy of a portion of the most recent U.S.G.S. Quadrangle map, at a scale of 1: 25,000, and showing the area within at least two miles from the proposed tower site. Indicate the Tower location and the exact Latitude and Longitude (degrees, minutes and seconds).
  2. Vicinity Map at a scale of 1" = 200' with contour intervals no greater than 10 feet showing the entire vicinity within a 2000' radius of the Tower site, and including the topography, public and private roads and driveways, buildings and structures, bodies of water, wetlands, landscape features including ridge lines, preserved open space, historic sites, recreational areas, habitats for endangered species. Indicate the property lines of the proposed Tower site parcel and all abutters within 300' of the Tower site parcel (from the assessor's maps or available surveys). Include the names and addresses of all abutters within 300' of the Tower site parcel. Indicate any access easement or right of way needed for access from a public way to the Tower, and the names of all abutters or property owners along the access easement or who have deeded rights to the easement. Show all designated scenic roads in the vicinity of the site.
  3. Existing Conditions Plan: A recent A-2 survey of the Tower Site at a scale no smaller than 1" = 40' with topography drawn with a minimum of 2' contour intervals, showing existing utilities, property lines, existing buildings or structures, stone walls or fence lines, wooded areas, individual trees with diameters greater than 12" within a 200' radius from the base of the proposed Tower. Show the boundary of any wetlands or floodplains or watercourses, and of any bodies of water within 200' from the Tower or any related facilities or access ways or appurtenances. Show slopes, scenic vistas, stone walls, and other important environmental features of the site. Show any historically designed properties on or adjacent to the site or historic districts to which the site is part or adjacent to the site. All permanently protected lands, such as State parks, forest lands, and land protected by a land trust on or adjacent to the site shall be shown. The survey plan must have been completed, on the ground, by a Professional Land Surveyor

- within two years prior to the application date.
4. The applicant shall also provide the following:
    - a. An inventory of all Antennae and Towers not contained within a fully enclosed building.
    - b. A map showing the extent of planned coverage within the Town of Washington and the location and service area of the proposed facilities.
    - c. A topographic profile showing the proposed Tower and its associated equipment.
    - d. Effect on bird habitats prepared by a qualified wildlife biologist.
    - e. Historical, architectural and archaeological sites listed on the National Register or the State Register of Historic places, or eligible for listing on them.
  - d. Proposed Facility Site Plans: Proposed Facility Site layout, grading and utilities at the same scale or larger than the Existing Conditions Plan.
    1. Proposed Tower location and any appurtenances, including supports and guy wires, if any, and any accessory buildings. Indicate property boundaries and setback distances to the base of the Tower and to the nearest corners of each of the appurtenant structures to those boundaries, and dimensions of all proposed improvements.
    2. Indicate proposed spot elevations at the base of the proposed Tower and at the base of any guy wires, and the corners of all appurtenant structures.
    3. Proposed utilities, including distance from the source of power, sizes of service available and required, locations of any proposed utility or communication lines, and whether underground or above ground.
    4. Limits of areas where vegetation is to be cleared or altered, and justification for any such clearing or alteration.
    5. Any direct or indirect wetlands alteration proposed. A copy of the Inland Wetlands Permit (when Inland Wetlands approval is necessary) granted for this work shall be submitted with the Special Permit application.
    6. Detailed plans for drainage of surface and/or sub-surface water, plans to control erosion and sedimentation both during construction and as a permanent measure.
    7. Plans, including length of proposed access driveway or roadway and parking area, at the Tower site. Include grading, drainage, and traveled width. Include a cross section of the access drive indicating the width, depth of gravel, paving or surface materials. Provide soil erosion and sedimentation control plans for all site improvements.
  - e. Proposed Tower and Appurtenances:

1. Plans, elevations, sections and details at appropriate scales but no smaller than 1" = 10'.
  2. Detail of proposed Tower foundation, including cross sections and details. Show all ground attachments, specifications for anchor bolts and other anchoring hardware.
  3. Detail proposed exterior finish of the Tower. Provide an architectural rendering of the view of the Tower from adjoining properties.
  4. Indicate relative height of the Tower to the tops of surrounding trees as they presently exist, and the height to which they are expected to grow in ten years.
  5. Illustration of the modular structure of the proposed Tower indicating the heights of sections which could be removed or added in the future to adapt to changing communications conditions or demands.
  6. A Structural Professional Engineer's written description of the proposed Tower structure and its capacity to support additional Antennae or other communications facilities at different heights and the ability of the Tower to be shortened if future communications facilities no longer require the original height.
  7. A description of Available Space on the Tower, providing illustrations and examples of the type and number of Personal Wireless Services Facilities which could be mounted on the structure.
  8. The power and frequency of all transmissions to be broadcast from the facility.
  9. The location of the fall zone so that structures are not located within the fall zone.
  10. An elevation drawing showing the ridge line on all sides of the proposed Tower and showing the Tower and facilities on the ridge line as seen from the Town Hall.
  11. If known, indicate whether other development is being proposed or considered near the proposed site
- f. Proposed Communications Equipment Shelter:
1. Floor Plans, elevation and cross sections at a scale of no smaller than 1/4" = 1' of any proposed appurtenant structure.
  2. Representative elevation views, indicating the roof, facades, doors, and other exterior appearance and materials.
- g. Sight Lines:
1. A minimum of eight view lines in a zero to two-mile radius from the site, shown beginning at True North and continuing clockwise at forty-five-degree intervals.
  2. A plan map of a circle of two-mile radius of the Facility Site on which any visibility of the proposed Tower from a public way shall be indicated.
  3. Applicant shall utilize the U.S.G.S. Quadrangle map, at a scale

of 1: 25,000 and submit profile drawings on a horizontal scale of 1" =500' with a vertical scale of 1" =40'. Trees shall be shown at existing heights and at projected heights in ten years.

- h. Balloon Test. Prior to the public hearing on the application, the Applicant shall arrange to fly, or raise upon a temporary mast, a three-foot diameter brightly colored balloon at the maximum height of the proposed Tower. The dates (including a second date, in case of poor visibility on the initial date), times and location of this balloon test shall be advertised, by the Applicant, at 7 and 14 days in advance of the first test date in a newspaper with general circulation in the Town of Washington. The Applicant shall inform the Commission, in writing of the dates and times of the test, at least 14 days in advance. The balloon shall remain in place as long as practical but not less than four consecutive hours sometime between 8:00 a.m. and 6:00 p.m. of the dates chosen.
- i. The Commission may waive any of the application requirements for a Major Modification of an existing Tower if it finds that the modification or addition will not have significant impact.
- j. Site Justification Statement: The Applicant shall provide a statement containing the description of the siting criteria employed in the application, the process by which other possible sites were considered and eliminated, and a discussion of whether alternative sites were exhausted.
- k. Description of the technological alternatives and their costs for the proposed Tower and a statement containing the reasons for the choice of the proposed facility shall be submitted.
- l. A statement of the impact on human health, if any, of signal frequency and power density to be transmitted and/or received at the proposed facility and site shall be submitted.
- m. The Applicant shall provide such other additional information necessary or useful for evaluating the environmental impacts of the proposed site and alternative sites.

13.19.7 Applications for new Personal Wireless Service Facility or Major Modification of an Existing Facility: A Personal Wireless Facility Special Permit is required and the following maps and plans must be submitted:

- a. Location Map: Copy of a portion of the most recent U.S.G.S. Quadrangle map, at a scale of 1: 25,000, and showing the area within at least two miles from the proposed Facility Site. Indicate the location of the proposed Personal Wireless Service Facility, or the Facility under going Major Modification, and the exact Latitude and Longitude (degrees, minutes, and seconds).
- b. Proposed Facility Plan: A recent survey of the Facility Site at a scale no smaller than 1"=40' showing:
  - 1. Horizontal and radial distances of antenna(e) to nearest point on property line.
  - 2. Horizontal and radial distances of Antenna(e) to nearest



- dwelling unit.
  - 3. Proposed utilities, including distance from source of power, sizes of service available and required, locations of any proposed utility or communication lines, and whether underground or above ground.
  - 4. Any changes to be made to the existing Facilities landscaping, screening, fencing, lighting, drainage, wetlands, grading, driveways or roadways, parking, or other infrastructures as a result of this proposed Modification of the Facility.
  - c. Proposed Communications Equipment Shelter:
    - 1. Floor Plans, elevations and cross sections at a scale of no smaller than  $\frac{1}{4}'' = 1'$  of any proposed appurtenant structure.
    - 2. Representative elevation views, indicating the roof, facades, doors and other exterior appearance and materials. Screening shall be shown.
  - d. Proposed Equipment Plan:
    - 1. Plans, elevations, sections and details at appropriate scales but no smaller than  $1'' = 10'$ .
    - 2. Number of Antennae and Repeaters, as well as the exact locations, of Antenna(e) and of all Repeater(s) located on a map as well as Degrees, minutes and seconds of Latitude and Longitude.
    - 3. Mounting locations on Tower or structure, including height above ground.
    - 4. Antenna type(s), manufacturer(s), model number(s).
    - 5. For each Antenna, the Antenna gain and Antenna radiation pattern.
    - 6. Number of channels per Antenna, projected and maximum.
    - 7. Power input to the Antenna(e).
    - 8. Power output, in normal use and at maximum output for each Antenna and all Antennae as an aggregate.
    - 9. Output frequency of the transmitter(s)
  - e. An architectural rendering of the view of the Antenna(e) from adjoining properties and roads abutting site.
  - f. A description of the technological alternatives and their costs for the proposed antenna(e) and a statement providing the reason for the choice of the proposed location.
  - g. A statement of the impact on human health, if any, of signal frequency and power density to be transmitted and/or received by the proposed antenna(e) sites.
- 13.19.8 General Requirements.
- a. All New Towers shall be set back at least one time the height of the tower plus 50' from all boundaries of the Site on which the Tower is located. This setback supersedes all other setback requirements.
  - b. If the Facility or Tower is located in a wooded area, a vegetated buffer strip of undisturbed trees shall be retained for at least 50 feet in

width around the entire perimeter except where the access drive is located. Further, in addition to the preservation of a buffer, landscaping around the fence shall be required which shall consist of a row of evergreen trees planted 10 feet on center maximum. The evergreen shall be a minimum of six feet at planting and shall be reasonably projected to grow to a minimum height of fifteen feet at maturity. The landscaping shall screen the building and fence from a view of streets and neighboring properties. The screen shall be maintained by the owner of the property to ensure its effectiveness. The Commission may substitute any combination of existing vegetation, topography, walls, or other features in lieu of evergreen screening, providing the substitute plan equals or exceeds the protection provided by the evergreen screen. The Applicant shall provide financial surety (letter of credit, surety or cash bond) in a form and content acceptable to the Town Attorney and the Independent Consultant and/or the Town's consulting engineer to cover the cost of the remediation of any damage to the landscape which occurs during the clearing of the Site and to secure the installation of new landscaping required by the screening plan.

- c. Fencing and Signs: The area around the Tower and Communication Equipment Shelter(s) shall be completely fenced for security to a height of eight feet and gated. Use of razor wire is not permitted. A sign no greater than two square feet indicating the name of the facility owner(s) and a 24-hour emergency telephone number shall be posted adjacent to the entry gate. In addition, No Trespassing or other warning signs may be posted on the fence. If in a residential zone, the fencing and gate shall be designed and made of materials so as to be in keeping with the neighborhood and to appear residential in character rather than commercial. No signs other than as required and approved by the FCC or other state or federal governmental agency having jurisdiction, shall be permitted on the Tower. No advertising shall be permitted from the Tower.
- d. Communication Equipment Shelters and Accessory Buildings shall be designed to be architecturally similar and compatible with each other, and shall be no more than 12 feet high. The buildings shall be used only for the housing of equipment related to this particular site. Manned equipment incidental to the business office, maintenance depot and vehicle storage is prohibited. Whenever possible, the buildings shall be joined or clustered so as to appear as one building. Any building shall be designed to be in harmony with the surrounding neighborhood properties on the site and to minimize the impact that the Tower will have on these resources. If located in a residential zone, the buildings shall be designed to appear residential. The buildings shall be no larger than necessary to accomplish the functions required.
- e. Height and Size. New Towers shall not exceed the minimum height

necessary to provide Adequate Coverage for the Wireless Service Facilities proposed for use on the Tower. Applicant may submit a request for additional height to accommodate future sharing and shall provide design information to justify such additional height. Building or rooftop mounted antenna(e) shall be located or screened so as not to be visible from abutting public streets or adjoining residences. If the equipment is located on the roof of a building, the area of the equipment building and other structures shall not occupy more than twenty-five percent of the roof area. Roof located equipment must be set back at least ten feet or 10 percent of the roof depth, whichever is greater.

- f. No Tower or Antenna(e) will be permitted on a school roof.
- g. Tower Finish, Antenna Design: The Commission may require the Tower(s) to be painted or otherwise camouflaged to minimize the adverse visual impact. Antenna located on a building shall be compatible with underlying structure.
- h. Tower(s) must be of a type, which will maximize potential sharing. Lattice type structures are preferred, but where a Monopole is requested, the Applicant must demonstrate future utility of such structure for expansion of service for Applicant and other future Applicants. If possible, each Tower must have the capacity to accommodate at least three Service Providers. The proposed support structure shall be designed for additional facilities including other wireless communications companies, local police, fire and ambulance need, unless it is determined to be technically unfeasible. The Antenna(e) shall be located on existing communications towers, silos, water towers and the like, where available; if no existing Towers are available, antennae may be located on new Towers, where topography, vegetation, buildings or other structures provide the greatest amount of screening.
- i. The use of Repeaters to assure Adequate Coverage, or to fill holes within areas of otherwise Adequate Coverage, while minimizing the number of required Towers is permitted and encouraged.
- j. If primary coverage (greater than 50%) from proposed Personal Wireless Service Facility is outside Washington, then the permit may be denied unless the Applicant can show that it is unable to locate within the Town which is primarily receiving service from the proposed Facility.
- k. Commercial advertising is prohibited on any Antenna, Tower, or Accessory Building or Communication Equipment Shelter.
- l. Unless required by the Federal Aviation Administration, the FCC or the Connecticut Siting Council, no lighting or illumination of Towers, or the Personal Wireless Service Facility, is permitted, except for manually operated emergency lights for use only when operating personnel are on site.
- m. No Tower or Personal Wireless Service Facility that would be

classified as a hazard to air navigation as defined by the Federal Aviation regulations is permitted.

- n. No clear cutting of timber, except as approved in connection with construction, is allowed within the setback area.
- o. No Tower or Personal Wireless Service Facility, including any guy wires, with the exception of Repeaters shall be located:
  - 1. Closer than 1500' on a horizontal plane, to any structure, existing at the time of Application, which is, or is able to be occupied or habitable, on the property of any school (public or private).
  - 2. Closer than 750' on a horizontal plane, to an existing Dwelling Unit, or, day- care center, hospital, nursing home, church or other place of worship.
- p. No Repeater shall be located closer than 50' to an existing Dwelling Unit, nor less than 25' above ground.
- q. No Tower or Personal Wireless Service Facility, including any guy wire, with the exception of Repeaters shall be located within any of the following areas:
  - 1. Local or federally regulated wetland or vernal pool;
  - 2. The habitat of any Local or State listed Rare or Endangered Wildlife or Rare Plant Species;
  - 3. Within 500' horizontally from any Historic District or property listed or eligible to be listed on the Local, State or Federal Register of Historic Places;
  - 4. Within 200' horizontally from any river or watercourse;
  - 5. Within 500' horizontally from any known archaeological site;
  - 6. Within 500' of a Local, State or Federally designated scenic road;
  - 7. On a lot which is less than the minimum lot size required for the zoning district in which it is located;
  - 8. On property designated as a scenic ridge line pursuant to the Planning Commission approved Plan of Conservation and Development.

13.19.9 Towers and Personal Wireless Service Facilities shall be located so as to minimize the following potential impacts:

- a. Visual/Aesthetic: Towers shall, when possible, be sited where their visual impact is least detrimental to areas that possess scenic quality of local, regional or statewide significance such as:
  - 1. Ridge lines
  - 2. Connecticut State Forests, Connecticut Natural Area Preserves, and Natural Area Inventory Sites
  - 3. Areas permanently preserved by land trusts and similar organizations
  - 4. Areas marked as "rural" on the State Plan of Conservation and Development set forth at Conn. Gen. Stat. Section 16a-24 et. seq.

5. Roads designated as Scenic Roads pursuant to Conn. Gen. Stat. Section 7-149a and 13b-31b through 13b-31e.
  - b. Diminution of residential property values: Siting shall be in as low population density areas as possible.
  - c. Structural failure and attractive nuisances
  - d. Safety from excessive electromagnetic radiation: In case the Tower or Personal Wireless Service Facility is found to exceed the FCC guidelines.
- 13.19.10 The following locations are ranked in order of preference for tower sitings:
- a. The use of municipal lands, with the approval of the Town, which comply with other requirements of this Section 13.19 and where visual impact can be minimized and mitigated;
  - b. Shared use of existing Personal Wireless Service Facilities shall be encouraged;
  - c. The use of Repeaters to provide Adequate Coverage without requiring new Tower(s) shall be encouraged;
  - d. Clustering of Towers: Applications for Towers adjacent to Existing Towers shall be encouraged, providing the location is suitable (based on these regulations).
- 13.19.11 Towers and Personal Wireless Service Facilities shall be located so as to provide Adequate Coverage and Adequate Capacity with the least number of Towers and Antennae which is technically and economically feasible.
- 13.19.12 The Commission shall request input from the Fire, Police, Ambulance and other Emergency Services regarding the adequacy for emergency access of the planned drive or roadway to the site. The Commission shall require the accessway, driveway or right of way to the site be constructed and maintained to meet the Town's road standards ordinance unless where it is shown that such standards are unnecessary for safety and traffic use.
- 13.19.13 The Commission may impose conditions that foster a compatible design of the Tower with the site and surrounding neighborhood and to carry out the requirements of these Regulations.
- 13.19.14 Evaluation by Independent Consultants.
- a. Upon submission of a complete Application for a Special Permit under this Section 13.19, the Commission shall provide its Independent Consultant(s) with the full Application for their analysis and review.
  - b. Applicants for any Special Permit under this Section 13.19 shall obtain permission from the Owner(s) of the proposed property or Facilities Site for the Town's Independent Consultant(s), to conduct any necessary site visit(s).
- 13.19.15 Approval Criteria.
- a. In acting on the Special Permit Application, the Commission shall proceed in accordance with the procedures and timeliness established for Special Permits in Section 2 and Section 14 of the Zoning Regulations.
  - b. In addition to the requirements of Section 2 and 14, the Commission

shall make all of the applicable findings before granting the Special Permit, as follows:

1. That Applicant is not already providing Adequate Coverage and/or Adequate Capacity to the Town of Washington; and
  2. That Applicant is not able to use Existing Tower/Facilities Sites either with or without the use of Repeaters to provide Adequate Coverage and/or Adequate Capacity to the Town of Washington; and
  3. That the Applicant has agreed to rent or lease Available Space on the Tower, under the terms of a fair-market lease, without discrimination to other Personal Wireless Service Providers; and
  4. That proposed Personal Wireless Service Facility or Tower will not have an undue adverse impact on historic resources, wetlands and watercourses, conservation areas and parks, scenic views including ridge lines, scenic roads, residential property values, natural or man-made resources; and
  5. That the Applicant has agreed to implement all reasonable measures to mitigate the potential adverse impacts of the Facilities; and
  6. That the proposal shall comply with FCC Reg. 96-326 regarding emissions of electromagnetic radiation and that the required Monitoring program is in place and shall be paid for by the Applicant; and
- c. Any decision by the Commission to deny an Application for a Special Permit under Section 13.19 shall be in conformance with SEC. 332 147 U.S.C. 3321(7)(B)(iii) of the ACT, in that it shall be in writing and supported by substantial evidence contained in a written record.

#### 13.19.16 Monitoring and Evaluation of Compliance

- a. Pre-testing: After the granting of a Special Permit and before Applicant's Personal Wireless Service Facilities begin transmission, the applicant shall pay for an Independent Consultant, hired by the Town, to Monitor the background levels of EMF radiation, around the proposed Facility Site and/or Repeater locations to be utilized for Applicant's Personal Wireless Service Facilities. The Independent Consultant shall use the Monitoring Protocol. A report of the Monitoring results shall be prepared by the Independent Consultant and submitted to the Zoning Commission, the Director of Health, and the Town's consulting engineer.
- b. Post-testing: After transmission begins. The owner(s) of any Personal Wireless Service Facilities located on any Facility Site shall pay for an Independent Consultant, hired by the Town, to conduct testing and Monitoring of EMF radiation emitted from said Site, and to report results of said Monitoring as follows:
  1. There shall be routine annual Monitoring of emissions by the Independent Consultant using actual field measurements of

radiation, utilizing the Monitoring Protocol. This Monitoring shall measure levels of EMF radiation from the Facility Site's primary Antennas as well as from Repeaters. A report of the Monitoring results shall be prepared by the Independent Consultant and submitted to the Commission, the Director of Health, and the Town's consulting engineer.

2. Any Major Modification of Existing Facility, or the activation of any addition permitted channels, shall require new Monitoring.
- c. Excessive Emissions: Should the Monitoring of a Facility Site reveal that the Site exceeds the FCC 96-326 standard, then the owner(s) of all Facilities utilizing that Site shall be so notified. The owner(s) shall submit to the Commission a plan for the reduction of emissions to a level that complies with the FCC 96-326 standard within ten business days of notification of non-compliance. That plan shall reduce emissions to the standard within fifteen days of initial notification of non-compliance. Failure to accomplish this reduction of emission within fifteen business days shall be a violation of the Special Permit and the Commission shall issue a Cease and Desist Order. The owner(s) will also be subject to penalties and fines as specified in these Regulations. Such fines shall be payable by the Owner(s) of the Facilities with Antennas on the Facility Site, until compliance is achieved.
  - d. Structural Inspection: Tower owner(s) shall pay for an Independent Consultant (a licensed professional structural engineer), hired by the Town, to conduct inspections of the Tower's structural integrity and safety. Guyed towers shall be inspected every three years. Monopoles and non-guyed lattice towers shall be inspected every five years. A report of the inspection results shall be prepared by the Independent Consultant and submitted to the Commission, the Town's consulting engineer, and the Building Inspector. Any Major Modification of Existing Facility which includes changes to Tower dimensions or antenna numbers or type shall require new structural inspection.
  - e. Unsafe Structure: Should the inspection of any Tower reveal any structural defect(s) which, in the opinion of the Independent Consultant render(s) that Tower unsafe, the following actions must be taken. Within ten business days of notification of unsafe structure, the owner(s) of the Tower shall submit a plan to remediate the structural defect(s). This plan shall be initiated within 10 days of the submission of the remediation plan. Failure to accomplish this remediation of structural defect(s) within ten days of the submission of the remediation plan or of approval of the remediation plan shall be a violation of the Special Permit and the Commission shall issue a Cease and Desist Order. The owner(s) shall be subject to penalties and fines as specified in Section 19 of these regulations.

13.19.17 Removal and Reporting Requirements. The following shall apply to

removal of abandoned Towers and Personal Wireless Service Facilities:

Any Personal Wireless Service Facility, which ceases to operate for a period of six months shall be removed by the owner. "Cease to operate" is defined as not performing the normal functions associated with the Personal Wireless Service Facility and its equipment on a continuous and ongoing basis for a period of six months. At the time of removal, the Facility Site shall be remediated such that all Personal Wireless Service Facility improvements which have ceased to operate are removed. If all Facilities on a Tower have ceased to operate, the Tower shall also be removed and the site revegetated. Existing trees shall only be removed if necessary to complete the required removal. The Applicant, upon obtaining a Special Permit shall obtain a financial surety to cover the cost of removal of the Personal Wireless Service Facility and remediation of the landscape, should the Facility cease to operate. The removal required by Section 13.19.17 shall be completed within ninety days of the end of the six-month period. The owner(s) of a Tower shall submit a report every year indicating that the Tower and/or Facility remains in use. Failure to timely provide such a report shall be deemed conclusive evidence that the Tower and/or Facility is no longer used and shall prompt immediate removal. Further, the failure to operate a Tower and/or Facility for six months shall indicate an intent to abandon the use or uses.

#### 13.19.18 Fees and Insurance

- a. Towers and Personal Wireless Facilities shall be insured by the owner(s) against damage to persons or property. The owner(s) shall provide a Certificate of Insurance to the Selectmen's Office on an annual basis in which the Town of Washington shall be an additional named insured.
- b. A schedule of fees for Towers and Personal Wireless Service Facilities permitting and removal, any Monitoring of emissions and inspection of structures, and any other fees shall be established by the Commission. This schedule may be amended from time to time. The application fee for Special Permit applications made under this Section 13.19 is \$200 per vertical foot or \$3,000, whichever is greater.

#### 13.19.19 Siting Council.

If any or all of the Towers and Facilities and related structures regulated by this Section 13.19 become subject to the jurisdiction of the Connecticut Siting Council, this regulation shall remain in effect to the extent not pre-empted by the statutory Siting Council jurisdiction and even to the extent pre-empted shall serve as a guide to the siting council as to the factors important to the Town in the location of towers and related facilities defined under this Section 13.19. Further, these regulations shall remain effective to the extent that they do not conflict with the laws and regulations of the Connecticut Siting Council.

#### 13.19.20 Severability Clause.



The invalidity of any section or provision of this Section 13.19 shall not invalidate any other section or provision hereto.

13.19.21 Definitions and Word Usage: As used in this Section 13.19, the following terms shall have the meaning indicated. The word “shall” or “will” indicates mandatory requirements; “may” is advisory and indicates recommendations which are not mandatory.

- a. **Act.** The Telecommunications Act of 1996.
- b. **Adequate Coverage.** Coverage is considered to be “adequate” within that area surrounding a Base Station where the predicted or measured median field strength of the transmitted signal is greater than –95 dbm. It is acceptable for there to be holes within the area of Adequate Coverage where the signal is less than –95 dbm, as long as the signal regains its strength to greater than -95 dbm further away from the Base Station. For the limited purpose of determining whether the use of Repeater is necessary or desirable, there shall be deemed not to be Adequate Coverage within said holes. The outer boundary of the area of Adequate Coverage, however, is that location past which the signal does not regain a strength of greater than –95 dbm.
- c. **Adequate Capacity.** Capacity is considered to be “adequate” if the Grade of Service is p.05 or better for at least 50% of the days in a proceeding month, prior to the date of Application, as measured using direct traffic measurement of the Personal Wireless Service Facility in question, where the call blocking is due to frequency contention at the antenna(e).
- d. **Antenna.** A device which is attached to a Tower or other structure for transmitting and receiving electromagnetic waves and telecommunication and radio signals. Examples include panels, microwave dishes (other than Earth Stations as defined herein) and Monopoles.
- e. **Available Space.** The space on a Tower or other structure to which Antennae of a Personal Wireless Service Provider are both Structurally Able and Electromagnetically Able to be attached.
- f. **Base Station.** The primary sending and receiving site in a wireless communications network. More than one Base Station and/or more than one variety of Personal Wireless Service Provider can be located on a single Tower or structure.
- g. **Channel.** The segment of the radiation spectrum from an Antenna which carries one signal. An Antenna may radiate on many Channels simultaneously.
- h. **Communication Equipment Shelter.** A structure located at a Base Station designed principally to enclose equipment used in connection with Personal Wireless Service transmissions.
- i. **DEM.** Unit of measure of the power level of an electromagnetic signal expressed in decibels referenced to 1 milliwatt.
- j. **Electromagnetically Able.** The determination that the new signal from and to the proposed new Antennae will not significantly

interfere with the existing signals from and to other Facilities located on the same Tower or structure as determined by a qualified professional telecommunications engineer. The use of available technologies to alleviate such interference shall be considered when making this determination.

- k. **EMF.** Electromagnetic Frequency Radiation.
- l. **Facility Site.** A property, or any part thereof, which is owned or leased by one or more Personal Wireless Service Providers and upon which one or more Personal Wireless Service Facility(s) and required landscaping are located.
- m. **FCC.** Federal Communications Commission. The government agency responsible for regulating telecommunications in the United States.
- n. **FCC 96-326.** A report and order, which sets national standards for emissions of Radio-Frequency emissions from FCC regulated transmitters.
- o. **GHZ.** Gigahertz: One billion hertz.
- p. **Grade of Service.** A measure of the percentage of calls which are able to connect to the Base Station during the busiest hour of the day. Grade of Service is expressed as a number, such as p.05 which means that 95% of callers will connect on their first try. A lower number, (p.04), indicates a better Grade of Service.
- q. **Hertz.** One hertz is the frequency of an electric or magnetic field which reverses polarity once each second or one cycle per second.
- r. **Major Modification of an Existing Facility.** Any change or proposed change in power input or output, number of Antennae, change in Antenna type or model, repositioning of Antenna(e), change in number of Channels per Antenna above the maximum number approved under an existing Special Permit.
- s. **Major Modification of an Existing Tower.** Any increase or proposed increase in dimensions of an existing and permitted Tower or other structure designed to support Personal Wireless Service transmission, receiving, and/or relaying Antennas and/or equipment.
- t. **HZ.** Megahertz: One million hertz.
- u. **Monitoring.** The measurement, by the use of instruments in the field, of radiation from a Site as a whole, or from individual Personal Wireless Service Facilities, Towers, Antennas, or Repeaters.
- v. **Monitoring Protocol.** The testing protocol, initially the Cobbs Protocol, which is to be used to monitor the emissions from existing and new Personal Wireless Service Facilities upon adoption of the Section 13.19. The Commission may, as the technology changes, require by written regulation the use of other testing protocols. A copy of the Monitoring Protocol shall be on file with the Commission.
- w. **Monopole.** A single self-supporting vertical pole with no guy wire anchors, usually consisting of a galvanized or other unpainted metal, or a wooden pole with below grade foundations.

- x. **Personal Wireless Services.** Commercial Mobile Services, unlicensed wireless services, and common carrier wireless exchange access services. These services include: cellular services, personal communications services (PCS), Specialized Mobil Radio Services, and Paging Services.
- y. **Personal Wireless Service Facility.** All equipment (including any Repeaters) with which a Personal Wireless Service Provider broadcasts and receives the radio frequency waves which carry their services and all
- z. **Personal Wireless Service Provider.** An entity licensed by the FCC to provide Personal Wireless Services to individuals or institutions.
- aa. **Radiation Propagation Studies or Radial Plots.** Computer generated estimates of the radiation emanating from Antennae or Repeaters sited on a specific Tower or structure.
- bb. **Repeater.** A small receiver/relay transmitter of not more than 20 watts output designed to provide service to areas which are not able to receive Adequate Coverage directly from a Base Station.
- cc. **Structurally Able.** The determination that a Tower or structure is capable of carrying the load imposed by the proposed new Antennae under all reasonably predictable conditions as determined by professional structural engineering analysis.
- dd. **Teleport.** A facility utilizing satellite dishes of greater than 2.0 meters in diameter designed to up-link to communications satellites for transmitting in the C-BAND (4-6 GHZ) spectrum.
- ee. **Tower.** A lattice structure or framework or Monopole that is free standing or attached to a building or another structure, that is used and designed to support Personal Wireless Service Transmissions, receiving and/or relaying Antennae and/or equipment.

13.20\* **Outdoor Wood-burning Furnaces.** Outdoor wood-burning furnaces (see definition in Section 21.1) are allowed by Special Permit, subject to the following conditions:

- 13.20.1 All applicable Connecticut statutes regarding such furnaces shall be met. The applicant shall submit a signed statement affirming compliance with the state's requirements.
- 13.20.2 The application shall include a sketch plan. A site plan is not required.
- 13.20.3 The furnace shall not be operated between May 1 and September 30.
- 13.20.4 Permits for outdoor wood-burning furnaces shall be issued for periods not to exceed 3 years and may be renewed, without reapplication, if the Commission, upon inspection, finds that the furnace remains in compliance with applicable Connecticut statutes regarding such furnaces.

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\* Addition of Section 13.20: outdoor wood-burning furnaces effective 4/14/07.

## SECTION 14 – SITE PLAN REQUIREMENTS

- 14.1\* **Applicability.** All applications for zoning permits or Special Permits for proposals that will result in new buildings or changes of use from single family residential to any other permitted use or that will change the exterior dimensions of an existing building in any way, shall be accompanied by either a sketch plan or a site plan. The Zoning Commission may require additional copies of the sketch plan or site plan when the proposed use is to be reviewed by other government agencies.
- a. Site plan requirements for Special Permit applications for Telecommunications Antennae, Facilities, and Antenna Towers Including Personal Wireless Service Facilities and Towers are listed in Section 13.19.
- 14.2† **Sketch Plans.** A sketch plan shall be required for all additions to buildings and uses permitted by regular zoning permit, accessory buildings except those to be used as dwelling units or that are permitted by Special Permit, and accessory uses thereto and for all farm buildings or structures. Such plans shall be to scale and on sheet sizes prescribed by the Zoning Enforcement Officer and shall show the following:
- A. Boundaries, dimension, and area of the property.
  - B. Locations of all existing and proposed buildings and uses including but not limited to driveways, parking areas, and abutting streets.
  - C. Dimensions of all yards as required by these Regulations.
  - D. Location and description of water supply and sewage disposal facilities.
  - E.‡ Location and description of all exterior lighting fixtures. (See 12.15)
- 14.3§ **Site Plans.** A site plan shall be required for all new single family dwellings, new commercial buildings and structures, changes of use from single family residential to any other permitted use or that will change the exterior dimensions of an existing building permitted by Special Permit in any way and for any other purposes permitted by Special Permit. Such plans shall be at a scale of at least 1" = 40' and shall be on sheets either 36" X 24", 18" X 12", or 18" X 24" and shall show the following:
- A. Scale, north arrow, date of drawing or its revision, and name of person preparing the site plan.
  - B. Address of property and name of owner of record.
  - C. Property boundaries, dimension, and area.
  - D. Locations of all existing and proposed buildings and uses, including but not limited to sidewalks, curbing, driveways, parking and loading areas, and abutting streets; poles, hydrants, and other utility appurtenances; areas to be used for exterior storage, and the type of screening to be provided.
  - E. Dimensions of all yards, as required by these Regulations.
  - F. Locations and descriptions of water supply and sewage disposal facilities.

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\* Revision Section 14.1.a effective 1/15/98

† Revision of Section 14.2 to clarify proposed uses for which a sketch plan is required effective 7/18/16

‡ Addition of Section 14.2.3 re: exterior lighting fixtures effective 4/14/07.

§ Revision of Section 14.3 to clarify proposed uses for which a site plan is required effective 7/18/16

- G. Contour lines at intervals sufficiently clear to show natural drainage. If grading is proposed, the existing and proposed contours will be shown.
- H. Existing and proposed drainage structures on the property and those off the property that may be affected by the proposed building or use.
- I. Proposed landscaping, including the type, size, and location of proposed plantings.
- J. The disturbance of any area exceeding one half acre shall require a Sedimentation and Erosion Control Plan to conform to Connecticut General Statutes, Section 22a-325 to 329 inclusive, and Chapter 124, Section 8-2 of the Connecticut General Statutes, and showing the following:
  - 1. Existing and proposed boundary and lot lines, with dimensions given in feet and areas given in square feet. Existing and proposed easements and right of way for public utilities and other public uses with dimensions given in feet.
  - 2. Location of all wetlands and watercourses on the property and within sufficient distance beyond the property line and the extent of proposed changes in their configurations.
  - 3. Location of proposed activities.
  - 4. Elevation at two-foot contour intervals. If deposition, removal, or grading of material is proposed, resulting elevations shall be shown by two-foot contour intervals.
  - 5. Identification of wetland soils, including locations of any soil borings or test holes. Soil types shall be identified in accordance with categories established by the National Cooperative Soil Survey of the United States Department of Agriculture, Soil Conservation Service.
  - 6. A general delineation of the vegetative cover of any regulated area.
  - 7. Bodies of water and high water level for all inundated areas.
  - 8. All drainage appurtenances existing and proposed together with erosion control measures or temporary or permanent soil erosion control measures to be constructed in connection with, or as part of, the proposed work.
  - 9. If approved, the Soil Erosion and Sediment Control Plan will be certified by the Washington Zoning Commission. Inspection and enforcement will be the responsibility of the Washington Building Inspector acting as the agent of the Commission.
- K. Location, type, and size of any proposed signs.
- L.\* Location and description of all exterior lighting fixtures. (See 12.15)

14.4 **Site Plan Changes.** If any modifications to the sketch plan or the site plan are made during the application process prior to the application's approval, two corrected copies shall be presented to the Commission or to the Zoning Enforcement Officer for review prior to the approval of the application.

14.5 **Waiver of Requirements.** The Commission may, upon written request by the applicant, waive one or more of the site plan requirements if the applicant can show, to the satisfaction of the Commission, that the information is not needed to reach a

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\* Addition of Section 14.3.1 re: exterior lighting fixtures effective 4/14/07.

decision on the application. Such waiver shall require an affirmative vote of the Commission.

**14.6 Preliminary Discussion and Site Plan Review.** The Commission may recommend that, prior to the submission of an official application for approval of a site plan, the applicant prepare and present a preliminary site plan for informal consideration by the Commission. The preparation of the preliminary plan is recommended to facilitate general consideration of factors and problems associated with said site plan before the applicant proceeds with the official application and preparation of final maps, plans, and documents required for formal consideration by the Commission. If the site plan is presented in preliminary rather than in final form, any alterations or changes recommended by the Commission may be made more readily and economically by the applicant. Neither the preliminary site plan nor the informal consideration by the Commission, however, shall be deemed to constitute any portion of the official and formal procedure of applying for and approving a site plan as contemplated herein or under the provisions of the General Statutes of the State of Connecticut.

**14.7\* Site Plan Design Standards.** In an endeavor to ensure that structures and uses of land are arranged in a manner that satisfies all the requirements of these Regulations, the Commission may inspect and shall approve all site plans prior to the issuance of a zoning permit. The criteria for approval, in addition to the satisfaction of all other requirements of these Regulations, are as follows:

**14.7.1 Street Improvement.** The street providing access to the lot shall be suitably improved and have the capacity to accommodate the traffic generated by the proposed use and development. If necessary, proper provision shall be made for grading and improvement to the lot frontage on an existing street. Where necessary, provision shall also be made for future extension of streets and improvements.

**14.7.2 Driveway.** A Zoning application or Special Permit application, which involves the installation of a driveway, must meet the following conditions:

- A. All driveways shall be located in such a manner as to safeguard against hazards to traffic and pedestrians in the street and on the lot and to avoid traffic congestion on any street.
- B.<sup>†</sup> A residential driveway shall not exceed 15 percent in grade at any point along its length nor shall the driveway exceed 20 feet in width.
- C.<sup>‡</sup> A nonresidential driveway shall not exceed 10 percent in grade at any point along its length nor shall the driveway exceed 30 feet in width.
- D. Approval by the Selectmen's Office or the State Department of Transportation shall be required for any proposed driveway construction or reconstruction within 50 feet of the intersection of the driveway with the street.

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\* Deletion Section 14.7.1, access, effective 6/20/99; revision to Section 14.7.2.a, driveway safety, effective 6/20/99; revision to Section 14.7.3 effective 2/18/97; revision Section 14.7.5, delete "off street," effective 6/20/99; revision Section 14.7.10 delete "street line," effective 6/20/99

<sup>†</sup> Maximum width for residential driveways added 5/1/14

<sup>‡</sup> Maximum width for nonresidential driveways added 5/1/14

No driveway shall be constructed with a grade greater than 10%, either ascending or descending within 20 feet of the intersection of the driveway with the street or highway.

- 14.7.3 **Parking and Loading.** Parking and loading shall be as provided for under Section 15 of these Regulations.
- 14.7.4 **Signs.** Signs shall be as provided for under Section 16 of these Regulations.
- 14.7.5 **Drainage.** Provision shall be made for collection and discharge of storm water on the lot to prevent flooding of parking lots and loading spaces, to avoid hazards and traffic, and to protect streams and wetlands from pollution. Provision shall also be made for protection or improvement of existing watercourses and other drainage systems in accordance with best design criteria under best engineering practice and, if necessary, as approved by the Inland Wetlands Commission.
- 14.7.6 **Erosion and Sedimentation and Runoff Control.** Design and construction including related streets, drainage, and other improvements shall be executed in a manner so that such improvements will not cause erosion to, flooding, or sediment deposits on the property being developed or on surrounding properties, wetlands, or watercourses. Runoff water shall be properly channeled into storm drains, watercourses, ponding areas, or other habitable facility. Measures used to control erosion, sedimentation, and runoff shall meet the minimum standards and following procedures and criteria as established by the "Connecticut Guidelines for Soil Erosion and Sediment Control," May 2002 and the "2004 Connecticut Stormwater Quality Manual." In addition, the following general standards shall apply:
  - A. An absolute minimum of existing vegetative cover shall be disturbed during the construction period.
  - B. All disturbed areas shall be properly graded and shaped as soon as possible. Final grading shall include removal of all large rocks, stumps, debris, and all other deleterious materials from the finished surface. Permanent vegetative cover shall be established as soon as practicable upon achievement of the final grade.
  - C. Cut and fill slopes shall not be steeper than 2:1 unless stabilized by a retaining wall or cribbing, except as approved by the Commission when handled under special conditions.
  - D. At the toe of all cut and fill slopes in excess of 10 feet in height, bailed hay or straw erosion checks shall be installed.
  - E. All disturbed areas shall be protected from potentially erosive runoff from up slope areas by means of diversion, benches, or other acceptable means.
  - F. Cuts and fills shall not endanger adjoining property.
  - G. Fill shall be placed and compacted so as to minimize sliding or erosion of soil.
  - H. Fill shall not encroach on natural watercourses or constructed channels.
  - I. Grading shall not be done in such a way as to divert water onto the

property of another landowner without the express consent of that landowner and the approval of the Commission and the Inland Wetlands and Conservation Commission.

- J. Necessary measures for dust control shall be exercised during grading operations.
- K. Measures shall be taken to minimize any increase of direct runoff resulting from construction or development.
- L. All drainage systems shall give extensive consideration to achieving hydraulic stability, i.e. the peak runoff after development should be equal to or less than the peak runoff before development, for a 50-year storm. Retention facilities shall be designed in accordance with the standards and procedures established by the USDA Soil Conservation Service.
- M. When grassed waterways are installed in lieu of pipe, they shall be protected against erosion by the use of mulch materials, hay bale erosion checks, and/or log and hay check dams placed at appropriate intervals. Waterways shall be properly designed and calculations showing the method of arriving at size, slope, and embankment protection shall be submitted.
- N. Grading equipment will not be allowed to cross streams except by means of bridges and culverts or other methods as approved by the Commission.
- O. Sediment basins (debris basins, desilting basins, or silt traps) should be installed and maintained to remove sediment from runoff waters and from land undergoing development.

14.7.8 **Wetlands.** Provision shall be made for protection of wetlands as required under Public Act 155 as amended and the “Town of Washington Inland Wetlands and Watercourses Regulations” as administered by the Washington Inland Wetlands Commission.

14.7.9 **Water and Sewer.** Proper provision shall be made for the water supply and sewage disposal requirements for the proposed development and use. Systems shall be designed and constructed in accordance with procedures set forth in applicable state laws and local ordinances. The design and construction shall be approved by the Town Health Department prior to action on any Zoning application by the Zoning Commission.

14.7.10\* **Outside Storage.** Outside storage such as storage of merchandise, goods, supplies, machinery, motor vehicles, and equipment shall not extend into the area required for setback from a property line nor into the area required for a landscape buffer. If provision is made for the collection, storage, and/or disposal of accumulated solid wastes resulting from the proposed development and use and/or for control of litter by means of receptacles, fences, or other means approved by the Commission, these shall be indicated on the site plan.

14.7.11 **Fire Ponds.** Proper provision shall be made for fire protection where

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\* Revision to Section 14.7.10 to include outside storage site plan requirements effective 7/18/16



deemed necessary by the Commission and any Fire Pond Plan of the Town Fire Department. A fire pond site shall be located based upon the following criteria:

- A. Closest location in relation to proposed development and use and for control of litter by means of receptacles, fences, or other means approved by the Commission.
- B. On poorly and very poorly drained soil areas within approximately 175 feet of paved roads.
- C. Elevation must be such that pumping is possible out of a hydrant.
- D. Topography should be such that pumping is possible out of a dry hydrant.
- E. The site should be such that the pond can provide a minimum of 60,000 gallons available storage with an adequate and reliable recharge.

The design and construction of a fire pond shall be completed in reference to Fire Hydrant (non- pressure) Detail and Design Sheet (U.S.D.A. Soil Conservation Service and the Litchfield County Conservation District and the Town of Washington Fire Department.

- 14.7.12 **Planting Plan.** Where deemed necessary by the Commission, a planting plan with plant list and sizes shall be provided as a part of the site plan.
- 14.7.13 **Existing Topography and Natural Features.** Existing topography shall be disturbed to a minimum. Trees, stone walls, and any unique or fragile features shall be preserved.
- 14.17.14 **All Public Improvements.** All required public improvements shall conform to Town Ordinance #1104, "Town of Washington, Connecticut Road Construction Specification Ordinance," Inland Wetlands and Watercourses Regulations of the Town of Washington, Connecticut, and the "Subdivision Regulations of the Town of Washington."

## SECTION 15 - PARKING REQUIREMENTS\*

**15.1 General Requirements.** Parking facilities, which are sufficient to accommodate the motor vehicles of occupants, employees, customers, and other persons normally visiting the premises shall be provided on the property. Parking facilities shall be designed to accommodate normal usage, not maximum possible usage during unusual circumstances, unless modified by the Commission pursuant to Section 15.3. Each parking space shall be rectangular and shall measure at least 9 feet by 18 feet. A designated compact car parking space shall measure at least 8 feet by 15 feet and shall be labeled for compact cars on site. Up to 30 percent of parking spaces may be designated for compact cars. In addition, adequate maneuvering space shall be provided for all parking spaces and facilities.

**15.2<sup>†</sup> Number of Parking Spaces.** Parking spaces shall be provided as follows:

Use	Maximum	Minimum
Theater, place of worship, or auditorium (other than school auditorium)	1 space per 3 seats	1 space per 5 seats
School	1 space per 3 seats in the auditorium	1 space per 5 seats in the auditorium
Inn, bed and breakfast, boarding house, rooming house, or tourist house,	1.2 spaces per guest bedroom	1 space per guest bedroom
Eating and drinking establishment	11 spaces per 1,000 square feet of gross floor area	6 spaces per 1,000 square feet of gross floor area
Club, dance hall, or social organization	4 spaces per 1,000 square feet of gross floor area	3 spaces per 1,000 square feet of gross floor area
Retail business	3 spaces per 1,000 square feet of gross floor area	1 space per 1,000 square feet of gross floor area
Office or medical facility	5 spaces per 1,000 square feet of gross floor area	2 spaces per 1,000 square feet of gross floor area
Convalescent home	3 spaces per 1,000 square feet of gross floor area	2 spaces per 1,000 square feet of gross floor area
Museum or library	2 spaces per 1,000 square feet of gross floor area	1 space per 1,000 square feet of gross floor area
Industry or research laboratory	2 spaces per 1,000 square feet of gross floor area	1 space per 1,000 square feet of gross floor area
Personal Services	3 spaces per 1,000 square feet of gross floor area	2 spaces per 1,000 square feet of gross floor area
Multi-family Residence	1 space per bedroom	1 space per dwelling unit
Farm Stands	Adequate off-street parking	Adequate off-street parking

\* Entire Section 15 revised 8/16/06

<sup>†</sup> Revision to 15.1, add “on the property”, effective 6/20/99; revision to 15.2.2, delete “roadside produce”, effective 6/20/99

### 15.3 **Other Considerations.**

- 15.3.1 The Commission may, upon review of a site plan and other information supplied by the applicant, reduce any of these requirements if adequate public parking facilities exist within 600 feet of the use, or if the applicant demonstrates to the Commission's satisfaction that the use can be served adequately by fewer parking spaces, or if the Commission determines on its own that the use can be served adequately by fewer parking spaces, or if a similar use in the same area has historically been served adequately by a comparable number of spaces. If the proposed project is to be served, in whole or in part, by parking facilities owned by the Town of Washington, the applicant must provide a letter from the Board of Selectmen granting permission.
- 15.3.2 The Commission may increase any of these requirements if the applicant demonstrates to the Commission's satisfaction that the use could not be served adequately by the maximum number of parking spaces allowed in Section 15.2, or if the Commission determines, upon review of a site plan, traffic study, or other information, that the use could not be served adequately by the maximum number of parking spaces allowed in Section 15.2.
- 15.3.3 For uses not listed in 15.2, the minimum and maximum numbers of parking spaces shall be those of the most similar use listed in 15.2, as determined by the Commission.

15.4 **Visual Screening of Parking Facilities.** In the B-1, B-2, B-3, and B-4 Districts, whenever doing so is reasonable, parking facilities shall be situated behind buildings rather than in front of them, to screen parked vehicles from public view. If parking facilities cannot reasonably be situated behind buildings, they shall be situated along the sides of buildings whenever doing so is reasonable. If neither option is reasonable, the Commission may require that they be screened by other means.

15.5 **Shared Parking.** The Commission encourages the sharing of parking facilities by different structures or uses in the B-1, B-2, B-3, and B-4 Districts. At the applicant's request, the Commission may approve shared parking facilities, subject to the following provisions:

- 15.5.1 A written agreement has been executed by all the parties which assures the perpetual joint use of such common parking, and the agreement is acceptable to the Commission and its legal counsel.
- 15.5.2 Parking spaces to be shared are not reserved for the exclusive use of individuals or groups.
- 15.5.3 Uses sharing a parking facility shall provide for safe, convenient walking between uses and parking.
- 15.5.4 If the shared parking agreement is discontinued, at least one of the parties must immediately notify the Zoning Enforcement Official in writing. Within 60 days of that notice, the parties to the discontinued agreement must propose a remedy satisfactory to the Commission. If a satisfactory remedy is not proposed, the Commission may require the parties to

construct additional parking facilities or to modify the current uses to reduce the need for parking.

- 15.6 **Reduction in Parking Space Requirements for Shared Parking.** Where shared parking is approved by the Commission, the Commission may, at the applicant's request, allow the following reductions in parking space requirements:
- 15.6.1 A reduction of up to 30 percent of the total parking spaces otherwise required for the uses covered by the shared parking agreement if the uses operate during the same time of day and the same days of the week.
  - 15.6.2 A reduction of up to 75 percent of the parking spaces otherwise required for theaters, public auditoriums, and other uses that operate predominantly in the evening if the parking spaces are to be shared with banks, offices, or other uses that operate predominantly during the daytime.
  - 15.6.3 A reduction of up to 75 percent of the parking spaces required for churches and other uses that operate predominantly during the weekend if the parking spaces are to be shared with medical offices, banks, or other uses that operate predominantly on weekdays.
- 15.7 **Loading.** Provision shall be made for the safe loading and unloading of all trucks. The Commission shall judge the adequacy of proposed loading provisions by considering, among other factors, expected volume, building use, and relation to streets and access highways.

## SECTION 16 - SIGNS

- 16.1\* **Permits and Tenure.**
- 16.1.1 No sign shall be established, constructed, reconstructed, enlarged, extended, moved, or structurally altered except in conformity with these Regulations and until a sign permit, if required by this section, has been issued. Any sign not expressly permitted is prohibited.
  - 16.1.2 All signs larger than 2 square feet, except those shown on a site plan of a use approved by the Commission, shall require approval of the Zoning Commission or Zoning Enforcement Officer and shall meet all requirements of the Building Code and these Regulations. Applications for permits shall be made on forms available in the Land Use Office.
  - 16.1.3 Failure to maintain signs shall be considered a violation of these Regulations.
  - 16.1.4 Upon discontinuance of a use, it shall be the responsibility of the property owner to eliminate all signs pertaining to the use within 30 days after such discontinuance.
  - 16.1.5 A Certificate of Appropriateness must be secured from the Historic District Commission for the erection of any sign to be placed with any historic district.
- 16.2 **Measurement of Sign Area.** The area of a sign shall be considered to be that of the smallest rectangle or triangle which encompasses all lettering, wording, design, or other symbols together with any background different from the balance of the wall on which it is located, if such background is designed as an integral part of and obviously related to the sign. The supports that affix a sign to the ground or to a building shall not be obviously designed to be part of the sign as defined in these Regulations.
- 16.3† **General Requirements.** The following regulations apply to signs in all districts:
- 16.3.1 No sign or its illuminator shall, because of its size, shape, or method of illumination, be permitted to confuse or obstruct the view or effectiveness of any traffic sign or signal or in any way result in a hazard to the safe and efficient flow of vehicular traffic.
  - 16.3.2 No sign shall advertise a product, service, or activity other than that which is produced, provided, or conducted on the premises, with the following exception:
    - No more than two temporary directional signs shall be permitted off the premises, provided that each sign does not exceed 4 square feet in area and are not displayed on the same lot or elsewhere in Town for more than 30 consecutive days or for a total of 60 days in any one 12-month period.

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\* Revision of Section 16.1: introductory paragraph deleted and 16.1.1 – 16.1.5 added re: general sign requirements effective 7/18/16

† Revision: 16.3.5 effective 2/18/97; revision 16.3.10, add “street or driveway”, effective 6/20/9

- 16.3.3 No sign shall be equipped with flashing lights or moving parts.
- 16.3.4\* The lamp (bulb) or other light source of an illuminated sign shall be shielded and positioned so as not to be visible beyond the premises or on any right of way. Any fixture illuminating a sign must be installed at the top of the sign and directed downward, toward the surface of the sign. Signs may not be illuminated by fixtures installed anywhere except on the signs themselves. No sign may be illuminated after 11:00 p.m. or more than thirty minutes after the closing of the business served, whichever is later.
- 16.3.5 The light source of an illuminated sign shall be shaded so as not to be viewed from off the premises.
- 16.3.6 No sign may be back lit or internally illuminated, including no back lit or internally illuminated vending machines.
- 16.3.7 No part of any sign shall project more than 12 feet above the ground surface.
- 16.3.8 Temporary signs larger than or in addition to those permitted by these Regulations may be permitted for one month, provided they meet the other requirements of these Regulations and a permit is obtained from the Zoning Enforcement Officer. An extension of time may be permitted on request for an additional month.
- 16.3.9† Nothing in these Regulations shall prohibit the State of Connecticut or the Town of Washington from erecting signs intended for the health, safety, and welfare of the public or to comply with state statutes. Temporary signs by public utilities for traffic control shall be allowed without permits.‡
- 16.3.10 Political signs, tag sale signs, and signs advertising fund raising events for non profit organizations such as churches, schools, libraries, Scouts, the Grange, the Fire Department, etc. shall be permitted without a Zoning permit for a 2-week period. If this type of temporary sign is to be posted for longer than 2 weeks, or the non profit organization is not based in the Town of Washington, a Zoning permit must be obtained from the Zoning Enforcement Officer. All temporary signs must be set back 10 feet from all side property lines, may be posted only if permission is obtained from the property owner, must not interfere with street or driveway sight lines, and must be removed immediately following the date of the event advertised.
- 16.3.11\*\* In any district up to two unlit off the premises directional signs may be permitted by Special Permit for an approved Town Landmark Site per Section 13.17 of the Zoning Regulations if the following criteria are met:
- A. Permanent off the premises signs are permitted only for Town Landmark Sites that are not on a main highway and/or do not have frontage.
  - B. Only one permanent off the premises directional sign is permitted per

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\* Addition of Section 16.3.4 (and renumbering of following sections) re: requirements for illuminated signs effective 4/14/07.

† Section 16.3.9 was moved to Section 16.5.6 and the following sections renumbered effective 7/18/16

‡ Section 16.3.9 revised to add provision re: public utility traffic control signs effective 7/18/16

\*\* Section 16.3.11 effective 9/12/17

Town Landmark Site except that no more than two may be permitted at the discretion of the Commission in the case of a road that has two outlets on a major highway.

- C. No such sign shall be larger than 2 square feet.
- D. Applications must include the written permission of the property owner, and in the case where the sign would be located on state or town land, from the state DOT or First Selectman.
- E. Applications shall include a sketch plan drawn to scale so that it can be ascertained the proposed sign will cause no sight line interference.
- F. Permanent off the premises directional signs on one property shall share a common post whenever possible.

**16.4\* Residential District Signs.**<sup>†</sup> Unlighted signs in residential districts are permitted as follows (Permit Required):

- 16.4.1<sup>‡</sup> In any residential district, any of the following Special Permit uses may have one permanent sign, not to exceed 4 square feet in area, for the purpose of identification:
  - A. Public Dump, Sanitary Landfill, or other Facility operated or controlled by the Town of Washington for the disposal of sewage, garbage, and waste materials
  - B. Inn
  - C. Cemetery
  - D. Convalescent Home
  - E. Buildings, Uses, and Facilities of the Town of Washington
  - F.<sup>§</sup> Church, School, Library, Museum, Club
  - G. Town Landmark Site
- 16.4.2 In any residential district, any other lot may have one permanent sign, not to exceed 2 square feet in area, as long as that sign does not promote a business use. (No permit required)<sup>\*\*</sup>
- 16.4.3 In any residential district, any lot may have one temporary sign advertising the services of a contractor, builder, painter, or other artisan working on the premises for the duration of the project. Also, one temporary sign may advertise the offering of the premises for sale or lease. Such signs may not exceed 4 square feet in area and must be set back at least 10 feet from any side property line. Upon the completion of work all such signs shall be removed from the premises.

**16.5<sup>††</sup> Business District Signs.** The following signs are permitted in non-residential

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\* Revision 16.4.1, restriction permanent signs, effective 6/20/99

\* Revision of entire 16.4 to permit certain business and institutional signs in residential districts effective: 4/20/09

†† Section 16.4 revised to add “unlighted” effective 7/18/16

‡ Revision of Section 16.4.1: Deletion of Farm and Farm Stand because they are not special permit uses effective 7/18/16

§ Revision of Section 16.4.1.F: Deletion of Parish House effective 7/18/16025

\*\* Revision to Section 16.4.2: Addition: No permit required effective 7/18/16

†† Revision 16.5.1, delete “road right of way”, effective 6/20/99; revision 16.5.6.a, street, effective 6/20/99; Revision 16.5.6.g, add off the premises signs for Washington businesses only, effective 6/20/99

districts:

- 16.5.1 No sign shall be closer than 10 feet from any side property line.\*
- 16.5.2 No permanent free standing sign shall exceed 16 square feet in size, although it may be double faced.
- 16.5.3 The aggregate area of all permanent signs on a wall or attached to a building shall not exceed 2 square feet for every linear foot of the front wall of the principal building.
- 16.5.4<sup>†</sup> Each non-residential business shall have not more than one permanent sign, except that 2 signs are permitted where the total combined area does not exceed the limits described in Sections 16.5.2 and 16.5.3 above. One additional portable sign may be used during business hours.
- 16.5.5 In any commercial or business complex or building containing 2 or more businesses, each individual business may have a permanent sign, not exceeding 12 square feet in size attached to or projecting from the building, provided that such signs do not project more than 8 feet from the building. In addition, a commercial or business complex may have a permanent directory sign not more than 8 feet wide, consisting of one sign no more than 2 feet high identifying the complex and individual signs no more than one-foot-high identifying the individual businesses.
- 16.5.6<sup>‡</sup> Signs temporarily attached or temporarily painted on a door, window, or wall announcing sales or special features are permitted in addition to the restrictions of Section 16.3.6 above, provided they do not exceed 25% of the area of said door, window, or wall. Temporary signs shall be removed immediately after the termination of such sale or special feature and shall be permitted for a period of not over 30 days.
- 16.5.7<sup>§</sup> **Permanent Unlighted Off the Premises Directional Signs.** These signs may be permitted in the B-1, B-2, B-3, and B-4 business districts by Special Permit only and must also meet the following criteria:
  - A. Permanent off the premises directional signs are permitted only for commercial businesses that are not on a main highway and/or do not have street frontage.
  - B. Only one permanent off the premises directional sign is permitted per business except that no more than two may be permitted at the discretion of the Commission in the case of a road that has two outlets on a major highway.
  - C. No such sign shall be larger than two (2) square feet.
  - D. Applications must include the written permission of the property owner, and in the case where the sign would be located on state or Town land, from the DOT or First Selectman.
  - E. Applications must include a sketch plan drawn to scale so that it can be ascertained the proposed sign will cause no traffic problems.

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\* Insertion of word "side" effective 6/16/08.

<sup>†</sup> Section 16.5.4 revised: Addition of one portable sign permitted effective 7/18/16

<sup>‡</sup> Section 16.5.6: Section 16.3.9 was moved here and following sections renumbered effective 7/18/16

<sup>§</sup> Section 16.5.7 revision: Addition of "Unlighted" effective 7/18/16



- F. Permanent off the premises directional signs on one property shall share a common post whenever feasible.
- G. Off the premises directional signs shall be permitted for businesses within the Town of Washington only.

- 16.5.8\* **Portable Signs.** Sandwich board signs, flag signs, and similar unlighted portable signs are allowed in all business districts and shall meet the following criteria. (No permit required)
- A. One portable sign is permitted for each business permit regardless of the activities permitted at that site.
  - B. No portable sign may be wider than 30 inches or taller than 45 inches, but may be two sided. A flag used as a sign may be 3 feet wide and 5 feet long on a mast not to exceed 8 feet in length.
  - C. No portable sign shall advertise a product, service, or activity other than that which is produced, provided, or conducted on the premises.
  - D. No portable sign shall, due to its size, shape, or location, be permitted to confuse, obstruct, endanger, or otherwise hinder the flow of vehicular or pedestrian traffic.
  - E. A portable sign shall be displayed only during the open business hours of the permitted business and must be removed daily when the business is closed.
  - F. A portable sign shall be displayed only on the property of the permitted business, shall not be located in the Town or State right of way, and shall not be located closer than 10 feet from any side boundary line.

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\* New Section re: portable signs added effective 7/18/16

## SECTION 17 - NONCONFORMING LOTS, LAND, STRUCTURES, AND USES\*

- 17.1 **Intent.** Within the districts established by these Regulations, there exist lots and structures that were lawful before the Regulations as currently amended were passed, but because of their dimensions or location, such lots and structures would be prohibited, regulated, or restricted under the terms of these Regulations. It is the intent of these Regulations to permit such lots and structures (i.e. “nonconforming” lots and structures) to continue until they are removed. It is further the intent of these Regulations that the nonconforming aspects of such lots and structures shall not be enlarged, expanded, or extended, nor be used as grounds for adding other structures prohibited elsewhere in the same district except as may otherwise be specifically allowed in this Section 17. Nothing in this Section is intended to limit the ability to replace or repair a nonconforming structure pursuant to Sections 17.8 and 17.9.

Similarly, within the districts established by these Regulations, there also exist certain uses of land or structures, which uses were lawful before the current Regulations were passed but which would be prohibited, regulated, or restricted under the present terms of these Regulations. Such uses (i.e. “nonconforming” uses) are declared by these Regulations to be compatible with permitted uses in their respective districts. A nonconforming use of a structure or lot shall not be extended, expanded, or enlarged, nor be used as grounds for adding other uses prohibited in the relevant district.

- 17.2 **Nonconforming Lots.** In any district in which single family dwellings are permitted, a single family dwelling and customary accessory structures may be erected on any nonconforming lot, provided (1) that the lot was separately described in a document filed in the Land Records, or shown on a subdivision map approved by the Planning Commission at the time these Regulations were adopted or amended in such a way as to cause the lot to become nonconforming; and (2) since the time such lot became nonconforming, it has continuously been in separate ownership from all contiguous lots. This provision shall apply even though such lot fails to meet the requirements for area, or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to the area and width, or both, of the lot shall conform to the Regulations for the district in which such lot is located.

If at or after the time a lot became nonconforming, it was contiguous to one or more lots under the same ownership, the contiguous lots involved shall be considered to be an undivided parcel for the purposes of these Regulations, and no division of such parcel may be made unless the division results in contiguous lots that each comply with the lot dimension requirements established by these Regulations, nor shall any division of any parcel be made, which creates a lot with width or area below the requirements stated in these Regulations.

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\* Revision Section 17; deletion of language not in compliance with Section 8-2 of the Ct. General Statutes, renumbering as required, clarification of terms, effective 11/18/02. Also: effective 9/12/17: update and revision of entire Section 17.

- 17.3 **Nonconforming Uses of Lots.** A nonconforming use that was lawfully established may be continued so long as it remains otherwise lawful, provided:
- A. Except as may be provided under Section 17.10, no such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of the lot than was occupied at the time such use became nonconforming under these Regulations.
  - B. No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the time such use became nonconforming under these Regulations.
  - C. No structure not conforming to the requirements of these Regulations shall be erected in connection with such nonconforming use of the lot.
- 17.4\* **Nonconforming Structures.** The Town of Washington was incorporated 160 years before the adoption of its Zoning Regulations. It therefore contains many lawfully nonconforming structures, including some of the oldest and most historic structures in Town. It is the intention of the Regulations to allow such structures to continue to be used. It is further the intention of these Regulations to help preserve the historic integrity of the Town and to promote diverse housing opportunities for all income levels by allowing such structures to be modified, in limited situations, to maintain their viability for reasonable use under modern conditions. Therefore, a lawfully constructed, but currently nonconforming, structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
- A. Except as may be specifically allowed under Section 17.5 of these Regulations, no such nonconforming structure may be enlarged, extended, or otherwise altered in such a way as to increase the area, volume, or percentage of the structure that is nonconforming or to create, increase, enlarge, or extend any other nonconformity as to the structure or the lot. This prohibition includes, but is not limited to, any horizontal or vertical extension or expansion of a structure within a required setback area. Any structure or portion thereof may be altered to decrease the nonconforming area or volume of the structure.
  - B. Should such structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- 17.5† **Special Exceptions for Nonconforming Structures.**
- A. The Zoning Board of Appeals may, after holding a public hearing, grant a Special Exception to permit a nonconforming single family dwelling, accessory apartment, or a nonconforming building that the Board determines to be both (i) historically or culturally significant and (ii) accessory to a principal farming or single family dwelling use, to be enlarged or modified in a way that would otherwise
    - 1. ‡ Not be permitted per Section 11.6 of the Regulations regarding setbacks, or
    - 2. Not be permitted under Section 12.1.1 of the Regulations regarding wetland and watercourse setbacks, provided the Inland Wetlands Commission has

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\* Revision of Section 17.4 and 17.4.a: Add intent to 17.4 and references to increase in volume, area, and/or percentage of structure that is nonconforming in 17.4.a, effective 5/15/03

† Addition Section 17.5; Special Exceptions, effective 2/23/04

‡ Revision of Section 17.5.a.1 re: Special Exceptions for Section 12.1.1 effective 11/16/09

already approved a permit for the enlargement or modification, or

3. Cause total lot coverage to exceed, by an amount no greater than five percent (5%) of the area of the lot, the maximum lot coverage permitted under Section 11.5 of the Regulations. (Example: If Section 11.5 restricted lot coverage to 10% for a particular lot, a Special Exception could be issued to allow lot coverage of up to 15% for that lot, provided all other conditions and standards of this Section 17.5 were met.)  
In all cases cited above, it shall be the applicant's responsibility to provide the Zoning Board of Appeals with sufficient evidence to determine that the nonconforming aspects of the structure were built or established in conformance with all legal requirements that existed at the relevant time.
- B. The standards to be considered by the Zoning Board of Appeals in determining whether to grant, with or without conditions, or to deny a Special Exception shall be the same as those enumerated for Special Permits in Section 13.1.B of these Regulations, as well as the additional standards set forth in Section 17.5.C.
- C. The Zoning Board of Appeals may not grant a Special Exception pursuant to this Section 17.5 unless it makes a written determination, citing specific evidence in the record that all of the following conditions have been met:
  1. Granting the Special Exception with such conditions and modifications as the Board may require, will conform to the standards of Section 13.1.B.
  2. Granting the Special Exception will further one or both of the following public policy goals embodied in these Regulations and the Plan of Conservation and Development: a) promoting housing choice and economic diversity in housing for low and moderate income households in accordance with Section 8-2 of the Connecticut General Statutes, or b) supporting the continued use of a single family dwelling or the continued use of an accessory building with historical or cultural significance.
  3. If a building the Board determines to have historical or cultural significance is situated outside any defined historic district, granting the Special Exception will conform to the provisions of Section 13.17.3.
  4. The enlargement or modification is reasonable in scope, location, appearance, and extent, with special consideration being given to the size, location, architectural style, and appearance of buildings and other structures in the vicinity; the intensity of the proposed enlargement or modification in relation to the size of the lot and the nature and character of nearby uses; and the proximity to and potential impact on nearby uses.
- D. The Zoning Board of Appeals may deny any application for a Special Exception if it finds that any of the applicable standards of these Regulations would not be met, or it may grant an application with conditions that it finds necessary or appropriate to achieve compliance with those standards, including, but not limited to, requiring reduction to the scope and scale of any proposed enlargement or extension.
- E. The Zoning Board of Appeals or the Zoning Enforcement Officer may require the applicant to include, as part of the application for a Special Exception, an A-2 survey with lot coverage calculations and setback dimensions.
- F. In processing any application for a Special Exception, the Zoning Board of

Appeals shall employ the same procedures, including holding a public hearing and providing legal notices, as the Board would employ in considering a variance pursuant to Section 18 of these Regulations, as well as any additional procedures that may be required by state law.

- 17.6\* **Effective Date for Special Exceptions.** Any Special Exception approved by the Zoning Board of Appeals under Section 17.5 of these Regulations must be filed by the applicant on the Town Land Records to become effective.
- 17.7 **Nonconforming Uses or Land.** A lawfully established nonconforming use of one or more structures, or land, or of any combination thereof, may be continued so long as the use remains otherwise lawful, subject to the following provisions:
- A. No existing structure devoted to a use not permitted by these Regulations in the district in which it is located shall be enlarged, extended, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
  - B. Any nonconforming use may be extended throughout any parts of a structure that were manifestly arranged or designed for such use at the time such use became nonconforming, but no such use shall be extended to occupy any additional land outside such structure.
  - C. Whenever any such nonconforming use is superseded by a permitted use or otherwise abandoned, such nonconforming use may not thereafter be resumed.
- 17.8 **Repairs and Maintenance.** On any nonconforming structure or portion of a structure containing a nonconforming use, repairs and maintenance may be done provided that the nonconforming aspects of the structure (e.g., setbacks from lot lines, height), as well as the cubic content of the nonconforming portions of the structure shall not be increased. Nothing in these Regulations shall be deemed to prohibit any modifications that are determined, in connection with an order issued by any official charged with protecting the public safety to be necessary to strengthen or restore to a safe condition any structure or part thereof. Any nonconforming structure that has been damaged by fire, explosion, or act of nature may be repaired, rebuilt, or replaced within two years of such damage, provided that such repairs, rebuilding, or replacement does not extend nor expand any nonconforming aspect of the affected building.
- A. **Expiration.** All zoning permits issued under this Section 17.8 shall expire two years from date of issuance. The Zoning Enforcement Officer may grant one or more extensions of time to complete the replacement of the nonconforming structure, but the sum total of all extensions shall not exceed two additional years. Replacement shall not be considered complete unless and until an as-built survey of the replacement structure is filed with the Land Use Office.

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\*\* Section 17.6 re: effective date for variances and special permits added and following sections renumbered effective 7/18/16

17.9\* **Replacement of a Nonconforming Structure.** Under the circumstances described in this Section 17.9, the Commission may grant a Special Permit for the full reconstruction of a nonconforming structure.

A. Application.

1. An application for a Special Permit to replace a nonconforming structure or to replace any nonconforming portion of a nonconforming structure must be filed before the existing structure or portion of the structure is removed or demolished. All applications shall be filed in accordance with Section 13 of these Regulations and shall also include an as-built survey of the existing structure to be removed or demolished, as well as a Site Plan for the property and exterior dimensions of the proposed new structure. In addition to the Standards set forth below, all other provisions of Section 13 shall apply.
2. The application shall also be accompanied by proof that the nonconforming aspects of the existing structure are lawful (i.e., that they were lawful at the time the structure or the nonconforming aspects of the structure were created), as well as a statement of the intended use of the replacement structure.
3. The application must include a recent written opinion of a licensed engineer chosen by the applicant and/or the Commission per Town Ordinance #711 stating that it is not feasible to repair or rehabilitate the existing structure and that a complete replacement is recommended to allow the existing use to reasonably be continued.

B. Standards. After the conclusion of the public hearing, the Commission may approve an application to permit reconstruction of an existing nonconforming structure if it finds that the proposed reconstructed structure would conform to the following specific standards and all other requirements of these Regulations:

1. The structure must be a lawfully preexisting nonconforming structure.
2. The nonconforming structure must exist on the property throughout the application process and until a Special Permit for its removal and full replacement has been issued.
3. The use of the nonconforming replacement structure must be a permitted use.
4. The replacement structure shall be placed within the same footprint as the existing structure. The nonconforming aspects of the replacement structure cannot exceed, expand, or extend the nonconforming aspects of the existing structure (e.g. dimensions, volume, size, content, and location).
5. The replacement may not result in any substantial diminishment or deterioration of a geographic area the Commission determines to be historically, architecturally, or culturally significant.

C. Conditions. The Commission reserves the right to place reasonable conditions upon any Special Permit issued under this Section 17.9, including but not limited to such landscaping and other buffers as the Commission may determine are necessary to lessen any negative impacts from the reconstructed nonconforming structure.

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\* Addition of 17.9: replacement of nonconforming structures by special permit effective 9/12/17

D. Expiration. All Special Permits issued under this Section 17.9 shall expire two years from the date of issuance. The Commission may grant one or more extensions of time to complete replacement of the nonconforming structure, but the sum total of all extensions shall not exceed two additional years. Replacement shall not be considered complete unless and until an as-built survey of the replacement structure is filed with the Land Use Office.

- 17.10\* **Enlargement or Extension of a Nonconforming Use.** The Commission may grant a Special Permit for the enlargement or extension of a non conforming use that has existed continuously and lawfully for no less than fifty (50) years prior to the date of approval of such Special Permit. The Commission's intention in establishing this exception is to recognize that uses that have existed continuously for very long periods of time may often form an integral part of the intrinsic character of the neighborhood in which they are located, even though the use may not be consistent with the current zoning district. Nonetheless, nothing in this subsection shall be deemed to require the Commission to issue a Special Permit for any such extension or expansion or to find that an existing nonconforming use is integral to the character of the neighborhood.
- 17.11 Nothing in these Regulations shall be deemed to require a change in the plans, construction, or designated use of any structure on which actual construction was lawfully begun prior to the effective date of adoption or amendment of these Regulations.

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\* (previously Section 17.8): Revision effective 7/18/11

## SECTION 18 - ZONING BOARD OF APPEALS

- 18.1\* **Powers and Duties.** The Zoning Board of Appeals shall have the following powers and duties all of which shall be exercised in harmony with the purpose and intent of these Regulations and in accordance with the public interest and in accordance with the provisions of Chapter 124 of the General Statutes:
- 18.1.1 To hear and decide appeals where it is alleged that there is an error in any order or decision made by the Zoning Enforcement Officer or in his absence by the Deputy Zoning Enforcement Officer, or in his absence the Zoning Commission in their grant or denial of a zoning permit. All other decisions of the Zoning Commission including, without limitation, those with respect to the grant or denial of a site plan, Special Permit, or amendment of the Zoning Regulations or the Zoning Map shall be appealable only to the Superior Court for the Judicial District of Litchfield.
  - 18.1.2 To determine and vary the application of these Regulations in harmony with their general purpose and intent and with due consideration of 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 by-laws, ordinances, or regulations would result in exceptional difficulty or unusual hardship so that substantial justice will be done and the public safety and welfare secured.
  - 18.1.3 To grant Special Exception permits in accordance with Sections 12.14 and 17.5 of these Regulations.
  - 18.1.4 The Zoning Board of Appeals shall not grant a variance for a use of land, which is not listed as a permitted use for the district in which the land is located.  
This section of the Regulations is enacted, pursuant to the provisions of Section 8-6(a)(3) of the General Statutes, for the purpose of protecting the public health, safety, and welfare of the inhabitants of the Town of Washington and achieving the purposes for which these Regulations have been enacted as articulated in Section 1.3.
- 18.2 **Procedures.** All appeals and applications made to the Zoning Board of Appeals shall be in writing on forms obtainable in the Land Use Office and each appeal or application shall fully set forth the circumstances of the case. Every appeal or application shall refer to the specific provision of the Regulations involved, and shall exactly set forth as the case may be, the interpretation that is claimed, or the details of the variance that is applied for and the grounds on which it is claimed that the same should be granted.
- 18.2.1 The Board shall hold a public hearing on all appeals. The Board shall publish a notice of said hearing in a newspaper of general circulation within the Town at least twice at intervals of not less than two days, the first not more than fifteen days, nor less than ten days, and the last not less than two days before such

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\* Addition of Section 18.1.3; no use variances permitted, effective 11/18/02. Addition of Section 18.1.3; power to grant Special Exceptions per 12.14 and 17.5



hearing. Said Board shall decide such appeal within 65 days after the public hearing.

- 18.2.2 All applications and appeals shall be accompanied by a fee to cover the cost of advertising and processing.

## **SECTION 19- PENALTIES**

- 19.1 In accordance with Section 8-12 of the General Statutes, the owner or agent of any building or premises where a violation of any provision of the Regulations has been committed or exists or the lessee or tenant of an entire building or premises where such violation has been committed or exists, or the agent, architect, builder, contractor, or other person who commits, takes part or assists in any violation or who maintains any building or premises in which such violation exists, shall be fined not less than ten nor more than two hundred dollars for each day that such violation continues; but if the offense is willful, the person convicted thereof shall be fined not less than one hundred dollars nor more than two hundred and fifty dollars for each day that such violation continues, or imprisoned not more than ten days for each day such violation continues or both; and the circuit court shall have jurisdiction of all such offenses, subject to appeal as in other cases.

**SECTION 20 - REPEAL, VALIDITY, AND EFFECTIVE DATE**

- 20.1 **Validity.** If any section or provision of these Regulations shall be adjudged invalid or held unconstitutional, the same shall not invalidate these Regulations as a whole or any part thereof other than the section so adjudged.
- 20.2\* **Effective Date.** These Regulations shall take effect on December 15, 1939, as amended.

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\* Section 20.2 revised 4/22/02

## SECTION 21 - DEFINITIONS

- 21.1\* For the purpose of these Regulations certain terms or words shall be defined as follows: words in the present tense include the future and words in the singular number include the plural and vice versa. The word “person” includes a partnership or corporation, and the word “used” means designated, intended, or modified for use.
- a. Definitions for terms in Section 13.19, Telecommunications antennae, facilities, and antenna towers, including personal wireless service facilities and towers, are listed in Section 13.19.21.
- 21.1.1<sup>†</sup> **Abandonment.** The voluntary cessation of a use without intent to recommence that use, or the voluntary replacement of a use by a different use. Also the voluntary replacement of a nonconforming aspect or condition of a structure or use with a conforming aspect or condition.
- 21.1.2 **Accessory Apartment.** Any interior floor area, subordinate to a single family dwelling on the same property, which has the capability of being used as a separate unit for residential purposes.
- 21.1.3 **Accessory Apartment, Attached.** An accessory apartment located within the exterior walls of the single family dwelling or that shares at least one common wall with the single family dwelling.
- 21.1.4 **Accessory Apartment, Detached.** An accessory apartment that is contained in an accessory structure or that the Commission deems detached because the physical connection appears to be primarily for the purpose of receiving favorable treatment under the Regulations.
- 21.1.5 **Accessory Building.** A building whose use is subordinate to the principal use on the property and which is smaller in ground floor area and volume than the principal building on the same property. In order to assist in the interpretation of this definition, trailers, cargo containers, crates, railroad

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\* Revision to 21.1.a effective 1/15/98; revision to 21.1.1.a (now 21.1.4) effective 2/18/97; revision 21.1.1, 21.1.2, 21.1.3, 21.1.5: accessory apartments, structure, effective 12/26/2000; addition of Section 21.1.2 (now 21.1.7) “Accessway” effective 6/20/99; addition of Section 21.1.4 (now 21.1.9) “Boathouse” effective 1/15/98; revision of 21.1.11 (was 21.1.4) effective 6/20/99; revision of 21.1.12 (was 21.1.5) effective 9/25/96; addition of 21.1.16 (was 21.1.10) “Driveway” effective 6/20/99; revision of Section 21.1.20, excavation to reconcile Section 13.8 effective 4/22/02 seasonal; addition Section 21.1.24, “Fence,” effective 4/22/02; revision Section 21.1.26 (was 21.1.25) “Floor Area” to reconcile Section 13.11.2.e, effective 4/22/02; addition Section 21.1.26 (was 21.1.19) “Gallery,” effective 6/20/99; revisions to 21.1.23, “Farm Stand,” (was 21.1.13) effective 4/15/96; revisions to 21.1.23, “Farm Stand,” (was 21.1.15) effective 6/20/99; revision to 21.1.18 (was 21.1.14) effective 4/15/96; Revisions to Sections 21.1.30 (was 21.1.23) “Lot Depth,” 21.1.31 (was 21.1.24) “Lot Frontage,” 21.1.33 (was 21.1.25) “Lot, Interior,” and 21.1.35 (was 21.1.27) “Lot Line, Front,” effective 6/20/99; addition of 21.1.42 “Open Space,” 3/21/2000; addition of 21.1.43 “Parcel,” 3/21/2000; deletion Section 21.1.39, “Multi Family Dwelling,” effective 4/22/02 (following sections renumbered); addition of 21.1.45 “Residential Purpose,” 12/26/2000; addition of 21.1.46 “Resubdivision,” 3/21/2000; addition of Section 21.1.50 “Soil Scientist,” 3/21/2000; revision of Section 21.1.53 (was 21.1.40) “Street,” effective 6/20/99; addition of Section 21.1.54 (was 21.1.41) “Studio,” effective 6/20/99; addition of Section 21.1.56, “Subdivision,” effective 3/21/2000; Section 21.1.53 revised to include permanent structures, 4/22/02. Revision to definition of Accessory Building effective 12/15/04.

<sup>†</sup> Section 21.1.1: Definition of Abandonment added effective 9/12/17

cars, pleasure craft, and the like are not customarily incidental to structures and uses on residential lots.

- 21.1.6 **Accessory Structure:** A structure detached from a principal building located on the same property and customarily incidental and subordinate to a permitted principal building or use.
- 21.1.7 **Accessory Use.** A use customarily incidental and subordinate to a main use and located on the same lot with such main use.
- 21.1.8 **Accessway.** A strip of land that fronts on a street and serves as the means of access to the useable portion of an interior lot.
- 21.1.9<sup>\*†</sup> **Average Finished Grade:** By choice of the applicant, either:
  - a. the average of the highest point and the lowest point of land on a line 6 feet outside the perimeter of a completed structure after final grading of soils has been completed, or
  - b. the average of every point of land on a line 6 feet outside the perimeter of a completed structure after final grading of soils has been completed.
- 21.1.10<sup>‡</sup> **Average Pre-existing Grade:** By choice of the applicant, either:
  - a. the average of the highest point and the lowest point of land, before the construction site is disturbed, within a proposed structure's footprint, or
  - b. the average of all the points of land, before the construction site is disturbed, along the perimeter of a proposed structure's footprint.
- 21.1.11 **Boarding House.** A building, the owner of which, for compensation, provides meals and guest rooms for sleeping for not more than ten persons and who occupies at least one room therein.
- 21.1.12 **Boathouse.**<sup>§</sup> A building used exclusively for the storage of boats and boating equipment; not for habitation. No wells, plumbing fixtures, plumbing, toilets, or effluent discharge are allowed.
- 21.1.13<sup>\*\*</sup> **Building.** Any structure that has a roof and is intended for the shelter, housing, or enclosure of persons, animals, poultry, or materials.
- 21.1.14 **Building Line.** A line parallel to the property line at a distance equal to the required yard setbacks or at a greater distance when otherwise established by the Town of Washington or when established by the owner and recorded in the land records of the Town of Washington.
- 21.1.15 **Commission.** Except as otherwise stated, Commission shall mean the Zoning Commission of the Town of Washington.
- Coverage.** See Lot Coverage
- 21.1.16 **Day Care.**
  - a. **Child Day Care Center.** A facility, which offers or provides a program of supplementary care to more than 12 related or unrelated children outside their homes on a regular basis for a part of the 24

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\* Definitions of average Finished Grade and Average Pre-existing Grade added 7/18/05

† Revision to provide an alternate method for computing average pre existing grade effective 6/16/08.

‡ Revision to provide an alternate method for computing finished grade effective 6/16/08.

§ Boathouse amended effective 12/22/03

\*\* Effective date: 12/17/07

- hours in one or more days a week.
- b. **Family Day Care Home.** A private family home caring for not more than 6 children, including the provider's own children not in school full time, where the children are cared for not less than 3 nor more than 12 hours during a 24-hour period and where care is given on a regularly reoccurring basis. During the regular school year, a maximum of 3 additional children who are in school full time, including the provider's own children, shall be permitted except that if the provider has more than 3 children who are in school full time, all of the provider's children shall be permitted.
  - c. **Group Day Care Home.** A facility, which authors or provides a program of supplementary care to not less than 7 nor more than 12 children on a regular basis for a part of the 24 hours in one or more days in a week.
- 21.1.17 **Density.** The number of dwelling units permitted on a parcel of land expressed as units per acre.
- 21.1.18 **Dock.\*** A structure which 1) is attached to the shoreline; 2) extends over the water; 3) is not a vessel; 4) is removable on a seasonal basis; 5) allows the free movement of water underneath.
- 21.1.19<sup>†</sup> **Dock, rowing shell.\*** A dock oriented perpendicular to the shoreline and not attached to any other dock, the purpose of which is to berth a rowing shell or scull and with dimensions not to exceed 100 square feet in total surface area; 6 feet in width, 20 feet in length, and 6 inches in height from the surface of the water..
- 21.1.20 **Driveway.** A private way providing access to a street.
- 21.1.21 **Dwelling, Multi Family.** A building designed for and occupied as a residence by 2 or more families living in separate dwelling units.
- 21.1.22 **Dwelling, Single Family.** A building, other than a mobile home, designed for and occupied exclusively as a residence for only one family and having no party wall in common with an adjacent building. Where a private garage is structurally attached to such building, it shall be considered as a part thereof.
- 21.1.23 **Dwelling Unit or Residence.** A structure, other than a mobile home, intended for human habitation erected on a solid foundation, using permanent weatherproof exterior materials, connected to a safe water supply and adequate sanitary sewage disposal facilities, equipped with at least one furnace or other customary form of heating apparatus, and constructed with ceilings and walls finished on the inside according to State Building Code specifications, forming a separate, independent, housekeeping establishment and containing independent cooking and sleeping facilities.
- 21.1.24 **Eating and Drinking Establishment.** A retail establishment selling food and drink for consumption on the premises. Drive-through establishments

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\* Addition of Dock and Dock, rowing shell effective 12/22/03

<sup>†</sup> Effective date: 12/25/06

- selling food and drink and establishments serving food and drink to customers in vehicles are specifically prohibited per Section 2.3.2.g.
- 21.1.25 **Excavation.** The processing and/or removal from any land premises in all districts within the Town of Washington of earth, top soil, loam, peat, clay, rock, quarry stone sand, gravel, or other natural earth products in excess of 100 cubic yards in a single calendar year, except as surplus material resulting from a bona fide construction, landscape, or agricultural operation conducted on the premises, provided that no permanent damage is done to the landscape.
- 21.1.26 **Family.** Any number of individuals related by blood, marriage, or adoption, or not more than 7 persons not so related, living and cooking together as a single non-profit housekeeping unit. A family may include domestic or agricultural employees.
- 21.1.27 **Farming.** The act of cultivation of land for the growing of vegetables, grains, grasses, trees, herbs, fruit, or other horticultural products; the raising and/or boarding of livestock, farm animals, and birds; the producing of milk; and other similar pursuits except that gardens, livestock, or fowl grown mainly for home or private recreational use and in accordance with these Regulations shall not be classified as farming.
- 21.1.28 **Farm Stand.** A seasonal often open air structure at which agricultural products specifically grown on the farm premises or food items produced on the farm premises from raw materials are publicly displayed and offered for sale. In all cases, more than 75 percent of all farm produce and food products offered for sale shall be grown or produced on the farm premises.
- 21.1.29\* **Fence.** A constructed barrier of wood, stone, or any other material or combination of materials which is erected to enclose, screen, or separate areas. The height of a fence is measured from the existing ground level, prior to any excavation or filling, to the top of the fence. An open fence, such as a split rail fence, is one that obscures less than 25 percent of the view directly through it. A semi-open fence, such as a picket fence, is one that obscures 25 percent to 60 percent of the view directly through it. A closed fence, such as a stone wall or a stockade fence, is one that obscures more than 60 percent of the view directly through it.
- 21.1.30† **Float.** A wooden, synthetic, metal, or inflatable buoyant platform used for aquatic recreational purposes, which is not a vessel, allows the free movement of water underneath, and is removable on a seasonal basis.
- 21.1.31 **Flood plain.** Any area identified by the Federal Emergency Management Administration (FEMA) to either fall below the 100-year flood frequency profile in its Flood Insurance Study of September 30, 1992, as amended, or mapped on the FEMA Flood Plain, Flood Boundary, and Floodway Map of Sept. 30, 1992, as amended.
- 21.1.32 **Floor Area.** The square footage of all floor levels within the outside perimeter of the outside walls of a structure including hallways, stairs,

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\* Effective date: 12/25/06; revised, effective 12/17/07.

† Addition of Float effective 12/22/03 and further revised effective 7/18/16

- closets, thickness of walls, columns, and other features as per the Connecticut Building Code, but not including garages, breezeways, open air porches and decks, and unfinished attics and unfinished basements.
- 21.1.33 **Gallery.** A place of business used for the display and sale of artwork.
- Grade.** See Average Finished Grade and Average Pre-existing Grade
- 21.1.34\* **Ground Floor Area.** The square footage within the outside perimeter of the outside walls of the first floor of a building other than a cellar or basement including hallways, stairs, closets, thickness of walls, columns, and other features as per the Ct. Building Code, but not including garages, and breezeways.
- 21.1.35 **Hazardous Material.** Any substance (examples include gasoline, propane, alcohol, solvents, explosives, radioactive materials, flammables, etc.) that is potentially damaging to the environment and/or potentially harmful to the health and well being of human beings and other living organisms.
- 21.1.36† **Helipad.** An area of land or surface of a structure used for the taking off and/or landing of any helicopter for private or commercial use.
- 21.1.37 **Junk Yards.** Any property or portion thereof used for the outside storage, keeping, or abandonment of worked out, castoff, or discarded articles or materials ready for destruction or collected or stored for salvage or conversion to some use.
- 21.1.38 **Kennel, Commercial or Private.** A premise upon which are kept for board, sale, or other use 4 or more dogs or cats of age 4 months or older.
- 21.1.39 **Lot.** A plot or parcel of land occupied or capable of being occupied by one principal building and the accessory buildings or uses customarily incidental to it, including frontage, area, and such open spaces as are required by these Regulations. In the case of public institutional or commercial buildings, a group of buildings under the same ownership may be considered as occupying the same lot.
- 21.1.40 **Lot Coverage‡.** Lot coverage is the percentage of the lot, which is covered by structures including (but not limited to) buildings, swimming pools, swimming pool equipment, decks, porches, patios, sports courts, chimneys, air conditioning equipment, generators, utility meters, transformers, above ground propane tanks, and most man made impervious surfaces. Driveways, parking areas, and parking lots are included in the lot coverage calculation whether or not they are paved. Pedestrian walkways are included unless they are made of pervious materials such as gravel, pea stone, or randomly spaced stones set in grass. Freestanding walls are not included unless they are contiguous with or integral to a structure whose area is included in lot coverage calculations. The ground directly beneath roof overhangs, eaves, cornices, and gutters and leaders is not included in the lot coverage calculation if these projections extend less than 24 inches from the structure. Small items such as mailboxes, bird feeders, flagpoles, and brick or stone garden borders are not included. Swing sets and other

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† Addition of Helipad effective 10/25/21

‡ Addition of Lot Coverage effective 11/17/03



outdoor play equipment are not included unless they stand on manmade impervious bases that cover more than four square feet. Statues, fountains, sundials, and similar structures are not included unless they or their bases cover more than four square feet.

- 21.1.41 **Lot Depth.** The mean distance from the front lot line to the rear lot line measured in the median direction of the sidelines of the lot.
- 21.1.42 **Lot Frontage.** The distance between side lot lines measured along the front lot line.
- 21.1.43 **Lot, Frontage.** Any lot having at least the minimum frontage on a street as set forth in Section 11.4.
- 21.1.44 **Lot, Interior.** A lot which has less than the minimum required frontage on a street as set forth in Section 11.4 and which is connected to the street by an accessway, as set forth in Section 11.4.5. (See Lot, Frontage.)
- 21.1.45 **Lot Line.** The property lines bounding a lot as defined herein.
- 21.1.46 **Lot Line, Front.** In the case of a lot abutting upon only one street, the line separating the lot from the street; in the case of any other lot, the owner shall, for the purpose of these Regulations, have the privilege of electing any lot line abutting a street as the front lot line.
- 21.1.47 **Lot Line, Rear.** The lot line, which is generally opposite the front lot line; if the rear lot line is less than 10 feet in length, or if the lot comes to a point in the rear, the lot line shall be deemed to be a line parallel to the front line, not less than 10 feet long, lying wholly within the lot and farthest from the front lot line.
- 21.1.48 **Lot Line, Side.** Any lot line, which is not a front line or a rear lot line, as defined herein.
- 21.1.49 **Lot Width.** The horizontal distance, measured at right angles and in the center of the depth the lot. In determining the required width of a lot, any portion of the lot, which is in excess of the minimum lot area need not be included.
- 21.1.50 **Nonconforming Building.** A building, which does not conform to all the applicable provisions of these Regulations.
- 21.1.51 **Nonconforming Use.** A use of land, building, or premises, which is not a use permitted by the provisions of these Regulations for the zone in which such land, building, or premises is situated.
- 21.1.52 **Open Space.** Land permanently preserved for agriculture, forestry, passive recreation, wildlife habitat, natural resource conservation, maintenance of community character, or as undeveloped land.
- 21.1.53\* **Outdoor Wood-burning Furnace.** An accessory structure or appliance designed to be located outside living space ordinarily used for human habitation and designed to transfer or provide heat, via liquid or other means, through the burning of wood or other solid fuel for heating spaces other than where such structure or appliance is located, any other structure or premises, or for heating domestic, swimming pool, or Jacuzzi water.

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\* Addition of Section 21.1.50 (and renumbering of following sections) re: outdoor wood-burning furnace effective 4/14/07.

- “Outdoor wood-burning furnace” does not include a fire pit, wood-fired barbecue, or chiminea.
- 21.1.54 **Parcel.** A contiguous piece of land owned as the property of the same person(s) or entity(s).
- 21.1.55 **Pool House.** A building accessory to a swimming pool, not to be used as a dwelling unit.
- 21.1.56 **Principal Building.** A building containing the principal use of a property. In the case of a farm, the residence, if any, shall be the principal building.
- 21.1.57 **Residential Purpose.** The use of any portion of a building or structure as a home, dwelling, or place where a person is, or people are, living.
- 21.1.58 **Resubdivision.** A change in a map of an approved or recorded subdivision, as defined below, if such change
- a. affects any street layout on such map,
  - b. affects any area reserved thereon for public use, or
  - c. diminished the size of any lot shown thereon and creates an additional building lot if any of the lots thereon have been conveyed after the approval or recording of such map.
- 21.1.59 **School.** A public or private school, including kindergarten, elementary, and secondary schools approved by the State Board of Education. The term “school” may also include a college, graduate, or post graduate level educational institution subject to Sections 13, 14, and 15 of these Regulations.
- 21.1.60 **School, Private Occupational.** A school offering instruction in any form or manner in any trade, industrial, commercial, or service occupation for any enumeration, consideration, reward, or promise of whatever nature, except private occupational school shall not include 1.) A school under public supervision or control, 2.) A school conducted by a firm or organization solely for the training of its own employees or members, or 3.) A school authorized by the General Assembly to confer degrees.
- 21.1.61\* **Setback.** The setback is the shortest distance from a structure to a lot line, public right of way, or wetland or watercourse. It is measured as a straight, level line. Chimneys, balconies, bay windows, porches, decks, basement hatchways, cantilevers, handicap ramps, utility pads, gable end projections, and entry steps or stoops are part of the structure to which they are attached and must meet all setback requirements as enumerated in Section 11.6. Roof overhangs, eaves, cornices, and gutters and leaders that extend less than 24 inches from the structure are not counted in the setback calculations.
- 21.1.62† **Shoreline.** When used in relation to Lake Waramaug, the term, “shoreline,” shall mean the land immediately surrounding the lake at an elevation of 694 feet above mean sea level.
- 21.1.63‡ **Sign.** Any object, device, display, or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or

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\* Addition of Setback effective 11/17/03

† Addition of Shoreline effective 12/22/03

‡ Addition of Sign effective 7/18/16

- attract attention to an object, person, institution, organization, business, product, service, event, or location by any means including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images.
- 21.1.64 **Slope.** The incline of land as measured between contour lines, typically expressed as a ratio (as in a 2:1 slope, signifying two feet horizontal to one-foot vertical) or as a percentage (as in 25 percent, signifying 5 feet vertical in 20 feet horizontal).
- 21.1.65 **Soil Scientist.** A person who is certified, licensed, or registered by the Society of Soil Scientists of Southern New England or similar recognized organization to examine and identify soils and other geologic substances and to render opinions and reports respecting soil types and other soil characteristics.
- 21.1.66\* **Special Exception.** Per the Connecticut state statutes, a Special Exception is the same as a Special Permit. The standards which the Special Exception must meet and the procedures followed are the same as those for a Special Permit. An application for a Special Exception shall be submitted to the Land Use Secretary and approved by the Zoning Board of Appeals.
- 21.1.67 **Story.** That portion of a building between the surface of any floor and the surface of the floor, ceiling, or roof next above. Attics not used for human occupancy shall not be considered a story. When the ceiling of a basement is 4 feet or more above the average ground level within 6 feet of the building, the basement shall be considered a story.
- 21.1.68 **Story, Half.** For the purpose of determining the number of stories in a building, a half story shall mean the highest most story of the building, and having a stairway access located within the walls of the building and having a floor area, with a ceiling height of at least 7 feet, equal to no more than 50 percent of the floor area of the floor next below.
- 21.1.69 **Street.** Any vehicular thoroughfare which is:
- a. accepted by the Town or State or
  - b. shown as a street on a subdivision plan approved by the Planning Commission.
- 21.1.70† **Structure.** Anything that is constructed or erected and has a fixed location on the ground, or is attached to something that has a fixed location on the ground. Fences (including stone walls), central air conditioning units, generators, swimming pool filters, etc., are structures. All structures, including tents used for storage, are considered permanent and are governed by these Regulations.
- 21.1.71 **Studio.** A workroom of an artist; a place where art is produced.
- 21.1.72 **Subdivision.** The division of a parcel of land into three or more parts or lots subsequent to August 1, 1956 for the purpose, whether immediate or future, of sale or building development, expressly excluding development for municipal, conservation, or agricultural purposes.
- 21.1.73‡ **Wall.** See “fence.”

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\* Addition of Special Exception effective 2/12/05

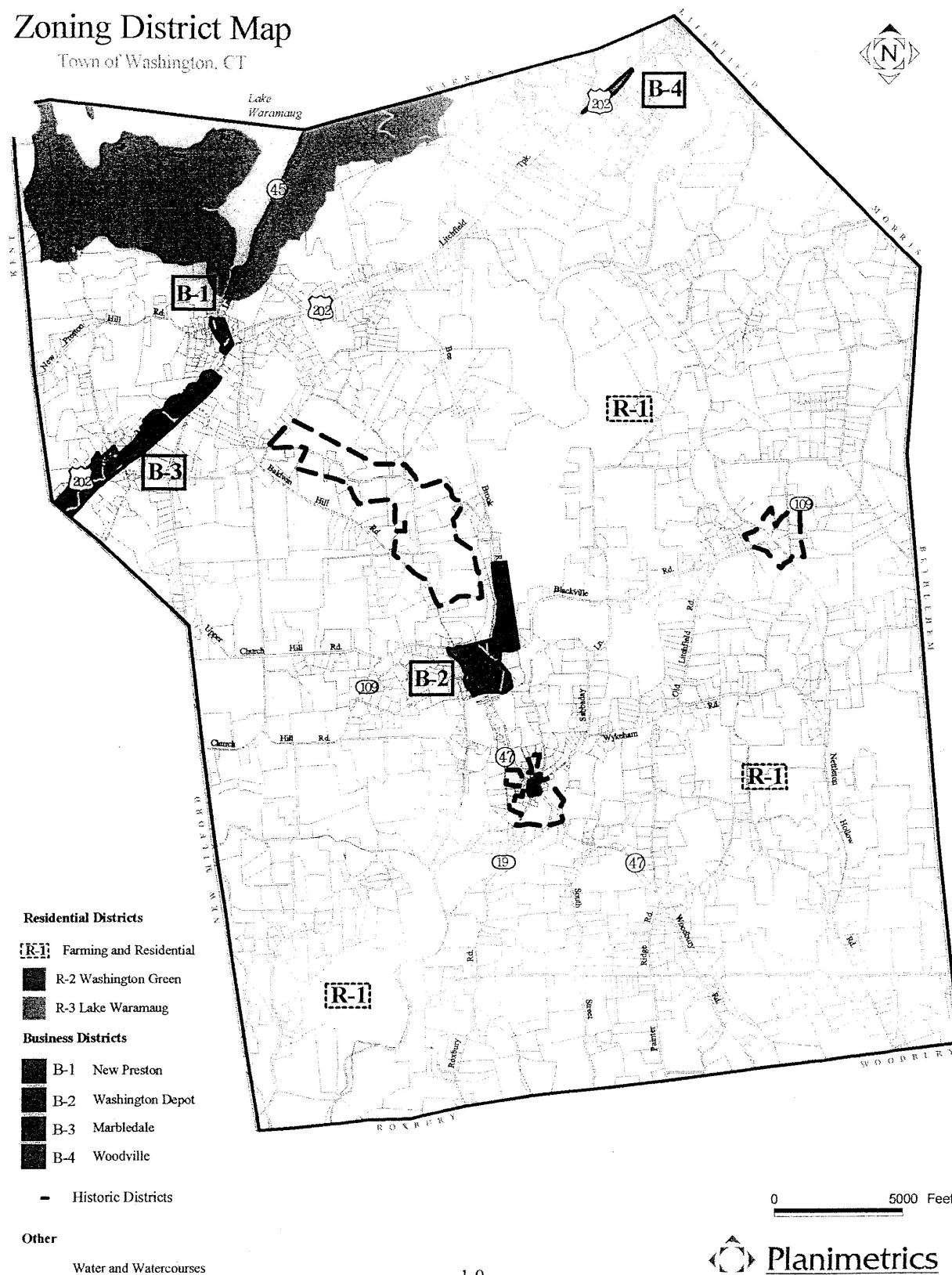
† Definition revised, effective 12/17/07

‡ Effective date: 12/17/07

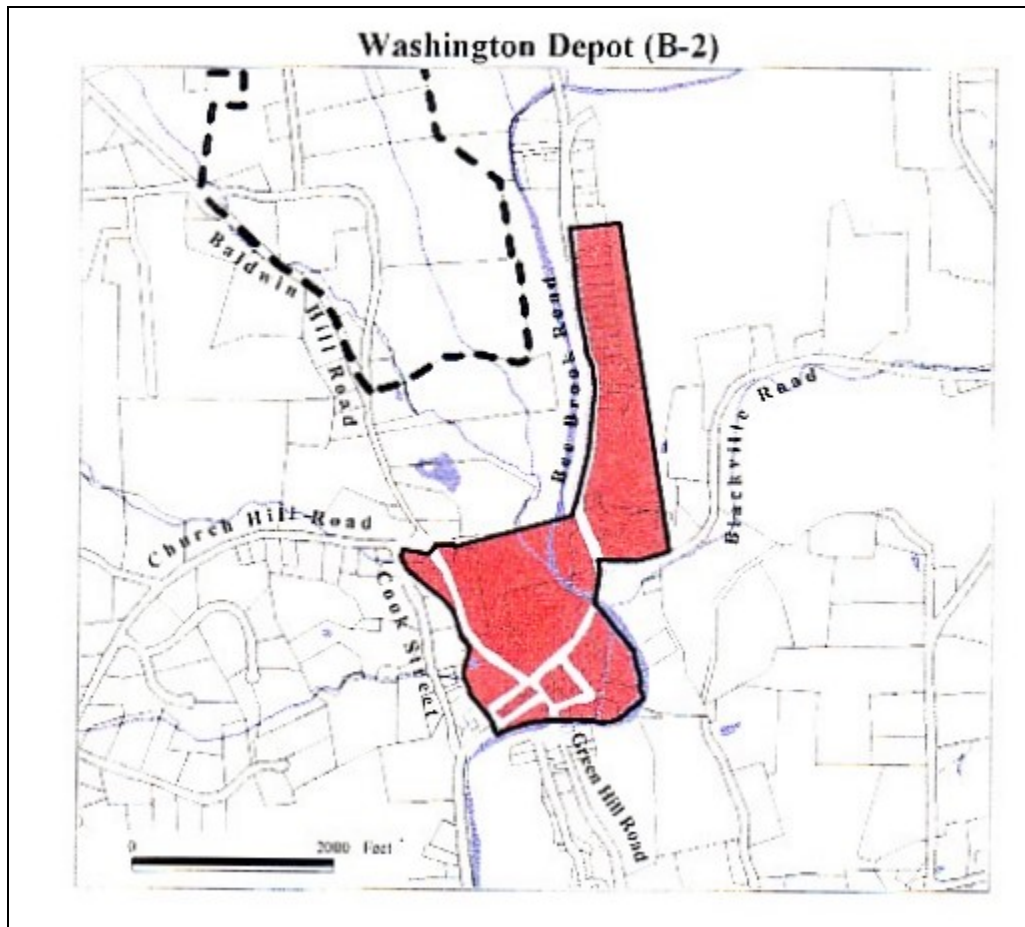
- 21.1.74 **Watercourses.** As defined in CGS 22a-38, as amended.
- 21.1.75 **Wetlands.** As defined in CGS 22a-38, as amended.
- 21.1.76 **Windmill.** A device, which converts wind energy to mechanical or electrical energy.
- 21.1.77 **Wireless Communications Facilities.** Any and all materials, equipment, storage structures, towers and antennas, other than customer premises equipment, used by a telecommunications carrier to provide telecommunications services.
- 21.1.78 **Yard.** An open space on the same lot with a structure, which lies between said structure and the nearest lot line and which, is unoccupied except as may be specifically authorized in these Regulations. In measuring a yard, as hereafter provided, the line of structure shall be deemed to mean a line parallel to the nearest lot line, drawn from a point of structure nearest to such lot line. Such measurement shall be taken at right angle from the line of the structure, as defined herein, to the nearest lot line.
- 21.1.79 **Yard, Front.** A yard extending across the full width and/or length of the lot and lying between the front lot line and the nearest line of a structure.
- 21.1.80 **Yard, Rear.** A yard extending across the full width of the lot and lying between the rear lot line and the nearest line of the building.
- 21.1.81 **Yard, Side.** A yard between the sideline of a lot and the nearest line of the building and extending from the front yard to the rear yard, or, in the absence of either such yards, to the front or rear lot line, as the case may be.

# Zoning District Map

Town of Washington, CT

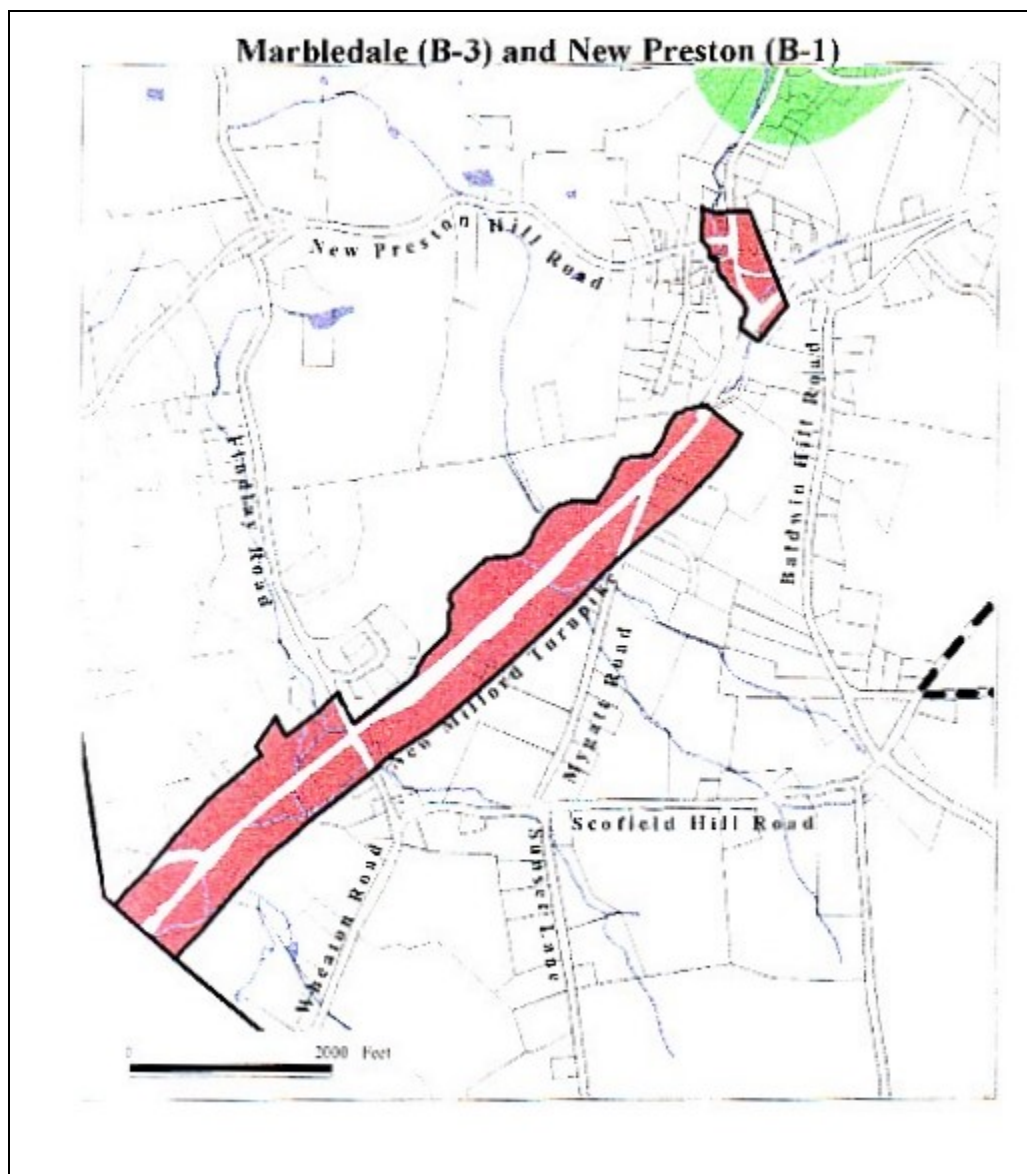


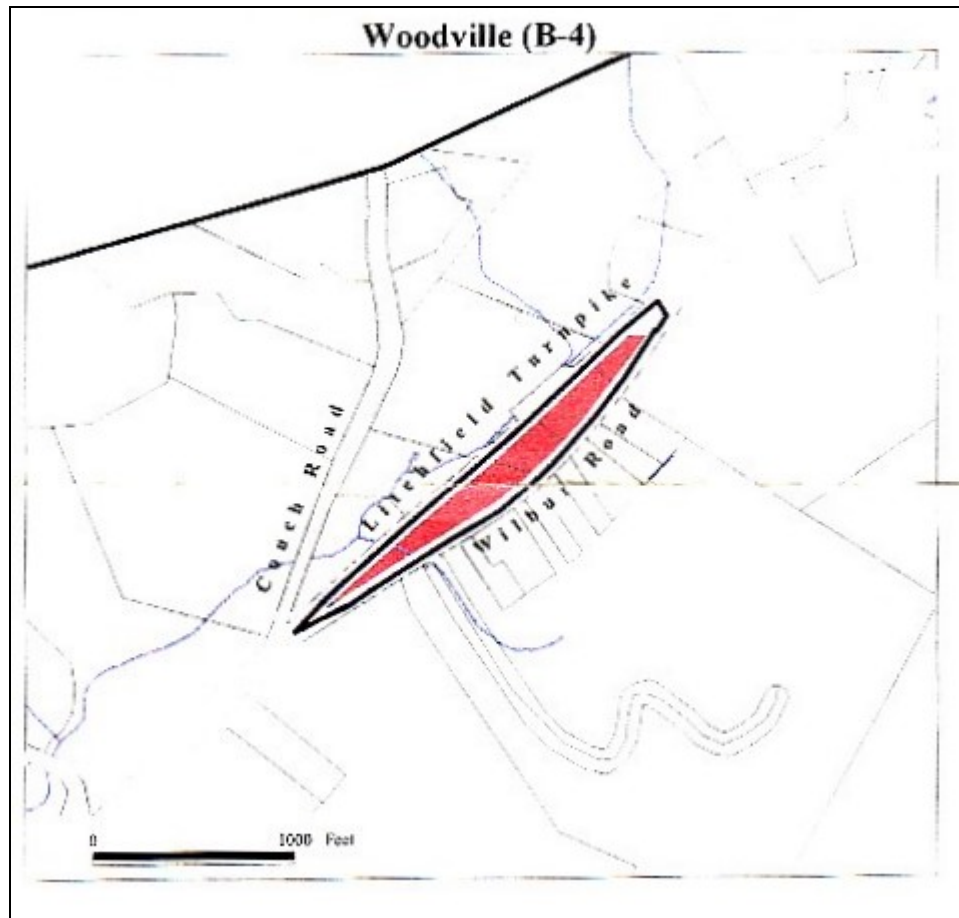
## BUSINESS DISTRICTS



The following properties were added to the B-2, Washington Depot Business District on 9/12/17:

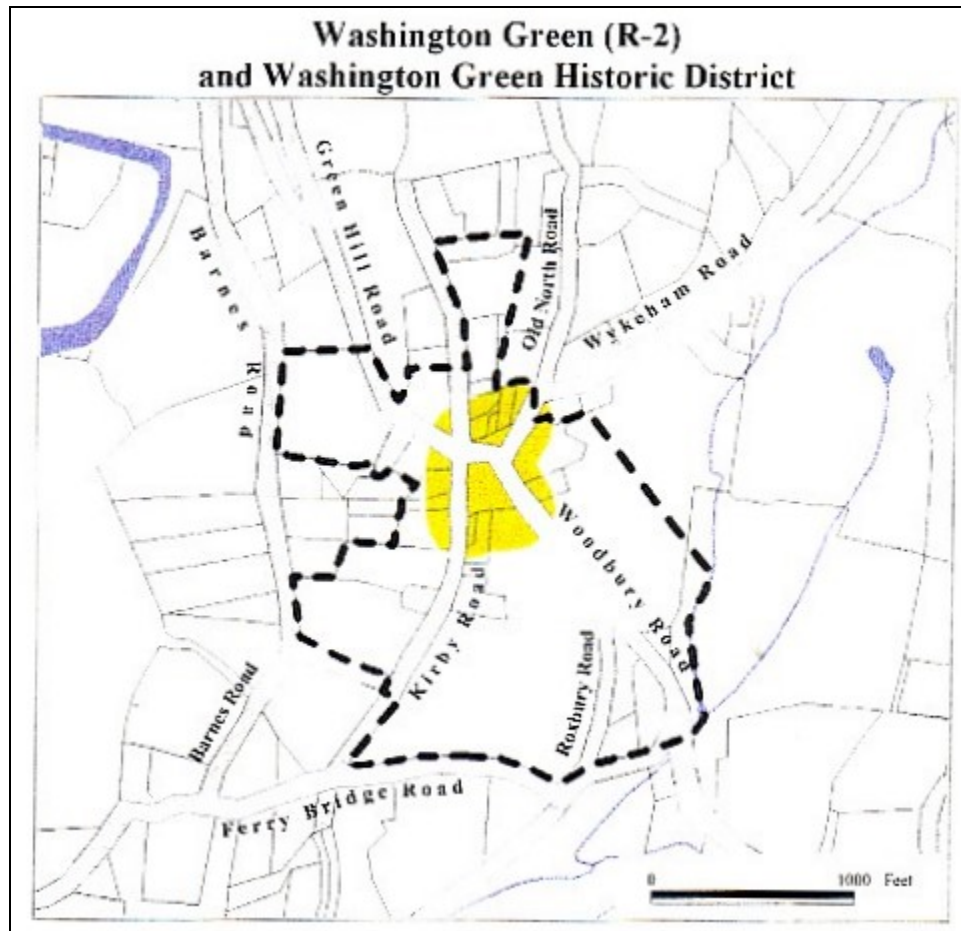
- 6 Bryan Plaza: Assessor's Map #09-06-44: Legion Hall/Senior Center
- 13 River Road: Assessor's Map #09-06-42: Washington Pizza/Shops/Offices
- 17 River Road: Assessor's Map #09-06-41: Jim Kelly Office Building
- 10 Blackville Road: Assessor's Map #08-07-23: Town Garage Property (formerly district line bisected this property)

**BUSINESS DISTRICTS**

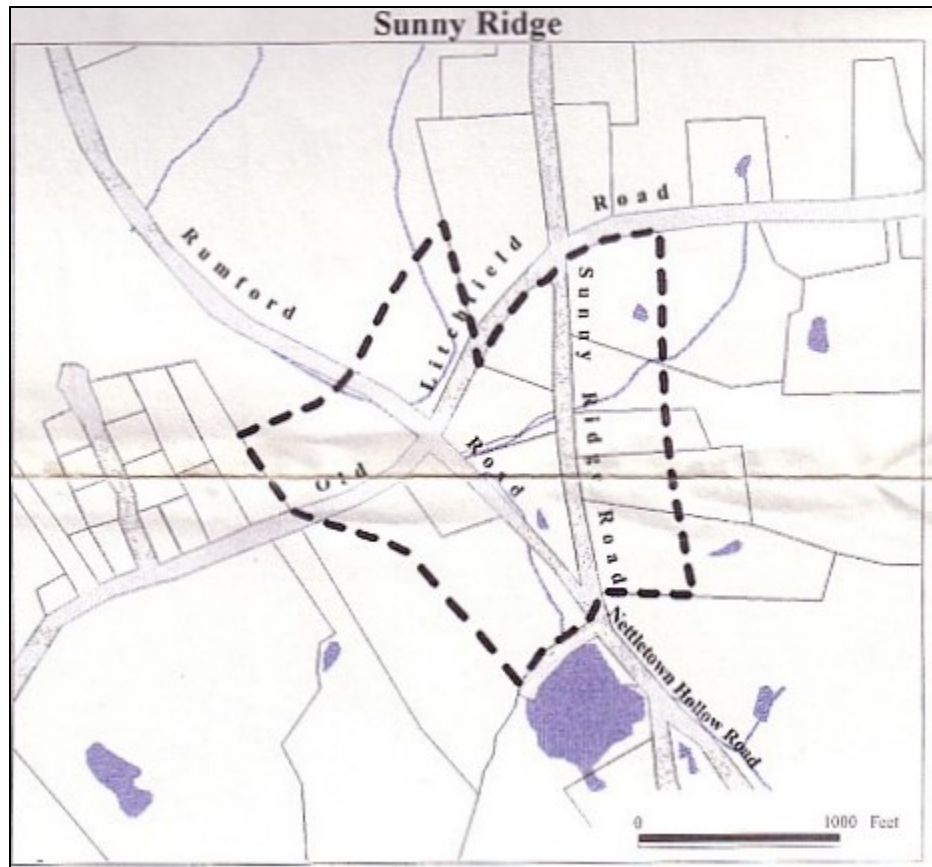
**BUSINESS DISTRICTS**



## HISTORIC DISTRICTS



## HISTORIC DISTRICTS



## HISTORIC DISTRICTS

