ZONING AND PLANNING COMMISSION

ZONING REGULATIONS

JULY 12, 2004
Amended through November 5, 2015

TOWN OF SUFFIELD

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Section II: DEFINITIONS

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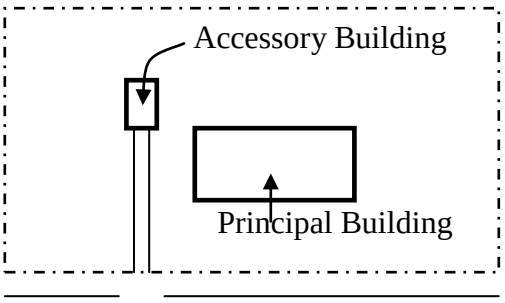
For the purpose of these regulations, the following words shall have the meaning given therein. (Diagrams are provided for illustrative purposes only.)

ACCESSORY BUILDING OR STRUCTURE: A building or structure, in addition to the principal building, which is clearly subordinate to, and customarily incidental to, and located upon the same lot as the principal building or on a contiguous lot under the same ownership, except in the case of barns or sheds used for the indoor storage of agricultural products or equipment, which may require a special permit.



ACCESSORY USE: A use, in addition to the principal use, which is clearly subordinate to, and customarily incidental to, and located upon the same lot as, the principal use or on a contiguous lot under the same ownership. This use may require a special permit.

ACTIVE RECREATION FACILITY: Recreation that is typically characterized by the participation in organized sports programs, often requiring equipment and taking place at prescribed places, sites, or fields. The term "active recreation" includes swimming, bicycling, skateboarding, and playground activities. Court games such as tennis, basketball, and volleyball. Fields sports such as baseball, softball, lacrosse, field hockey, football, and soccer or any combination thereof or similar or related uses. This use requires a special permit from the Commission. (2/7/2012)

AQUACULTURE: The hatching, raising, and breeding of fish or other aquatic plants or animals for sale or personal use on a parcel of land containing a minimum of five (5) acres. This use requires a special permit.

ACTIVE-ADULT HOUSING: A housing development where one-hundred percent (100%) of all dwelling units fully comply with provisions of the United States Fair Housing Act as amended, as it pertains to "housing for older persons" (age 55 and older). This includes compliance with any and all rules promulgated by the U.S. Department of Housing and Urban Development (HUD) which govern the implementation of such act. This use requires a special permit.

ADULT MATERIAL: Shall include but is not limited to accessories, books, films, videocassettes, or live entertainment for observation by patrons therein, or magazines and other periodicals or any combination thereof which are distinguished or characterized by their emphasis on matters depicting, describing or relating to specific sexual activities or specified anatomical areas.

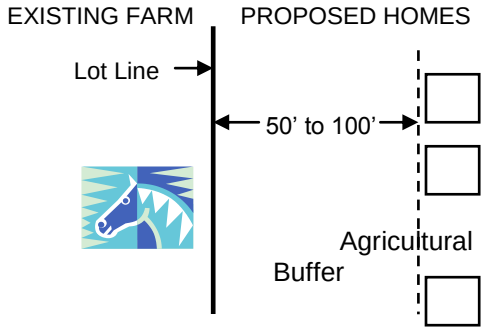
ADULT-ORIENTED ESTABLISHMENT: Shall include, without limitation, an "adult live dancing establishment," "adult bookstores," "adult Motion pictures theaters," "adult mini-motion picture theaters," and further means any premises to which the public, patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms studios,

compartments or stalls separate from the common areas of the premises for the purposes of viewing adult-oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member. An "adult-oriented establishment" includes, without limitation, any "adult entertainment studio" or any premises that are physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, without limitation, any "adult entertainment studio" or any premises that re physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio, or any other term of like import. An "adult-oriented establishment" includes an establishment that has ten percent (10%) or more of its stock or trade devoted to adult material. This use requires a special permit.

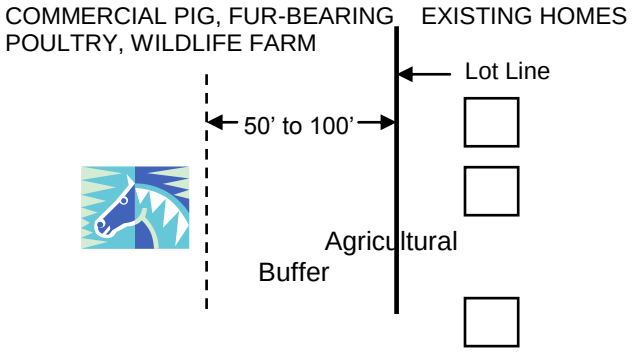
AFFORDABLE HOUSING: Housing for which persons and families pay thirty (30) percent or less of their annual income, where such income is less than or equal to eighty (80) percent of the area median income or for the State of Connecticut, whichever is less.

AGRICULTURE: The cultivation of soil for the production of crops and the raising of livestock.

AGRICULTURAL BUFFER: A fifty (50) to one-hundred (100) foot buffer required by the Commission when a residential development is proposed adjacent to actively farmed land and a fifty (50) foot minimum buffer for a farm used for the keeping of pigs, fur-bearing animals, poultry, or wildlife for commercial purposes. The planting of trees and shrubbery may be required as part of an agricultural buffer. When a residential development is proposed adjacent to actively farmed land, the following statement shall be noted on the plans and on each property deed contained in the development: "This property abuts or is in proximity to an active agricultural or farming operation which is a permitted zoning use. Agricultural operations sometimes emit noise, run-off, odor, dust or chemical spray drift during either the day or night that are annoying or irritants to some people."



Agricultural Buffer required with a proposed Residential Subdivision



Agricultural Buffer required with a proposed Commercial Pig, Fur-Bearing, Poultry, Wildlife Farm

AMUSEMENT ARCADE OR DEVICE: A building or room the principal use of which is storage and operation of up to three (3) amusement devices, defined as any mechanical, electric or electronic device used or designed to be operated for entertainment or as a game by the insertion of a coin, token or other article or by paying money to have it activated. For purposes of this definition,

each station of a device that provides multiple stations, each of which allows separate games to be played, shall be considered one amusement device.

ANIMAL HOSPITAL: An establishment where animals are given medical or surgical treatment and are cared for during the time of such treatment. This use requires a special permit.
ANTIQUE SHOP: A place offering the sale of antiques, defined as a work of art, piece of furniture, or decorative object (not including appliances), at least fifty (50) years old. This use requires a special permit.

APARTMENT: A segregated portion of a dwelling with bathroom and kitchen facilities. An apartment requires a special permit.

APARTMENT HOUSE: Apartment house is a building arranged, intended or designed to contain three (3) or more dwelling units where the occupants are not transient in nature. This use requires a special permit.

ASSISTED-LIVING FACILITY: Independent living residences with options for assistance with activities of daily living including but not limited to meal service, housekeeping, maintenance, laundry, medical assistance, personal assistance, and transportation as desired or needed. This use requires a special permit.

BED AND BREAKFAST FACILITY: An owner occupied single-family dwelling in which breakfast and lodging may be provided to overnight paying guests where the provision of such services is subordinate to the principal use of the building as a residence. This use requires a special permit.

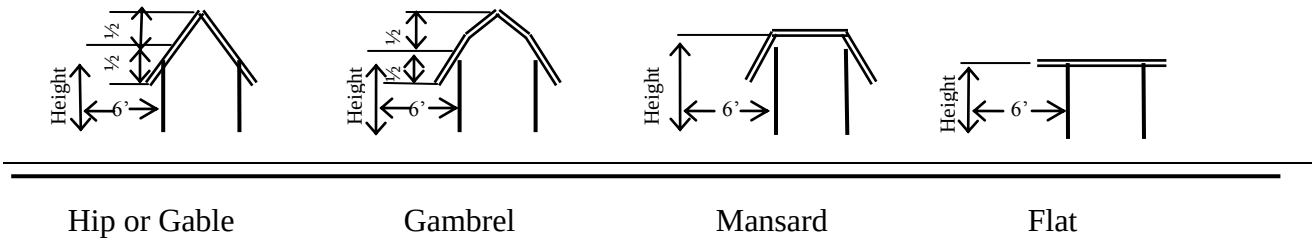
BOARDING OR ROOMING HOUSE: An owner-occupied building or structure where lodging and meals for no more than two (2) boarders are provided to long-term non-transient residents only, for compensation, utilizing one central kitchen facility. All elements of boarding house use shall be confined to the principal building on the lot. No sign is permitted in connection with this use.

BOARDING HOUSE, FARM: A dormitory building with group sleeping accommodations, used as an accessory building and use to a farm, for the seasonal use of farm labor.

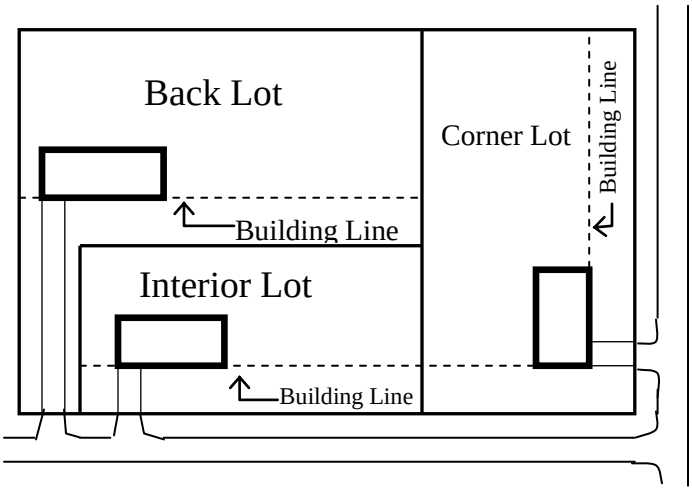
BUILDING: Any structure having a roof and intended for the shelter, housing or enclosure of persons, animals or materials. Any other structure more than eight feet high shall be considered as a building including a fence or wall excluding a public utility pole or a flagpole.

BUILDING, ACCESSORY: See "ACCESSORY BUILDING".

BUILDING HEIGHT: The vertical distance from the average finished grade measured six (6) feet out from the foundation to the highest point of a flat or mansard roof, or to the mean level between the eave and ridge for the highest roof surface for gable, hip or gambrel roofs.



BUILDING LINE: A line parallel to a street at a distance equal to the required front yard or at a greater distance when otherwise established by the Town of Suffield or when established by the owner and recorded in the land records of the Town of Suffield. In the case of a back or rear lot, the "building line" shall be established parallel to the "rear lot line" of the front lot or as determined by the Commission.



BUILDING PERMIT: An official certificate or document issued by the Building Official that authorizes performance of a specified activity which the Zoning Enforcement Officer certifies conforms to these regulations.

BUILDING, PRINCIPAL: That single building or inter-related group of buildings, in which is conducted the principal use of the lot on which the building is situated.

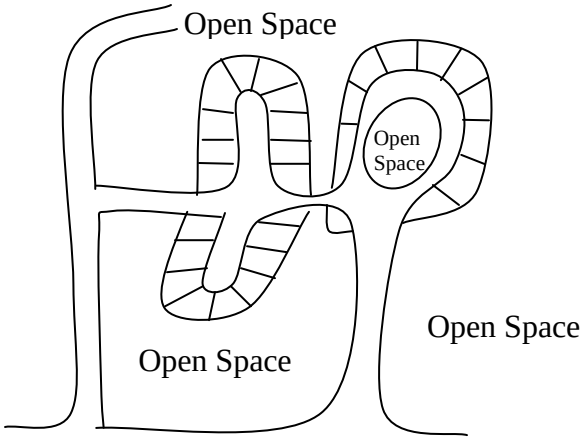
CERTIFICATE OF OCCUPANCY: A certificate issued by the Building Official for a use or occupancy of a structure in whole or in part which requires the Zoning Enforcement Officer's approval.

CERTIFICATE OF ZONING COMPLIANCE: A letter issued by the Zoning Enforcement Officer certifying that a building or land use conforms to the requirements of these regulations.

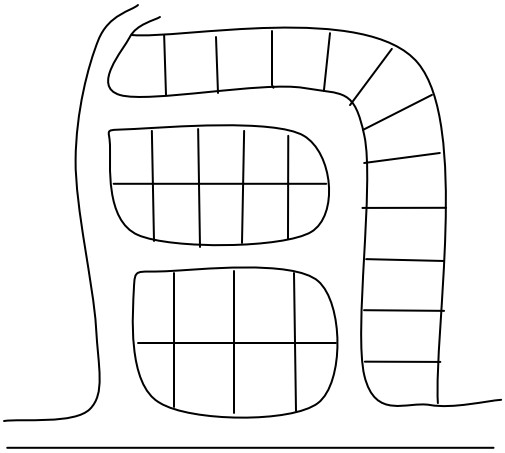
CHILD DAY CARE CENTER: Includes "Group-Day Care Home" and "Family Day Care Home" as defined in CGS Sec. 19a-77, as amended, i.e., a facility providing daytime care or instruction for seven (7) or more children, as long as no play equipment is located in any required setback area. This use requires a special permit.

CLUB: An organization catering exclusively to members and their guests, provided that the purpose of the club is not conducted primarily for gain and that there is not conducted any commercial activities except as required generally for the membership and purposes of this club.

CLUSTER DEVELOPMENT: A development design technique that is encouraged under Sec. VI. Flexible Residential Development regulations, that permits a reduction in lot area, frontage, and setback, and a reduction in associated infrastructure needs, provided there is no increase in the overall density permitted for a conventional development, in return for the preservation of open space to be used for passive and/or active recreation or agricultural purposes, and the preservation of historically or environmentally sensitive features.



Cluster Development
- 30 lots -



Conventional Development
- 30 lots –

COMMISSION: The Zoning and Planning Commission of the Town of Suffield, Connecticut.

CONDOMINIUM, RESIDENTIAL OR OFFICE: A residential or commercial development containing individually owned dwelling units and commonly owned and shared areas and facilities on a lot or lots owned in common.

CONSERVATION COMMISSION: Synonymous with the Town of Suffield's Inland Wetlands and Watercourses Agency and/or the Town of Suffield's Conservation Commission.

CONSERVATION EASEMENT: A nonpossessory interest in real property imposing limitation or affirmative obligations, the purposes of which include retaining or protecting natural, scenic, or

open space values of real property assuring its availability for agricultural, forest, recreational, or open space use.

CONTRACTORS' YARD: A use involving the keeping of construction, excavation, landscaping and/or yard maintenance equipment. This use requires a special permit.

CONVALESCENT, NURSING, OR REST HOME: A medical institution providing shelter, clothing and food to resident patients as defined in CGS Sec. 19-490. For the purposes of these regulations, a convalescent, nursing or rest home use is a permissible use under Sec. V.F. (Assisted-Living and Personal-Care Facilities) in all zones. This use requires a special permit.

CUSTOMARY HOME OFFICE OR OCCUPATION: Customary home office or occupation for gain carried on entirely within the dwelling by residents thereof provided the use:

1. Is clearly incidental to the use of the dwelling for dwelling purposes;
2. Does not change the residential character of the dwelling in any visible manner;
3. Does not create objectionable noise, odor, vibrations, or unsightly conditions noticeable off the premises;
4. Does not create interference with radio and television reception in the vicinity;
5. Does not create a health or safety hazard;
6. That no nonresident help is employed for that purpose;
7. No trading in merchandise is carried on;
8. No personal physical service of any kind is performed;
9. No external or internal alterations or construction features not customarily found in a home are required (i.e. no outside storage of materials); and,
10. No commercial type vehicle shall be used in connection with the home occupation.

Commercial operations such as massage therapists, tearooms, antique shops, barbershops, beauty shops, etc., are not to be considered customary home occupations. (10-09-09)

DEAD-END STREET OR SYSTEM: A public or private street or connected series of streets with its only means of entrance or exit through one common point. A dead-end street or dead-end-street system shall be limited to twelve-hundred (1,200) feet as measured from the edge of the connecting street to the center of the proposed cul-de-sac unless waived by the Commission for severe topographic reasons or for the purpose of fulfilling Subdivision Regulation Sec. 801 when said street:

1. Has public water; and,
2. Has no more than a total of thirteen (13) lots in the R-90 zone, fifteen (15) lots in a R-45 zone, or twenty (20) lots in the R-25 zone.

DESIGN REVIEW BOARD (DRB): An advisory Board to the Commission authorized by CGS Chap. 124, Sec. 8-2j as amended, charged with reviewing applications in accordance with the regulations set forth for the Town Center Village District and the West Suffield Center Village District.

DEVELOPABLE AREA: An uninterrupted contiguous area, which does not contain wetlands, watercourses, water bodies, or areas with slopes in excess of twenty percent (20%).

DRIVE-THRU: A vehicular lane with storage in a line of approach to a bank facility or retail pharmacy only, which permits bank customers to conduct banking business or pharmacy customers to purchase prescription drugs. This use requires a special permit. (10-09-09)

Driveway: Any access from a street used, designed, or intended to be used for vehicular ingress and egress to any building, structure, use, or lot. Each lot shall have access through its required lot frontage except when the Commission approves a common driveway. The Commission may approve a common driveway for up to 2 houses when it finds that each lot is capable of supporting its own driveway with access through the required lot frontage and that in the opinion of the Commission a common driveway is (1) desirable for traffic and safety concerns; (2) only one common driveway is permitted on a lot; (3) the common driveway must serve one of the lots on which it is located; and, (4) a common driveway maintenance agreement is filed in the Land Records the contents of which are acceptable to Commission Counsel. (9/28/05)

DWELLING: A building designed and used exclusively as living quarters for one or more families. The terms "dwelling," "attached dwelling," "detached dwelling" and "dwelling unit" shall not be deemed to include hotel, motel, boarding or rooming house, convalescent or nursing home, mobile home trailer, tourist home or tent. In the case of buildings having two (2) or more portions divided by party walls forming a complete separation above the basement, each such portion shall be considered to be a separate dwelling.

DWELLING, ATTACHED: A building having any portion of a wall in common with another dwelling.

DWELLING, DETACHED: A building with open spaces on all sides.

DWELLING, MULTI-FAMILY: A building containing more than one dwelling unit. This use requires a special permit.

DWELLING, SINGLE-FAMILY: A building containing one dwelling unit only.

DWELLING, UNIT: A building or portion thereof providing complete housekeeping facilities for one (1) family.

EARTH MATERIALS REMOVAL: The removal, excavation or mining of minerals, sand, gravel, clay, bedrock, peat, loam or topsoil for commercial purposes. This use requires a special permit.

EROSION AND SEDIMENTATION CONTROL PLAN: A plan required by these regulations to minimize soil erosion and sedimentation resulting from development, and administered by the Town of Suffield Conservation Commission.

Family: Individuals related by blood, marriage, legal adoption, legal guardianship or a group of not more than four (4) persons who need not be so related, living and cooking together on the same premises as a single housekeeping unit. The persons constituting a family may also

include foster children. Regardless of relationship, any persons occupying a boarding or rooming house or supervised group quarters regardless of ownership shall not be considered members of a family.

FARM: A tract of land containing five (5) or more acres used in part or wholly for agricultural purposes. In the case of a portion of a farm used for the keeping of pigs, fur-bearing animals, poultry, or wildlife for commercial purposes, an agricultural buffer with a minimum width of fifty (50) feet from all property lines is required.

FARMERS' MARKET: A seasonal weekly event sponsored by the Town of Suffield. This use requires a special permit.

FARM STAND: A structure used for the sale of agricultural and homemade products which are produced on the premises, setback a minimum of twenty (20) feet from the front lot line and fifty (50) feet from any street intersection, and not to exceed ten (10) feet in height unless part of an existing structure.

Farm Stand Permanent (11/17/08): An accessory building and use to an active farm for the sale of agricultural and home made products. This use requires a **Special Permit** (See section V.S.). (11/17/08)

Flexible Residential Development: A residential development consisting of at least ten (10) acres with five (5) or more lots that allows smaller lots than those normally required by the underlying zoning district regulations in order to permanently conserve natural, scenic, or historic resources; provide open spaces for active or passive use; and, reduce infrastructure costs and impervious surfaces. (See also **"CLUSTER DEVELOPMENT".)**

Greenhouse: A building made mainly of glass or other transparent or translucent material in which the temperature or humidity can be regulated for the cultivation of plants. (10-09-09)

Golf Course: A tract of land laid out for playing a game of golf, including miniature golf, driving ranges, and associated buildings. This use requires a special permit.

Grade, Finished: The final elevations of lawns, driveways, walks and roads constructed as shown on official plans or designs relating thereto.

Gross Floor Area: The sum of the horizontal area of all floors of a building, measured by exterior dimensions.

HOMEOWNERS' ASSOCIATION: An incorporated organization operating under recorded land agreements through which each lot or unit owner is automatically a member and each lot or unit is automatically subject to a proportionate share of the expenses for the organization's activities.

Hotel/Motel: A building or group of buildings providing lodging for persons, with or without meals, and intended, designed, and used primarily for the accommodation of transients. This use requires a special permit.

Industrial: The manufacture, fabrication, processing, or reduction of an article, substance or commodity in such a manner as to change the form, character, or appearance thereof.

Industrial, Light: Research and development activities, and the manufacturing or processing and/or treatment of finished or semi-finished products from previously manufactured materials, which activities are conducted wholly within an enclosed building.

Junk: Any worn-out, cast-off or discarded article or material that is ready for destruction or has been collected or stored for salvage or conversion to some use.

Kennel: The keeping of five (5) or more dogs over the ages of six (6) months. This use requires a special permit. Commercial kennels as defined in CGS Sec. 22-344 are prohibited.

LANDSCAPING PLAN: A plan that is prepared by and contains the seal of a Landscape Architect registered by the State of Connecticut that includes a list and count of all trees and shrubs to be planted, by common and botanical names, size (caliper, height, time until maturity) at planting, and height and spread maturity.

LIGHTING PLAN: A plan required for non-residential uses and residential uses that require a special permit, which provides specific outdoor illumination measures and specifications.

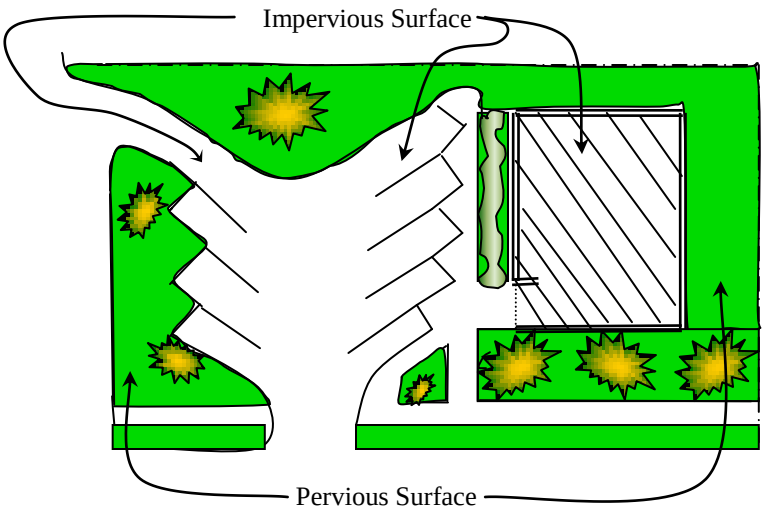
LIVESTOCK: Shall mean domestic animals including alpaca, cows, goats, horses, lamas and sheep.

Lot: A plot or parcel of land occupied or approved to be occupied by a building(s) which meets the minimum requirements for lot frontage, lot depth, and lot area of the zone in which it is located or which meets the definition of nonconforming lot as defined in these regulations.

Lot Area: The actual area, in square feet, enclosed by the boundaries of the lot.

Lot Corner: A lot having two (2) adjacent sides facing a street or streets so that the interior angle of the intersection is not more than one-hundred twenty (120) degrees; also a lot having two (2) adjacent sides forming tangents of a curve with an inside radius greater than fifty (50) feet, all of which face a street or streets.

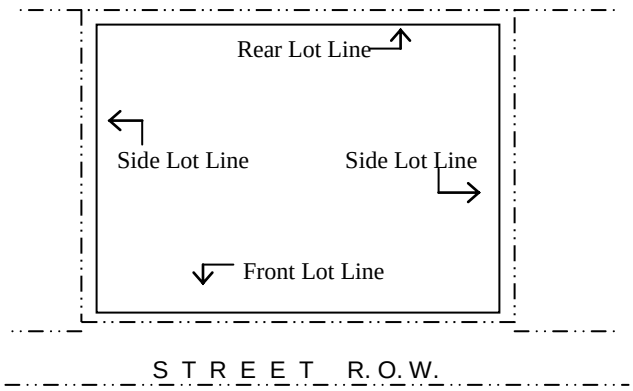
Lot Coverage: That percentage of the total lot area covered by buildings and all other impervious surfaces including most parking areas.



Lot Depth: The mean horizontal distance between the front and rear lot lines, measured in the general direction of the side lot lines.

LOT FRONTAGE: Is the distance between lot sidelines measured along the street line. In the case of lots having frontage on or adjacent to a street curve, required lot frontage shall be measured at the building line. The required minimum lot frontage shall be measured as a continuous-unbroken line. (9/28/05)

LOT LINE: The property lines bounding a lot as defined herein.



LOT LINE, FRONT: In the case of a lot abutting upon only one street, the property line separating the lot from the street.

LOT LINE, REAR: The lot line which is generally opposite the front lot line; if the rear lot line is less than ten (10) feet in length, or if the lot comes to a point at the rear, the rear lot line shall be deemed to be a line parallel to the front line not less than ten (10) feet long, lying wholly within the lot and farthest from the front line.

LOT LINE, SIDE: Any lot line that is not a front lot line or a rear lot line, as defined herein.

Membrane Structure: A structure with a frame consisting of tubular metal, plastic, wood or any other framing material and covered with plastic or other membrane fabric material. Also known as a "hoop house". Not to be construed with a greenhouse (see Section II Definitions). (10-09-09)

MOBILE OFFICE OR TRAILER: A structure capable of being transported on wheels or on a flatbed trailer designed to permit temporary office occupancy in connection with a permitted construction project. A mobile office or trailer cannot be used for dwelling purposes.

NONCONFORMING BUILDING OR STRUCTURE: Any building or structure legally in existence at the time of these regulations, or legally existing prior to an amendment to these regulations, which does not conform to all the applicable requirements of these regulations.

NONCONFORMING LOT: A lot legally existing at the adoption of these regulations, or legally existing prior to an amendment to these regulations, which does not conform to the minimum lot area or frontage requirements for the zone in which it is located.

NONCONFORMING USE: A use legally existing at the adoption of these regulations, or legally existing prior to an amendment to these regulations, which does not conform to the use regulations for the zone in which it is located.

OPEN SPACE: Land permanently preserved through deed or conservation restriction in its natural state and/or developed for recreational or farming use as approved by the Commission.

OWNER OF RECORD: Wherever the term "owner of record" is used in this ordinance in conjunction with a public hearing or public notice, it shall mean the owner whose name appears in the land records found in the Assessor's Office at the time when the mailing list for said hearing or notice is prepared.

PLAN OF CONSERVATION AND DEVELOPMENT: The Town of Suffield Master Plan adopted by the Commission that details current and future community-development plans.

POULTRY: Chickens, turkeys, pheasants, ducks, and other birds customarily raised for their meat and/or eggs for commercial purposes.

PREMISES: A lot or parcel and all buildings, uses, and structures located therein.

PRINCIPAL BUILDING: That single building or inter-related group of buildings, in which is conducted the principal use of the lot on which the building is situated.

PRINCIPAL USE: The primary purpose or function for which a premise is used, designed, or intended to be used.

PROFESSIONAL HOME OFFICE OR OCCUPATION: An office accessory to and located within an owner-occupied single-family dwelling for use by the homeowner professional, their staff, and clients, provided that:

1. A site plan is submitted to the Commission for approval.
2. Professionals may have one (1) non-resident employee except that medical doctors or dentists may have two (2) non-resident employees.
3. Adequate off-street screened parking and lighting shall be provided on the premises.

This use requires a special permit.

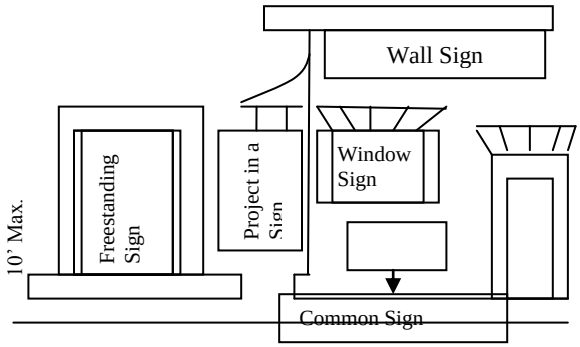
RECREATIONAL VEHICLE: Any vehicle which can be registered for highway use or boat, which is capable of being occupied with sleeping and/or cooking accommodations, on a temporary basis and may or may not contain sanitary facilities.

RESTAURANT: A space in a suitable and permanent building kept, used, maintained, advertised and held out to the public to be a place where meals are regularly served. A restaurant may include a cocktail lounge or bar as long as no more than fifty (50) percent of the gross floor area is devoted to such use and is clearly adjunct to the primary function of serving food and operate under a Liquor Permit as provided in the C.G.S. as amended and comply with all Liquor Control Commission regulations appertaining thereto. Other establishments serving food and nonalcoholic drink in an enclosed structure, providing seats for its customers either at a counter or at separate tables. Outdoor window counter service is prohibited. Any type of service of food and drink intended for consumption on the premises outside of the enclosed structure is prohibited, unless the Commission grants a special permit as an accessory use. This use requires a special permit.

RESUBDIVISION: A change in a map of an approved or recorded subdivision or resubdivision if such change (1) affects any street layout shown on such map; (2) affects any area reserved thereon for public use; or (3) diminishes the size of any lot shown thereon and creates an additional building lot, if any of the lots shown thereon have been conveyed after the approval or recording of such map.

RETAIL: The sale of goods or services directly to the consumer, with the exception of those uses listed in Sec. IV.L. Prohibited Uses or similar uses. This use requires a special permit.

SIGN: Any structure or part thereof, or any device (including but not limited to letters, words, emblems, numerals, pictures, sculptures, figures, or any combination thereof) used for visual communication for the purpose of bringing the subject thereof to the attention of the public. Merchandise or facsimile merchandise shall not be considered a sign.



SIGN, FREESTANDING OR GROUND: A sign affixed to the ground by its own support and/or foundation.

SIGN, PROJECTING: A sign attached to a building extending in whole or in part more than twelve (12) inches beyond said building.

SIGN, WALL: A sign attached to or painted on the exterior wall of a building and not projecting away from said wall more than twelve (12) inches.

SIGN, WINDOW: A sign affixed to the interior or exterior of a window and visible from outside the building.

SIGN PERMIT: Same as "BUILDING PERMIT".

SITE PLAN: A detailed plan required when seeking a permit by the Commission in accordance with Sec. XIV.A.2.

SPECIAL PERMIT: A use of a structure or lot or any action upon a premises that may be permitted by these regulations only upon application to, and the approval of, the Zoning and Planning Commission in accordance with these regulations. These uses have been deemed by the Commission to require restrictions or conditions placed upon them, which if controlled as to number, area, location, or relation to the neighborhood, would promote public health, safety, appearance, or general welfare. The procedure for obtaining a special permit includes that abutters be notified and a public hearing held. Completion of a site plan is required for obtaining a special permit. Special permits may be issued by the Commission for a specified time period.

STORAGE TRAILER: A vehicle without means of propulsion that can be used for hauling or storing of materials or goods and is capable of being readily moved by a tractor or other vehicle. This use may require a special permit.

STORY: That portion of a building or structure between the surface of a floor and the surface of the next floor above, or in its absence, the next ceiling above.

STREET, ARTERIAL: A street with an average traffic volume in excess of five-thousand (5,000) vehicles per day and which accommodates traffic movement between arterial, collector, and local streets.

STREET, COLLECTOR: A street with an average traffic volume between one-thousand (1,000) and five-thousand (5,000) vehicles per day.

STREET LINE: The property line separating the street right of way from adjoining property, not the paved or traveled roadway.

STREET, PUBLIC: Any street, which is a State highway. Any Street or Road accepted by Town Meeting and deeded to the Town of Suffield. This includes land dedicated as a public right of way and accepted by the Town or the State. (2/7/2012)

STRUCTURE: Anything constructed or erected, including a building, the use of which requires location on or under the ground, or attachment to something having location on the ground excluding flagpoles, public utility poles, and underground services.

SUBDIVISION: A division of land into three (3) or more parts or lots made subsequent to the adoption of subdivision regulations by the Commission, for the purposes, whether immediate or future, of sale or building development expressly excluding development for municipal, conservation, or agricultural purposes.

SUBDIVISION REGULATIONS: The Town of Suffield "Subdivision Regulations" adopted by the Zoning and Planning Commission and which must be adhered to in order to subdivide or resubdivide property in the Town of Suffield.

TOWN HOUSE: A dwelling unit attached to another dwelling unit at one or both sides by party walls, extending from the lowest floor level to the roof with no openings between units.

TRAILER: A large transport vehicle designed to be hauled by a truck or tractor.

UNIT OF OCCUPANCY: Any structure or part thereof that is intended to be, or is, used to house one family, business, industry or corporate entity for the purpose of carrying out the business appurtenant thereto.

USE, ACCESSORY: A use, in addition to the principal use, which is clearly subordinate to, and customarily incidental to, and located upon the same lot as, the principal use or on a contiguous lot under the same ownership. This use may require a special permit.

Use, Principal: The primary purpose or function for which a premise is used, designed, or intended to be used.

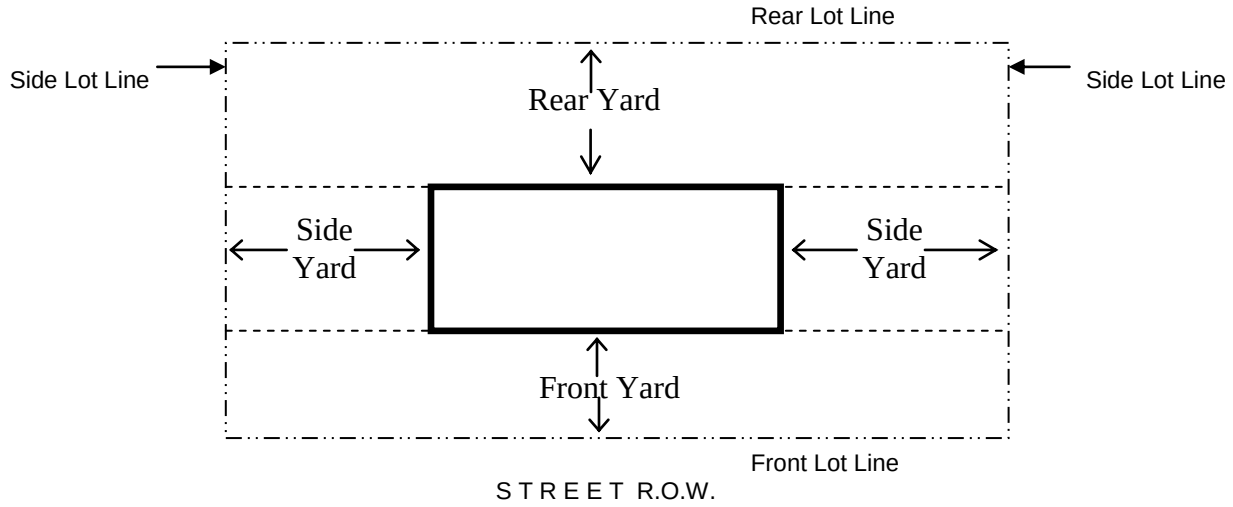
Variance: A relaxation of the terms of the Zoning Regulations where such a variance will be in harmony with the general purpose and intent of the regulations and with due consideration for conserving the public health, safety, convenience, welfare and property values solely with respect to a parcel of land where, owing to conditions especially affecting such a parcel but not affecting generally the district in which it is situated, a literal enforcement of such bylaws, ordinance or regulations would result in exceptional difficulty or unusual hardship so that substantial justice will be done and the public safety and welfare secured. A variance may only be issued by a vote of the Zoning Board of Appeals after proper application and notice.

Warehousing, Wholesaling, and Distribution: A use engaged in selling and/or distributing of merchandise, where goods are received and/or stored for delivery to others. This use requires a special permit.

Wetlands: Those areas designated and defined as inland wetlands by the Conservation Commission, pursuant to its regulations.

Wineries: (11/17/08) An accessory building and use to an active farm that is used for growing, bottling, and the production of wine and wine products. Wineries may include activities such as: (1) retail sale of wine and related items; (2) a tasting room; (3) wine sales by glass or bottle; (4) wine tasting; (5) tours; (6) wine/food events and (7) wine festivals. This use requires a **Special Permit.** (See section V.S.). (11/17/08)

Yard: An open space on the same lot with a structure that lies between said structure and the nearest lot line and which is unoccupied except as may be specifically authorized in this ordinance. 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 a 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:



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.

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.

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 Board of Appeals: The Town body whose responsibility is to hear appeals from decisions of the Zoning Officer and to consider requests for variances to these regulations.

Zoning District: A specific area of land designated on the Town of Suffield Zoning Map having separate requirements as establish by these regulations.

Zoning Enforcement Officer: The individual(s) designated by the Commission as the Town Official responsible for administering and enforcing the requirements of these regulations.

Section III: GENERAL REQUIREMENTS

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B. Lots of Record ……... III-1
C. Lots in Two Zones …… III-2
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SECTION III. GENERAL REQUIREMENTS

When any provision of these regulations imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other ordinance, statute or law, the provision of these regulations shall apply and govern. In the case of any conflict or inconsistency between sections of these regulations themselves, the more stringent section shall apply and govern. The invalidity or any word, clause, sentence shall not affect the validity of any other word, clause or sentence.

A. GENERAL CONDITIONS

Except as specifically provided herein:

1. No land, building or premises, or part thereof shall hereafter be used and no building or part thereof or other structure shall be constructed, reconstructed, extended, enlarged, moved or altered except in conformity with the regulations herein prescribed for the zone in which it is located.

2. No part of any yard or other open space required about any building by the provisions of these regulations may be included as part of a yard or other open space required for any other building.

3. No building containing a residential use shall be erected, altered, enlarged, or maintained in the rear of any building on the same lot, and no building shall be erected, enlarged, or maintained in front of a building containing a residential use, except as expressly permitted in Subsection D.

4. No lot shall be so reduced in area or changed in dimensions that any required yard or other open space will be smaller than prescribed by the Zoning Regulations.

5. No structure shall be erected or altered except in accordance with these regulations, on any lot nearer to the street than the building line.

6. No building or zoning permit shall be issued for any structures or land use unless the lot for which the permit is sought has the required frontage on a public street, with the exception of the conditions described in Subsection B. below.

B. LOTS OF RECORD

The lot frontage and lot area requirements of these regulations or amendments thereto shall not prevent construction of a permitted building or establishment of a permitted use on a lot that:

1. Was owned separately from any adjoining land prior to June 15, 1954, as evidenced by deed recorded in the Suffield land records, and has not merged with a contiguous lot; or,

2. Was shown on a valid, filed plan of subdivision, approved by the Commission prior to the effective date of these regulations.

3. Has its frontage on a public street, and sanitary sewage disposal and a potable water supply can be assured without hazard to public health, and that the side and rear yards conform to the regulations that were in existence on the date immediately prior to the effective date of these regulations.

C. LOTS IN TWO ZONES

In the case of a lot of record lying in more than one district, the provision of the less restrictive district may be applied for a distance of not more than thirty (30) feet into a more restrictive district, provided that such lot has frontage on a street in the less restrictive district.

D. OBSTRUCTIONS IN YARDS, FENCES

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

1. No structure shall be erected between the building line and the street line, except for signs according to Sec. IX of these regulations, a farm stand, and a wall or fence not over four (4) feet in height and not more than one-half (1/2) solid with the exception of a stone wall which may be a maximum of three (3) feet in height.

2. Walls or fences, not exceeding eight (8) feet in height measured above the adjoining finished grade, are allowed only in any required side or rear yard. Minor variations of less than one (1) foot in elevation of the adjoining finished grade shall not affect the measurements of the height of such fence or wall.

3. All fences, except those used for agricultural purposes, shall be erected so that the finished side of the fence faces the abutting property.

4. Minor projections of structures, such as window or door frames and sills, belt courses, cornices or other architectural features may project no more than one (1) foot into any required yard.

5. Major projections of structures such as chimneys, bay windows not longer than twenty-five (25) percent of the wall from which they project, eaves, roofs over doorways, hatchways, areaways and fire escapes may project not more than four (4) feet into any required yard, provided that they shall not be closer than four (4) feet to any lot line.

6. In any rear yard accessory buildings shall be permitted, provided that they shall not occupy more than twenty-five (25) percent of the required rear yard.

7. An attached solar greenhouse on the southerly side of the main structure may project up to ten (10) feet into a required setback yard.

8. Handicapped ramps.

E. EXCEPTIONS TO HEIGHT REQUIREMENTS

1. The height limitations of these regulations shall not apply to chimneys, antennas, church spires, air conditioning equipment and enclosures, or other usual accessory features carried above the roof. Freestanding structures such as towers or tanks not intended for human habitation, which exceed the height limits of these regulations, may be permitted by the Commission under a special permit when such structures are erected only to such height as is necessary to accomplish the purpose they are intended to serve. These requirements shall not pertain to amateur radio antennas.

2. Satellite dishes of up to thirty-nine (39) inches in diameter may be permitted on roofs of buildings containing up to three (3) residential units. Commercial and other residential buildings may carry larger units provided that such units are completely screened from ground level up to horizontal observation level.

F. ACCESSORY BUILDINGS

1. An accessory building or structure is attached to a principal building, including attachment by means of a breezeway or a roofed passageway, then it shall comply with the requirements of these regulations applicable to a principal building.

2. Any accessory building observing the same yards as required for the principal building may be erected to the same height limits as the principal building.

3. No accessory building on the same lot with a main residence building other than a farm boarding house or school dormitory shall be used for residence purposes, except for immediate family of the owner, or for domestic employees or caregivers of the owners or family members, and who are employed on the premises. Such dwelling of not more than three (3) rooms, including kitchen facilities, shall be permitted in an accessory building provided the lot contains at least 10,000 square feet of area above the required lot size for the district in which it is located. Additional lot area is not required in an R-90 District. Rental of the unit to anyone other than the owner's family members, employees or caregivers of the owner is prohibited. Other requirements are as follows;

    a. The property shall be and shall remain owner occupied.
    b. The accessory building should not exceed 35% of the total floor area of the primary dwelling unit or 900 square feet, whichever is less. Only the floor area used for the dwelling unit shall apply within existing accessory buildings.

c. A limit of one (1) accessory building may be used for residence purposes per lot.
d. Existing accessory structures may be used for residence purposes on lots of any size provided all health and safety standards can be met.
e. No additional road (driveway) cuts are allowed. (4-03-2014)

4. Accessory buildings may include private garages with space for not more than three non-commercial motor vehicles on one lot up to one acre in size and for one additional such vehicle for a lot in excess of one acre. Not more than one such space may be occupied by a commercial motor vehicle provided such vehicle be not more than 18,000 [pounds] gross vehicle weight for a residential lot.

5. Accessory buildings to farming use, buildings housing farm animals and poultry, and farm boarding houses are permitted not less than one-hundred (100) feet from a street or lot line, and not less than one-hundred-fifty (150) feet from the nearest existing residential building on land under separate ownership.

6. Greenhouses as accessory buildings are limited to one structure on a residential lot. More than one greenhouse as an accessory use may be allowed on a farm, but such buildings shall be accessory and incidental to the main agricultural use of the property.

7. Accessory buildings which are not more than ten (10) feet in height may be located:

   a. In the rear half of any lot, but not nearer than seventy-five (75) feet to any street.

   b. Within five (5) feet of the side or rear lines of said lot when such lot lines abut the rear lines or rear half of side lines of adjoining lots.

   c. No accessory building shall be nearer than the required minimum side yard line to a rear lot line which adjoins the front half of the side line of an adjacent lot.

8. No accessory building or private garage shall be built on a lot without principal use, except for farm buildings associated with a farm use actively operating on the premises.

G. LOT FRONTAGE AND CONFIGURATION (10/07/06) (2/7/2012)

1. No lot shall be created, divided, or subdivided without having the frontage required in the applicable zone upon a public street. (See definition of Street, Public.) (2/7/2012)

2. The minimum street frontage on each street of any corner lot shall be not less than the minimum frontage for the zone in which such lot is located.

3. The width of a lot shall not be less than 80% of its required minimum frontage for the first 100 feet back from the front lot line and side lines must be substantially perpendicular to the street. (10/07/06)

H. DRIVEWAYS AND VISIBILITY

1. Locations and Design Standards of Driveways. (6/28/07)

    a. Driveways shall meet the intersection sight distance requirement of AASHTO. Applicants shall determine the 85th percentile of operating speed on existing streets by conducting a speed study or by determining the AASHTO sight distance requirements for the posted speed limit plus ten (10) miles per hour. (2/10/06)

    b. Driveways and parking areas shall be setback from property lines at least ten (10) feet in the R-90 Zone, five (5) feet in the R-45 and R-25 Zones, and two (2) feet in all other residential zones. (11/19/04)

    c. Driveways shall intersect roadways at an angle of not less than seventy five degrees (75%). This angle should be maintained for a distance of not less than twenty (20) feet. (6/28/07)

    d. The maximum grade for a driveway shall not exceed fifteen percent (15%) if paved and ten percent (10%) if unpaved. (6/28/07)

    e. Driveway side slopes shall not exceed a slope of three to one (3:1) unless retaining walls or other suitable stabilizing provisions are utilized. (6/28/07)

    f. All driveways shall be constructed at a grade of plus three percent (+3%) for a fifteen (15) foot distance from the edge of the pavement. (6/28/07)

    g. All driveways shall be paved for the first twenty (20) feet, as measured from the edge of the gutter line. This paving shall consist of a minimum of two inch bituminous concrete on a six inch processed aggregate base. All Driveways must be constructed with a minimum radius of five (5) feet on each side at the street. No driveway radius shall extend beyond the side property line in front of an adjacent property. (6/28/07)

    h. Driveway openings shall be located no closer than seventy five (75) feet from any roadway intersection. This requirement may be waived for existing corner lots or new subdivision corner lots after safety considerations by the Commission or Staff. (6/28/07)

    i. Proposed lots which cannot be served by a driveway conforming to required standards shall not be approved. (6/28/07)

    j. No curb cuts or driveways are allowed without the issuance of a driveway permit form the office of the Town Zoning Enforcement Officer. (6/28/07)

2. Residential driveways, including related bridges and cross culverts, longer than 250 feet shall:

a. Be constructed to accommodate a two-axle 42,000 lb. fire truck;

b. Be a minimum of twelve (12) feet in width and have an additional passable area of three (3) feet on each side (for a total of 18 feet in width) capable of supporting fire apparatus;

c. Be clear of obstructions for a height of thirteen (13) feet; and,

d. Contain a turnaround area of sufficient size to allow a forty (40) foot three (3) axle fire truck with two-hundred (200) inch wheel base to turn around in the vicinity of the residence. The turnaround location shall not interfere with the parking area for the residential vehicles. (6/28/07)

e. A limit of one driveway of more than 250 feet in length is permitted to serve no more than one lot from the one hundred and ten (110) foot Cul-De-Sac radius R.O.W. of a street of no more than twelve hundred (1,200) feet in length. The driveway must be located totally on the property being served and meet the applicable set-back requirements. (6/28/07)

f. There shall be no more than one driveway in excess of two hundred fifty (250) feet in length on a dead-end street or dead-end street system. (6/28/07)

g. Paragraphs e. and f. above are not applicable if a driveway in excess of two hundred fifty (250) feet in length results in more lots being created than could be provided on twelve hundred (1,200) feet of street length for the zone in which it is located. In such case no driveways in excess of two hundred fifty (250) feet in length will be permitted. (6/28/07)

h. The separation distance between driveways in all zones must be a minimum of twenty (20) feet not including radius. (6/28/07)

i. Driveways in excess of two hundred fifty (250) in length are only permitted to serve lots with a minimum area of five (5) contiguous developable acres. (6/28/07)

3. Visibility at Intersections, Corners and Curves.

a. No obstruction, hedge, bush, tree or other growth, wall, fence, or sign shall be erected, maintained or planted which obstructs or interferes with a clear view of drivers of vehicles on a curve or at any street intersection.

b. Commercial site access entrances shall not be located within two-hundred and fifty (250) feet of a street intersection or within one-hundred and thirty (130) feet of a curb cut on the same side of the road, as measured centerline to centerline of pavement. This provision may be waived or modified by the Commission depending on specific site conditions.

c. The minimum site line clearance shall require a height not exceeding three (3) feet above the street grade within twelve (12) feet of the intersection street lines bordering corner lots.

I. UTILITY SERVICES

1. Gas Transmission Lines.

   No structure or accessory building capable of being occupied by persons, nor any use of land that involves occupancy by persons will be permitted within the building lines hereby established on the high pressure gas transmission pipe line. Such building lines shall run parallel to the lines of said pipe, and at the distance given below measured from each side of right of way line:

   a. For Division I classification: One-hundred (100) feet

   b. For Division II classification: Five-hundred (500) feet

2. Utility Transmission Lines and Substations.

   Utility transmission lines and substations are permitted uses in all zoning districts, provided that:

   a. The location, construction, and right-of-way of any transmission line shall be such as to prevent hazard to the public and surrounding property.

   b. Gas booster stations shall be located on a site at least one (1) acre in area and having no dimension less than 100 feet.
   c. A utility substation shall be located on a lot at least 10,000 square feet in area. There shall be suitable fencing to protect the public and landscaping to effectively screen the substation from surrounding property. Yard setbacks of the district in which the substation is located, shall be met. In addition, there shall be adequate off-street parking areas, providing at least two parking spaces.

   d. Minor structures, such as hydrants, telephone or light poles, or similar equipment, shall not be subject to these regulations.

J. HEALTH CONSIDERATIONS

All lots shall provide for an adequate healthful water supply and for proper sewage disposal for the use intended. Where a private water system and/or sewage disposal are planned on a lot, the system or systems to be installed shall have the written approval of North Central District Health Department before a Certificate of Occupancy may be issued.

K. HORSES/PONIES FOR PLEASURE

These regulations permit the keeping of horses/ponies for pleasure, but not for any commercial purpose, under the following conditions:

1. The lot shall contain not less than two (2) acres for up to two (2) horses or ponies and one (1) additional acre for each two (2) additional horses or ponies. The provisions of Sec. V.M. shall apply for more than ten (10) horses.

2. Buildings housing animals shall be not less than 150 feet from an existing dwelling under separate ownership or from a stream. Concentrations of waste shall be stored on any premises at a point farthest from houses under separate ownership, or from a stream, but not less than 150 feet and such concentration on any premises shall not exceed two (2) cubic yards in bulk.

3. Animal corrals shall not be within twenty (20) feet of side property lines within 150 feet of a street line. Beyond such point corrals may be placed along the property line, but shall not be within one-hundred (100) feet of an existing dwelling located on adjacent land. (See also Subsection F.5.)

L. CONNECTICUT RIVER CONSERVATION ZONE

In accordance with Connecticut Public Act No. 82-296, as amended, regulations are hereby established in the Town of Suffield for an area generally described as lying between CT Rte. 159 and the Connecticut River and extending from the Massachusetts State Line southerly to the Windsor Locks Town Line. Said area is delineated on the Zoning Map as an overlay zone. Requirements in the overlay zone are in addition to underlying district requirements, and include application by the Applicant with authorization of Town staff to the Connecticut River Assembly.

1. Purpose. The minimum standards for the preservation and usage of land within the conservation zone are designed to promote development practices which will support the following program goals:

    a. Protecting and improving the water quality of the Connecticut River;

    b. Preserving the flood storage capacity of flood plains;

    c. Preserving unique natural, historic and scenic areas and natural topography of riverfront land;

    d. Encouraging the development of agricultural land uses which contribute to conservation of the area's soil and water resources and which increase long-term food producing capacity;

    e. Promoting the recreational potential of the river area and public access to the river-front which is consistent with the ability of the land and the river to support such use;

f. Influencing the visual impact of riverfront development; and

g. Encouraging the preservation and rehabilitation of the Connecticut River greenbelt.

2. Minimum standards for the preservation and usage of land within the Conservation Zone. The standards apply to land use within the conservation zone. They focus on measures to control non-point sources of pollution, such as erosion and sedimentation and limit destruction of the natural environment. All standards are not listed in this section since standards having universal application may be found under appropriate categories in other sections of these regulations (such as flood hazards, erosion control, etc.).

a. Flood plain use.

(1) Purpose. The purpose of this minimum standard for flood plain use is to preserve the necessary flood storage capacity of the Connecticut River flood plain and its tributary flood plains; to promote public health, safety and general welfare through minimizing flood losses in flood plain areas; and to promote flood plain use which is compatible with beneficial flood plain values and goals of the Connecticut River Assembly Program.

(2) Activities Permitted As of Right. The flood plain use guidelines contained in Sec. 4. below, shall not be deemed to restrict agricultural or farming uses, including the building of fences, provided that this section shall not apply to farm buildings and farm structures.

(3) Permitting of Regulated Activities. No obstruction or encroachment shall be placed in the flood plain by any person, firm or corporation, public or private, unless authorized by the Zoning Enforcement Officer who shall consider the use guidelines contained in Subsection (4) below, when making a decision to deny or issue a permit. Nothing in Subsection (4) shall be construed as constituting approval or disapproval of any activity prior to the decision on a permit.

(4) Use Guidelines For Regulated Activities.

(a) The following activities may be generally compatible with flood-plain values under certain conditions.

1. Conservation activities which do not require significant physical alteration of watercourses and flood plains, i.e., wildlife and nature preserves, game farms, fish hatcheries, etc.

2. Parks and recreation areas provided that:

a. The placement of small piers, catwalks, floats, docks, piles and other similar structures including trails and pedestrian access routes:

(1) Do not involve dredging or filling of the watercourses and do not require significant physical alteration of flood plains;

(2) Are elevated on low-impact pile foundations;

(3) Do not interfere with or obstruct navigation; and,

(4) Do not restrict circulation.

b. The repair, relocation and/or rearrangement of floating docks, open pile docks, and similar structures within an established marina or boat basin involve no disturbance of the watercourse or flood plain other than removing or relocating anchors or pilings.

c. Accessory structures and amenities (such as picnic tables) are anchored and built to withstand flooding.

(b) The following activities are generally incompatible with flood plain values.

1. Activities which require incremental filling of the flood plain, where incremental fill shall mean fill, including any material or structure, which would have the effect of displacing water or the flood storage capacity of the property. Changing existing land elevations without the addition of new fill from off-site and which does not reduce the existing flood storage capacity of the subject property is not considered incremental fill.

2. Construction of any structure whose lowest floor, including basement, is lower than the base flood elevation of a one-hundred (100) year storm event unless flood proofed.

3. Construction of any structure which is not anchored to prevent floatation, collapse or lateral movement.

4. Construction of waste disposal systems which are not flood proofed to avoid impairment to them or contamination from them during flooding.

5. Construction of industrial facilities using, producing or storing hazardous or toxic substances (nuclear power plants, chemical factories, oil storage tanks, etc.) which are not protected against a flood of rare occurrence.

(5) Cutting of timber. No trees, shrubs or ground cover shall be destroyed, cut or removed within the 100-year flood hazard area unless dead or diseased. Within the Conservation Zone no trees over ten (10) inches in caliper, unless dead or diseased, shall be removed until a cutting plan has been provided and approved.

(6) Removal of soil and earth materials. The removal of soil and earth materials shall require

a Special permit from the Commission except for:

(a) Foundation, trench and related site excavation performed after the issuance of a Building Permit;

(b) Removal in connection with the landscaping and grading of land for the purpose for which a Building Permit is not required, provided that such removal shall not exceed 300 cubic yards of material; and,

(c) Earth moving or excavation related to farm management techniques or farm building construction.

(7) Dumping and storage of refuse. No dumping or storage of refuse shall be permitted within the Conservation Zone nor shall any new public solid waste disposal facility be established in the area. Transfer station operations used to store small amounts of refuse for brief periods pending final lawful disposition shall be prohibited in the flood plain and discouraged in the remainder of the Conservation Zone.

M. OUTDOOR LIGHTING

The purpose of these regulations is to provide specific outdoor lighting standards in order to maximize the effectiveness of site lighting, to enhance public safety and welfare, to raise public awareness of energy conservation, to avoid upward illumination, to reduce glare; and to avoid light trespass onto adjacent properties and public streets. These regulations shall apply to the installation or replacement of outdoor lighting fixtures. Subsections 1 and 2 shall apply to all non-residential land uses located in the commercial and industrial zoning districts, and for special permits issued in a residential zoning district. Subsection 3 shall apply to all uses in residential zones. Subsection 4 applies to all zoning districts.

1. Submission of Lighting Plan. Applicants proposing the installation of outdoor lighting shall file with the Commission a Lighting Plan subject to Site Plan review, unless waived by the Commission. Said plan shall be designed in accordance with the lighting standards and requirements, and shall contain the following:

a. The location, height, and type of outdoor-lighting luminaries, including building mounted.

b. The luminaire manufacturer's specification data, including lumen output and photometric data showing cutoff angles.

c. The type of lamp, i.e., metal halide, compact fluorescent, high-pressure sodium, etc.

d. An isodiagram or photometric plan showing the intensity of illumination expressed in foot-candles at ground level, including at adjacent property lines, if required by the Commission.

e. Hours of business operation and when lighting will be turned off.

2. Lighting Standards and Requirements

a. Outdoor lights and illuminated signs shall be designed, located, installed, shielded and directed to prevent direct light at (and glare across) the abutting property lines and the public right-of-way or street. The "maintained horizontal illuminance recommendations" as set by the Illumination Engineering Society of North America shall not be exceeded.

b. Outdoor lighting shall be full cut-off type fixtures, defined as a luminaire or light fixture that by design of the housing does not allow any light dispersion or direct glare to shine above a 90-degree horizontal plane from the base.

c. Outdoor lighting fixtures shall be limited to a maximum of fourteen (14) feet in height, unless otherwise designated by special permit.

d. All lighting in connection with signs shall be constructed according to Sec. IX of these regulations.

3. Properties located in Residential Zoning Districts.

a. Illumination of signs, spotlighting or floodlighting shall be so shielded that the light source cannot be seen from adjacent properties or the street.

b. Lighting of outdoor recreation facilities is subject to the approval of the Commission.

4. Exemptions to this section include lighting for public buildings, public monuments, flag-poles, stairs, ramps, or as determined by the Zoning Officer.

N. SIDEWALKS

In conjunction with an application for site plan approval or a special permit the Commission may require the installation of sidewalks up to eight (8) feet in width with materials to be approved by the Commission along a public road or within a site where it makes a determination that such walk would:

1. Facilitate the movement of customers or patrons from or to nearby residential or non-residential uses.

2. Separate pedestrian movement from vehicular movement for public safety and welfare.

O. MOBILE HOMES, TRAILERS, AND RECREATION VEHICLES

1. In any district a permit for a trailer used for storage or as an office in connection with an approved construction project on any lot may be issued by the Zoning Officer when found to be in compliance with the following:

    a. Trailer(s) must be located on the project site except for public-works projects.

    b. Application must be accompanied by a drawing to scale of not more than 1" = 40' showing all existing and proposed structures, proposed location of trailer(s) and the location of buildings on neighboring lots.

    c. The location of all trailers shall conform to all the setback requirements for buildings and other structures for the zoning district in which they are located.

    d. No construction trailer shall be placed at an approved location prior to two (2) weeks before the start of construction or site development nor shall it remain in place for more than six (6) months. Upon request, the Zoning Officer may grant one (1) extension of time for up to six (6) months.

    e. All construction trailers shall be removed no later than thirty (30) days after completion of construction activity.

    f. The Zoning Officer may require the relocation or removal of a trailer(s).

    g. In no case shall a construction storage/construction office trailer be used for human habitation.

2. In Residential Zoning Districts or on all lots previously used for one-family purposes, a permit for a temporary mobile home may be issued by the Zoning Officer while the residence is being repaired or rebuilt after a fire or other casualty when found to be in compliance with the following:

    a. The mobile home must be located on the rebuilding site.

    b. Application must be accompanied by a drawing to a scale of not more than 1" = 40' showing all existing and proposed structures, proposed location of trailer(s) and the location of buildings on neighboring lots.

    c. All mobile homes shall conform to all the setback requirements for buildings or other structures in the district in which it is located.

    d. Permits shall be issued for six (6) months. Upon request, the Zoning Officer may grant one (1) extension of time for up to six (6) months if no certificate of occupancy has been granted.

e. The Zoning Officer may require the relocation or removal of a mobile home.

3. Temporary uses of trailers other than for residential purposes may be allowed by the Commission as a special permit, subject to Sec. XIV.A. and the following:

   a. Trailer(s) must be located on the project site.

   b. The location of all trailers shall conform to all the setback requirements for buildings and other structures for the zoning district in which they are located.

   c. In no case shall a trailer be used for human habitation.

   d. The Commission shall establish reasonable requirements in respect to screening, time limits, hours of use, and other factors which control such special use.

4. Trailers or mobile homes shall not be placed in a special flood hazard area under any circumstances. The Commission shall establish reasonable requirements in respect to screening, time limits, hours of use and other factors which control such special use.

5. No more than a total of two (2) mobile homes or recreational vehicles, including boat and/or boat trailers may be stored by its owner in the rear yard of a lot occupied by his permanent residence; however, no unit may be occupied for sleeping, living, cooking or for carrying on a business in any zone except as provided elsewhere in these regulations. Such unit while stored shall be adequately screened from view from the street and from neighboring properties as determined by the Zoning Officer. Storage of mobile homes, trailers, and recreational vehicles are prohibited in the side or rear yard setbacks.

P. OUTDOOR DISPLAY, SALES OR STORAGE OF GOODS OR MATERIALS

1. Outdoor display, sales or storage of goods or materials may only be established with the approval of the Commission or the Zoning Enforcement Officer.

   a. In approving outdoor display or sales areas the Commission or Zoning Officer may regulate its:

      (1) Location on the site.

      (2) Number and type of items displayed.

      (3) Hours of the day for the establishment or operation of any outdoor display or sales area.

   b. The outdoor display or sales area shall not be located where the Zoning Officer or Commission finds that a traffic or pedestrian hazard on or off site will result.

2. Outdoor storage of goods or materials shall be enclosed by Type "C" screening and located to the rear of any existing or proposed building(s).

3. Outdoor display, sales or storage of goods or materials shall comply with applicable yard requirements to a building as specified by these regulations for the particular zone in which it is located.

Q. STORAGE CONTAINERS AND DUMPSTERS

1. Temporary storage containers and dumpsters.

   a. Storage containers or dumpsters used in connection with an approved construction activity shall be approved by the Zoning Officer.

2. Permanent storage containers or dumpsters according to an approved Site Plan as follows.

   a. Shall be Type "C" screened.

   b. Shall be placed on a concrete pad.

   c. Shall not be located within the required front, rear, or side yards adjacent to any residential zoning district, or the required front yard setback of any non-residential zoning district.

R. COMMERCIAL VEHICLES

In Residential Zoning Districts, commercial vehicles requiring a CDL (commercial drivers license) shall not be parked or stored overnight, except for farm equipment associated with a farm on which said equipment is stored.

S. DRAINAGE

No structure shall be used, erected or expanded and no land shall be graded or hard-surfaced unless provisions have been made and expressly approved by the Town Engineer for the proper disposal of drainage water.

T. TOPSOIL

The removal or destruction of topsoil of more than twenty (20) cubic yards on any lot shall not be permitted except in connection with a bona-fide permitted construction project. After completion of such work, topsoil shall be replaced and seeded according to accepted landscaping practices and the Connecticut Guidelines for Soil Erosion and Sediment Control.

Section IV: ZONING DISTRICTS AND USE REGULATIONS

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SECTION IV: ZONING DISTRICTS AND USE REGULATIONS

A. ZONING DISTRICTS

The predominant character of Suffield as it exists and as planned is for agriculture and single-family residential use. However, it is also the intent that there be a variety of types of rural and urban residential environments and commercial centers to meet the needs and desires of town residents.

The Town of Suffield is divided into the following single-family, multi-family, commercial, industrial, and agricultural zoning districts, the boundaries of which are shown on the "Official Zoning Map, Town of Suffield", which is declared to be part of these regulations and shall bear the date of the most recent zone map amendment.

Zoning district boundary lines are intended to follow lot lines or centerlines of streets, rights-of-way and watercourses, or be parallel or perpendicular thereto, unless such district boundary lines are fixed by dimensions as shown on the Zoning Map. Where district boundaries are so indicated that they approximately follow the edge of lakes or other bodies of water, the mean high water lines thereof shall be construed to be the district boundaries. All dimensions to or from roads shown on the Zoning Map shall be taken from the edge of the right-of-way of such roads. When uncertainty exists the Commission shall determine the location of the district boundary line.

1. Single-Family Residential (R) Zoning Districts

a. R-90 (90,000 square feet of lot area per dwelling unit)

b. R-45 (45,000 square feet of lot area per dwelling unit)

c. R-25 (25,000 square feet of lot area per dwelling unit)

d. R-20 (20,000 square feet of lot area per dwelling unit)

e. R-15 (15,000 square feet of lot area per dwelling unit)

f. R-11 (11,000 square feet of lot area per dwelling unit)

2. **Multi-Family Residential Zoning District.**

   a. Planned Development Apartment (PDA).

   b. Housing Opportunity District (HOD).

3. **Commercial Zoning Districts.**

   a. Town Center Village District (TCV).

   b. West Suffield Center Village District (WSCV).

   c. Neighborhood Commercial District (NC).

4. **Industrial Zoning Districts.**

   a. Industrial District (I).

   b. Planned Development Industrial Park District (PDIP).

5. **Farmland Preservation Zoning District.**

   a. Farmland Preservation District (FP).

B. USE TABLE

The Use Table on the following page lists permitted uses of land and buildings as follows. Any use not specifically listed or otherwise permitted in a zoning district herein established shall be deemed prohibited unless the Commission determines that a proposed use is substantially similar to a listed use. No structure shall be used, erected or expanded and no land use shall be established or expanded except in accordance with these regulations.

1. Any use marked "P" in the Use Table is a permitted use subject to the issuance of a building and/or zoning permit.

2. Any use marked "SP" in the Use Table may be a permitted use subject to these regulations and requires a "special permit" and site plan approval to be issued by the Commission.

3. Any use marked "SPA" in the Use Table may be a permitted accessory use subject to these regulations and requires a special permit and site plan approval to be issued by the Commission.

4. Any use marked "SITE" in the Use Table is permitted subject to "site plan approval" issued by the Commission.

USE TABLE

	SUFFIELD ZONING DISTRICTS													
	Farmland Preservatio	Residential								Commercial			Industrial	
LAND USES	FP	R-90	R-45	R-25	R-20	R-15	R-11	PDA	HOD	Town Center Village	W.Suffield Village	Neighborhood Commercial	Industrial	Planned
Agricultural														
Farm	P	P	P	P	P	P	P	P		P	P	P	P	P
Nursery (outdoor plant stock growing)	P	P	P	P	P	P	P	P		P	P	P	P	P
Public & Institutional														
Adult Day Care Center								SPA		SP	SP	SP		
Cemetery		SP	SP	SP										
Child Day Care Center		SP	SP	SP	SP	SP	SP	SPA		SP	SP	SP	SP	SP
Hospital														SP
Municipal Land Use		SP	SP	SP	SP	SP	SP	SP		SP	SP	SP	SP	SP
Museums		SP	SP	SP						SP	SP	SP		
Places of Worship		SP	SP	SP						SP	SP	SP		
Private Membership Club		SP	SP	SP	SP	SP	SP	SP		SP	SP	SP	SP	SP
School/Education Center		SP	SP	SP						SP	SP	SP	SP	SP
- w/Restaurant		SPA	SPA	SPA						SPA	SPA	SPA	SPA	SPA
Active Recreation Facility		SP	SP	SP	SP	SP	SP							SP
Residential														
Active-Adult Housing		SP	SP	SP	SP	SP	SP	SP				SP		
Antique Shop		SPA	SPA	SPA						SPA	SPA	SPA		
Apartments or Condominiums								SP		SPA	SPA	SPA		
Assisted-Living/Convalescent Home		SP	SP	SP	SP	SP	SP	SP		SP	SP	SP		
Bed & Breakfast	SPA	SPA	SPA	SPA						SPA	SPA	SPA		
Conversion of Single-to-Two Family		SP	SP	SP							SP			
Customary Home Office or Occupation	P	P	P	P	P	P	P	P		P	P	P	P	P
Dwelling, Single-Family	P	P	P	P	P	P	P	P						
Dwelling, Two-Family		SP	SP	SP										
Dwelling, Multi-Family								SP	SITE					
Kennel	SP	SP	SP											
Professional Home Office/Occupation	SPA	SPA	SPA	SPA	SPA	SPA	SPA			SPA	SPA	SPA	SPA	SPA
Commercial & Industrial														
Adult-Oriented Establishment													SP	
Animal Hospital		SP	SP	SP							SP	SP	SP	SP
Aquaculture	SP	SP	SP											
Banks & Financial Institution										SP	SP	SP	SP	SP
Contractor's Yard													SP	
Farmers' Market	SP	SP	SP	SP	SP	SP	SP	SP		SP	SP	SP	SP	SP
Funeral Home										SITE	SITE	SITE	SITE	
Golf Course		SP	SP	SP				SP					SP	SP
Greenhouse Operation (Commercial)	SP	SP	SP	SP							SP	SP	SP	SP
Horses for Commercial Purposes	SP	SP	SP	SP							SP		SP	SP
Hotel/Motel														SP
Indoor Recreation													SP	SP
Industrial													SP	
Industrial, Light													SP	SP
Motor Vehicle Sales, Service, Washing												SP	SP	
Offices, including Medical										SP	SP	SP	SP	SP
Restaurant								SPA		SP	SP	SP	SP	SPA
- w/Outdoor Café Service								SPA		SPA	SPA	SPA	SPA	SPA
Retail								SPA		SP	SP	SP	SP	SPA
Self-Storage Facility													SP	
Theaters (indoor movies and theatre)										SP	SP	SP	SP	SP
Warehousing,Wholesaling,Distribution													SP	SP

P = Permitted Use
SP = Special Permit Use
SPA = Special Permit Accessory Use
SITE = Site Plan Only

b.	Minimum lot frontage:	Fifty (50) feet
c.	Minimum front yard setback:	Fifty (50) feet
d.	Minimum side or rear yard setback when a Specialized Farm is proposed:	Fifty (50) feet
e.	Maximum height:	Forty (40) feet

D. RESIDENTIAL (R) ZONES

1. Purpose.

The purpose of the single-family residential zoning districts is to provide areas for residential development surrounded by open space while at the same time preserving those areas which are capable of supporting agricultural pursuits. It is intended that nonresidential and nonagricultural uses in these districts be limited to those which are primarily necessary or desirable to serve the residents of these districts and are compatible with residential uses when located in their midst.

2. Permitted Uses.

The following uses are permitted as of right in all Residential (R) zones subject to any applicable provisions of these regulations.

a. Customary Home Office or Occupation.

b. Farm or Nursery.

c. Horses for Pleasure.

d. Single-Family Dwelling, one per lot.

3. Special Permit Uses.

The following uses may be permitted in all Residential (R) zones unless indicated below, subject to special permit and site plan approvals in accordance with Sec. XIV of these regulations as follows:

a. Active-Adult Housing.

b. Animal Hospital in the R-90, R-45, and R-25 zones.

c. Antique Shops as an accessory use to an owner-occupied single-family dwelling in the R-90 and R-45 zones, or R-25 zone within a historic structure or accessory building identified within the *Town's Survey of Historical and Architectural Resources*

prepared by the Capital Regional Council of Governments, 1979 on file with the Town Clerk's Office.

d. Aquaculture in the R-90 and R-45 zones.

e. Assisted-Living Facility.

f. Bed and Breakfast as an accessory use to an owner-occupied Single-Family Dwelling in the R-90, R-45, and R-25 zones.

g. Cemetery in the R-90, R-45, and R-25 zones.

h. Child Day Care Center.

i. Conversion of Single-to-Two Family Dwelling in the R-90, R-45, and R-25 zones.

j. Horses for Commercial Purposes in the R-90, R-45, and R-25 zones.

k. Farmers' Market.

l. Golf Course in the R-90, R-45, and R-25 zones.

m. Greenhouse Operations (Commercial) in the R-90, R-45, and R-25 zones.

n. Kennel as an accessory use to an owner-occupied Single-Family Dwelling in the R-90 and R-45 zones.

o. Municipal Land Use.

p. Museums in the R-90, R-45, and R-25 zones.

q. Places of Worship in the R-90, R-45, and R-25 zones.

r. Private Membership Club.

s. Professional Home Office or Occupation as an accessory use to a Single-Family Dwelling.

t. Two-Family Dwelling in the R-90, R-45, and R-25 zones.

u. School/Education Center in the R-90, R-45, and R-25 zones including indoor or outdoor restaurant facilities as an accessory use.

4. General Dimensional Requirements.

Zone	Height	Frontage	Lot Size	Developable Area	Lot Coverage	Front	Side	Rear
R-90	30	200'	90,000 SF	60,000 SF	10%	50'	30'	50'
R-45	30	175'	45,000 SF	45,000 SF	20%	50'	20'	50'
R-25	30	125'	25,000 SF	25,000 SF	25%	50'	20'	40'
R-20	30	100'	20,000 SF	20,000 SF	30%	40'	10'	40'
R-15	30	90'	15,000 SF	15,000 SF	35%	40'	10'	35'
R-11	30	75'	11,000 SF	11,000 SF	40%	40'	9'	25'

See also Subsection M. for additional requirements.

E. PLANNED DEVELOPMENT APARTMENT (PDA) ZONE

1. Purpose.

The purpose of the Planned Development Apartment (PDA) Zoning District is to provide, as a special permit after public hearing, the establishment of carefully designed residential areas which can be integrated into the neighborhood, conserve property values, and does not negatively impact existing and proposed traffic or the general character of the immediate neighborhood, for those residents who cannot or do not wish to have personal responsibility for the maintenance of residential property or who prefer a more urbanized environment.

2. Permitted Uses.

The following uses are permitted as of right in the PDA zone subject to any applicable provisions of these regulations.

a. Customary Home Office or Occupation.

b. Farm or Nursery.

c. Single-family Dwelling, one per lot.

3. Special Permit Uses.

The following uses may be permitted in the PDA zone subject to special permit and site plan approvals in accordance with Sec. XIV of these regulations and any applicable provisions of these regulations.

a. Active-Adult Housing.

b. Adult Day Care Center as an accessory use

c. Apartment or Residential Condominium, including town houses.

d. Assisted-Living or Personal-Care Facility.

e. Child Day Care Center as an accessory use.

f. Farmers' Market.

g. Golf Course.

h. Multi-Family Dwelling, including apartments and townhouses.

i. Municipal Land Use.

j. Convalescent Home.

k. Restaurant as an accessory use, including Outdoor Café Service.

l. Retail, personal services as an accessory use when confined to the use by residents of the planned development.

4. Area, Yard, and Density Requirements.

a. Minimum lot size:	Ten (10) acres.
b. Maximum density:	Five (5) dwelling units per developable acre; seven (7) dwelling per developable acre if age-restricted to those 55 or over.
c. Minimum lot frontage:	Five-Hundred (500) feet.
d. Minimum building setback from existing public streets	One-Hundred (100) feet.
e. Minimum building setback from proposed private roads	Thirty (30) feet.
f. Minimum building setback from property boundary	Fifty (50) feet unless adjacent to an existing PDA Zone in which case twenty (20) feet side and forty (40) feet rear yards.
g. Minimum parking area setback from property boundaries.	Twenty-five (25) feet for side and rear; Fifty (50) feet for front.
h. Maximum lot coverage:	Thirty-Five (35) percent.
i. Maximum building height:	Fifty (50) feet.

j. Minimum open space:	Sufficient to meet active and passive recreational needs of residents including tennis and swimming facilities, and club houses limited to use by tenants and guests.

5. Other Requirements

a. Pre-Application Conference. Prior to the submission of an application for a Planned Development Apartment (PDA) zone change, all applicants are required to initiate a pre-application conference with the Commission and its staff to discuss the conceptual aspects of the proposed development and to prepare and present a conceptual plan for informal consideration. The conceptual plan should contain all necessary information to allow the Commission to make an informed informal consideration, including the locations of wetlands, slopes in excess of twenty percent (20%), and all proposed roads, parking areas, buildings, development amenities, and open spaces.

b. Homeowners' Association. A homeowners' association shall be developed in a common interest community form of ownership per CGS Chapter 828, i.e., Common Interest Ownership Act. A homeowners' association must be legally established prior to filing the approved plans; membership must be mandatory for each home buyer and any successive buyer and recorded in all deeds; open space restrictions must be permanent and not just for a given period of years; the association must be responsible for liability insurance, taxes, and the maintenance of recreational and other facilities; homeowners must pay pro rata share of the cost or the assessment levied by the Town or same may become a lien upon the delinquent member's property and share of the common space in the development; the instrument establishing the association must be submitted for approval as part of the application; and, each unit owner shall own a proportionate share of the common land shown on the plan and a statement to that effect shall be indicated on said plan.

c. Bonding. Estimates of construction costs for roads, storm drains, sidewalks, hydrants, streetlights and other common facilities, and site erosion and sedimentation control shall be prepared and submitted to the Commission for approval after the appeal period for approval has expired. Sureties must be received and approved by the Commission's Counsel and the Treasurer's Office prior to start of construction.

d. Improvements. Any required public improvements shall conform to the applicable sections of the subdivision regulations. The owner(s) shall maintain all private roads, parking areas, landscaping, streetlights, and sidewalks. All utilities shall be underground. Public sewer and water are required.

e. Parking. There shall be a minimum of two and one-half (2.5) parking spaces provided for each dwelling unit to provide adequate unit and visitor parking.

f. Landscaping Plan. The landscaping provisions of Sec. VIII.C of these regulations shall be applicable to Planned Development Apartments except as modified by this

section. A forty (40) foot wide landscaped buffer area shall be provided within the building setback wherever a Planned Development Apartment unit abuts a single-family residential development. The buffer shall be installed in compliance with the Type "B" screening requirements. A landscape plan prepared by and containing the seal of a Landscape Architect registered by the State of Connecticut shall be prepared and include a list and count of all trees and shrubs to be planted by common and botanical names, size (caliper, height, time until maturity) at planting, and height and spread maturity shall be part of the PDA application. All trees and shrubs to be undisturbed shall be tagged, or otherwise identified in the field prior to commencement of site work, and shall be shown on the landscape plan.

g. Outdoor Illumination. The outdoor illumination provisions of Sec. III.M. of these regulations shall be applicable to Planned Development Apartments.

h. Solid Waste Disposal. Solid waste stations (dumpsters) shall be placed on a concrete pad, appropriately screened, maintained, and shown on the approved site plan.

i. Sidewalks. Sidewalks shall be required to provide sufficient and safe pedestrian circulation both within the site and to abutting properties.

F. TOWN CENTER VILLAGE (TCV) DISTRICT ZONE

1. Purpose.

The purpose of this zoning district is to allow for integrated commercial development which meets the shopping and service needs of the entire town and encourages a diversity and mix of uses while preserving and enhancing the distinctive character, landscape, pedestrian nature, and historic structures within the District. It is the intent of this area to encourage the conversion, conservation, and preservation of existing buildings and sites in a manner that maintains the historic and/or unique character of the District; to encourage revitalization and compatible new development within the District; to promote a mix of compatible land uses; to promote a pedestrian-oriented environment; to promote human scale; to require traffic access management; and, to promote traditional-neighborhood design for new construction and substantial reconstruction to ensure compatibility with current uses.

2. Permitted Uses.

The following uses are permitted as of right in the Town Center Village (TCV) zone subject to any applicable provisions of these regulations.

a. Customary Home Office or Occupation.

b. Farm or Nursery.

c. Funeral Home subject to Site Plan Approval.

3. Special Permit Uses.

The following uses may be permitted in the TCV zone subject to special permit and site plan approvals in accordance with Sec. XIV of these regulations as long as the maximum footprint area of any single building is no greater than twenty-thousand (20,000) square feet, unless said building is in existence at the time of adoption of these regulations.

a. Adult Day Care Center.

b. Apartment or (Residential) Condominium as an accessory use.

c. Bank and Financial Institution.

d. Bed and Breakfast as an accessory use to an owner-occupied Single-Family Dwelling.

e. Child Day Care Center.

f. Farmers' Market.

g. Municipal Land Use.

h. Museums.

i. Offices.

j. Personal Care or Convalescent Home.

k. Places of Worship.

l. Private Membership Club.

m. Restaurant, including Outdoor Café Service.

n. Retail, personal services.

o. School/Education Center, including restaurant facilities as an accessory use.

p. Theaters (indoor movies).

4. Applicability.

These regulations shall apply to new construction and exterior modifications of properties within the TCV District including but not limited to the design and placement of:

a. Buildings.

b. Paving materials.

c. Landscaping.

d. Pedestrian ways.

e. Public and private roadways.

f. Signage.

g. Lighting.

h. Other elements deemed appropriate by the Commission to maintain and protect the character of the District.

5. Parking Requirements.

The off-street parking and loading requirements of Sec. VII of these regulations shall be satisfied using one or a combination of the following methods:

a. Off-street/Onsite Parking.

Applicants shall provide for the required number of parking spaces off-street/onsite.

b. Shared Parking.

See Section VII.B.1.

c. (Deleted) (9-10-07)

d. Onsite parking is preferred to be located at the rear of a building, except in the case of corner lots, where said parking may be on the side.

6. Design Standards.

The Commission shall consider the design, relationship and compatibility of structures, plantings, signs, roadways, street hardware and other objects in public view. Complete drawings, elevations, and renderings, including color and lighting shall be required so that the Design Review Board and the Commission can review the proposal as to its compatibility to the scale and character of the Town Center Village. In approving applications relating to the exterior of buildings within the Town Center Village District, the Commission shall consider the standards set forth in the "*Connecticut Historical Commission – The Secretary of the Interior Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*" as well as the following standards:

a. Buildings and their main entrance shall be oriented toward the street. Doorways, windows and other building façade openings shall be proportionate to reflect pedestrian scale and movement, and to encourage interest at the street level.

b. First floor street-facing building facade fenestration shall be 50-75% with pedestrian entrances spaced no greater than thirty-five (35) feet apart. Second and third floor building fenestration shall be 20-60%. Fenestration requirements shall be met with the installation of clear glass sufficiently transparent to provide views into interior of buildings.

c. Windowsill height shall be twenty-four to thirty-six (24-36) inches from ground level for first floor uses. Glazing is required to be located between sill height and eight feet above the sidewalk on retail frontages.

d. Blank walls or roof planes shall no be longer than thirty (30) feet.

e. Flat roofs on buildings of less than two (2) stories are prohibited where they can be viewed along the street frontage of said property.

f. Building exteriors shall be constructed of traditional materials such as masonry, stucco, stone, and wood. The exterior color of buildings shall be selected from the Historic Colors of America pallet (as approved by the Society for the Preservation of New England Antiquities) by California Products Corporation or equivalent. Metal or vinyl siding, exposed concrete block or panels, and reflective glass are prohibited, as are metallic, neon, and primary colors, unless the DRB determines that existing conditions warrant such use.

g. No outdoor mechanical equipment, fans, generators, etc., shall be visible from Ffyler Place, High Street, Mountain Road or Main Street, or be on the roofs of buildings unless totally screened by means of a parapet wall or a sloped or stepped roof form that is part of the architecture of the building. Evergreen plantings and/or opaque fencing shall screen ground-mounted or wall-mounted mechanical equipment.

h. Residential uses are excluded from first-floor storefronts and shall be accessory to the main use of the building.

i. Operable awnings are permitted to provide for covered walkways, except that fluorescent lighting and back illuminated awnings are prohibited on facades fronting streets. No awning, canopy or similar weather shielding device, projecting beyond the property line of any lot into the sidewalk portion of a public street shall be erected or maintained on any building or structure unless such awning is at least seven (7) feet six (6) inches above the level of the sidewalk, nor may any such awning project beyond six (6) feet of the property line. Any such awning shall be firmly affixed to the building and no support other than that provided by the building shall be allowed.

j. Refuse receptacles (dumpsters) shall be located in the side or back of buildings and screened entirely from public and abutting site view with evergreen plantings or opaque fencing.

k. Pedestrian Amenities. Amenities such as seating benches, sidewalks, covered garbage cans, bike racks, etc., shall be required by the Commission as deemed appropriate.

l. Signage. Signs shall be approved according to Sec. IX of these regulations and the Design Review Board.

m. Landscaping. Landscaping shall be provided according to Sec. VIII of these regulations.

n. On sites with rear vehicular access; sidewalks must be located a minimum of ten (10) feet from the front of the building. (7/05/07)

7. Town Center Village District Design Review Board (DRB).

In accordance with CGS and these regulations, there shall be a Design Review Board (DRB) consisting of at least five (5) members appointed by the Commission. Members shall include at least a licensed architect or landscape architect, or certified land use planner, and a member of the Historic District Commission, and two (2) business owners or residents from the District. DRB members shall be appointed for a period of four (4) years. The duties of the DRB shall include the review of all applications for construction and exterior modifications, including the placement of signs, parking areas and pedestrian ways within the district and making advisory recommendations to the Commission with respect to their consistency with the design standards of Subsection 6 within thirty-five (35) days of Commission plan acceptance. The DRB report submitted to the Commission shall be entered into public record and considered in the decision of the Commission. The Commission may seek other reports and recommendations in accordance with applicable sections of the regulations. The DRB shall be notified when a variance from these regulations is sought.

8. Other Requirements.

a. Minimum lot size:	12,000 SF (7-05-07)
b. Maximum height:	Forty (40) feet (3 stories)
c. Maximum lot coverage:	Seventy-five (75) percent
d. Minimum rear yard setback:	Twenty (20) feet
e. Minimum front yard setback:	Zero (0) feet, (See Sec. IV.F.6.n.) (7/05/07)
f. Minimum side yard setback:	Ten (10) feet with aggregate of thirty (30) feet (7/05/07)
g. Minimum frontage:	Sixty (60) feet (7/05/07)

G. WEST SUFFIELD CENTER VILLAGE (WSCV) DISTRICT ZONE

1. Purpose.

The purpose of this zoning district is to allow for the creation of commercial development that meets the shopping and service needs of the community while preserving the rural character of the District.

2. Permitted Uses.

The following uses are permitted as of right in the WSCV zone subject to any applicable provisions of these regulations.

a. Customary Home Office or Occupation.

b. Farm or Nursery.

c. Funeral Homes subject to Site Plan Approval.

3. Special Permit Uses.

The following uses may be permitted in the WSCV zone subject to special permit and site plan approvals as long as the maximum floor area of any single building is no greater than twenty-thousand (20,000) SF.

a. Adult Day Care Center.

b. Animal Hospital.

c. Antique Shop as an accessory use to an owner-occupied Single-Family Dwelling.

d. Apartment or (Residential) Condominium as an accessory use to a non-residential development.

e. Banks and Financial Institution.

f. Bed and Breakfast as an accessory use to an owner-occupied Single-Family Dwelling.

g. Commercial Horse Farm.

h. Day Care Center.

i. Farmers' Market.

j. Greenhouse Operations.

k. Municipal Land Use.

l. Museums.

m. Offices.

n. Personal Care or Convalescent Home.

o. Places of Worship.

p. Private Membership Club.

q. Professional Home Office or Occupation as an accessory use to a single-family dwelling.

r. Restaurant, including Outdoor Café Service.

s. Retail, personal services.

t. School/Education Center, including restaurant facilities as an accessory use.

u. Theaters (indoor movies).

4. Applicability.

These regulations shall apply to new construction and exterior modifications of properties within the WSCV including but not limited to the design and placement of:

a. Buildings;

b. Paving materials;

c. Landscaping;

d. Pedestrian ways;

e. Public roadways;

f. Signage;

g. Lighting; and,

h. Other elements deemed appropriate by the Commission to maintain and protect the character of the District.

5. Design Standards.

The Commission shall consider the design, relationship and compatibility of non-residential structures, plantings, signs, roadways, street hardware and other objects in public view. Complete drawings, elevations, and renderings, including color and lighting shall be required so that the Design Review Board and the Commission can review the proposal as to its compatibility to the scale and character of the West Suffield Center Village District. In approving applications relating to the exterior of buildings within the WSCV, the Commission shall consider the standards set forth in the "*Connecticut Historical Commission – The Secretary of the Interior Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*" as well as the following standards:

a. Buildings and their main entrance shall be oriented toward the street. Doorways, windows and other building façade openings shall be proportionate to reflect pedestrian scale and movement, and to encourage interest at the street level.

b. Flat roofs on buildings of less than two (2) stories are prohibited where they can be viewed along the street frontage of said property.

c. Building exteriors as viewed from the street shall be constructed of traditional materials such as masonry, stucco, stone, and wood. The exterior color of buildings shall be selected from the Historic Colors of America pallet (as approved by the Society for the Preservation of New England Antiquities) by California Products Corporation or equivalent. Metal or vinyl siding, exposed concrete block or panels, and reflective glass are prohibited, as are metallic, neon, and primary colors, unless the DRB determines that existing conditions warrant such use.

d. No outdoor mechanical equipment, fans, generators, etc., shall be visible from the street, or be on the roofs of buildings unless totally screened by means of a parapet wall or a sloped or stepped roof form that is part of the architecture of the building. Evergreen plantings and/or opaque fencing shall screen ground-mounted or wall-mounted mechanical equipment.

e. Residential uses are excluded from first-floor storefronts and shall be accessory to the main use of the building.

f. Operable awnings are permitted to provide for covered walkways, except that fluorescent lighting and back illuminated awnings are prohibited on facades fronting streets. No awning, canopy or similar weather shielding device, projecting beyond the property line of any lot into the sidewalk portion of a public street shall be erected or maintained on any building or structure unless such awning is at least seven (7) feet six (6) inches above the level of the sidewalk, nor may any such awning project beyond six (6) feet of the property line. Any such awning shall be firmly affixed to the building and no support other than that provided by the building shall be allowed.

g. Refuse receptacles (dumpsters) shall be located in the side or back of buildings and screened entirely from public and abutting site view with evergreen plantings or opaque fencing.

h. Pedestrian Amenities. Amenities such as seating benches, sidewalks, covered garbage cans, bike racks, etc., shall be required by the Commission as deemed appropriate.

i. Signage. All signs shall be approved according to Sec. IX of these regulations and the Design Review Board.

j. Landscaping. Landscaping shall be provided according to Sec. VIII of these regulations.

k. Parking. Parking shall be provided according to Sec. VII of these regulations.

6. West Suffield Center Village District Design Review Board (DRB).

In accordance with CGS and these regulations, there shall be a Design Review Board (DRB) consisting of at least five (5) members appointed by the Commission. Members shall include at least one (1) licensed architect, licensed landscape architect, or certified land use planner, and two (2) business owners or residents within the District. DRB members shall be appointed for a period of four (4) years. The duties of the DRB shall include the review of all applications for non-residential construction and exterior modifications, including the placement of signs, parking areas and pedestrian ways within the District, and making advisory recommendations to the Commission with respect to their consistency with the design standards of Subsection 5 within thirty-give (35) days of plan acceptance. The DRB report submitted to the Commission shall be entered into public record and considered in the decision of the Commission. The Commission may seek other reports and recommendation in accordance with applicable sections of the regulations. The DRB shall be notified when a variance from these regulations is sought.

7. Other Requirements.

a. Minimum lot size:	30,000 SF
b. Minimum lot frontage:	One-hundred twenty-five (125) feet
c. Maximum height:	Thirty-five (35) feet (2½ stories)
d. Maximum lot coverage:	Fifty (50) percent
e. Minimum front yard setback:	Sixty (60) feet
f. Minimum side yard setback:	Twenty (20) feet
g. Minimum rear yard setback:	Thirty (30) feet

H. NEIGHBORHOOD COMMERCIAL (NC) ZONE

1. Purpose.

The purpose of this zoning district is to allow for neighborhood-oriented commercial, institutional, and office services which meet the daily needs of a particular neighborhood within the Town and to encourage a diversity of uses which are complementary to the surrounding residential areas and among the various uses within the District. It is the intention of the Commission to require traffic access management within this District.

2. Permitted Uses.

The following uses are permitted as of right in the NC zone subject to any applicable provisions of these regulations.

a. Customary Home Office or Occupation.

3. Special Permit Uses.

The following uses may be permitted in the NC zone subject to special permit and site plan approvals as long as the maximum floor area of any single building is no greater than twenty-thousand (20,000) SF.

a. Active-Adult Housing.

b. Adult Day Care Center.

c. Antique Shop as an accessory use to an owner-occupied Single-Family Dwelling.

d. Assisted-Living Facility.

e. Banks and Financial Institution.

f. Bed and Breakfast as an accessory use to an owner-occupied Single-Family Dwelling.

g. Day Care Center.

h. Farmers' Market.

i. Greenhouse Operations.

j. Motor vehicle sales, service, and washing.

k. Municipal Land Use.

l. Offices.

m. Personal Care or Convalescent Home.

n. Places of Worship.

o. Private Membership Club.

p. Professional Home Office or Occupation as an accessory use to a Single-Family Dwelling.

q. Restaurant, including Outdoor Café Service.

r. Retail, personal services.

s. School/Education Center, including restaurant facilities as an accessory use.

t. Theaters (indoor movies).

4. Other Requirements.

a. Minimum lot size:	30,000 SF
b. Minimum lot frontage:	One-hundred twenty-five (125) feet
c. Maximum height:	Thirty (30) feet (2½ Stories)
d. Maximum lot coverage:	Forty (40) percent
e. Minimum front yard setback:	Fifty (50) feet
f. Minimum side and rear yard setbacks:	Twenty (20) feet, except where it abuts a residential zone where it shall be thirty (30) feet.

I. INDUSTRIAL (I) ZONE

1. Purpose.

The purpose of this zoning district is to allow for a range of industrial and manufacturing facilities that benefit the residents of Suffield and have a minimum impact on the natural resource base of the Town. It is the intention of the Commission to require traffic access management within this district.

2. Permitted Uses.

The following uses are permitted as of right in the I zone subject to any applicable provisions of these regulations.

a. Customary Home Office or Occupation.

b. Farm or Nursery.

c. Funeral Home subject to Site Plan Approval.

3. Special Permit Uses.

The following uses may be permitted in the I zone subject to special permit and site plan approvals in accordance with Sec. XIV of these regulations.

a. Adult-Oriented Establishment.

b. Animal Hospital.

c. Banks and Financial Institution.

d. Contractors' Yard.

e. Commercial Horse Farm.

f. Crematorium.

g. Day Care Center.

h. Farmers' Market.

i. Golf Course.

j. Greenhouse Operations.

k. Indoor Recreation.

l. Industrial.

m. Light Industrial.

n. Motor Vehicle Sales, Service, and Washing.

o. Municipal Land Use.

p. Offices.

q. Private Membership Club.

r. Professional Home Office or Occupation as an accessory use to a Single-Family Dwelling.

s. Restaurant, including Outdoor Café Service.

t. Retail or personal services as long as the maximum floor area of any single building are no greater than twenty-thousand (20,000) SF.

u. School/Education Center, including restaurant and banquet facilities as an accessory use.

v. Self-Storage Facility.

w. Theaters (indoor movies).

x. Warehousing, Wholesaling, and Distribution.

4. Other Requirements.

a. Minimum lot size:	45,000 SF
b. Minimum lot frontage:	One-hundred fifty (150) feet
c. Maximum height:	Fifty (50) feet
d. Maximum lot coverage:	Seventy-five (75) percent
e. Minimum front yard setback:	Fifty (50) feet
f. Minimum side setback:	Fifteen (15) feet
g. Minimum rear setback:	Thirty (30) feet

J. PLANNED DEVELOPMENT INDUSTRIAL PARK (PDIP) ZONE

1. Purpose.

The purpose of this zoning district is to allow for a range of office, research, and light industrial facilities that can be located relatively close to residential uses without negative influence and which will have minimum impacts on the natural resource base of the Town. It is the intention of the Commission to require traffic access management within this district.

2. Permitted Uses.

The following uses are permitted as of right in the PDIP zone subject to any applicable provisions of these regulations.

a. Customary Home Office or Occupation.

b. Farm or Nursery.

3. Special Permit Uses.

The following uses may be permitted in the PDIP zone subject to special permit and site plan approvals in accordance with Sec. XIV of these regulations.

a. Animal Hospital.

b. Banks and Financial Institution.

c. Commercial Horse Farm.

d. Contractor's Yard, provided the maximum lot area is ten (10) acres; that there is a minimum 5,000 SF building associated with said use; that no portion of the property maintaining such use fronts or is directly accessed by South, Hale or Spencer Streets; provided outdoor material storage is located in bins or alternative encasement deemed acceptable by the Commission; and, that any outdoor parking of commercial vehicles or equipment is located behind the building and not visible from Town roads or residences. Storage area of property to be screened from abutting properties. Based on site conditions, the Commission may require Type "C" or year-round screening for outside storage of commercial vehicles, equipment and material containers from abutting properties. (3/24/06)

e. Day Care Center.

f. Farmers' Market.

g. Funeral Home.

h. Golf Course.

i. Greenhouse Operations.

j. Hospital.

k. Hotel/Motel.

l. Indoor Recreation.

m. Light Industrial.

n. Municipal Land Use.

o. Offices.

p. Personal Care or Convalescent Home.

q. Private Membership Club.

r. Professional Home Office or Occupation as an accessory use to a Single-Family Dwelling.

s. Restaurant, including Outdoor Café Service.

t. Retail, personal services as an accessory use.

u. School/Education Center, including restaurant and banquet facilities as an accessory use.

v. Theaters (indoor movies).

w. Warehousing, Wholesaling, and Distribution.

4. Other Requirements.

a. Minimum lot size:	60,000 SF
b. Minimum lot frontage:	One-hundred fifty (150) feet
c. Maximum height:	Fifty (50) feet
d. Maximum lot coverage:	Sixty (60) percent
e. Minimum front yard setback:	Fifty (50) feet
f. Minimum side setback:	Twenty-five (25) feet
g. Minimum rear setback:	Thirty (30) feet

K. TEMPORARY USE PERMITS PERMITTED IN ANY ZONE

Activities such as carnivals, fairs, demonstrations, performances, concerts, fundraising events or similar temporary activities by public and private non-profit organizations may be permitted by the Zoning Officer for a period not to exceed three (3) days duration. If the Zoning Officer feels that there is a reasonable question that the use will have or cause significant negative impacts because of traffic, noise, excessive glare or similar detrimental effects, he/she shall not issue the

temporary permit and shall refer the matter to the Commission which shall review the circumstances of the request and approve, disapprove, or approve with limitations or modifications of the proposed activity.

L. PROHIBITED USES

1. Any use not listed as permitted by these regulations is deemed to be prohibited (see Sec. I.C. of these regulations). Nevertheless, due to their uniquely objectionable characteristics, certain uses are identified in this Section for specific prohibition in any zone, as principal or accessory uses, and no use category set forth in these Regulations shall be deemed to include any use set forth herein. No land, premises, building or structure in any zone shall be used for any of the following uses:

    a. Amusement Parks.

    b. Animal by-product rendering.

    c. Blast furnaces or smelting of copper, iron, lead, tin or zinc.

    d. Bulk or wholesale storage of gasoline, fuel oil, and other petroleum products above ground, excluding such storage for on-site consumption or otherwise accessory to the principal use of the property.

    e. Chemical manufacturing.

    f. Commercial kennel.

    g. Drive-in theaters.

    h. Drive-thru facilities associated with any use other than a bank and pharmacy.

    i. Dry-cleaning facilities using chemicals on site.

    j. Fertilizer manufacture.

    k. Flea Markets.

    l. Heliports.

    m. Itinerant peddling, sales or promotions conducted from vehicles or from any other mobile or portable facility, excluding vendors legally operating within a public highway right-of-way.

    n. Junkyards and storage of junk, including any place in or on which is stored or deposited old material, glass, paper, metal, cordage, scrap or other waste or secondhand or unused substances including any material which has been or was

intended to be a part of any fabricated object, or of any vehicle or of any form of conveyance of any kind or description. Includes motor vehicle junk business and motor vehicle junkyard as defined by CGS.

o. Manufacture or storage of explosives.

p. Manufacturing uses involving the primary production of raw materials such as asphalt, rubber (natural and synthetic), cement, charcoal, charcoal fuel briquetting, lime, gypsum, or plaster of Paris; aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black, bone black, creosote, hydrogen, oxygen, soap, paper, industrial alcohol; carbolic, phosphoric, hydrochloric, nitric, picric, or sulfuric acid; and, linoleum, oil cloth, matches, paint, varnishes, turpentine and other solvents.

q. Commercial mining or quarrying operations, including removal of sand, and gravel operations.

r. Natural, propane, or other gas manufacture by other than a public utility, and natural, propane, or other gas storage as a principal use, except that the storage for distributing purposes and the distribution of liquefied petroleum gas may be permitted by the Zoning Board of Appeals provided that there is compliance with all requirements of CGS Chap. 541, Part II, and any regulations adopted pursuant thereto, as the same may be amended from time to time. This provision shall not be construed to prevent the storage for use on the premises of liquefied petroleum gas when installed and used in accordance with applicable Connecticut State laws.

s. Outdoor activities dealing with the racing of motorized vehicles, i.e., cars, snowmobiles, go-carts, motorcycles, etc.

t. Refining and recovery of products from fish, bones, fat and other animal refuse or offal.

u. Solid waste facilities (other than for municipal use) as defined by Connecticut General Statutes.

v. Tattoo parlors.

w. Truck storage yards.

x. Valet parking, car rental, and taxi service facilities.

y. Wind farms.

z. Similar uses to Subsections a. through y. above, which are dangerous by reason of fire or explosion, or injurious, noxious, or detrimental to the neighborhood because of emission of dust, fumes, odor, smoke, wastes, noise, vibrations, light, traffic or because of other objectionable features.

aa. The rental of separate quarters within a single family house. (9-10-07)

bb. The burial of stumps, logs, branches or other construction debris such as scrap lumber, metal, concrete, asphalt or other discarded material. (10-09-09)

cc. The placement of Membrane Structures (see section II Definitions) in residential zoning districts as an accessory use to a residence. (10-09-09)

2. The Zoning Board of Appeals is prohibited from granting any variance establishing, enlarging or extending any use that is otherwise prohibited in the zone in which the property lies.

M. HEIGHT AND AREA SCHEDULE

	Maximum	Minimum	Minimum	Developable	Maximum	Minimum Yards **		
Zone	Height *	Frontage	Lot Size	Area	Lot Coverage	Front	Side	Rear
Farmland Preservation (FP)	40‘	50’	5 Acres	n/a	n/a	50'	50’	50’
Residential (R-90) **	30’	200'	90,000 SF	60,000 SF	10%	50'	30'	50'
Residential (R-45) **	30’	175'	45,000 SF	45,000 SF	20%	50'	20'	50'
Residential (R-25)	30’	125'	25,000 SF	25,000 SF	25%	50'	20'	40'
Residential (R-20)	30’	100'	20,000 SF	20,000 SF	30%	40'	10'	40'
Residential (R-15)	30’	90'	15,000 SF	15,000 SF	35%	40'	10'	35'
Residential (R-11)	30’	75'	11,000 SF	11,000 SF	40%	40'	9'	25'
Planned Development Apartment (PDA)	50’	500’	10 Acres	n/a	35%	50’	50’	50’
Housing Opportunity District (HOD)	50’	200’	25 Acres	n/a	35%	50’	50’	50’
Neighborhood Commercial (NC)	30’	125’	30,000 SF	n/a	40%	50'	20’ or 30'	20’ or 30'
Town Center Village District (TCV)****	40’	60'	12,000 SF	n/a	75%	0'	10’-20’.	20'
West Suffield Village District (WSCV)	35’	125’	30,000 SF	n/a	50%	60'	20'	30'
Industrial (I)	50’	150'	45,000 SF	n/a	75%	50'	15'	30'
Planned Development Industrial Park (PDIP)***	50’	150'	60,000 SF	n/a	60%	50'	25'	30'

* Accessory buildings in excess of ten (10) feet in height shall observe setback requirements for a principal building. Accessory buildings ten (10) feet in height or less shall observe five (5) foot side and rear setbacks except in the R-90 zone which shall be ten (10) feet and in the R-45 zone which shall be ten (10) feet for rear yard.

** Subdivisions of twenty (20) acres or greater with five (5) or more lots in the R-90 and/or R-45zones require a special permit according to Sec. VI of these regulations prior to subdivision approval.

*** No part of any building or structure shall exceed the height limitations established by the FAA.

**** Minimum side yard setback shall be an aggregate of thirty (30) feet with a twenty (20) feet wide fire lane on one side. (7-05-07)

N. HOUSING OPPORTUNITY DISTRICT (HOD)

1. Purpose.

The purpose of the Housing Opportunity District (HOD) is to permit and regulate the development of multi-family housing within a community that is well-planned and contains homes that are financially accessible to moderate and low income households. This section is adopted pursuant to C.G.S. § 8-2 as amended by Public Act 91-392, to encourage multi-family dwellings and promote housing choice and economic diversity, including housing for low and moderate income households, and is in conformance with the standards of C.G.S. § 8-30g. Should any provision of this HOD Regulation conflict with other provisions of the Suffield Zoning Regulations, the provisions of this section shall control.

2. Definitions.

The following definitions are applicable to the HOD Regulation:

a. *Housing Opportunity District Development ("HOD Development")*. A housing development in which, for at least forty (40) years after the initial occupancy of units within the proposed development: (1) not less than fifteen percent (15%) of the dwelling units will be conveyed by deeds or leased pursuant to documents containing covenants or restrictions which shall require that such dwelling units be sold or leased at or below, prices which will preserve the units as affordable housing, as defined in C.G.S. § 8-30g, for persons or families whose income is less than or equal to eighty percent (80%) of the area median income for the Hartford PMSA or the statewide median income, whichever is less, as determined by the United States Department of Housing and Urban Development; and (2) not less than fifteen percent (15%) of the dwelling units shall be conveyed or leased in the same manner to persons or families whose income is less than or equal to sixty percent (60%) of the area median income or the statewide median income, whichever is less.

b. *Housing Opportunity Unit*. As used in this HOD Regulation, "Housing Opportunity Unit" means a residential unit for which the sale or resale price, and unit lease price, is restricted in accordance with these regulations and the affordability plan required to be filed per section N.2.b., below.

3. Permitted uses.

The following uses shall be permitted uses within an HOD, subject to site plan approval by the Commission, in accordance with Section XIV.A.2 except for XIV.A.2.c.(5) and (19) and as otherwise set forth in Section IV.N.10 below:

a. Multifamily dwellings consisting of no more than 30 dwelling units per building.

b. On-site active and passive recreational and social uses as shown on the approved site plan, including any community buildings and clubhouses, swimming pools, athletic fields, walking trails, bicycle routes, tennis courts, playgrounds, picnic areas and other similar recreational facilities.

4. Permitted accessory buildings, structures and uses.

a. Uses or structures accessory to the above uses including temporary construction facilities, trailers and sales offices, and as accessory uses otherwise permitted.

b. Use of a residence for personal business purposes to the extent permitted by, and subject to the procedures, limitations, and conditions of, these Zoning Regulations.

5. Parcels eligible for rezoning to HOD.

No parcel (or parcels) of land shall be rezoned to HOD unless, after combining the parcels into one development parcel for the purpose of constructing an HOD Development, it satisfies the following criteria:

a. The parcel shall consist of at least 25 acres.

b. The parcel shall have not less than 200 feet of frontage on a public street.

c. The parcel shall be served by public water and sewer.

6. Area and bulk requirements.

Zoning standards and requirements for the HOD Development site are as follows:

a.	Maximum Density Per Gross Acre	7 dwelling units
b.	Parking Space Requirement	1.5 parking spaces per unit
c.	Minimum building setback from existing public street	100 feet
d.	Minimum building setback from proposed private road(s)	No minimum
e.	Minimum building setback from property boundary HOD Development	50 feet*
f.	Minimum Parking Area Setback	
	Front Yard	50 feet*
	Side Yard and Rear Yard	25 feet*

g.	Maximum Lot Coverage	35 percent
h.	Maximum Building Height	50 feet
i.	Total Minimum Open Space	20 percent of HOD Development site with no requirement for active recreation use.

* Bus stops and/or landscape wall treatments are allowed in front, side and rear yards, or setback areas. Privacy fences are allowed inside and rear yards.

7. Landscaping requirements.
The landscaping plan for an HOD Development shall be prepared by a Connecticut licensed landscape architect and shall provide, at a minimum, for the following:

a. A landscaped or natural "perimeter buffer" of not less than 20 feet in width between any proposed building and abutting residentially zoned properties or a six foot high privacy fence, except where HOD Development roads access existing streets and highways.

b. Landscaping in vicinity of parking areas shall include the use of shade trees and ornamentals for visual appeal, and the use of evergreens, where practical, to screen parking areas and buildings to the extent reasonably possible, from adjacent residentially zoned properties.

c. All walkways within the HOD Development shall be a minimum of three feet in width.

8. Parking requirements.
Within an HOD, the off-street parking requirements are as follows:

a. 1.5 parking spaces per dwelling unit.

b. Tandem parking spaces for ownership units are allowed and count towards the parking requirement for the entire HOD Development.

9. Signage.

a. Signage within an HOD Development shall be sufficient to safely direct vehicular and pedestrian traffic within the HOD site.

b. The site plan shall depict the location of all proposed signage at the entrance to the HOD Development. Any entrance sign shall be no more than 25 square feet in area per side and may be located within 10 feet of the street line of the existing public street.

c. No sign permit is required to the extent that proposed signage location and

information on type and size for the HOD Development is depicted on the site plan.

d. The signage requirements at IX.B. and for the PDA district at IX.F.3.(a) apply except as otherwise indicated above.

10. Lighting.

An HOD Development site plan shall provide, with illustrative detail, for exterior street lighting fixtures as may be required for the safety of vehicular or pedestrian traffic.

11. Utilities.

a. All utility lines shall be located in conformance with applicable Town specifications.

b. No certificate of zoning compliance shall be issued for any dwelling unit until such unit has been connected to all required utilities.

12. Procedure.

An HOD Development requires a change of zone for the HOD site, amendment of the official zoning map, and site plan approval pursuant to Section XIV.A.2 excluding the requirements of subsections XIV.A.2.c.(5) and (19). If these applications are submitted together with the request to adopt or amend this HOD Regulation, the Commission shall hold a public hearing to consider all applications simultaneously and shall decide the submitted applications as one comprehensive proposal and give notice of its decision as required by law.

13. Additional Submission Requirements.

In addition to the documents required to be submitted pursuant to section XIV.A.2 of the Zoning Regulation for site plan approval as qualified in section 12 above, the following items shall be provided as part of the HOD Development application:

a. Traffic study prepared by a licensed engineer.

b. An Affordability Plan as required by C.G.S. §8-30g(b)(1) explaining the administration of affordability restrictions and covenants.

14. Additional Standards For Administration and Preservation of Price Restrictions For Housing Opportunity Units.

a. *Construction quality and location of units*. Housing Opportunity Units shall be of a construction quality that is comparable to market-rate units within the HOD Development and shall be dispersed throughout the development.

b. *Pro-rata construction*. If the HOD Development is to be built in phases, the

Housing Opportunity Units shall be built on a pro rata basis as construction proceeds.

c. *Monthly payment*. Calculation of the maximum monthly payment for a Housing Opportunity Unit, so as to satisfy Conn. Gen. Stat. § 8-30g, shall utilize the median income data as published by the United States Department of Housing and Urban Development for an ownership or leased unit in effect on the day a bond for deed, similar contract of conveyance, or lease is accepted by the seller or lessee.

d. *Maximum monthly payment*. The maximum payment that the occupant for a Housing Opportunity Unit shall pay shall not be greater than the amount that will preserve such unit as "affordable housing" as that term is defined in C.G.S. § 8-30g.

e. *Principal residence*. Housing Opportunity Units shall be occupied only as a purchaser's or lessee's principal residence except as provided herein.

f. *Notice of availability*. At the same time that the market-rate units in an HOD Development are first advertised to the general public, notice of availability of the Housing Opportunity Units shall be provided by advertising such availability in accord with the State regulations for affirmative fair housing marketing programs and by providing notice to the commission and the local housing authority. All notices shall comply with the federal Fair Housing Act, 42 U.S.C. §§ 3601 et seq. and the Connecticut Fair Housing Act, C.G.S. §§ 46a-64b, 64c.

g. *Forty year period*. The forty (40) year affordability period shall be calculated separately for each Housing Opportunity Unit in an HOD Development, and the period shall begin on the date of initial leasing or conveyance of said unit.

15. Enforcement.

A violation of the Regulations contained in this section shall not result in a forfeiture or reversion of title, but the Commission shall otherwise retain all enforcement powers granted by the Connecticut General Statutes, including the authority under C.G.S. § 8-12 to issue notices of violation, to impose fines, and to seek injunctive relief.

16. Subdivision.

The HOD Development site may be subdivided subsequent to approval of the HOD Development site plan. The resultant parcels may be owned by separate and distinct persons or entities. Such subsequent subdivision or re-subdivision shall not require compliance with the HOD Development design standards or affordability requirements for each proposed parcel, as long as the entire HOD Development site remains in compliance with the approved site plan and affordability requirements. Cross easements and provisions for access to and use of any common recreational amenities on the HOD Development site shall be required, as appropriate, to maintain access for all residents of HOD Development across the HOD site.

Section V: Special Regulations

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SECTION V: SPECIAL REGULATIONS

All special permit uses identified in these regulations are declared to possess characteristics of such unique and distinct form that each specific use shall be considered as an individual case. Special permit uses as set forth in these regulations are deemed to be permitted uses in their respective zoning districts when granted by the Commission, subject to the satisfaction of the requirements and standards set forth in Sec. XIV.B of these regulations. Site plan approval shall be required for all special permits approved by the Commission.

A. ACTIVE-ADULT HOUSING DEVELOPMENT

1. Purpose.

The purpose of this section is to permit variations in height, bulk, density, and residential use types which would not otherwise be possible in order to meet the special housing needs of those age fifty-five (55) years and older; and to permit flexible site design so that an Active-Adult Housing Development may be constructed in harmony with natural site features as a special permit.

2. Pre-Application Conference.

Prior to the submission of an application for an Active-Adult Housing Development, all applicants are required to initiate a pre-application conference with the Commission and its staff to discuss the conceptual aspects of the proposed development and to prepare and present a conceptual plan for informal consideration. The conceptual plan should contain all necessary information to allow the Commission to make an informed informal consideration, including the locations of wetlands, slopes in excess of twenty percent (20%), and all proposed roads, building lots, and open spaces.

3. Procedure.

a. Approval and Filing Requirements. The Commission may permit the establishment of Active-Adult Housing and their accessory uses in all Residential Zones and the Neighborhood Commercial Zone. An approved site plan shall be filed as required in Sec. XIV of these regulations.

b. Homeowners' Association. Active-Adult Housing Development shall be developed and occupied in a common interest community form of ownership per CGS Chapter 828, i.e. Common Interest Ownership Act. A homeowners' association must be legally established prior to filing the approved plans; membership must be mandatory for each home buyer and any successive buyer and recorded in all deeds; open space

restrictions must be permanent and not just for a given period of years; the association must be responsible for liability insurance, taxes, and the maintenance of recreational and other facilities; homeowners must pay pro rata share of the cost or the assessment levied by the Town or same may become a lien upon the delinquent member's property and share of the common space in the development; the instrument establishing the association must be submitted for approval as part of the application; and, each owner shall own a proportionate share of the common land shown on the plan and a statement to that effect shall be indicated on said plan.

c. Bonding. Estimates of construction costs for roads, storm drains, sidewalks, hydrants, streetlights and other common facilities, and site erosion and sedimentation control shall be prepared and submitted to the Commission for approval after the appeal period for approval has expired. Sureties must be received and approved by the Commission's Counsel and the Treasurer's Office prior to the start of construction.

4. Area and yard requirements.

Where an active-adult housing project proposes that not less than twenty-five percent (25%) of the dwelling units be "affordable" as defined in CGS Sec. 8-30g, the Commission may, by three-fourths (¾) vote, waive any of the following standards if it finds that such waiver will be harmonious to the Plan of Conservation and Development and will not adversely impact existing adjacent residential neighborhoods.

a. Minimum lot size:	Ten (10) acres.
b. Minimum lot frontage:	One-hundred and twenty-five (125) feet on specific existing collector or arterial streets as specified in Subsection 7.a. The minimum lot frontage requirement may be reduced by one (1) foot for every two (2) feet by which the development's front yard setback is increased; provided, however, that the lot frontage is not reduced to less than fifty (50) feet. Where the increased setback/reduced frontage provision is used, no pavement, parking area, or impervious areas other than the access road shall be allowed within the additional setback.
c. Maximum density:	Five (5) dwelling units per developable acre not to exceed fifty (50) dwelling units total per development unless in a PDA zone where seven (7) units per developable acre are permitted.
d. Minimum building setback from existing public streets	One hundred (100) feet.
e. Minimum building setback	Fifty (50) feet unless adjacent to an existing PDA

from property boundary	Zone in which case twenty (20) feet side and forty (40) feet rear yards.
f. Maximum lot coverage:	Thirty (30) percent.
g. Maximum building height:	2½ Stories, thirty (30) feet
h. Distance between structures:	Twenty (20) feet minimum
i. Minimum building setback from proposed roads in development	Twenty (20) feet where no sidewalks are placed adjacent to roads and thirty (30) feet where sidewalks are provided.
j. Minimum setback of parking areas	Side and Rear: Twenty-five (25) feet Front: Fifty (50) feet

5. Open Space Requirements (11/19/04)

A minimum 50% of the site shall be preserved as open space, of which at least 25% must be suitable for active recreation. The Commission may require the following types of open space.

a. Open space identified in the Plan of Conservation and Development;

b. Open space that is contiguous to existing open space areas or in areas of the site with the highest probability of connection with future open space;

c. Pedestrian access between properties and perimeter design concept to facilitate networking of pedestrian trails;

d. Scenic view easements or preservation of vistas as seen from public roads;

e. Streets to be laid out in a curvilinear fashion;

f. Preservation of historic sites and their environs;

g. Buffer areas to minimize conflict between existing residential uses;

h. No-cut or limited-clearing areas on lots;

i. Covenants or easements to ensure existing fields will be mowed or plowed;

j. Fencing;

k. Agricultural buffers;

l. Screening fences or walls, including landscaped berm along property lines; and,

m. Active recreational amenities such as tennis courts, swimming pools, community rooms, etc.

6. Occupancy Restrictions.

The following occupancy restrictions shall be incorporated into the by-laws of the common interest ownership community:

a. The occupancy of any dwelling unit shall be limited to not more than three (3) persons, one of whom shall be 55 years of age or older.

b. The spouse who survives his or her qualified spouse may continue to reside in such unit, notwithstanding that there may no longer be an occupant who is 55 years or older.

c. No persons under the age of eighteen (18) years shall be allowed to reside in any unit, except for a paid caregiver.

d. The purchase of any units for investment shall not be allowed. A non-resident family member may purchase up to one (1) unit for another family member who will reside in the unit and otherwise comply with the provisions of this Regulation.

e. An owner or family-related member of a dwelling unit must reside in his or her unit for a minimum of one year.

7. Living Unit Types and Sizes.

a. Single-family detached dwelling units and attached units of no more than three (3) units per structure shall be allowed.

b. The minimum living areas of residential units shall be as follows:

One (1) bedroom unit:	1,000 square feet
Two(2) bedroom unit:	1,250 square feet

8. Other Design Requirements.

a. Location. Active-adult housing is only permitted on the following arterial and collector roads with public water and sewer: North and South Main Streets, East Street, East Street South, South Street, Thompsonville Road, Mapleton Avenue, Bridge Street, Thrall Avenue, Remington Street and Suffield Street.

b. Public and Private Improvements. All public and private utilities, streets, and related improvements shall conform to Town of Suffield Subdivision Regulations design standards, except that a twenty-four (24) foot pavement width is the minimum required for any private roadway or street in the development and the Commission

may require a performance bond for private improvements. The owner shall provide and maintain all private road and parking areas as may be required.

c. Parking. The parking requirements of Sec. VII of these regulations shall be applicable to Active-Adult Housing except as modified by this section. A minimum of two and one-half (2½) parking spaces shall be provided for each dwelling unit. No parking spaces shall be located within the required front yard and all parking spaces visible from a public street shall be landscaped with Type "B" screening according to Sec. VIII of these regulations.

d. Landscaping Plan. The landscaping provisions of Sec. VIII of these regulations shall be applicable to Active-Adult Housing except as modified by this section. A forty (40) foot wide landscaped buffer area shall be provided within the fifty (50) foot building setback wherever an Active-Adult Housing Development abuts a single-family residential development. The buffer shall be installed in compliance with the Type "B" screening requirements. A landscape plan prepared by and containing the seal of a Landscape Architect registered by the State of Connecticut shall be prepared and include a list and count of all trees and shrubs to be planted by common and botanical names, size (caliper, height, time until maturity) at planting, and height and spread maturity shall be part of the Active-Adult Housing application. All trees and shrubs to be undisturbed shall be tagged, or otherwise identified in the field prior to commencement of site work, and shall be shown on the landscape plan.

e. Outdoor Lighting. The Lighting provisions of Sec. III.M of these regulations shall be applicable to Active-Adult Housing.

f. Solid Waste Disposal. Solid waste stations (dumpsters) shall be placed on a concrete pad, appropriately screened, maintained, and shown on the approved site plan.

g. Sidewalks. Sidewalks shall be required to provide sufficient and safe pedestrian circulation both within the site and to abutting properties.

B. ADULT-ORIENTED ESTABLISHMENT

The Commission, as a special use after public hearing, may permit the establishment of an adult-oriented use in the Industrial (I) Zone as follows:

1. Location Requirements.

The center of the main entrance of an "adult-oriented establishment" shall not be closer than eight-hundred (800) feet (measured in a straight line) from the center of the main entrance of other "adult-oriented establishment", or the nearest property line of any lot used as a place of worship, public library, day-care facility, community recreation building, playground or park, sports field, school (as defined by standards recommended by the State Board of Education and the State Department of Education), or any residential zone. Said distance requirement may be waived by a two-thirds (2/3) vote of the Commission, provided that the Applicant has submitted a petition, at or before the public hearing, signed by the owners of fifty-one (51)

percent of the residences and commercial establishments within a 1,250 foot distance of the proposed location and provided that the Commission makes the following findings:

a. The proposed use will not be detrimental to nearby property values, and the spirit and intent of this regulation will be observed.

b. The establishment of an additional use of this type in the area proposed will not be contrary to any residential or nonresidential programs of neighborhood conservation or improvement.

c. The proposed use will not cause additional crime in the area.

2. Time Limit.

Each special permit shall be issued for one (1) year and shall automatically be renewed on an annual basis without application provided the Zoning Official certifies there were no violations of the regulation during the year. If certification cannot be made, the Official shall provide written notice to the holder of the special permit that a new application is required. The Applicant may continue to operate under the special permit until such time as the new application for renewal is denied.

C. AFFORDABLE HOUSING

The Commission may grant a special permit after public hearing to allow affordable housing as defined by CGS.

1. Purpose.

Higher density zoning may be permitted on a limited basis to provide a greater variety of housing choices. As an incentive to encourage development of affordable housing units, the Commission, upon petition and after public hearing, may grant a change of zone for a parcel of land, provided that fifty percent (50%) of the additional housing units allowed, shall be affordable. In calculating the number of units, provision for open space land (twenty percent) will not be deducted nor will a fee be collected in lieu of open space if twenty-five percent (25%) or more of the project units are offered as affordable housing. To protect the public health and welfare it is necessary to apply a number of measures to a property in question in order to be assured that such property can accommodate the desired density. Therefore, the following procedure is employed for consideration of such change of zone.

2. Procedure.

a. An applicant may petition for a change of zone from R-45 to R-25, or R-25 to R-15, R-11, or PDA as provided in these regulations and in accordance with the following standards:

(1) A parcel shall be a minimum of ten (10) developable acres.

(2) The land proposed for use shall be of such character that it can accommodate higher density use.
(3) Public water supply shall be available to service the property in question.

(4) Public sewers shall be available to service the property in question.

(5) The existing streets in the area shall be adequate for proper circulation and increased traffic generated by more intensive development.

(6) Existing drainage facilities must be adequate to accommodate an intensification of land use.

(7) Soils must be of such type to accommodate an intensification of land use.

b. A PDA development may be allowed an additional density bonus of forty (40) percent, provided that fifty (50) percent of the additional units are offered as affordable housing.

c. A sketch plan shall be submitted to illustrate the number of housing units possible on a property under its present zoning classification.

d. A preliminary plan, based on the proposed zoning classification, shall accompany the application. It shall provide adequate information to show that the standards can be met and that design proposals employed will make development compatible with the surrounding area. In addition, said plan will be used in conjunction with Subsection c. above to provide a "bonus" figure for use in calculating the number of affordable housing units required to qualify under this regulation.

e. In order to absorb the impact on the town's infrastructure and its ability to provide services, consideration for zone changes will be limited to a total of fifty (50) bonus units (25 affordable) per year.

f. The commission may consider relaxation of the fifteen (15) percent limitation for multi-family housing as part of the town's housing stock when twenty-five (25) percent or more of the proposed units in a project are affordable.

g. A contract certifying the above shall be drawn by the developer, approved by the town attorney and entered into between the developer and the Town of Suffield. Such contract shall be drawn in accordance with CGS Sec. 8-2g(a).

h. Ongoing administration of affordable housing units established under these regulations shall be in accordance with CGS Sec. 8-2g(b).

D. ALCOHOLIC BEVERAGES

1. No building or use of land shall be used for the purpose of sale or exchange of alcoholic liquors, for consumption on or off the premises, at wholesale or retail, if any part of such building or premises is situated:
   a. Within two-hundred (200) feet of any part of a lot or parcel used, intended to be used, or reserved for a church, college, school or other institution for children, a hospital, library or charitable or religious institution supported by public or private funds, except that the distance limitation may be waived by a vote of five-sixths (5/6) of the Commission in the case of a permitted hotel or restaurant where alcoholic beverages are sold for consumption on the premises under a hotel permit or a restaurant permit (as defined in the State Liquor Control Act) provided that the Commission, after a public hearing, determines that the proximity of said hotel or restaurant or other buildings or premises used for the sale of alcoholic beverages for consumption on the premises:

      (1) Will be subordinate and incidental to the principal use of the premises as a restaurant where hot meals are served by employees to patrons at tables or as a hotel;

      (2) Will not conflict with the general purpose of these regulations as they relate to the area;

      (3) Will not adversely affect the health, safety, or morals of persons attending any nearby college, school, place of worship, library, park or playground or residing in any nearby residential zone; and,

      (4) Will not hinder the appropriate development and use of adjacent property.

2. In a Residential Zoning District, the Commission may grant a special permit for a:

   a. Club under a "club permit".

   b. Public golf course location under a restaurant beer permit.

   c. School/Education Center under a restaurant permit.

3. In an Industrial Zoning District, the Commission may grant a special permit for a:

   a. The bottling and wholesale sale and storage of alcoholic liquors without limitation of distance from any liquor outlet, under the following permits:

      (1) Warehouse bottling permit.

      (2) Warehouse storage permit,

      (3) Wholesalers permit.

   b. The retail sale of beer and wine for consumption on the premises under a restaurant permit.

4. In Commercial Zoning Districts the sale of alcoholic liquors is permitted only by special use permit issued by the Commission as follows:

    a. For consumption on the premises under a hotel permit, restaurant permit, cafe permit or club permit.

    b. For consumption off the premises under a package store permit, a drugstore permit, or a drugstore beer permit only when the public entrance to such premises is not less than 1,500 feet in a direct or straight line to the public entrance of that portion of another building which is used for the sale of alcoholic beverages under the aforementioned categories of permits, except for grocery/beer permits.

    c. In the case of the forced removal of a package store, or a druggist's permit as defined in CGS Sec. 30.52, the above limitation of distance shall not apply.

    Note: Permits refer to the classifications enumerated in the regulations of the State Liquor Control Commission.

5. The provisions of this section shall not be deemed to be retroactive except that any building or premises legally in use for the sale of alcoholic liquors in breach of this section, which is not used for such nonconforming use for a period of thirty (30) days shall thereafter conform to these regulations.

6. Temporary permits of nonprofit organizations shall be subject only to State Liquor Control Commission requirements.

E. ANTIQUE SHOPS

The Commission may allow antique shops as an accessory use to a single-family dwelling by special permit in the R-90, R-45, TCV, WSV, or NC zoning districts, or in the R-25 zoning district within a historic structure or accessory building identified within the *Town's Survey of Historical and Architectural Resources* prepared by the Capital Regional Council of Governments, 1979 on file with the Town Clerk's Office, under the following conditions.

1. The use shall be limited to properties on "arterial" roads, e.g., those with at least 5,000 vehicle trips per day.

2. The use shall be clearly incidental and secondary to the use of such dwelling unit and lot for residential purposes, and shall not change the residential character of the dwelling unit and lot.

3. Only the resident homeowner may apply for and run the antique shop, except that two (2) non-resident employees may also be employed.

4. No more than fifty (50) percent of the single-family dwelling unit shall be used for the antique shop, or a minimum of four-hundred (400) SF for an accessory building shall be used.

5. The use shall be carried on entirely within the single-family dwelling unit or within a completely enclosed accessory building permitted on the same lot as the dwelling unit.

6. Parking needs for the residence and the antique shop shall be met on-site according to Sec. VII of these regulations and shall not take place in required yard setbacks. The Commission may require the screening of parking areas.

7. No display or storage of antiques on the premises outside of the dwelling unit or the permitted accessory building in which it is located is permitted.

8. Any auction shall be limited to the residents' inventory, shall require a Temporary Special Permit, and shall not be permitted more than once during any calendar year.

F. ASSISTED-LIVING AND PERSONAL-CARE FACILITIES, CONVALESCENT AND NURSING HOMES

1. Purpose.

The purposes of this section are to permit, as a special use after public hearing, the establishment of an assisted-living facility consisting of private residential units that provides assistance with activities of daily life in a group setting and that encourages residents, fifty-five (55) years or older, to maintain a maximum level of independence, and to permit the establishment of a personal-care facility for those sixty (60) years of age and older, subject to the exceptions provided for in State and Federal fair housing laws, and to provide for Convalescent Homes as defined in CGS Section 19-490.

2. General. (4-3-2010)

The Commission may permit the establishment of an Assisted-Living or Personal-Care Facility and their accessory uses in all Residential and Commercial, and the Town Center Village District Zones as a special permit. (4-3-2010)

3. Area and yard requirements. (4-3-2010)

a. Minimum lot size: Ten (10) acres in residential and commercial zones; one (1) acre in the Town Center Village District Zone if the Commission determines that the smaller lot size is acceptable given abutting property uses, site characteristics, site design, and site access considerations. (4-3-2010)

b. Minimum lot frontage: Two-hundred fifty (250) feet, except when the Commission

	determines that a smaller amount is acceptable given abutting property uses, site characteristics, site design, and site access considerations. In no event shall the minimum frontage be less than sixty (60) feet in the Town Center Village District Zone. (4-3-2010)
c. Maximum density:	Five (5) units per acre in residential and commercial zones; one (1) unit per two thousand (2000) square feet in a Town Center Village District Zone not to exceed thirty 30 units. (4-3-2010)
d. Minimum building setback from property boundaries	One hundred (100) feet, except when the Commission determines that a smaller amount is acceptable given abutting property uses, site characteristics, site design, and site access considerations.
e. Maximum lot coverage:	Thirty-five (35) percent in residential zones, forty (40) percent in commercial zones, and seventy-five (75) percent in the Town Center Village District. (4-3-2010)
f. Maximum building height:	Three (3) stories or forty (40) feet in height.
g. Minimum open space:	Sufficient to meet the needs of residents including at least one-thousand (1,000) SF per dwelling unit, and the construction of walking paths in residential and commercial zones only. (4-3-2010)
j. Minimum building setback from proposed roads within facility.	Twenty (20) feet where no sidewalks are placed adjacent to roads and thirty (30) feet where sidewalks are provided in residential zones only. In the TCVD, setbacks shall conform to Section IV. M. (4-3-2010)

4. Other Requirements.

a. A plan for transportation services for the residents to shopping areas, banks, senior center and other business and community services shall be submitted and subject to review and approval by the Commission.

b. The property shall be in the sewer service area and served by public water and sewers.

c. There shall be a community facility(s) suitably equipped to meet the dining, social interaction and leisure time needs of the residents. The community facility(s) shall contain not less than twenty-five (25) square feet per dwelling unit. The Commission may require additional community space within the facility as it deems appropriate. In calculating community facilities accessory uses such as a central kitchen and maintenance areas shall not be included. (4-3-2010)

d. Other accessory uses such as retail and/or commercial office space may be included provided the area shall not exceed twenty (20) square feet per dwelling unit and the use is primarily to serve the needs of the residents of the facility. There shall be no advertising of the activities which occupy said space outside of the facility.

e. All units shall have minimum floor areas as follows: efficiency: 400 square feet; one-bedroom: 500 square feet; two-bedroom: 650 square feet.

f. Each unit shall have an emergency call/intercom system connected to a central station, on-site, staffed twenty-four (24) hours per day when such determination is made by the Commission.

g. In the event that there is a conflict between this section and the provisions of Section IV.F, the provisions of this section shall control. (4-3-2010)

G. BACK (or REAR) LOT

The intent of this section is to afford greater flexibility in determining the most appropriate residential development form for unusually large, deep or oddly shaped lots. Such development must be in harmony with the area in which it is proposed and must be designed and sited to protect neighboring property values while respecting the site's natural and manmade features.

1. Standards and Requirements.

The Commission may grant a special permit to allow the creation of a back lot in residential zoning districts when they determine that the development of the back lot will provide the most appropriate use of the land considering such factors as the preservation of the natural character of the land, drainage, configuration, accessibility, and topography, and where all of the following conditions apply:

a. The back lot shall contain a minimum fifty (50) foot wide frontage strip (driveway), which shall be part of said lot and extend from the Town street to the buildable portion of the back lot. No structures shall be located within the access strip.

b. The back lot shall conform to all requirements prescribed for the zone in which it is located except that the minimum lot size (exclusive of access strip) shall be at least five (5) uninterrupted contiguous developable acres.

c. The front yard of the back lot shall be measured from the rear lot line of the front lot or as determined by the Commission.

d. Driveways longer than two-hundred fifty (250) feet in length shall meet the standards specific in Sec. III.H. of these regulations.

e. The Town street entrance to the back lot shall be posted with a sign containing the house number and street name. Such sign shall be a minimum of one and one-half (1½) square feet per side and a maximum of two (2) square feet per side.

f. An evergreen screen shall be planted along the sides of the access strip (driveway) to ensure privacy for adjacent lots. Said planting shall be a minimum of three (3) feet in height at the time of planting, and a minimum of six (6) feet in height and three-quarters (3/4) solid at time of maturity. The Commission may waive this requirement if topographic conditions or existing vegetation provide adequate screening. The Commission may also require additional screening or landscaping along the access driveway or any other property lines where it is needed to protect the privacy of adjacent parcels.

g. The Commission may permit up to two (2) back lots on a parcel of land in existence as of June 15, 1954.

H. BED AND BREAKFAST FACILITY

The Commission may grant a special permit to allow the conversion of a single-family dwelling to provide for a bed and breakfast facility in the R-90, R-45, R-25, TCV, WSCV, and NC zones when used in conjunction with primary residential use by the owner only, subject to reasonable safeguards and the following standards.

1. A bed and breakfast shall:

a. Be located on a parcel of land which conforms to the minimum lot size requirement for the zoning district in which the property is located;

b. Not detract from the single-family residential character of the dwelling. There shall be no external evidence of the bed and breakfast use except for an identification sign up to four (4) square feet in area; (11/19/04)

c. Have all appropriate state and local approvals;

d. Have appropriate water supply and sewer facilities to meet Health Code requirements or be connected to public facilities;

e. Not be located on a dead-end street more than 1,200 feet from the beginning of such dead-end street;

f. The maximum number to be permitted in Suffield shall be ten (10);

g. Not contain more than four (4) guest rooms on a property of one (1) acre or less and up to six (6) guest rooms for a property in excess of one (1) acre;

h. Provide meals for only overnight guests;

i. Not contain cooking facilities in any guest rooms;

j. Not have a guest for a period in excess of fourteen (14) consecutive days;

2. Off-street parking shall:

a. Consist of one (1) space per guest room in addition to two (2) spaces for the dwelling;

b. Not be located between the street and building line for bed and breakfast guests;

c. Be screened from the street and abutting residential properties by Type "C" screening;

d. Have lighting adequate for public safety and security without creating a nuisance to abutters;

e. Have an all-weather surface.

I. CONVERSION OF ONE-TO-TWO-FAMILY DWELLING

The Commission may grant a special permit to allow the conversion of a single-family dwelling to a two-family dwelling in the R-90, R-45, and R-25 zones as follows:

1. Only homes constructed prior to 1940 shall be eligible for conversion.

2. There shall be double the lot area required by the underlying zone.

3. The minimum floor area of each dwelling unit shall be 525 square feet. For each bedroom an additional 150 square feet shall be added to the minimum.

4. No structural alteration made to the exterior of the building shall detract from its single-family characteristics.

5. No stairs above the first floor shall be added outside the existing exterior walls except at the rear wall of the building, and on a corner lot any new stairs shall be added within the existing walls of the building or added in the form of a wing that will not detract from the building's single-family characteristics.

6. Permits shall be issued to the property owner.

J. EARTH REMOVAL

1. Purpose.

The purpose of this section is to preserve a cover crop on the land to prevent erosion and to control any excavation operations that may create a safety or health hazard to the public or the adjacent property owners, or be detrimental to the immediate neighborhood or to the Town of Suffield. This use is only permitted for existing earth removal uses in which a renewal of a special permit is being sought.

2. General Requirements.

a. Unless otherwise provided in this section there shall be no removal from the premises in any zoning district of earth, sand, gravel, clay or quarry-stone except as surplus material not to exceed 1,000 cubic yards resulting from a bona fide construction, landscape or agricultural operation being executed on the premises and provided that no permanent damage is done to the landscape.

b. In any zoning district top soil or loam may be removed from the area to be covered by a building or other construction operation and from any other area provided that no less than four inches of top soil or loam remains and provided that the entire area disturbed is seeded with a suitable cover crop or is put to cultivation.

3. The Commission may grant a special permit for the renewal of existing earth removal or sand and gravel operations only, under the following conditions:

a. The applicant shall submit a plan showing existing grades in the area from which the above material is to be removed together with finished grades at the conclusion of the operation.

b. The plan shall provide for proper drainage of the area of the operation after completion and no bank shall exceed a slope of one foot of vertical rise in two (2) feet of horizontal distance. No removal shall take place within twenty (20) feet of a property line.

c. At the conclusion of the operation, or of any substantial portion thereof, the whole area where removal takes place shall be covered with not less than four (4) inches of topsoil and seeded with a suitable cover crop.

d. No stone crusher or other machinery not required for actual removal of the material shall be used.

e. Before a special permit renewal can be granted under this section the applicant shall post a bond with the Treasurer of the Town of Suffield in an amount approved by the Commission as sufficient to guarantee conformity with the provisions of the permit issued hereunder.

f. In passing on such applications, the Commission shall consider the effect of such removal on surrounding property and the future usefulness of the premises when the operation is completed.

g. Such permits shall be issued for a period not exceeding two (2) years.

h. Nothing herein shall prevent filing a revised plan with the Commission, modifying or reducing the scope of work originally approved, provided that the bond required above shall not be released until all the requirements of the section shall have been met.

K. FLOOD DAMAGE PREVENTION

1. Statutory Authorization and Purpose. (9/19/08)

The Legislature of the State of Connecticut has in Title 7, Chapter 98, Section 7-148(c)(7)(A) and in Title 8, Chapter 124, Section 8-2 of the General statutes delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Zoning and Planning Commission of the Town of Suffield, Connecticut, does ordain as follows: (9/19/08)

It is the purpose of this regulation to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

a. To protect human life and health;

b. To minimize expenditure of public money for costly flood and control projects;

c. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

d. To minimize prolonged business interruptions;

e. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazards;

f. To help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;

g. To insure that potential buyers are notified that property is in an area of special flood hazard; and,

h. To ensure that those who occupy the areas of special flood hazard assume responsibility for their action.

2. Definitions.

Unless specifically defined below, words or phrases used in this regulation shall be interpreted so as to give them the meaning they have in common usage and to give this regulation its most reasonable application.

"Area of special flood hazard" means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year.

"Base flood" means the flood having a one percent change of being equaled or exceeded in any given year.

"Base Flood Elevation" (BFE) The elevation of the crest of the base flood or 100-year flood. The height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas. (9/19/08)

"Basement" means that portion of a building having its floor sub grade (below ground level) on all sides.

"Building" see definition for "Structure" (Town's Definition). (9/19/08)

"Cost" As related to substantial improvements, the cost of any construction, rehabilitation, addition, alteration, repair or other improvement of a structure shall be established by a detailed written contractor's estimate. The estimate shall include, but not be limited to: the cost of materials (interior finishing components, structural components, utility and service equipment); sales tax on materials; building equipment and fixtures, including heating and air conditioning and utility meters; labor; built-in appliances; demolition and site preparation; repairs made to damaged parts of the building worked on at the same time; contractor's overhead; contractor's profit; and grand total. Items to be excluded include: cost of plans and specification; survey costs; permit fees; outside improvements such as septic systems, water supply wells, landscaping, sidewalks, fences, yard lights, irrigation systems, and detached structures such as garages, sheds, and gazebos. (9/19/08)

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the areas of special flood hazard.

"Elevated building" a non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls or breakaway walls.

"Existing Manufactured Home Park or Subdivision": A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the

manufactured homes are to be affixed (including, as a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community. (9/19/08)

"Expansion to an Existing Manufactured Home Park or Subdivision" The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads). (9/19/08)

"Federal Emergency Management Agency" (FEMA) The federal agency that administers the National Flood Insurance Program (NFIP). (9/19/08)

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal water and/or the unusual and rapid accumulation or runoff or surface water from any source.

"Flood Insurance Rate Map" (FIRM) means the official map on which the Federal Emergency Management Agency (FEMA) has delineated both the areas of special flood hazards and the risk premium zones applicable to the community. (9/19/08)

"Flood Insurance Study" means the official report provided by the Federal Emergency Management Agency (FEMA) that includes flood profiles, and the water surface elevation of the base flood. (9/19/08)

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

"Floor" the top surface of an enclosed area in a building (including basement) i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include he floor of a garage used solely for parking vehicles.

"Functionally dependent facility" a facility which cannot be used for its intended purpose unless it is located in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair or seafood processing facilities. The term does not include long-term storage, manufacture, sales or service facilities.

"Highest Adjacent Grade" (HAG) The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. (9/19/08)

"Historic Structure" Any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual

listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) By an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states without approved programs. (9/19/08)

"Lowest floor" the lowest floor of the lowest enclosed area (including basement).

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. Recreational vehicles and similar transportable structures placed on a site for 180 consecutive days or loner shall be considered manufactured homes for the purpose of this ordinance.

"Manufactured Home Park or Subdivision" A parcel or contiguous parcels of land divided into two (2) or more manufactured home lots for rent or sale. (9/19/08)

"Market Value" Market Value of the structure shall be determined by the Appraised Value (total value minus land value) listed on the Assessor's Online Database. (9/19/08)

"Mean sea level" (MSL) means, for purposed of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced. (9/19/08)

"New construction" means structure for which the "start of construction" commenced on or after the effective date of this regulation. (Effective date: 9/19/08)

"New Manufactured Home Park or Subdivision" A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date, September 19, 2008, of the floodplain management regulations adopted by the community. (9/19/08)

"Recreational Vehicle" A vehicle which is: (a) built on a single chassis; (b) four hundred (400) square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towed by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. (9/19/08)

"Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure, on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it included the installation of streets and/or walkways; nor does it included excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation of the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building. (9/19/08)

"Structure" means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank.

"Substantial Damage" Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. (9/19/08)

"Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "Substantial Improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the buildings commences, whether or not that alteration affects the external dimensions of the structure.
The term does not, however, include either:

- any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
- any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

"Variance" A grant of relief by a community from the terms of the floodplain management regulation that allows construction in a manner otherwise prohibited and where specific enforcement would result in unnecessary hardship. (9/19/08)

"Violation" Failure of a structure or other development to be fully complaint with the community's floodplain management regulations. A structure or other development without required permits, lowest floor elevation documentation, flood-proofing certificates or required floodway encroachment calculations is resumed to be a violation until such time as that documentation is provided. (9/19/08)

"Water Surface Elevation" The height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas. (9/19/08)

3. General Provisions.

a. Lands to which this regulation applies.

This regulation shall apply to all areas of special flood hazards within the jurisdiction of Suffield, Connecticut.

b. Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in a scientific and engineering report: entitled "FLOOD INSURANCE STUDY HARTFORD COUNTY, CONNECTICUT (ALL JURISDICTIONS)", effective September 26, 2008, with accompanying FLOOD INSURANCE RATE MAPS dated September 26, 2008, and any subsequent revisions thereto, are adopted by reference and declared to be part of this regulation. Since mapping is legally adopted by reference into the regulation, it must take precedence when it is more restrictive, until such time as a map amendment is obtained. The Flood Insurance Study is on file at Town of Suffield Town Clerk's Office, 83 Mountain Road, Suffield, CT 06078. (9/19/08)

c. Compliance.

A structure or development already in compliance with this regulation shall not be made non-complaint by any alteration, modification, repair, reconstruction or improvement. No structure or land shall hereafter be constructed, located, extended, converted, modified or structurally altered without full compliance with the terms of this regulation and other applicable regulations. (9/19/08)

d. Abrogation and Greater Restrictions. (9/19/08)

This regulation is not intended to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this regulation and other ordinance, regulation easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (9/19/08)

e. Interpretation.

In the interpretation and application of this regulation, all provisions shall be:

(1) Considered as minimum requirements;
(2) Liberally construed in favor of the governing body; and,

(3) Deemed neither to limit nor repeal any other powers granted under state statutes.

f. Warning and disclaimer of liability.

The degree of flood protection required by this regulation is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increase by man-made or natural causes. This regulation does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This regulation shall not create liability on the part of Suffield, CT, any officer or employee thereof, or the Federal Emergency Management Agency (FEMA), for any flood damages that result by reliance on the regulations or any administrative decision lawfully made there under. (9/19/08)

g. Severability. (9/19/08)

If any section, subsection, paragraph, sentence, clause, or phrase of this regulation should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this regulation, which shall remain in full force and effect; and to this end the provisions of this regulation are hereby declared to be severable. (9/19/08)

h. Adoption Date of Regulation. (9/19/08)

The adoption date of this regulation is September 19, 2008. (9/19/08)

4. Administration

a. Establishment of Floodplain Development Permit. (9/19/08)

A Floodplain Development Permit shall be obtained before construction or development begins within any areas of special flood hazard established in Section 3b. Application for each Floodplain Development Permit shall be made on a form furnished by the Town Engineer and may include but not be limited to plans in duplicate drawn to scale showing the nature, locations, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required: (9/19/08)

(1) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
(2) Elevation in relation to mean sea level to which any structure has been floodproofed;
(3) Certification by a Connecticut registered professional engineer or architect that the Floodproofing methods for any nonresidential structure meet the Floodproofing criteria in Subsection 5; and, (9/19/08)

(4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

b. Designation of the Town Engineer.

The Town Engineer is hereby appointed to administer and implement this regulation by granting or denying Floodplain Development Permit applications in accordance with its provisions. (9/19/08)

c. Duties and responsibilities of the Town Engineer shall include, but not be limited to:

(1) Permit Review

(a) Review all Floodplain Development Permits to determine that the permit requirements of this regulation have been satisfied. The Town shall select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood without increasing the water surface elevation of that flood more than one foot at any point. (9/19/08)

(b) Review all Floodplain Development Permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required. (9/19/08)

(c) Require that until a regulatory floodway is designated, no new construction or substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE unless it is demonstrated that the cumulative effect of the proposed development, when combined with all existing and anticipated development, will not increase the base flood elevation more that one (1) foot at any point in the community. (9/19/08)

(2) Use of Other Base Flood Data

When base flood elevation data or floodway data has not been provided in accordance with Subsection 3, basis for establishing the area of special flood hazard, the Town Engineer shall obtain, review and reasonable utilize any base flood elevation data and floodway data available from a federal, state or other source, in order to administer Subsection 5.

(3) Information to be Obtained and Maintained

(a) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures.

(b) For all new or substantially improved floodproofed structures:

- verify and record the actual elevation (in relation to mean sea level), and,
- maintain the floodproofing certifications required in Subsection 4.

(c) Maintain for public inspection all records pertaining to the provisions of this regulation.

(d) In carrying out his duties regarding this section, the Town Engineer may request that the applicant provide any information, including engineering reports and surveys, he determines are necessary to complete his review.

(4) Alteration of Watercourse

(a) Notify adjacent communities and the Department of Environmental Protection prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Insurance Administration.

(b) Require that maintenance is provided within the altered or relocation portion of said watercourse so that the flood carrying capacity is not diminished.

(5) Interpretation of FIRM Boundaries

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions).

d. Certification. (9/19/08)

Where under this regulation, a Connecticut registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this regulation, such certification must be provided to the Town Engineer. (9/19/08)

5. Provisions for Flood Hazard Reduction

a. General Standards.

In all areas of special flood hazards the following standards are required:

(1) Anchoring

All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

(2) Construction Materials and Methods

(a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(c) All new construction, substantial improvements and repair to structures that have sustained substantial damage cannot be constructed or located entirely or partially over water. (9/19/08)

(3) Utilities

(a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

(b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.

(c) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(d) Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(e) Above-ground storage tanks (oil, propane, etc.) which are located outside or inside of the structure must either be elevated above the base flood elevation (BFE) on a concrete pad, or be securely anchored with tie-down straps to prevent flotation or lateral movement, have the top of the fill pipe extended above the BFE, and have a screw fill cap that does not allow for the infiltration of flood water. (9/19/08)

(4) Subdivision Proposals

(a) All subdivision proposals shall be consistent with the need to minimize flood damage;

(b) All subdivision proposals shall have public utilities and facilities such as sewer, bas, electrical and water systems located and constructed to minimize flood damage;

(c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,

(d) Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at lest 25 lots or 5 acres (whichever is less).

b. Specific Standards.

(1) In all areas of special flood hazards where base flood elevation data has been provided as set forth in Subsection 3.b. (Basis for establishing the areas of special flood hazard), or Subsection 4.c.(2) (Use of other base flood data), the following provisions are required: (9/19/08)

(a) Residential Construction

New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to the level of the base flood elevation.

(b) Nonresidential Construction

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation, or together with attendant utility and sanitary facilities shall:

- be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passing of water;
- have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
- be certified by a Connecticut registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the official as set forth in Subsection 4. (9/19/08)

c. Floodways.

Located within areas of special flood hazard established in Subsection 3 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

(1) Prohibit encroachments, including fill, new construction, substantial improvements and other development unless certification by a registered Connecticut professional engineer or architect is provided demonstrating that encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge. (9/19/08)

(2) If the above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provision of Subsection 5, Provisions for Flood Hazard Reduction.

d. Structures or Portions of Structures in Flood Zones. (9/19/08)

(1) Portion of Structure in Flood Zone-If <u>any</u> portion of a structure lies within the Special Flood Hazard Area (SFHA), the entire structure is considered to be in the SFHA. The entire structure must meet the construction requirements of the flood zone. The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. Decks or porches that extend into a more restrictive flood zone will require the entire structure to meet the standards of the more restrictive zone. (9/19/08)

(2) Structures in Two Flood Zones-If a structure lies within two or more flood zones, the construction standards of the most restrictive zone apply to the entire structure (i.e., V zone is more restrictive than A zone; structure must be built to the highest BFE). The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. (Decks or porches that extend into a more restrictive zone will require the entire structure to meet the requirements of the more restrictive zone). (9/19/08)

(3) No Structures Entirely or Partially Over Water-New construction, substantial improvements and repair to structures that have sustained substantial damage cannot be constructed or located entirely or partially over water. (9/19/08)

e. Compensatory Storage. (9/19/08)

The water holding capacity of the floodplain, except those areas which are tidally influenced, shall not be reduced. Any reduction caused by filling, new construction or substantial improvements involving an increase in footprint to the structure, shall be compensated for by deepening and/or widening of the floodplain. Storage shall be provided on-site, unless easements have been gained from adjacent property owners; it shall be provided within the same hydraulic reach and a volume not previously used for flood storage; it shall be hydraulically comparable and incrementally equal to the theoretical volume of flood water at each elevation, up to including the 100-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Compensatory storage can be provided off-site if approved by the municipality. (9/19/08)

f. Equal Conveyance. (9/19/08)

Within the floodplain, except those areas which are tidally influenced, as designated on the Flood Insurance Rate Map (FIRM) for the community, encroachments resulting from filling, new construction or substantial improvements involving an increase in footprint of the structure, are prohibited unless the applicant provides certification by a Connecticut registered professional engineer demonstrating, with supporting hydrologic and hydraulic analysis performed in accordance with standard engineering practice, that same encroachments shall not result in any (0.00 feet) increase in flood levels (base flood elevation). Work within the floodplain and the land adjacent to the floodplain, including work to provide compensatory storage shall not be constructed in such a way so as to cause an increase in flood stage or flood velocity. (9/19/08)

g. Manufactured (Mobile) Homes and Recreational Vehicles (RVs). (9/19/08)

In all Special Flood Hazard Areas (SFHA), any manufactured (mobile) homes to be newly placed undergoing a substantial improvement or repaired as a result of substantial damage, shall be elevated so that the bottom of the lowest floor is at or above the base flood elevation (BFE). The manufactured home must also meet all the construction standards per Section 5.b.(1)(a). This includes SFHAs outside a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or on a site in an existing park which a manufactured home has incurred substantial damage as a result of a flood. (9/19/08)

All manufactured (mobile) homes within a SFHA shall be placed on a permanent foundation which itself is securely anchored and to which the structure is securely anchored so that it will resist flotation, lateral movement and hydrostatic pressures. Anchoring may include, but not be limited to, the use of over-the-top or frame ties to ground anchors. (9/19/08)

All manufactured (mobile) homes within a SFHA shall be installed using methods and practices which minimize flood damage. Adequate access and drainage should be provided. Elevation construction standards include piling foundations placed no more that ten (10) feet apart, and reinforcement is provided for piers more than six (6) feet above ground level. (9/19/08)

Recreational vehicles placed on sites within a SFHA shall either (i) be on the site for fewer than 180 consecutive days, and (ii) be fully licensed and ready for highway use, OR (iii) meet all the general standards of Section 5.a. and the elevation and anchoring requirement of Section 5.a.(1) and 5.b.(1)(a). A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions. (9/19/08)

6. Variance Procedures. (9/19/08)

a. Zoning Board of Appeals (ZBA). (9/19/08)

Under Section XIII, the Zoning Board of Appeals (ZBA), as established by the Town of Suffield, shall hear and decide appeals and requests for variances from the requirements of this regulation. Records of appeal actions are maintained by the Town Clerk. The record of any variance or appeal action under this Section shall be reported to the Federal Emergency Management Agency (FEMA) upon request. (9/19/08)

b. Specific Situation Variances. (9/19/08)

(1) Buildings on a Historic Register. (9/19/08)

Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places, the State Inventory of Historic Places, or any locally-adopted historic district without regard to the procedures set forth in the remainder of this section and provided the proposed reconstruction, rehabilitation or restoration will not result in the structure losing its historical designation. (9/19/08)

(2) Functionally Dependent Use or Facility. (9/19/08)

Variances may be issued for new construction and substantial improvements and other development necessary for the conduct of a functionally dependent use or facility provided the structure or other development is protected by methods that minimize flood damage, creates no additional threat to public safety and meets all the requirements of Subsection 4. (9/19/08)

(3) Floodway Prohibition. (9/19/08)

Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result. (9/19/08)

c. Considerations for Granting of Variances. (9/19/08)

(1) In passing upon such applications, the Zoning Board of Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this regulation and the items listed below:

- The danger that materials may be swept onto other lands to the injury of others;
- The danger to life and property due to flooding or erosion damage;
- The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- The importance of the services provided by the proposed facility to the community;
- The necessity of the facility to waterfront location, in the case of a functionally dependent facility;

- The availability of alternative locations not subject to flooding or erosion damage for the proposed use;
- The compatibility of the proposed use with existing and anticipated development;
- The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- The safety access to the property in times of flood for ordinary and emergency vehicles;
- The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
- The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges. (9/19/08)

(2) Upon consideration of these factors and the purposes of this regulation, the ZBA may attach such conditions to the granting of variances as it deems necessary to further the purposes of this regulation. (9/19/08)

d. Conditions for Variances. (9/19/08)

(1) Variances shall only be used upon a determination that the variance is the minimum necessary to afford relief considering the flood hazard; and in the instance of a historical building, a determination that the variance is the minimum necessary as not to destroy the historic character and design of the building and result in the loss of historic designation of the building. (9/19/08)

(2) Variances shall only be used upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship, and; (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, damage the rights or property values of other persons in the area, cause fraud on or victimization of the public, or conflict with existing local laws, ordinances or regulations. Only hardships that are based on unusual or unique physical characteristics of the property in question, characteristics that are not shared by adjacent parcels, shall qualify to meet subsection (ii) above. (9/19/08)

(3) No variance may be issued within a regulatory floodway that will result in any increase in the 100-year flood levels. A variance may be issued for new construction, substantial improvements and other development necessary for the conduct of a "functionally dependent use" provided that there is good and sufficient cause for providing relief; and the variance does not cause a rise in the 100-year flood level within a regulatory floodway. The structure and other development must be protected by methods that minimize flood damages. (9/19/08)

(4) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation (BFE) and the elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the lowest floor elevation. (9/19/08)

e. Enforcement and Penalties for Violation. (9/19/08)

(1) Each Floodplain Development Permit shall authorize, as a condition of approval, the Town Engineer or designated agents to make regular inspections of the subject property. The Town Engineer or designated agents are also authorized to inspect any property in a Special Flood Hazard Area (SFHA) where it appears that violations of these regulations may be taking place. (9/19/08)

(2) If the Town Engineer finds that any person is undertaking any construction, substantial improvement, filling, or any other activity or maintaining a condition which is in violation of these regulations, he shall notify the Zoning Enforcement Officer and cooperate with the Zoning Enforcement Officer in enforcement procedures indicated in Section XIV.D. (9/19/08)

(3) Penalties shall be as indicated under Section XIV.D. (9/19/08)

L. GREENHOUSE OPERATIONS (COMMERCIAL)

The Commission may grant a special permit to allow commercial greenhouse operations in accordance with due consideration of the following criteria and standards.

1. Criteria.

   a. Conservation of property values.

   b. Negligible impact of traffic in the immediate neighborhood.

   c. Limitations necessary to protect the immediate and adjacent neighborhoods.

   d. General welfare of the Town and consistency with the objectives and principles of the Plan of Conservation and Development.

2. Standards. The Commission may permit lot coverage by buildings of up to 50% if it makes additional findings that the plan of the proposed facility as approved will:

   a. Be exclusively for the growing and harvesting of horticultural products;

   b. Maintain at least 85% of the land beneath the greenhouse structure with no impervious permanent covering;

c. Collect and recycle all roof drainage for distribution within the greenhouse for all rainfall events;

d. Not cause an increase in peak Stormwater runoff off-site;

e. Not permit water withdrawal from private wells which would adversely affect adjacent wells;

f. Use only USDA approved pesticides, herbicides, or other chemical treatments;

g. Not cause any interior or exterior lighting to shine in a manner which would interfere with the enjoyment of surrounding properties between 7:00 P.M. and 5:00 A.M.;

h. Not cause sunlight to be reflected in any concentrated manner which would interfere with the enjoyment of surrounding properties;

i. Provide transparent or translucent greenhouse walls and roofs;

j. Provide at least 100 feet of distance from all developable property lines to any building, greenhouse or loading or unloading areas;

k. Provide Type "C" screening of all parking and loading areas and any visible utilities; and,

l. Provide Type "B" screening of all buildings so that the greenhouse use will not hinder or discourage the appropriate development and use of adjacent properties.

M. HORSES FOR COMMERCIAL PURPOSES

The Commission may grant a special permit to allow the keeping of more than ten (10) horses for breeding, boarding, and/or instruction for commercial purposes in the FP, R-90, R-45, R-25, WSCV, I, and PDIP zones as follows.

1. The premises shall be not less than ten (10) acres in area and shall be in a predominantly rural area and existing buildings shall be so located as to create no adverse effect on neighboring properties.

2. The use may be conducted only by the resident of the premises as an accessory use.

3. Buildings housing animals and areas of concentrated storage of waste, shall be not less than one hundred (100) feet from any lot line and not less than one hundred fifty (150) feet from a dwelling on property under other ownership and one-hundred (100) feet from a stream.

4. In considering such special use, the Commission shall weigh the agricultural and rural, as well as the residential character and potential of the area and shall find the granting of such use shall result in an appropriate use of the land and will not have a detrimental effect on existing or potential residential or other uses in the area.

N. LANDFILL REGULATIONS

The Commission may grant a special permit after public hearing to a landowner under contract to the Town of Suffield, or the Town of Suffield, to conduct a sanitary landfill. The Commission may impose any reasonable safeguards as to conditions of approval and shall require the following:

1. A properly certified key map of the general area at a scale of 1" = 200' showing:

    a. Boundary and owner of record of the premises in question;

    b. Boundaries and owners of record of all adjacent properties;

    c. Topography and contours of the premises and all land within 500 feet of the premises, with the contour interval at two (2) feet;

    d. Existing land use(s) on the premises and within 500 feet of the premises;

    e. All public and private roads which provide access to the premises;

    f. All natural water courses, wetlands, and drainage areas on the premises and within 500 feet of same;

    g. All existing utilities and easements on the premises.

2. A site plan map, in triplicate, prepared and certified by a professional engineer, at a scale not smaller than 1" = 100' showing:

    a. A-2 boundary survey;

    b. All information shown on the key map as it relates to the premises;

    c. Proposed contours and finished grades at the completion of the filling operation. Contours as in key map;

    d. Acres of active operation and stockpiling, differentiating between removed topsoil stockpiling, and other materials;

    e. Means of vehicular access to the premises;

f. Location of any proposed buildings and structures and fixed equipment and machinery;

g. Such additional information so as to clearly indicate complete compliance with the required standards and operations set forth herein.

3. Approval of the Connecticut Department of Environmental Protection including the following items:

   a. Quantity and quality of cover materials for various purposes;

   b. Control of surface waters and ground waters;

   c. Prevention of water pollution;

   d. Depth of landfill;

   e. Compaction and timing of placement of cover material;

   f. Qualifications of the operator and employees.

   g. Erosion and sedimentation control plan according to CT-DEP 2002 guidelines as amended.

4. Access roads shall be designed and constructed as all-weather roads suitable for carrying loaded collection vehicles and all-weather access shall be provided from the entrance gate of the site to an unloading area.

5. Suitable buffer strips to screen operations from adjoining properties or public streets.

6. Operating standards:

   a. Operating hours shall be restricted to weekdays (Monday through Saturday) between the hours of 7:00 a.m. and 8:00 p.m., except as may otherwise be permitted by the Commission.

   b. All equipment and machinery shall be maintained in good repair and operated in such manner as to minimize noise, vibration, smoke, dust, unsightly conditions and any other nuisance.

   c. Access to the site for disposal operations shall be limited to those hours when an attendant is on duty and only to those authorized to use the site for disposal of refuse.

   d. Hours of operation and other limitations on access are to be displayed prominently at the entrance gate.

e. The entrance to the site is to have a fence at least six (6) feet in height with gates that can be locked.

f. Telephone or radio communications are to be provided at the site.

g. Fire extinguishers approved and periodically checked by the Fire Department are to be kept in the equipment and in all buildings and an adequate supply of water under pressure or a stockpile of earth is to be maintained reasonably close to the working face of the fill.

h. Upon completion of a landfill it shall be covered with topsoil and seeded. The owner and operator shall be responsible to see that adequate growth of seeded areas occurs.

i. The working fill areas shall be limited to ten (10) acres at a time.

j. Operations shall be in conformance with State and municipal regulations.

7. The sanitary landfill shall be designed in accordance with these requirements and any additional requirements established by the Commission and/or the Connecticut Department of Environmental Protection, by a registered professional engineer. Detailed plans, specifications, and necessary reports shall be submitted by said engineer to the Connecticut Department of Environmental Protection for review and approval.

8. Following approval by the Commission, a mylar transparency and four (4) paper prints of the site plan noted in Item 2 are to be submitted to the Commission for record.

9. The Commission may modify the items in the site plan under local jurisdiction or it may require additional information for clarification.

O. MOTOR-VEHICLE SALES, SERVICE, AND WASHING

The Commission may grant a special permit to allow the following uses in the I zone subject to site plan approval as follows:

1. Car wash as a principle use.

   a. Vehicular circulation shall be controlled for safe entrance and exit and all vehicles awaiting service or being served shall be parked or stacked behind the building line.

   b. Entrance and exit driveways shall be not over fifteen (15) feet wide each between the street line and the building line, shall have adequate radii for junction with existing traveled ways, and shall be separated by a landscaped median not less than eight (8) feet wide.

c. All front yards shall be at least twenty-five (25) feet in depth from the street line and covered with a natural landscape material such as turf, ground cover or stone or slate paving, but not bituminous material. Each street yard shall have Type "A" screening.

d. Landscape strips shall contain Type "C" screening.

e. All operations, except final hand polishing, shall be confined within the building.

f. All wastewater and liquids used in car wash operations shall be collected by a self-contained treatment system on the property. Said system shall be so designed as to remove all sand and other solids from the used wash water. In addition, if wash water is to be discharged into a public sewer, approval of the WPCA shall be required. Said self-contained treatment system shall be subject to approval by the Town Engineer.

2. Motor Vehicle Sales and Service as a principle use.

   a. Vehicle display and service shall take place at least fifty (50) feet setback from front property line.

P. OUTDOOR CAFÉ SERVICE REQUIREMENTS

The Commission may grant a special permit that permits outdoor café service as an accessory use to a restaurant as follows:

1. Outdoor café service must be entirely on property owned or leased by the applicant. Proof of adequate insurance coverage for the establishment shall be submitted and the owner/operator shall sign an agreement indemnifying the Town from liability on adjacent Town property resulting from the operation of said use prior to the issuance of a building permit. Public property may not be used for outdoor café service purposes unless a properly executed lease agreement has been obtained.

2. No more than twenty-five (25) outdoor seats shall be permitted.

3. Hours of operation shall be limited to between 6 AM to 10 PM unless waived or further limited by the Commission.

4. A photometric plan shall be provided detailing light types(s) and wattage(s), installation location, mounting height, and ground level lighting intensity of all lighting in the outdoor eating area within the parcel and at adjacent property lines. Unless otherwise approved, the ground level lighting intensity caused by lighting of outdoor café areas shall not exceed 1-foot candle at the property lines.

5. No outdoor window service is permitted.

6. No outside audio system is permitted.

7. No signage on umbrellas, chairs, trash receptacles, etc. is permitted.

8. All evidence (tables, umbrellas, chairs, trash receptacles, etc.) shall be removed between October 31st and April 1st.

9. The parking regulations of Sec. VII of these regulations shall apply to both indoor and outdoor seating.

10. Said use shall not create visibility problems for motorists or pedestrians, nor be located in such a manner as to restrict access by emergency services to any portion of any building. Walls, fences, and/or plantings should be proposed when necessary to separate seating from traveled areas.

Q. TWO-FAMILY DWELLING

The Commission may grant a special permit to allow the construction of a new two-family dwelling in the R-90, R-45, and R-25 zones subject to reasonable safeguards and the following requirements:

1. Architectural plans showing all proposed buildings and structures as well as site plans shall be subject to approval by the Commission. Architectural plans may be in preliminary form but shall include exterior elevation drawings, generalized floor plans and perspective drawings, prepared, except for drawings for signs, by an architect or professional engineer licensed to practice in the State of Connecticut.

2. At least one dwelling unit shall qualify as affordable housing as defined in Sec. II of these regulations.

3. The minimum lot area shall be 45,000 SF, or 90,000 SF in an R-90 zone.

4. Not more than two (2) individual dwelling units shall result.

5. The building exterior appearance shall be consistent with the single-family characteristics of the neighborhood. There shall be no indication from the street that the building contains two dwelling units. Design considerations shall include, but are not limited to, placement of entrance doors, mailboxes, electric meters and garages.

6. The lot design shall be consistent with the single-family characteristics of the neighborhood. There shall be no indication from the street that the lot is designed for two dwelling units. Lot design characteristics shall include, but are not limited to, parking arrangements and exterior lighting. Screening in accordance with the provisions of Sec. VIII of these regulations shall be employed where appropriate to maintain the appearance of a single-family home.

7. The minimum floor area for the entire building shall be no less than 2,000 square feet.

8. The minimum floor area of each dwelling unit shall be not less than 1,000 square feet.

9. The contract between the applicant and the town shall be prepared by the applicant modeled after the criteria set forth in CGS Sec. 8-2g(a). Any such contract shall be approved as to form by the Town Attorney.

10. Except as specified in this Section, all other requirements that are applicable to the zoning district in which the two-family dwelling is to be constructed shall apply.

R. WIRELESS TELECOMMUNICATION REGULATIONS

1. Statement of Purpose.

Recent advances in wireless communications technology have resulted in a new generation of telecommunication services. These new services transmit electromagnetic waves of such a frequency and power that will likely require numerous antenna locations. These antennas may be located on buildings, water towers, and other similar structures but will also frequently be located on new or enlarged towers. This requires that the Town of Suffield regulate wireless communication system facilities in a different manner than conventional television and radio transmission towers which are able to transmit their signals at much greater distances.

A number of providers of wireless communication services have recently been licensed by the Federal Communications Commission and additional providers are expected to be licensed in the near future. These firms are expected to pursue antenna sites within the Town of Suffield and these efforts are expected to include requests to construct new communication towers.

The intent of this proposed regulation is to provide for the establishment and or expansion of wireless telecommunication services within the Town of Suffield while protecting neighborhoods and minimizing the adverse visual and operational effects of wireless telecommunications facilities through careful design, sitting, and screening. More specifically, this regulation has been developed in order to:

a. Maximize use of existing and approved towers and other structures to accommodate new antennas and transmitters in order to reduce the number of communication towers needed to serve the community;

b. Encourage providers to co-locate their facilities on a single tower;

c. Site facilities below visually prominent ridge lines;

d. Minimize the location of facilities in visually sensitive areas;

e. Encourage creative design measures to camouflage facilities;

f. Protect historic and residential areas from potential adverse impacts of communication towers; and,

g. Avoid potential damage to adjacent properties from tower failure through engineering and careful sitting of tower structures.

2. Definitions.

For the purpose of applying the provisions of this section the terms below shall be defined as follows:

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

Co-location means locating wireless communication facilities from more than one provider on a single site.

Wireless telecommunication services means licensed wireless telecommunication services including, but not necessarily limited to, cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

Wireless telecommunication site means a facility operated by a licensed wireless telecommunication service provider which consists of the equipment and structures involved in receiving or transmitting electromagnetic waves associated with wireless telecommunication services.

Height of tower means the vertical distance measured in feet from the average existing level of the ground surrounding the tower and within ten feet thereof to the topmost point of the tower including any antenna or other appurtenances. The existing elevation shall mean the actual or approved elevations of the property at the time of application.

Tower means a structure that is intended to support equipment used to receive and/or transmit electromagnetic waves. Design examples of towers include: (a) self-supporting lattice, (b) guyed, and (c) monopole.

3. Location Preferences.

The locations for sitting the equipment involved in receiving or transmitting electromagnetic waves associated with wireless telecommunication services are listed in Paragraph 1 through 6 below, in order of preference.

a. On existing structures such as buildings, water towers, and utility poles.

b. On existing or approved towers.

c. On new towers less than 75 feet in height located in commercial or industrial zones.

d. On new towers less than 75 feet in height located in residential zones.

e. On new towers 75 feet or greater in height located in commercial and industrial zones.

f. On new tower 75 feet or greater in height located in residential zones.

4. Permitted Uses.

The following uses which generally pose minimum adverse visual effect subject to the standards in Subsection H.

a. Wireless telecommunication sites located on nonresidential buildings and shielded from view from all surrounding streets and driveways used by the general public. The method and materials used to shield such sites must be approved by the Commission as part of the Site Plan Review.

b. Wireless telecommunications sites where the antenna is mounted on existing towers, utility poles, water towers, light standards, bridges, or other structures not classified as buildings provided the following standards are met:

(1) No changes are made to the height of such structure.

(2) No panel antenna shall exceed 72 inches in height and 24 inches in width.

(3) No dish antenna shall exceed 39 inches in diameter.

(4) All accompanying equipment buildings or boxes shall be screened and fenced as approved by the Commission as part of the Site Plan review.

5. Uses allowed only by Special Permit.

In addition to specific requirements listed in Subsections H. and I., the standards provided in Sec. XIV shall also apply to applications submitted under this Section.

a. In all zoning districts, wireless telecommunication sites not otherwise permitted in Subsection D.

6. Site Plan Requirements.

All proposals to develop a wireless telecommunications site as permitted use or special permit use shall be subject to the site plan requirements listed in Sec. XIV of these regulations. In addition, the following information shall be submitted in accordance with each particular application where applicable.

a. Permitted Use

(1) A plan showing where and how the proposed antenna will be affixed to a particular building or structure.

(2) Details of all proposed antenna and mounting equipment including size and color.

(3) Elevations of all proposed shielding and details of materials including color.

(4) An elevation of all proposed equipment buildings or boxes. Details of all proposed fencing including color.

(5) A design drawing including cross section and elevation of all proposed towers. A description of the tower's capacity including the number and type of antennas it can accommodate as well as the proposed location of all mounting positions for co-located antennas and the minimum separation distances between antennas. Where a monopole is proposed, the design shall illustrate how the tower will collapse upon itself without encroaching upon any adjoining property line.

(6) A report from licensed engineer indicating that the proposed wireless telecommunication site will comply with the emission standards found in Subsection H of the regulation. Such report shall also certify that the installation of such site will not interfere with public safety communications.

(7) An analysis of the fall zone for the proposed tower prepared by a license engineer.

(8) Proof that either the applicant or co-applicant holds bona fide license from the Federal Communications Commission (FCC) to provide the telecommunication services that the proposed tower is designed to support.

(9) A report or letter from the Federal Aviation Administration that the proposed tower complies with all airport safety requirements for Bradley International Airport.

(10) A map depicting the extent of the provider's planned coverage within the Town of Suffield existing service area and the service area of the proposed wireless telecommunication site.

b. Special permit.

(1) All of the plans and information required for permitted uses in the previous subsection.

(2) Upon request of the Commission, the applicant shall provide a simulation of the proposed wireless telecommunication site in order to help the Commission ascertain the visual impacts associated with such proposal.

(3) For towers located in or within 1,000 feet of any residential zoning district, the

applicant shall provide a view shed analysis showing all areas from which the tower would be visible.

7. Height and Area Requirements.

a. Lot size. Wireless telecommunication sites containing a freestanding tower shall not be located on any lot less than 20,000 square feet in area. Where it is proposed that such a wireless telecommunication site occupy a lot as a principal use, the lot size shall be equal to that required for the underlying zone or 20,000 square feet, whichever is greater.

b. Height. The maximum height of a tower proposed under this regulation shall be two-hundred (200) feet including the antenna and all other appurtenances. The height of a tower mounted on a building shall be measured from the average level of the ground along all walls of the building to the tallest point on the tower including the antenna and all other appurtenances. The maximum height of any rooftop-mounted equipment building or box shall be fifteen (15) feet.

c. Setbacks.

(1) All freestanding monopole towers shall comply with the following minimum property line setbacks:

(a) Front yard or side yard along a street. A distance equal to 3/4 the height of the tower or the setback required for the underlying zone, whichever is greater.

(b) Side or rear yards. In residential zoning districts, fifty (50) feet for towers less than seventy-five (75) feet in height and one-hundred (100) feet for towers equal to or greater than seventy-five (75) feet depicting the extent of the provider's planned coverage within the Town of Suffield and the service area of the proposed wireless telecommunication site. A map indicating the search radius for the proposed wireless telecommunication site.

i. In non-residential zones, twenty-five (25) feet for towers less than seventy-five (75) feet in height and fifty (50) feet for towers equal to or greater than seventy-five (75) feet. However, where a side or rear lot line is contiguous to a residential zone, the setback for that particular yard shall be as required for such a tower in a residential zone.

ii. In non-residential districts, all other freestanding towers shall be located a minimum distance from any property line at least one-hundred (100) feet or a distance equal to the height of the tower, whichever is greater.

iii. In residential districts, all other freestanding towers shall be located a minimum distance from any property line equal to 125 percent of the proposed tower height.

(2) All equipment buildings/boxes or equipment areas each fifty (50) square feet or greater in area shall comply with the minimum property line setbacks for a principal building in the underlying zone.

(3) All equipment buildings/boxes or equipment areas each less than fifty (50) square feet in area shall comply with the following minimum property line setbacks:

(a) Front yard or side yard along a street. Same as for a principal building in the underlying zone.

(b) Rear and side yards. Twenty (20) feet.

8. General requirements.

a. No wireless telecommunication tower shall be located within two-hundred (200) feet of a residence.

b. No tower exceeding seventy-five (75) feet in height shall be located within 1,000 feet of the boundary of an approved Historic District.

c. No lights shall be mounted on proposed towers unless otherwise required by the FAA. All strobe lighting shall be avoided, if possible.

d. Towers not requiring special FAA painting or markings shall be painted a non-contrasting blue, gray, or black.

e. Towers may not be used to exhibit any sign or other advertising.

f. Any proposed tower shall be designed in all respects to accommodate both the applicant's antennas and comparable antennas for at least two additional users if the tower is over one-hundred (100) feet in height or for at least one additional comparable antenna if the tower is over fifty (50) feet in height. The Commission may require the tower to be of such design as to allow for future rearrangement of antennas upon the tower and to accommodate antennas mounted at varying heights.

g. All towers shall be monopole design unless otherwise approved by the Commission. A monopole tower shall be designed to collapse upon itself.

h. The Commission may require that monopole be of such design and treated with an architectural material so that it is camouflaged to resemble a woody tree with a single trunk and branches on its upper part.

i. Antennas or equipment buildings/boxes mounted to or on buildings or structures shall, to the greatest degree possible, blend with the color and design of such building.

j. All dish antennas shall be of mesh construction unless otherwise approved by the Planning Director in conjunction with an application for a permitted use and the Commission in conjunction with an application for a special permit.

k. Dish antennas shall not exceed six (6) feet in diameter. Panel antennas shall not exceed six (6) feet in height.

l. No proposed wireless telecommunication site shall be designed, located, or operated as to interfere with existing or proposed public safety communications.

m. All applications for wireless telecommunication sites within the Flood Protection Zone shall comply with the standards found in Subsection L of these regulations.

n. The design of all wireless telecommunication sites shall comply with the standards promulgated by the FCC for non-ionizing electromagnetic emissions.

o. All utilities proposed to serve a wireless telecommunication site shall be installed underground unless otherwise approved by the Commission.

p. All generators installed in conjunction with any wireless telecommunication site shall comply with all state and local noise regulations.

9. Factors upon which special permit decisions of the Commission shall be based.

In passing upon applications for wireless telecommunication sites, the Commission, in addition to the standards found in Sec. XIV shall also find:

a. In the case where a wireless telecommunication site is proposed to be located on or within one-hundred (100) feet of a property designated on the National Historic Register, or historic district that such proposal will preserve the historic and/or architectural character of the landscape or any structure.

b. In the case where an application for the proposed location of a wireless telecommunication site is not a preference 1 through 3 location the applicant has adequately described the efforts and measures taken to pursue those preferences and why a higher preference location was not technologically, legally, or economically feasible. The supplied documentation should evaluate the following factors:

(1) The planned equipment would cause unacceptable interference with the operation of other existing or planned equipment on an existing or approved tower as documented by a qualified licensed engineer and that the interference cannot be prevented or eliminated at a reasonable cost.

(2) The planned equipment cannot be accommodated on existing or approved towers due to structural deficiencies as documented by a qualified licensed engineer and that such deficiencies cannot be eliminated at a reasonable cost.

(3) The existing or planned equipment on an existing or approved tower would cause unacceptable interference with the equipment proposed by the applicant as documented by a qualified licensed engineer and that the interference cannot be prevented or eliminated at a reasonable cost.

(4) Any restriction or limitation imposed by the FCC.

10. Abandonment.

A wireless telecommunication site not in use for twelve (12) consecutive months shall be removed by the service facility owner. This removal shall occur within ninety (90) days of the end of such 12-month period. Upon removal, the site shall be restored to its previous appearance and, where appropriate, re-vegetated to blend with the surrounding area. The Commission may require that an appropriate bond be submitted as surety.

11. Expiration of permit.

The approval of an application for special permit shall be void and of no effect unless construction of the project commences within one (1) year and is completed within two (2) years from the date of the approval granted by the Commission. For purposes of this regulation, the term start of construction shall be defined as the installation of a permanent building foundation. The Commission may grant up to two (2), six (6) month extensions of this period upon written request by the applicant. The Commission shall withhold approval of any or all extensions unless the development plan is brought into conformance with any relevant zoning regulations which have been amended subsequent to the original approval and if the applicant fails to provide adequate evidence that construction is able to begin within the extended time period sought. This evidence shall include, but not be limited to, the acquisition of any or all required government approvals and project financing. Any appeals of such special permit, site plan, inland wetlands, or subdivision approval shall extend the aforementioned one (1) year period the length of such appeal. The Commission may, as a condition of approval of a special permit, establish a time period such special permit shall remain in effect.

S. FARM STAND PERMANENT (11/17/08)

The Commission may grant a Special Permit to allow a permanent farm stand in the FP, R-90, R-45 and R-25 zones as follows. (11/17/08)

1. The farm stand building location must comply with section IV.M, requirements for principle buildings. (11/17/08)

2. The stand located on the premises of and accessory to an active farm with a minimum of five (5) acres. (11/17/08)

3. Outdoor display, sales or storage of goods or materials must comply with section III.P. (11/17/08)

4. All signs must comply with section IX. (11/17/08)

5. The Commission may limit the size and scope of a farm stand in relation to the size of the farm based on acreage and production. (11/17/08)

6. The stand shall be operated by the farm owner, or the leaseholder. (11/17/08)

7. No sales shall be made before 7:00 a.m., or after 8:00 p.m. on any day. (11/17/08)

8. The stand must meet all state and local codes and health requirements. (11/17/08)

9. All items sold at the stand shall be "Connecticut and/or Massachusetts Grown" farm products such as fruits, vegetables, cider, plants, potted flowers, trees, shrubs, processed foods such as jams, conserves, preserves, pickled foods, honey, syrup, baked goods, eggs and a full range of dairy products including soft-serve ice cream, Christmas trees, wreaths and gift baskets. (11/17/08)

T. WINERIES (11/17/08)

The Commission may grant a Special Permit to allow wineries in the FP, R-90, R-45 and R-25 zones as follows. (11/17/08)

1. The winery building location must comply with section IV.M, requirements for principle buildings. (11/17/08)

2. The winery located on the premises of and accessory to an active farm with a minimum of five (5) acres. (11/17/08)

3. Outdoor display, sales or storage of goods or materials must comply with section III.P. (11/17/08)

4. All signs must comply with section IX. (11/17/08)

5. The Commission may limit the size and scope of a winery in relation to the size of the farm based on acreage and production. (11/17/08)

6. The winery shall be operated by the farm owner or the leaseholder. (11/17/08)

7. The stand must meet all state and local codes and health requirements. (11/17/08)

U. ADAPTIVE REUSE (6/4/2010)

The Commission may permit, by Special Permit, the rehabilitation or adaptive reuse of non-residential buildings which have been at least sixty [60] percent vacant for a period of not less than eighteen [18] months in the R-90, R-45, R-25, R-20, R-15, R-11 and NC zones, in accordance with the following regulations: (6/4/2010)

a. Criteria. (6/4/2010)

1. Substantial benefit to the Town.
2. Compatibility with the surrounding area.
3. Substantial inability to develop the property in conformance with its' current zoning.

b. Special Permit Use. Multi-family use provided that the Commission finds that the above criteria are met. (6/4/2010)

c. Pre-Application Conference. Prior to the submission of an application for Adaptive Reuse, all applications are required to initiate a pre-application conference with the Commission and its staff to discuss the conceptual aspects of the proposed development and to prepare and present a conceptual plan for informal consideration. (6/4/2010)

d. Procedure. (6/4/2010)

1. Site Plan/Special Permit Review.

a. A site plan and application for special permit shall be submitted and reviewed in accordance with Section XIV of these regulations except as modified by Section d.1.b. below. The Commission shall require a minimum of 2.5 parking spaces for each approved dwelling unit. The Commission may require additional parking spaces when deemed appropriate. If, in order to meet the coverage requirements of this section, the coverage requirements of Section IV.D.4 or IV.H.4 of these regulations are exceeded, the Commission may increase the allowable maximum coverage to accommodate the parking requirements of this section. All other parking standards in Section VII of the regulations shall be adhered to, where applicable.

b. Dwelling units shall be limited to existing buildings only. No new buildings or additions to existing buildings shall be constructed on the site to house dwelling units. The site requirements pertaining to the applicable Zone with Section IV, Subsection M of these regulations

shall apply to those portions of the property proposed for such residential development, with the following exceptions:

i. The minimum parcel area, maximum density, and frontage requirements shall not apply. Increases in building height to accommodate additional dwelling units shall not be permitted. The existing lot area and coverage of the parcel under consideration shall be considered the required lot area and coverage, unless they exceed the minimum area and coverage requirements of the underlying zone, in which case the least restrictive requirements shall apply.

ii. The existing front, side, and rear yard of the building to be converted shall be considered to be the required front, side and rear yard setback, unless they exceed the minimum yard requirements of the underlying zone, in which case the least restrictive requirements shall apply.

iii. The maximum overall density of dwelling units in the proposed development shall be as deemed appropriate by the Commission for the general vicinity of the proposed project. In making said determination, the Commission shall give consideration to the size of the building being converted and the location of the building in relation to retail, medical and transportation facilities, and the unit mix within the building. To aid in this determination, the applicant shall supply a vicinity map showing all parcels of land within five-hundred [500] feet of the subject property and shall include all land uses, numbers of dwelling units and the overall density of each parcel of land.

iv. All buildings shall be connected to public water and public sanitary sewer systems or to private systems that meet the minimum requirements of the Town and State Departments of Health.

v. To the extent that the existing parcel areas, yards, and coverage are non-conforming, in no case shall such non-conformities be increased except as may be necessary to comply with applicable parking requirements. Notwithstanding the above, the Commission may approve the construction of accessory building which may cause the otherwise applicable coverage requirement to be exceeded.

e. Buildings and Conformity. Accessory buildings shall not contain dwelling units and shall be incidental to a proposed use or uses within structures [i.e. garages, storage sheds]. Accessory buildings must meet the current setbacks for the underlying zone as outlined in Section IV.M. Additions to existing buildings to accommodate the overall rehabilitation processes associated with converting a building may be permitted and are not to exceed fifteen [15] percent of the gross floor area. All exterior renovations, modifications and additions shall be done in a manner that is compatible with the historic character of the existing buildings. (6/4/2010)

f. Applicability of Ordinances and Regulations. The Town of Suffield Zoning Regulations [except as otherwise noted in this Section], Inland Wetlands and Watercourses Agency Rules and Regulations, and Subdivision Regulations are, where applicable, in full force and effect with respect to any application for Special Permit hereunder. Not final Site Plan shall be approved until the applicant has complied fully with all of the above ordinance and regulations. (6/4/2010)

V. SMALL WIND ENERGY PRODUCING FACILITIES (12/14/2011)

The intent of this Section is to promote the safe, effective, and efficient use of small wind energy systems with a nameplate rated capacity of not more than one hundred (100) kW, the primary purpose of which is to reduce the onsite consumption of utility supplied electricity.

The Commission may grant a special permit for the installation of a small wind energy producing facility in the FP, I, PDIP, PDA, R-90, R-45, and R-25 zones as follows;

1. Definitions
   a. On-Site Wind Energy Facility - A wind facility located at a residential, commercial, industrial, agricultural, institutional, or public facility that will consume more than 50% of the electricity generated by the facility.

   b. Wind Turbine - A wind energy conversion facility that converts kinetic wind energy into rotational energy that drives an electrical generator. These facilities generally include but are not limited to a tower, accelerator platform or nacelle body, and one or more rotors with two or more blades for each rotor, transmission lines and support structures, as well as storage, collection, and supply equipment.

   c. Turbine Facility Height– The height above grade of the fixed portion of the tower, plus any blade that extends above the tower at any point in its arc is defined as the turbine height.

2. General Requirements

a. On-site wind energy facilities shall be secondary to the principal use of the premises.

b. The applicant shall comply with all applicable Federal Aviation Administration (FAA) requirements, or any other town, state, or federal codes, standards, or requirements.

c. If the Commission determines that a proposed facility will result in significant negative impacts, it shall not be approved.

3. Specific Standards

a. On residentially zoned properties, a wind turbine's nameplate rated capacity shall not exceed 10 kW.

b. Except during short-term events such as severe wind storms, and utility outages, the facility shall be designed, installed, and operated so that noise generated by the system shall not exceed sixty (60) decibels (dB), as measured at the closest property boundary.

c. Wind facility shall be no higher than 120 feet in height provided that in all cases, the facility complies with all FAA requirements.

d. The wind facility shall be setback, as measured from the center of the tower, a distance equal to the overall height for the tower plus the required property line setback. This distance may be reduced by the Commission if the fall zone is equal to the distance of the tower plus required property line setback from the nearest habitable structure and an easement and/or other non-revocable, legally binding agreement is granted by the affected property owner.

e. The Commission may reduce the minimum fall zone, as appropriate, based upon site specific considerations.

f. The wind facility shall be sited in a manner that eliminates shadowing or flicker impacts on surrounding properties. The applicant has the burden of proving that flicker does not have a significant adverse impact on neighboring or adjacent uses through either siting or mitigation.

g. All utilities serving the facility shall be underground.

h. Base equipment structures, cabinets, and fencing of ground-mounted facilities shall not be located within any required yard setback of the underlying zone. Adequate landscaping to buffer the ground level equipment and structures from adjoining properties shall be provided if the Commission deems it appropriate.

4. Structural Standards

a. Unless otherwise approved by the Commission, all towers proposed under this section shall be monopole.

b. Unless required by the FAA, no lights shall be permitted on any facility above 15 feet of the surrounding grade.

c. Unless required by the FAA, the color of the on-site wind energy facility shall be a neutral, non-reflective exterior color that blends with the surrounding environment.

d. The owner shall maintain the on-site wind facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level satisfactory to emergency first responders (Fire, Police, and Ambulance).

5. Signage

a. Signs on the wind facility shall be limited to those necessary to identify the owner, provide a 24-hour emergency contact phone number, and warn of any danger.
   - Those required by state or federal law.
   - Educational signs providing information about the facility and the benefits of renewable energy.
   - Wind turbines shall not be used for displaying any advertising, except for reasonable identification of the manufacturer.

6. Abandonment or Decommissioning

a. Any wind facility which has reached the end of its useful life, or has been abandoned, shall be removed. The applicant shall notify the Commission of its intent to abandon an on-site wind facility by certified mail no less than 30 days prior to abandonment or decommissioning.
   - If the owner fails to give such notice, the on-site wind facility shall be considered abandoned upon discontinuation of operations for more than 12 months.

b. The owner shall physically remove the wind facility no more than 120 days after the date of abandonment.
   - Removal of the wind facility shall consist of physical removal of all wind turbines, structures, equipment, security barriers and transmission lines from the site. Stabilization or re-vegetation of the site shall be required as necessary to minimize erosion.
   - If the owner fails to remove the on-site wind facility in accordance with this section within 120 days of abandonment or decommissioning, the

Town shall have the authority to enter the property and physically remove the facility, and charge the landowner for any costs incurred.

7. Other

a. To determine the wind potential of a site, wind monitoring or meteorological towers shall be permitted as temporary structures for one year in proposed locations provided that Town staff determines the equipment will not create a nuisance, hazard or excessively compromise the character of the area.

b. To evaluate the proposed site for a wind facility, the Commission may require balloon tests, photo simulations, and other studies in connection with any application.

c. The Commission may retain a technical expert in accordance with Section XIV.F.2 of these regulations.

d. The applicant shall coordinate with emergency services personnel in developing an emergency response plan.

In granting a special permit for an on-site wind energy facility, the Commission shall have the power to impose such additional standards and requirements as it deems necessary to carry out the purposes of these regulations.

W. KEEPING OF CHICKENS (11/5/2015)

Statement of Purpose – It is the intent of this Section to allow for the keeping of domestic chickens in residential areas for the sole use and enjoyment of the residents of the lot on which such animals are kept and not for commercial purposes. It is also the intent of this section to protect and promote the health, safety, and welfare of residents by limiting the number of hens that can be kept in order to protect the quality of life of the surrounding neighborhoods.

1. **Locations Allowed**. The keeping of hens is allowed as an accessory use on any lot which is at least ¼ acre (10,890 SF) in size in single ownership, located in a residential zone, and which contains a detached single family home.

2. **Number and Type of Chickens Allowed.** Up to six (6) hens of any breed may be kept on residentially zoned properties of at least ¼ acre in size. Five (5) additional hens may be kept on properties every ¼ acre after the first up to five (5) acres in size (i.e. properties ½ acre in size could have up to eleven (11) hens). Roosters are prohibited on properties less than five (5) acres.

3. **Limitations.** The keeping of chickens shall be for personal or household use only and the owner of the chickens must be a resident of the dwelling situated on the lot where they are kept. The chickens shall be kept to the owner's property at all times and shall not be permitted to roam onto adjacent properties. A building is required for housing the chickens (i.e. chicken coop

including chicken tractors or henhouse). Audible predator alarms are prohibited on properties less than five acres.

4. **Buildings housing chickens and fenced enclosures.** Any building used for housing chickens and fenced enclosures associated with the building shall be located in the side or rear yard at least 75 feet from the street line, 25 feet from side and rear property lines, and at least 50 feet from any residential dwelling on adjoining property under separate ownership.

5. **Applicable Authorities.** All chickens shall be kept in a manner that conforms to all applicable regulations of the public health code, the Department of Energy and Environmental Protection (DEEP), CT Department of Agriculture, and CT General Statutes.

Section VI: FLEXIBLE RESIDENTIAL DEVELOPMENT

A. Statement of Purpose …….. VI-1
B. Applicability ……VI-1
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SECTION VI: FLEXIBLE RESIDENTIAL DEVELOPMENT

A. STATEMENT OF PURPOSE

The purpose of this section is to require, as a special permit after public hearing, the establishment of a Flexible Residential Developments (FRD) which provides opportunity for cluster or smaller lots than those normally required by these regulations in order to permanently conserve natural, scenic, or historic resources; to permanently preserve or provide open spaces for active or passive use that will benefit present and future generations of Suffield residents; to enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, or other open spaces; to reduce infrastructure costs and impervious surfaces; and, to promote development that is compatible with surrounding areas and is in harmony with the natural site features, while at the same time maintaining the density limitations of the particular district. The special permit for an FRD would be approved prior to the subdivision approval; however, both would have a common public hearing.

B. APPLICABILITY

All applications proposing land for subdivision comprising ten (10) or more acres with five (5) or more lots in the R-90, R-45 and R-25 Residence Zones shall be designed in accordance with the Flexible Residential Development (FRD) standards, requirements, and design guidelines. Applicants proposing land for subdivision that is less than ten (10) acres may obtain a special permit for a FRD. If it's determined by the Commission during the pre-application review process that the stated purpose of this regulation will not be met by the proposed development; the Commission will allow the submission of a traditional subdivision application. (6/17/2013)

When the Commission approves a special permit for a FRD, the dimensional requirements of the underlying zones are hereby superseded in their entirety, except that the maximum number of units permitted in any FRD shall be the lesser of the number of units shown on a plan prepared by the Applicant be based on the maximum number of units permitted in the underlying residential district as shown on a plan submitted by the applicant conforming to the plan requirements of Section IV.M or as calculated below. (11/19/04, 2/10/06)

Example to show how to determine the Maximum Number of Lots Permitted
- for illustrative purposes only -

		R-90	*R-45*	*R-25(2/10/06)*
1. Subtract from the total gross area the total amount of wetlands, water-courses, water-bodies, areas with slopes in excess of 20%, and areas with easements effecting development. (11/19/04)	Total area:	100.0 acres	100.0 acres	50.0 acres
	Wetlands:	- 20.0 acres	- 20.0 acres	-10.0 acres
	Uplands:	80.0 acres	80.0 acres	40.0 acres

		R-90	*R-45*	*R-25*
2. Subtract 20% for open space.	Open Space:	- 16.0 acres	-16.0 acres	-8.0 acres
		64.0 acres	64.0 acres	32.0 acres
3. Subtract a fixed percentage of 10% of the remaining acreage in the R-90 and 20% in the R-45 and R-25 Zoning Districts for street right-of-ways (ROWS).	ROWS:	- 6.4 acres	-12.8 acres	-6.4 acres
	Net:	57.6 acres	51.2 acres	25.6 acres
4. Divide the underlying district lot area requirements to obtain the maximum of dwellings permitted.		(90,000 SF)	(45,000 SF)	(25,000 SF)
		27 dwellings	49 dwellings	47 dwellings

C. PRE-APPLICATION CONFERENCE

Prior to the submission of an application for a FRD all applicants are required to initiate a pre-application conference with the Commission and its staff to discuss the conceptual aspects of the proposed development and to prepare and present a conceptual plan for informal consideration. The conceptual plan should contain all necessary information to allow the Commission to make an informed informal consideration, including the location of wetlands, slopes in excess of twenty (20) percent, and all proposed roads, building lots, and open spaces (and their uses).

D. APPLICATION

An applicant for the FRD permit shall file with the Commission the following:

1. A completed special permit application form and fees in accordance with these regulations and in accordance with the Subdivision Regulations.

2. A landscaping plan prepared by and containing the seal of a Landscape Architect registered by the State of Connecticut to include a list and count of all trees and shrubs to be planted by common and botanical names, size (caliper, height, time until maturity) at planting, and height and spread at maturity. (2/10/06)

3. At least four (4) full size and eleven (11) half-size copies of the proposed plans showing all information required by these regulations and the Subdivision Regulations. (6/17/2013)

4. The proposed method by which all site utilities will be provided; the manner of ownership and maintenance of any private or public facilities and any commonly owned real property rights, including open space; and, a description of the proposed open space, including the method of proposed protection.

E. CONSERVATION COMMISSION REVIEW

An applicant for the FRD permit shall file a copy of the application with the Conservation Commission. The Conservation Commission may submit written comments regarding the

suitability of open space to the Zoning and Planning Commission within forty-five (45) days of the filing date. Failure by the Conservation Commission to comment within the specified time shall be deemed lack of objection to the proposed development plan.

F. DEVELOPMENT STANDARDS AND REQUIREMENTS

1. It is the intention of the Commission to provide permanently preserved open space parcels of significant size; therefore, open space land to be preserved by these regulations shall comprise not less than fifty percent (50%) of the total parcel less wetlands, and shall not contain any portion of a developable lot. (6/17/2013)

Example to show how to determine Open Space Requirement
- for illustrative purposes only -

a. Subtract from the total gross area the total amount of wetlands and areas with easements effecting development. (11/19/04)	Total area:	100.0 acres
	Wetlands:	- 20.0 acres
	Uplands:	80.0 acres
b. Calculate 50% for open space.	Open Space:	x 0.5 = 40.0 acres

2. The location and extent of open space even if it is to be left in its natural state shall be identified at the time of the Special permit application and shall be subject to the approval of the Commission.

3. The open space preserved under these regulations shall preserve land outlined in the Plan of Development; create public parks, playgrounds, or other outdoor non-commercial recreation areas; conserve agricultural soils; preserve existing natural buffers; conserve forests, wildlife, agricultural and other natural resources; and/or, provide a network of trails and corridors on which motorized vehicles shall be prohibited.

4. At least 50% of the required open space shall be suitable for active recreation, e.g., uplands. (2/10/06)

5. In FRDs the minimum lot area, frontage, and yard setback requirements may be reduced as follows:

a. Minimum Lot Area:	18,200 square feet
b. Minimum Lot Frontage: (11/19/04)	25 feet in areas with public water and sewer; all other areas 50 feet [1]
c. Minimum Front Yard Setback:	25 feet [2]

[1] In the R-90, R-45, and R-25 zones every three (3) contiguous lot frontages shall have a combined minimum lot frontage of at least 300 feet, 250 feet, and 200 feet respectively as measured along the street line. (2/10/06)
[2] Lots on existing streets may be required to have a setback of up to 100 feet if the Commission deems it appropriate to require screening of the development from existing residential properties. (6/17/2013)

d. Minimum Side Yard Setback: 20 feet [2]
e. Minimum Rear Yard Setback: 25 feet [2]

6. Each approved lot shall contain a developable area of at least ten-thousand (10,000) square feet into which a square of ninety feet (90' x 90') can be located exclusive of regulated areas (wetlands, setbacks, and agricultural buffers), and on which the dwelling must be located. In the R-25 zone, each approved lot shall contain a developable area of 10,000 square feet into which a square of (75' x 75') can be located exclusive of regulated areas. (6/17/2013)

7. Each approved lot shall contain a driveway in which at least two (2) cars can be parked.

8. Dwelling units shall contain foundation plantings so that a minimum of 75% of the foundation wall at finished grade when viewed from public streets is covered by plant materials. The requirements of this section shall be certified by a landscape architect. (2/10/06)

9. Each lot within the FRD shall have by deed or other instrument recorded in the Office of the Suffield Town Clerk a scenic easement over the open space as may be determined by the Commission.

10. When lots are proposed behind other lots, substantial vegetative screening is required.

11. The Commission may reduce the open space requirements of this section under the following conditions:

    a. Where soil conditions clearly prevent a reduction in the minimum lot size outlined within the underlying zone as required in Sec. IV;

    b. Where no less than twenty-five percent (25%) of the dwelling units are proposed as "affordable" as defined in CGS Sec. 8-30g; and,

    c. Where no new road construction is proposed.

    d. When less than ten (10) acres is to be subdivided. (2/10/06)

G. DESIGN GUIDELINES

All Flexible Residential Developments shall be laid out to permanently protect and preserve the open space and to protect adjoining property values. The development shall also be laid out to achieve any one or a reasonable mix of the following objectives:

1. To promote the preservation of the kinds of open spaces identified in the Plan of Conservation and Development.

2. To preserve and maintain all or part of any existing forests, fields, pastures and other land in agricultural use be preserved and maintained, together with sufficient buffer areas of not less than thirty (30) feet nor more than one-hundred (100) feet to minimize conflict between residential and active agricultural use. The Commission may reduce the minimum buffer requirement where existing features exist which provide an acceptable buffer.

3. To provide for pedestrian access between properties to open space and for a perimeter design concept intended to facilitate the networking of trails for pedestrian use.

4. To locate open space primarily in areas which are contiguous to existing open space areas or in areas of the site with the highest probability of connecting with future open spaces.

5. To preserve scenic views and vistas, as seen from public roads.

6. To layout streets in a curvilinear fashion, and to design both streets and homes using passive solar energy techniques as shown in Subdivision Regulations Sec. 917.

7. To preserve historic sites and their environs, as needed to protect the character of the site.

8. To protect existing residential areas, by the creation of buffer areas to minimize conflict between existing residential use and the proposed FRD.

H. CONVEYENCE OF OPEN SPACE

The permanent preservation of open space parcel(s) shall be accomplished by deeding the property in perpetuity granting preservation easements, or by any other method that accomplishes irrevocable preservation in the manner listed in Sec. 803 of the Subdivision Regulations. The conveyance of open space shall be completed within one (1) year of the date of approval of the FRD and prior to the issuance of a Certificate of Occupancy for any of the subdivision lots.

I. CONDITIONS

The Commission may establish conditions or restrictions to ensure that the purposes of these regulations are carried out, including but not limited to the following:

1. Granting of a covenant or easement to ensure that existing fields or pastures will be plowed or mowed periodically;

2. Granting of an easement providing and defining rights of public access;

3. Designation of no-cut or limited-clearing areas on lots;

4. Imposing measures to ensure the maintenance of scenic views and vistas;

5. Requiring evidence that at least two (2) organizations are willing to accept the responsibility for the preservation and maintenance of the open space;

6. Requiring the boundary lines of all open space to be marked;

7. Phasing the proposed improvements within the development;

8. Minimizing the impact of proposed development on traffic volumes and congestion in the area including the adequacy and safety of existing State and Town roads expected to serve or to be affected by the proposed development;

9. Monitoring compatibility of the proposed development with other existing land uses in the area and with uses permitted under these Regulations and the Subdivision Regulations; and,

10. Requiring screening fences or walls, including a landscaped berm up to five (5) feet in height along any property line.

Section VII: PARKING AND LOADING REGULATIONS

A. Statement of Purpose …….. VII-1
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C. Dimensions of Parking Space and Aisles …… VII-2
D. Parking Space Requirements in any Zone …….. VII-2
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F. Submission and Approval of Plans ……. VII-4
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SECTION VII: PARKING AND LOADING REQUIREMENTS

A. STATEMENT OF PURPOSE

The purpose of this regulation is to provide for sufficient off-street parking and loading facilities to accommodate the safe movement of motor vehicles and their occupants, pedestrians, employees, customers, delivery services, and other persons normally visiting the premises at any one time; to protect and maintain property values; and, to assure that parking and loading facilities do not degrade water quality.

B. GENERAL PARKING AND LOADING PROVISIONS

1. With the exception of parking associated with a dwelling, joint use of off-street parking facilities is permitted providing the parking requirements of all uses are satisfied according to approved site plans, and the parking spaces required of a use on a lot are within a five-hundred (500) foot radius of any part of any building which it is intended to serve and safely accessible from said building. In such cases, the owner of the property where the parking is to be located shall be required to submit an application for site plan approval for the provision of shared parking. The owner of the property utilizing off-site shared parking shall present an easement in recordable form to the Commission establishing permanent and irrevocable rights to the parking spaces. In addition the site plans for each property shall contain a note indicating the existence of the parking easement. (7/05/07)

2. No parking spaces shall be permitted within the required front yard for a special permit use in a residential zone or within twenty-five (25) feet of an abutting property line.

3. In the Industrial (I) or Planned Development Industrial Park (PDIP) zones, no part of any parking or loading facility shall be permitted within fifty (50) feet of any residential zone boundary, except where in the opinion of the Commission additional safeguards are in place to adequately buffer the more intensive zone from the less intensive zone.

4. A storm-water-management plan shall be submitted with each application that encourages infiltration and incorporates the landscaping islands and vegetated areas in storm water management when required by the Commission.

5. Vehicles shall not overhang walkways.

6. The Commission may require a sidewalk within the public right-of-way if in its opinion circumstances warrant such facility.

7. Painted lines and/or wheel stops shall delineate parking and loading spaces, which shall be maintained in perpetuity.

8. All parking spaces shall be located at least ten (10) feet from any building.

9. Lighting used to illuminate parking or loading areas shall be designed according to Sec. III.M. of these regulations.

10. Parking and loading areas shall be constructed with a minimum two and one-half (2½) inch pavement in two (2) courses on eight (8) inch processed aggregate base on hard stable sub-grade, unless heavy truck traffic is anticipated in which case a heavier pavement structure and base shall be required.

11. Any area of 100 square feet or more in a parking lot which is not required for a parking space, loading space, aisle, driveway or walkway shall be landscaped.

12. In every parking area at least one (1) tree shall be provided for each ten (10) parking spaces provided in said parking area. The trees shall be distributed over the entire parking lot.

13. Parking areas shall be planted and screened according to the landscaping requirements of Sec. VIII. of these regulations.

14. Adequate locations for snow removal storage shall be provided.

C. DIMENSIONS OF PARKING SPACES AND AISLES

1. Parking spaces. Each off-street parking space shall be nine (9) by twenty (20) feet.

2. Aisle widths. Aisle widths shall be as follows, except that the main entrance to a development shall be at least twenty-four (24) feet wide.

	One-way *	Two-way
a. Parallel parking or <46-degree angle parking	12 feet	20 feet
b. 46 to 79-degree angle parking	18 feet	20 feet
c. >79-degree angle parking	20 feet	24 feet

* One-way aisles located between a parking area and building requires a 20-foot minimum width.

D. PARKING SPACE REQUIREMENTS IN ANY ZONE

1. ASSISTED-LIVING or PERSONAL-CARE FACILITY, CONVELESCENT or NURSING HOME, or similar. At least one (1) space per bed plus one (1) per employee.

2. DAY-CARE CENTERS. At least one (1) per employee, plus one (1) per ten (10) enrollees, plus five (5) in a clearly delineated drop-off/pick-up area. In addition, a separate area for school bus drop-off may be required.

3. DWELLINGS. At least two (2) spaces for each dwelling unit.

4. DWELLING with PROFESSIONAL OFFICE/OCCUPATION. At least four (4) spaces including the dwelling unit plus one (1) space per employee. The final number of parking spaces to be approved by the Commission as part of the Special Permit application.

5. FUNERAL HOME. At least forty (40) spaces, plus twenty (20) spaces for each parlor or chapel in excess of one.

6. HOTEL, MOTEL, BED AND BREAKFAST, LODGING/BOARDING HOUSE. At least one (1) space for each room of rent plus two (2) additional spaces. Additional spaces are required for restaurants and conference rooms.

7. INDUSTRIAL. At least two (2) spaces per three (3) employees in the largest working shift. The Commission may waive the immediate installation of up to one-half (1/2) the industrial parking requirement and retain the right to require the installation of the full parking requirement according to these regulations, if it finds that:

   a. sufficient evidence has been presented to determine that the reduced parking supply will adequately serve said land use;

   b. the Applicant has provided in their application, plans for the installation of the full parking requirement according to these regulations; and,

   c. before approval, the Applicant has filed an agreement with the Commission stating that they will install such additional parking facilities within one (1) year after the date of the Commission's vote to require such installation when deemed necessary by the Commission.

8. OFFICE. At least one (1) space per 250 square feet of gross floor area excluding storage, utility, stair and hall areas. In the case of medical offices, at least one (1) space per doctor and one (1) space per employee plus two (2) spaces per examining room.

9. PLACES OF ASSEMBLY, including CHURCH, THEATER, AUDITORIUM. At least one (1) space per each three (3) seats.

10. RESTAURANT. At least one (1) space per three (3) seats or one parking space per 100 square feet of gross floor area, whichever is greater, plus one (1) space per employee per shift.

11. RETAIL, including BANK. At least five (5) spaces per 1,000 square feet of gross floor area.

12. When multiple uses are present on the premises the Commission may consider overlapping use of parking spaces based upon the various hours of operation and peak usage for each use. For all other uses, the Commission shall determine the minimum number of parking spaces.

E. LOADING SPACE REQUIREMENTS

1. One (1) off-street loading space shall be required for 2,000 to 9,999 square feet of gross floor area for non-residential uses, which shall measure not less than twelve (12) feet wide by twenty-five (25) feet long.

2. One (1) off-street loading space shall be required for each ten thousand (10,000) square feet of gross floor area for non-residential uses, which shall measure not less than twelve (12) feet wide by fifty-five (55) feet long and have fourteen (14) feet of clearance in height.

F. SUBMISSION AND APPROVAL OF PLANS

Applications for building and/or zoning permits, except for one-family houses, shall be accompanied by a site plan according to Sec. XIV.A.2. of these regulations showing the location, size and arrangement of parking and loading facilities required by these regulations and the means of access to said facilities from the public street and any separate egress from such facilities. Such plan shall also show all proposed screening, landscaping, lighting fixtures, drainage and other improvements required by these regulations, as well as the location of all existing buildings and drives within two-hundred (200) feet. The parking plan shall be submitted to the Commission for approval as complying with the Zoning Regulations, including adequate relationship of entrances and exits to the flow of traffic on the public streets, safeguarding of pedestrians on public sidewalks and in the parking facility itself and to the adequacy of access and circulation of the vehicles and pedestrians using the parking facility. The parking plan shall be approved before a building and/or zoning permit is issued. When the scale or complexity of a proposed use warrants, according to Sec. XIV.F.2. of these regulations, the Commission may require that an outside independent professional study be conducted at the Applicant's expense.

G. RESTRICTIONS ON UNREGISTERED MOTOR VEHICLES

Parking or storage of unregistered motor vehicles shall not be permitted in any zone except within an enclosed building. Vehicles used on a farm or those stored on a Connecticut Department of Motor Vehicles licensed premise are exempt, but in no event shall such vehicles be kept in front of any building or front building line. (11/19/04)

Section VIII: Landscaping and Buffers

A. Statement of Purpose …….. VIII-1
B. Definitions …….. VIII-1
C. General Requirements …… VIII-2
D. Screening and Buffers …… VIII-3
E. Other Requirements …… VIII-4

SECTION VIII: LANDSCAPING AND BUFFERS

A. STATEMENT OF PURPOSE

The purpose of this regulation is to protect and maintain property values by preserving existing vegetation and requiring the planting of new materials; to reduce excessive heat, glare, and accumulation of dust; to provide for water recharge areas; to protect privacy from visual intrusion; to provide natural visual screening of parking and loading areas; to prevent the erosion of soil and runoff of storm water; to ensure public safety by using landscaping materials to define parking and loading areas and manage internal vehicular and pedestrian circulation; to reduce sound pollution; and, to improve the environmental quality and aesthetics of the Town of Suffield.

B. DEFINITIONS

For the purpose of applying the provisions of this section the terms below shall be defined as follows:

Berm: An earthen mound designed to provide visual interest on a site, screen undesirable views, buffer properties from adjoining uses, reduce noise, or control the direction of surface water flow.

Flowering Trees: Dogwood, Redbud, Crabapple, or similar.

Ground Cover: Grass, turf, vinca, pachysandra, myrtle or other plants. White gravel, brick or stone paving may be used in combination with plants.

Hedge: Evergreens at least four (4) feet in height at the time of planting, which shall be maintained at a height of six (6) feet. A hedge shall provide complete visual screening.

Landscaped: An area covered with grass or ground cover, where additional planting is either specifically required or left to the discretion of the property owner.

Screening Fence or Wall: Contiguous plantings or fencing as determined by the Commission, which create a complete visual screening at least six (6) feet in height.

Shade Trees: Deciduous shade trees such as Sugar Maple, Oak, London Plane, or Linden, and conifers such as White Pine, Austrian Pine, or Canadian Hemlock.

Type "A" Screening: The desired effect is partial visual screening of an object. The width of the screening strip may be varied by the Commission or the Applicant, but shall be at least five (5) feet. Plant material shall consist of shade trees spaced forty (40) feet on centers or flowering trees spaced twenty (20) feet on center or a mixture of both. Where a continuous

landscaped screening strip is impractical, trees may be located in islands at least twenty (20) square feet in area.

Type "B" Screening: The desired effect is partial visual screening between zoning districts. Plant material shall be the same as specified for Type "A" screening except that one-half (1/2) of the trees shall be evergreens and the number of trees required is doubled.

Type "C" Screening: The desired year-round effect is complete visual screening of parking and loading areas. The screening material shall consist of a berm, hedge, screening fence or wall, or a combination thereof. The screening strip shall be at least five (5) feet wide for a fence or wall and landscaped, and at least ten (10) feet for a hedge.

Type "D" Screening: The desired effect is separation and partial visual screening without creation of visual obstructions for traffic. The screening material shall consist of planting materials with low growth habits interspersed with flowering trees at about twenty (20) feet on center and deciduous shade trees space forty (40) feet on center. Said strip shall not be less than ten (10) feet in width within the property line.

C. GENERAL REQUIREMENTS

These regulations shall apply to any use requiring a special permit or site plan approval, and shall include all associated disturbed portions of property not otherwise used for buildings, structures, parking and loading areas, sidewalks, or similar purposes. In addition, the following shall apply.

1. All plant materials required by these regulations shall be nursery grown and conform to the standards of the American Association of Nurserymen.

2. All plant materials shall be planted in a growing condition according to acceptable horticultural practices and shall be maintained in a healthy growing condition.

3. All landscaping, planting, and ground-cover materials shall be of a non-invasive species. Non-native invasive species are not permitted (see appendix).

4. Trees and shrubs shown on an approved site plan that are not in growing condition shall be replaced by the property owner during the next planting season.

5. At the time of planting, trees shall be balled and burlapped and shall be of the following minimum size caliper according to the American Nursery and Landscape Association:

    a. Shade trees: two and one-half to three (2½-3) inch caliper stacked on two (2) sides with wire guide

b. Evergreen trees: six (6) foot high

c. Flowering trees: singe stem (two inch caliper), clump form (eight foot high)

6. Mulched planting beds at least four (4) inches deep shall be placed around all trees and shrubs to help retain moisture. Mulching material shall be shredded bark, wood chips, or other organic substitute and shall be replaced yearly.

7. No trees twelve (12) inches or greater in caliper as measured four (4) feet above grade shall be removed unless approved by the Commission.

8. Landscaping, trees and screening material contiguous to parking and loading areas shall be properly protected by barrier, curbs, or other means.

9. All portions of non-residential properties which shall be proposed as locations for buildings, structures, off-street parking and loading areas, sidewalks or similar improvements shall be landscaped and permanently maintained in such manner as to minimize storm-water runoff and harmoniously blend such non-residential uses in with the residential character of the town.

10. Depending on site conditions and the type of use proposed, the Commission may require a landscaping plan prepared by and containing the seal of a Landscape Architect registered by the State of Connecticut.

D. SCREENING AND BUFFERS

Screening and buffers shall be required as follows:

1. Agricultural Buffer. The Commission may require partial or complete screening in an agricultural buffer.

2. Uses in Industrial Zoning Districts that abut Residential Zoning Districts.

   a. Front Yard: Type “B” for buildings and Type “D” for parking.

   b. Side and Rear Yards: Type “B” for buildings and Type “C” for parking and loading areas.

3. Uses in Industrial Zoning Districts that abut non-residential zoning districts.

   a. Front Yard: Type “A” for buildings and Type “D” for parking.

   b. Side and Rear Yards: Type “A” for buildings and parking areas, and Type “C” for loading areas visible from the street.

4. Uses in Neighborhood Commercial Zoning District.

    a. Type “B” when abutting a residential lot.

5. Uses in Town Center Village Zoning District.

    a. Type “B” when abutting a residential lot.

6. Uses in West Suffield Village Zoning District.

    a. Type “B” when abutting a residential lot.

E. OTHER REQUIREMENTS

1. The Commission may consider and approve modifications to the landscape requirements when unusual conditions require more extensive screening for noise abatement or to protect surrounding residential properties, or when excellence in building or landscape design demand less landscaping.

2. All landscaping shown on the approved plan shall:

    a. be completed prior to issuance of a Certificate of Occupancy, or

    b. be guaranteed of completion by filing a bond with the town, in an amount and form satisfactory to the Town Engineer and Commission Counsel, assuring completion within a specified time (not to exceed one year); which bond shall be forfeited if the required work is not completed.

Section VIII: Landscaping and Buffers

A. Statement of Purpose …….. VIII-1
B. Definitions …….. VIII-1
C. General Requirements …… VIII-2
D. Screening and Buffers …… VIII-3
E. Other Requirements …… VIII-4

SECTION VIII: LANDSCAPING AND BUFFERS

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For the purpose of applying the provisions of this section the terms below shall be defined as follows:

Berm: An earthen mound designed to provide visual interest on a site, screen undesirable views, buffer properties from adjoining uses, reduce noise, or control the direction of surface water flow.

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Type "A" Screening: The desired effect is partial visual screening of an object. The width of the screening strip may be varied by the Commission or the Applicant, but shall be at least five (5) feet. Plant material shall consist of shade trees spaced forty (40) feet on centers or flowering trees spaced twenty (20) feet on center or a mixture of both. Where a continuous

landscaped screening strip is impractical, trees may be located in islands at least twenty (20) square feet in area.

Type "B" Screening: The desired effect is partial visual screening between zoning districts. Plant material shall be the same as specified for Type "A" screening except that one-half (1/2) of the trees shall be evergreens and the number of trees required is doubled.

Type "C" Screening: The desired year-round effect is complete visual screening of parking and loading areas. The screening material shall consist of a berm, hedge, screening fence or wall, or a combination thereof. The screening strip shall be at least five (5) feet wide for a fence or wall and landscaped, and at least ten (10) feet for a hedge.

Type "D" Screening: The desired effect is separation and partial visual screening without creation of visual obstructions for traffic. The screening material shall consist of planting materials with low growth habits interspersed with flowering trees at about twenty (20) feet on center and deciduous shade trees space forty (40) feet on center. Said strip shall not be less than ten (10) feet in width within the property line.

C. GENERAL REQUIREMENTS

These regulations shall apply to any use requiring a special permit or site plan approval, and shall include all associated disturbed portions of property not otherwise used for buildings, structures, parking and loading areas, sidewalks, or similar purposes. In addition, the following shall apply.

1. All plant materials required by these regulations shall be nursery grown and conform to the standards of the American Association of Nurserymen.

2. All plant materials shall be planted in a growing condition according to acceptable horticultural practices and shall be maintained in a healthy growing condition.

3. All landscaping, planting, and ground-cover materials shall be of a non-invasive species. Non-native invasive species are not permitted (see appendix).

4. Trees and shrubs shown on an approved site plan that are not in growing condition shall be replaced by the property owner during the next planting season.

5. At the time of planting, trees shall be balled and burlapped and shall be of the following minimum size caliper according to the American Nursery and Landscape Association:

    a. Shade trees: two and one-half to three (2½-3) inch caliper stacked on two (2) sides with wire guide

b. Evergreen trees: six (6) foot high

c. Flowering trees: singe stem (two inch caliper), clump form (eight foot high)

6. Mulched planting beds at least four (4) inches deep shall be placed around all trees and shrubs to help retain moisture. Mulching material shall be shredded bark, wood chips, or other organic substitute and shall be replaced yearly.

7. No trees twelve (12) inches or greater in caliper as measured four (4) feet above grade shall be removed unless approved by the Commission.

8. Landscaping, trees and screening material contiguous to parking and loading areas shall be properly protected by barrier, curbs, or other means.

9. All portions of non-residential properties which shall be proposed as locations for buildings, structures, off-street parking and loading areas, sidewalks or similar improvements shall be landscaped and permanently maintained in such manner as to minimize storm-water runoff and harmoniously blend such non-residential uses in with the residential character of the town.

10. Depending on site conditions and the type of use proposed, the Commission may require a landscaping plan prepared by and containing the seal of a Landscape Architect registered by the State of Connecticut.

D. SCREENING AND BUFFERS

Screening and buffers shall be required as follows:

1. Agricultural Buffer. The Commission may require partial or complete screening in an agricultural buffer.

2. Uses in Industrial Zoning Districts that abut Residential Zoning Districts.

   a. Front Yard: Type “B” for buildings and Type “D” for parking.

   b. Side and Rear Yards: Type “B” for buildings and Type “C” for parking and loading areas.

3. Uses in Industrial Zoning Districts that abut non-residential zoning districts.

   a. Front Yard: Type “A” for buildings and Type “D” for parking.

   b. Side and Rear Yards: Type “A” for buildings and parking areas, and Type “C” for loading areas visible from the street.

4. Uses in Neighborhood Commercial Zoning District.

    a. Type “B” when abutting a residential lot.

5. Uses in Town Center Village Zoning District.

    a. Type “B” when abutting a residential lot.

6. Uses in West Suffield Village Zoning District.

    a. Type “B” when abutting a residential lot.

E. OTHER REQUIREMENTS

1. The Commission may consider and approve modifications to the landscape requirements when unusual conditions require more extensive screening for noise abatement or to protect surrounding residential properties, or when excellence in building or landscape design demand less landscaping.

2. All landscaping shown on the approved plan shall:

    a. be completed prior to issuance of a Certificate of Occupancy, or

    b. be guaranteed of completion by filing a bond with the town, in an amount and form satisfactory to the Town Engineer and Commission Counsel, assuring completion within a specified time (not to exceed one year); which bond shall be forfeited if the required work is not completed.

Section IX: SIGNAGE

A. Statement of Purpose ……..……. IX-1
B. Measurement of Sign Area ……. IX-1
C. General Requirements …….IX-1
D. Height and Shape of Signs ……. IX-2
E. Prohibited Signs …….. IX-3
F. Dimensional Requirements ……. IX-3

SECTION IX: SIGNAGE

A. STATEMENT OF PURPOSE

The purpose of these Signage Regulations are to provide for adequate advertising of residences, home occupations, and business entities throughout Town, while controlling the location, size, shape, number, manner of lighting and architectural appearance of signs located on all buildings and premises; to maintain and enhance the aesthetic environment and the Town's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to provide for proper review and oversight of signage; and, to minimize the possible adverse effects of signs on nearby public and private property.

B. MEASUREMENT OF SIGN AREA

The area of a sign shall be considered to be that of the smallest circle, square, rectangle or triangle that contains the entire sign, including all lettering, wording, design, or symbols together with any background, material, or color 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 included in the area of the sign unless such supports are obviously designed to be part of the sign as defined in these regulations. Square foot limitations contained in these regulations refer to each face of multi-faced signs. Maximum number of sign faces shall not exceed two in residential and business districts, arranged back-to-back; signs with three (3) sides, arranged in a triangular configuration may be permitted in industrial districts. The height of a sign shall be measured from ground level to the top of the sign, or any part thereof, including supports and lights.

C. GENERAL REQUIREMENTS

1. New freestanding or ground signs shall be subject to site plan approval by the Commission.

2. No permanent sign shall be erected, relocated, or altered without a sign permit approved by the Zoning Enforcement Officer and issued by the Building Official, except when said sign is located in a Village District which shall also require the review and recommendation by the Design Review Board. All signs shall meet all requirements of the Building Code and these Regulations. Application for sign permits shall be made on forms supplied by the Building Official. Failure to maintain signs shall be considered a violation of these regulations.

3. Externally lit signs are permitted if illumination is confined to the surface of the sign. Such lighting shall be shielded to prevent direct light from being visible from the street or from adjacent property. Exterior lighting in any non-residential zoning district shall

comply with the maximum and minimum lumen levels specified in the recommended practices and ANSI standards contained in *Lighting for Parking Facilities* or in *Lighting for Exterior Environments* as published by the Illuminating Engineering Society of North America as amended.

4. The light source in any lighted sign shall be shielded to prevent glare upon traffic or adjoining properties. Lights shall not be used where they create conflict with highway control traffic signals.

5. No sign shall project more than twenty-four (24) inches from the face of a structure or more than twelve (12) inches beyond any street line and shall be at least eight (8) feet above the level of any walkway it may overhang. No sign shall be placed in such a position as to endanger pedestrian or vehicular traffic.

6. Off-premises, directional signs, pointing to businesses not readily visible from the main thoroughfare, are permitted on a Town right-of-way where such placement does not cause sight line problems or unduly detract from surrounding areas. Such signs shall be five (5) inches high by twenty-four (24) inches long, black letters on white background and mounted no higher than eight (8) feet on a two (2) inch metal post, permanently secured in the ground. No more than three (3), two-sided signs are allowed on one post. Intersection quadrants shall not contain more than two posts which shall be within two-hundred (200) feet of the intersection.

7. One off-premises directional sign, indicating "HOUSE FOR SALE" will be allowed at the entrance to a street on which such house or houses for sale are located. Said sign shall not bear logos, company names, or other identifications marks and shall be used by all real estate agencies and owners with property for sale. Signs shall not be larger than one (1) by two (2) feet, mounted no higher than three (3) feet above finished grade, and placed in such a way as to not interfere with sight lines or traffic.

8. Signs pertaining to a removed use, business, or proprietor shall be removed within thirty (30) days.

D. HEIGHT AND SHAPE OF SIGNS

1. No sign attached to a structure shall project higher than two (2) feet above the exterior wall of the structure, except in an industrial district where a sign may project up to six (6) feet above the exterior wall of such structure provided the sign is not within five-hundred (500) feet of the boundary of a residential district and visible from said district.

2. No portion of any permanent freestanding sign shall measure higher than ten (10) feet above finished grade.

3. Where more than one sign is permitted on a building, such signs shall be uniform in height, size, and location. In addition, such signs shall be uniform in terms of color and shape in a Village District.

E. PROHIBITED SIGNS

1. Animated Signs.

2. Banners or pennants, except as provided in Subsections F.2.f. and 6.c.

3. Flashing, rotating, sequential lighting, or intermittent illumination signs, except those indicating time and/or temperature by means of white lighting, provided the longest dimension of such sign does not exceed five (5) feet, and traditional barbershop signs, provided the longest dimension of such sign does not exceed three (3) feet.

4. Internally lit signs, unless specifically approved by the Commission.

5. Internally lit canopy signs, i.e., gas station canopies.

6. Off-premise sign, except as provided for in Subsections C.6. and 7.

7. Inflatable signs and tethered balloons, except temporary signs in connection with a grand opening as determined by the Zoning Officer.

8. Exposed festooned lights in non-residential districts, except during the months of January and December.

9. Interior signs visible from the street which do not comply with these regulations.

F. DIMENSIONAL REQUIREMENTS

1. Permanent signs in single-family RESIDENTIAL (R) and FARMLAND PRESERVATION (FP) Zoning Districts:

Type of Sign	Maximum Size	Maximum # of Signs	Location	Permit Required
a. Non-illuminated nameplate sign.	1 SF	1 per lot	Back of street line	No
b. Non-illuminated sign pertaining to a profession or occupation permitted as an accessory use without a special permit.	4 SF	1 per lot	Back of street line	Yes
c. Sign pertaining to a profession or occupation where a special permit is required (non-illuminated sign only).	6 SF	1 per lot	Back of street line	Yes
d. Sign pertaining to institutional uses including places of worship, schools, nursing homes by special permit.	25 SF	1 on each street frontage	15 ft. front setback	Yes

2. Temporary signs in single-family RESIDENTIAL (R) Districts:

Type of Sign	Maximum Size	Maximum # of Signs	Location	Permit Required
a. Sign pertaining to the sale, lease or rental of property on which they are located.	6 SF	1 on each street frontage	Back of street line	No
b. Sign pertaining to and during construction of property.	6 SF	1 per lot	15 ft. front setback	Yes
c. Sign offering lots and/or homes for sale within an approved sub-division to be displayed for no more than twelve (12) months, with one (1) extension permitted.	25 SF	1 on each street frontage	15 ft. front setback	Yes
d. Sign of civic and non-profit organizations displayed for no more than thirty (30) days in a twelve (12) month period.	25 SF	1 per property	15 ft. front setback	Yes
e. Holiday decoration without commercial advertising.			15 ft. setbacks	No
f. Seasonal decorations without commercial advertising sponsored by the Town.	72" vertical 30" horizontal	1 per utility pole	Located not to impair pedestrian or vehicular traffic site lines.	No

3. Signs permitted in PLANNED DEVELOPMENT APARTMENT (PDA) Districts:

Type of Sign	Maximum Size	Maximum # of Signs	Location	Permit Required
a. Nameplate signs indicating the name of development.	12 SF	1 for each street frontage where access exists.	15 ft. front setback	Yes
	or 25 SF		30 ft. front setback	Yes
b. Signs identifying the rental or property management agency.	6 SF	1 for each street frontage where access exists.	Back of street line	No
c. Signs pertaining to the sale, lease or rental of property for a period of twelve (12) months.	25 SF	1 per property	15 ft. front setback	Yes

4. Permanent signs permitted in the NEIGHBORHOOD COMMERCIAL (NC), INDUSTRIAL, (I), and PLANNED DEVELOPMENT INDUSTRIAL PARK (PDIP) District Zones:

Type of Sign	**Location**	**Permit Required**
a. The total combined sign area for each unit of occupancy on the first floor and permanent freestanding signs shall not exceed one (1) square feet for each linear front foot of exterior building wall as follows.		
(1) The number of permanent signs on a building wall shall be restricted to one (1) per unit of occupancy, except that units with frontage on two (2) streets may have two (2) signs.	Building Wall	Yes
(2) One (1) single or double-faced permanent freestanding or ground sign not exceeding twenty (20) square feet in area nor ten (10) feet in height may be erected on each lot containing frontage.	Ground, 20 ft. setbacks	Yes
b. Within ten (10) feet of each entrance of a building, one (1) common nameplate sign may be erected which allows for not more than one (1) square foot of sign area for each unit of occupancy that is served by said entrance.	Back of street line	Yes
c. Each unit of occupancy above the first floor may only display a sign on the inside of each window serving said unit of occupancy, provided that the combined area of such signs shall not exceed six (6) square feet. Such restriction shall not apply if units of occupancy above the first floor have direct access to common areas on the outside of the building where signs may be displayed.	Second Floor	No

5. Permanent signs permitted in the TOWN CENTER and WEST SUFFIELD CENTERVILLAGE District Zones subject to review and recommendation of the Design Review Board:

Type of Sign	**Location**	**Permit Required**
a. The total combined sign area for each unit of occupancy on the first floor and permanent freestanding signs shall not exceed one (1) square feet for each linear front foot of exterior building wall as follows.		
(1) The number of permanent signs on a building wall shall be restricted to one (1) per unit of occupancy, except that units with frontage on two (2) streets may have two (2) signs.	Building Wall	Yes
(2) One (1) single or double-faced permanent freestanding or ground	Ground, 0 ft.	Yes

sign not exceeding twelve (12) square feet in area nor ten (10) feet in height may be erected on each lot containing frontage.	Setback (7/05/07)	
b. Within ten (10) feet of each entrance of a building, one (1) common nameplate sign may be erected which allows for not more than one (1) square foot of sign area for each unit of occupancy that is served by said entrance.	Behind street line	Yes
c. Each unit of occupancy above the first floor may only display a sign on the inside of each window serving said unit of occupancy, provided that the combined area of such signs shall not exceed six (6) square feet. Such restriction shall not apply if units of occupancy above the first floor have direct access to common areas on the outside of the building where signs may be displayed.	Second Floor	No

d. The exterior color of a sign shall be selected from the Historic Colors of America pallet (as approved by the Society for the Preservation of New England Antiquities) by California Products Corporation or equivalent, and/or primary colors.

e. All permanent signs permitted in the Town Center Village District and West Suffield Village District are subject to review by the Design Review Board.

6. Temporary signs permitted in the NEIGHBORHOOD COMMERCIAL (NC), INDUSTRIAL (I), TOWN CENTER VILLAGE, and WEST SUFFIELD CENTER VILLAGE District Zones.

a. Signs temporarily attached or painted on a door, window, or wall announcing sales or special features are permitted, provided they do not exceed twenty-five percent (25%) of the area of said door, window or wall. Said signs shall be removed immediately after the termination of such sale or special feature and shall be permitted for no more than thirty (30) days.

b. Freestanding sandwich-board type signs may be allowed in non-residential districts for a maximum period of sixty (60) days from the date of the permit required below, provided:

(1) Signs are limited to one (1) per occupant;

(2) Signs are secured to prevent movement by wind or other elements;

(3) Signs are displayed only during hours of business operation;

(4) Signs shall measure no more than two (2) by three (3) feet;

(5) A permit is issued by the Zoning Officer;

(6) A $20.00 administrative fee is collected;

(7) Signs shall meet all other aspects of these regulations; and,

(8) All signs shall be located behind the street line. (10-09-09)

c. Restaurant signs advertising lunch or dinner specials are exempt from the sixty (60) day limit on display of sandwich-board signs.

d. Outdoor advertising devices, including but not limited to plaques, banners, pennants, and streamers are permitted for a period of not more than two (2) weeks after the opening of a new business. Said device shall be behind the street line.

Section X: RIDGELINE PROTECTION ZONE

A. Statement of Purpose ……...X-1
B. Definitions ……... X-1
C. Permitted Uses …… X-2
D. Ridgeline Protection Standards …….. X-3
E. Application ……. X-4

SECTION X: RIDGELINE PROTECTION ZONE

A. STATEMENT OF PURPOSE

It is the purpose of this regulation to implement the provisions of Public Act 95-239 which amended Sections 8-2 and 8-23 of the General Statutes to permit regulations concerning the protection of traprock ridgelines. This regulation is intended to provide minimum standards for the preservation and of land within the Ridgeline Setback Area and is designed to promote development practices which will support the following goals:

1. Preservation of the aesthetic beauty and natural environment of the Town;

2. Preservation of the environmentally sensitive land within and adjacent to the ridgeline area of West Suffield Mountain and Manitook Mountain;

3. Preservation of the unique flora, fauna and other environmental attributes within and adjacent to the ridgeline area of West Suffield Mountain and Manitook Mountain; and

4. Preservation of ridgeline vistas of West Suffield Mountain and Manitook Mountain as seen from the Town.

B. DEFINITIONS

Building (for purposes of this Section only): Any structure other than (A) a facility as defined in Section 16-50i of the Connecticut General Statutes or (B) structures of a relatively slender nature compared to the buildings to which they are associated, including but not limited to chimneys, flagpoles, antennas, utility poles and steeples.

Clear-cutting: The harvest of timber in a fashion which removes from any four-hundred (400) square foot or larger area all or substantially all trees measuring two (2) inches or more in diameter at a height of four (4) feet.

Development: The construction, reconstruction, alteration, or expansion of a building.

Passive recreation: Non-motorized use of the land such as hiking, picnicking or birdwatching.

Ridgeline conservation area: An area extending 250 feet horizontally from a ridgeline to a parallel line on either side of such ridge as shown on the Zoning Map. Said map shall be used as a guide, for general information and illustrative purposes only. The actual presence and location of the Ridgeline Setback Area, as defined in Public Act 95-239, shall be determined by an applicant's qualified technical professionals in connection with a proposed development.

Ridgeline setback area: The area bounded by (A) a line that parallels the ridgeline at a distance of one hundred fifty feet on the more wooded side of the ridge, and (B) the contour line where a ridge of less than fifty percent is maintained for fifty (50) feet or more on the rockier side of the slope, mapped pursuant to Sec. 8-2 of the General Statutes, as amended by Sec. 2 of this act.

Selective timbering: The harvesting of trees at least six (6) inches in caliper for purposes other than development.

Traprock ridgeline: The lines(s) on West Suffield Mountain and Manitook Mountain created by all points at the top of a fifty (50) percent slope,which is maintained for a distance of fifty (50) horizontal feet perpendicular to the slope and which consists of surficial basalt geology, identified on the map prepared by Stone, et all., U.S. Geological Survey, entitled "Surficial Materials Map of Connecticut".

C. PERMITTED USES

1. As of right

   a. Emergency work necessary to protect life and property;

   b. Any non-conforming uses that were in existence and that were approved on or before the effective date of regulations adopted under this Section and;

   c. Selective timbering, grazing of domesticated animals and passive recreation.

2. Uses permitted in the underlying zone, including clear-cutting, may be allowed by the Commission as a special permit after public hearing and subject to ridgeline protection standards.

3. The following may be permitted, subject to ridgeline protection review by the Commission of project site plans prior to the issuance of a building permit:

   a. Any construction or significant alteration of any dwelling or other structure if any such action affects the exterior appearance. A significant alteration is defined as any alteration which adds to the height of a structure or which substantially alters the visual profile of the property or structures thereon;

   b. The Commission may waive any and all requirements of the ridgeline protection review for dwelling additions and/or accessory buildings of 400 square feet or less and less than ten (10) feet in height.

D. RIDGELINE PROTECTION STANDARDS

No roof, antenna, satellite dish, tower or other feature that may be above the roof level shall be visible above the ridgeline when viewed from a public way. Buildings and landscaping are to be

designed and located on the site to blend with the natural terrain and vegetation and to preserve the scenic character of the site, conforming to the following standards:

1. Building Characteristics

   a. Exposed foundation walls shall not extend more than two (2) feet above the proposed finished grade.

   b. Buildings, alterations, additions, or structures should be located downgrade of the ridgeline (where possible).

   c. Building materials shall blend with the natural landscape.

2. Landscaping

   a. Removal of native vegetation, especially large timber, shall be minimized and the replacement of vegetation and landscaping shall be compatible with the vegetation of the subject area.

   b. Trees may only be removed for location and construction of streets, driveways, septic areas or structures. With approval from the Commission, selective clearing for views may be permitted where the view is obstructed by dense vegetation.

   c. Retaining walls, of natural materials only, may be used to create usable yard space. Retaining walls on the exposed side and downhill portions of a lot which are in view or visible from a public way shall be screened with appropriate landscaping material.

   d. Landscaping and plantings shall be utilized to screen main buildings in open or prominent areas from significant views, both when installed and when mature.

3. Grading.

   Any grading or earth moving operation is to be planned and executed in such a manner that final contours appear to be consistent with the existing terrain, both on and adjacent to the site.

4. Prevention of erosion and sedimentation.

   No area of 100 square feet or more on any parcel shall have existing vegetation clear-stripped or be filled six (6) inches or more so as to destroy existing vegetation unless in conjunction with agricultural activity or unless necessarily incidental to construction on the premises under a currently valid building permit. No stripped areas which are allowed shall remain through the winter without a temporary cover of winter rye or similar plant material to provide soil control.

5. Utilities

The Commission shall determine whether utilities will be constructed and routed underground and will take into consideration those situations where natural features prevent the underground siting or where safety considerations necessitate above ground construction and routing. Above ground utilities shall be constructed and routed to minimize detrimental effects on the visual setting.

6. Site Planning.

In the building of more than one structure, variable setbacks, multiple orientations and other site planning techniques shall be incorporated in order to avoid the appearance of a solid line of development.

7. Accessory Structures.

Construction of a tower, satellite dish, windmill, antenna, or other installation shall not obstruct the view of, or from a public way, or from an abutter's dwelling, or be visible from off the ridge.

E. APPLICATION

Application to the Commission is required where a property or a portion of a property lies within the Ridgeline Conservation Area.

Application shall be submitted in accordance with appropriate procedures under Section 6.13 of the Suffield Zoning Regulations according to the type of review necessary. To facilitate siting and design of buildings sensitively related to the natural setting, aerial markers shall be placed at points corresponding to the highest point of a proposed building or structure. Applications for ridgeline protection review of proposed development must be accompanied by the following:

1. A site plan or plot plan, as the case may be, in accordance with Section 6.11 of the Suffield Zoning Regulations.

2. Photographs of the development site with aerial marker(s) in place, taken from points along the street rights-of-way which provide a view of the site together with a map indicating the distance between these points and the site.

3. An architectural drawing of all existing and proposed buildings and structures on the site showing how they fit into the ridgeline protection area.

4. A computer generated three-dimensional view may be substituted for item “3” above.

Section XI: NONCONFORMING USES AND STRUCTURES

A. Statement of Purpose ……. XI-1
B. Nonconforming Lots …..…….. XI-1
C. Nonconforming Uses …….. XI-2
D. Nonconforming Structures ……. XI-2
E. Other ……... XI-2

SECTION XI: NONCONFORMING USES OR STRUCTURES

A. STATEMENT OF PURPOSE

Within the zoning districts established by these regulations or by amendments that may later be adopted, there exist lots, uses and structures which were lawful at the time these regulations were adopted or amended but which would be prohibited, regulated or restricted under the provisions of these regulations or future amendments. Such lots, uses and structures are declared by these regulations to be nonconforming. It is the intent of these regulations to permit these nonconformities to continue until they are removed but not to encourage their survival. It is further the intent of these regulations that nonconformities shall not be enlarged, expanded or extended nor be used as basis for adding other structures or uses prohibited elsewhere in the same zone.

1. Nonconforming uses are declared by these regulations to be incompatible with permitted uses within the zoning districts where they are located. After the effective date of adoption or amendment of these regulations, a nonconforming use, a nonconforming structure or a nonconforming use of a structure and land in combination shall not be enlarged or expanded.

2. Nothing in these regulations shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of these regulations and upon which actual building construction has been carried on diligently. "Actual construction" is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

B. NONCONFORMING LOTS

In any zoning district, a principal building and customary accessory buildings may be erected on a lawful lot existing as of the effective date of adoption or amendment of these regulations. This provision shall apply even though such lot fails to meet the lot area requirements or developable area of the zoning district in which such lot is located, provided that the setbacks and requirements other than those applying to lot area and/or developable area shall conform to the requirements of the district in which such lot is located. Nothing herein shall permit the construction of any buildings on a lot or parcel of land which does not have frontage along a street.

C. NONCONFORMING USES

Where a lawful use exists at the effective date of adoption or amendment of these regulations, which use is no longer permitted under these regulations as adopted or amended, such use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. Such nonconforming use shall not be enlarged to occupy a greater floor area, a greater bulk or greater area of land than was occupied at the effective date of adoption or amendment of these regulations.

2. Such nonconforming use shall not be moved in whole or in part to any other portion of the land.

3. If such nonconforming use is substituted by a permitted use, it shall thereafter conform to the requirements of the zone in which it is located, and the nonconforming use shall not thereafter be resumed.

D. NONCONFORMING STRUCTURES

Where a lawful structure exists at the effective date of adoption or amendment of these regulations which could not be built under the provisions of these regulations as enacted or amended by reason of restrictions on area, lot coverage, height, yards, its location on the lot or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. Any nonconforming building or structure which does not contain a nonconforming use may be structurally altered, provided that no other zoning regulations are violated or that the nonconformity is not increased in any manner.

2. If such nonconforming structure is damaged or destroyed by fire, explosion, act of God or by public enemy, it may be repaired or replaced to an extent which does not increase the nonconformity. Such repair or replacement shall commence within one (1) year after the damage or destruction occurs and shall be completed within two (2) years of commencement. If such repair or replacement is not accomplished within such time periods, the structure shall be reconstructed in conformity with the requirements of the zone in which it is located.

3. If such structure is moved for any reason for any distance whatsoever, it shall thereafter conform to the requirements of the zone in which it is located after it is moved.

E. OTHER

1. Nonconforming Uses of Structures and Land In Combination.

Where a lawful use of a structure, or of a structure and land in combination, exists at the effective date of adoption or amendment of these regulations which is no longer permitted under the provisions of these regulations as enacted or amended, such lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

a. Any existing structure devoted to such nonconforming use shall not be enlarged, extended, constructed, reconstructed, moved or structurally altered in a manner which increases, except to change the use of the structure to a use permitted in the zone in which it is located.

b. Any nonconforming use of a part of a structure may not be extended to any other part thereof, and no such use shall be extended to occupy any land outside the structure.

c. A nonconforming use may be changed only to a conforming use. Whenever a nonconforming use has been changed to a conforming use it shall not thereafter be changed to a nonconforming use.

Section XII: Soil Erosion and Sediment Control

A. Statement of Purpose XII-1
B. Definitions XII-1
C. Activities Requiring Certified Erosion/Sediment Control Plan XII-2
D. Erosion and Sediment Control Plan XII-2
E. Minimum Acceptable Standards XII-3
F. Issuance of Certification XII-4
G. Conditions Relating to Soil Erosion and Sediment Control ... XII-4
H. Inspection and Other Requirements XII-5

SECTION XII: SOIL EROSION AND SEDIMENTATION CONTROL

A. STATEMENT OF PURPOSE

It is the purpose of this regulation to carry out the mandate of the Connecticut Legislature in Public Act 83-388 codified in Section 22a-325 through 22a-329 of the General Statutes to provide for proper regulations concerning soil erosion and sediment control during development. These regulations are meant to provide minimum requirements by inclusion or reference for soil erosion and sediment control plans:

1. To prevent costly repairs to gullies, washed out fills, roads and embankments;

2. To prevent sediment from polluting water bodies and wetlands;

3. To prevent degrading of aesthetic, recreational, fish and wildlife values;

4. To prevent clogging of storm sewers and road ditches that reduce capacities and cause flooding and damage to adjoining properties; and

5. To prevent erosion that destroys the soils' capabilities to support vegetation.

B. DEFINITIONS

Certification: A signed written approval by the Commission (or its designated agent) that a soil erosion and sediment control plan complies with the applicable requirements of these regulations.

County soil and water conservation district: The North Central Conservation District, Inc., which was formed by combining the Hartford County and Tolland County Districts, established under subsection (1) of CGS Sec. 22a-315.

Development: Any construction or grading activities to improved or unimproved real estate.

Disturbed area: An area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.

Erosion: The detachment and movement of soil or rock fragments by water, wind, ice or gravity.

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

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

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

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

Soil erosion and sediment control plan (E&S Plan): A scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.

C. ACTIVITIES REQUIRING CERTIFIED EROSION/SEDIMENT CONTROL PLAN

A soil erosion and sediment control plan shall be submitted as part of any application for development when the disturbed area of such development is cumulatively more than one-half (1/2) acre.

D. EROSION AND SEDIMENT CONTROL PLAN

1. To be eligible for certification, a soil erosion and sediment control plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from storm water runoff on the proposed site based on the best available technology. Such principles, methods and practices necessary for certification are found in the 2002 Connecticut Guidelines For Soil Erosion And Sediment Control.

2. Said plan shall contain, but not be limited to:

   a. A narrative describing:

      (1) The development.

      (2) The schedule for grading and construction activities including:

         (a) Start and completion dates;

         (b) Sequence of grading and construction activities;

         (c) Sequence for installation and/or application of soil erosion and sediment control measures;

         (d) Sequence for final stabilization of the project site.

(3) The design criteria for proposed soil erosion and sediment control measures and storm water management facilities.

(4) The construction details for proposed soil erosion and sediment control measures and storm water management facilities.

(5) The installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities.

(6) The operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities.

b. A site plan map at a sufficient scale to show:

(1) The location of the proposed development and adjacent properties;

(2) The existing and proposed topography including soil types, wetlands, watercourses and water bodies;

(3) The existing structures on the project site, if any;

(4) The proposed area alterations including cleared, excavated, filled or graded areas and proposed structures, utilities, roads and, if applicable, new property lines;

(5) The location of and design details for all proposed soil erosion and sedimentation control measures and storm water management facilities identified by standard symbols and nomenclature shown in the 2002 guidelines;

(6) The sequence of grading and construction activities;

(7) The sequence for installation and/or application of soil erosion and sediment control measures;

(8) The sequence for final stabilization of the development site.

c. Any other information deemed necessary and appropriate by the applicant or requested by the Commission or its designated agent.

E. MINIMUM ACCEPTABLE STANDARDS

1. Plans for soil erosion and sediment control shall be developed in accordance with these regulations using the principles as outlined in the 2002 Connecticut Guidelines For Soil Erosion And Sediment Control. Soil erosion and sediment control plans shall result in a development that minimizes erosion and sedimentation during construction; is stabilized

and protected from erosion when completed; and does not cause significant off-site erosion and/or sedimentation.

2. The minimum standards for individual measures are those in the 2002 Connecticut Guidelines For Soil Erosion And Sediment Control, as amended. The Commission (or its designated agent) may grant exceptions when requested by the applicant if technically sound reasons are presented.

3. For soil erosion and sediment control measures requiring engineered measures per the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control as amended, calculations by a Connecticut professional engineer shall be used in determining peak flow rates and volumes of runoff.

F. ISSUANCE OF CERTIFICATION

1. The Suffield Zoning and Planning Commission or its agent shall by its approval certify that the soil erosion and sediment control plan complies with the requirements and objectives of this regulation.

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

3. Prior to approval, any plan submitted to the Town may be reviewed by the North Central Conservation District which may make recommendations concerning such plan, provided such review shall be completed within thirty days of receipt of such plan.

G. CONDITIONS RELATING TO SOIL EROSION AND SEDIMENT CONTROL

1. The estimated costs of measures required to control soil erosion and sedimentation, as specified in the certified plan, that are a condition of certification of any modified site plan may be required to be covered in a performance bond or other assurance acceptable to the Commission in accordance with the provisions specified under Section XIV.C. of the regulations.

2. Site development shall not begin unless the soil erosion and sediment control plan is approved and those control measures and facilities in the plan scheduled for installation prior to site development are installed and functional.

3. Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the approved plan.

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

H. INSPECTION AND OTHER REQUIREMENTS

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

2. Modifications to plans may be necessary and field changes may be required in the event that upon inspection it is found that the intent of the regulations is not being met.

Section XIII: ZONING BOARD OF APPEALS

A. General ……... XIII-1
B. Powers and Duties …… XIII-1
C. Procedures …… XIII-2
D. Application Form and Content …… XIII-3
E. Time Limit on Variance …… XIII-3

SECTION XIII: ZONING BOARD OF APPEALS

There shall be a Zoning Board of Appeals (ZBA) established in accordance with the Statutes authorizing such Board. The ZBA shall have those powers and duties as prescribed in CGS and as set forth herein.

A. GENERAL

In accordance with CGS Sec. 8-6, the Zoning Board of Appeals is hereby prohibited from approving a variance which has the effect of permitting a use in any zone in which the use is not otherwise permitted. In addition, the Board is also hereby prohibited from hearing appeals from site plan applications.

B. POWERS AND DUTIES

The Zoning Board of Appeals shall have the following powers and duties, and may adopt such rules as may be necessary to carry out these regulations.

1. Appeals.

   To hear and decide appeals where it is alleged that there is an error in any order, requirement, or decision made by the town official charged with the enforcement of these regulations.

2. Variances.

   To determine and vary the strict application of the requirements of these regulations in cases of exceptional physical conditions for which strict application would result in exceptional difficulty or unusual hardship that would deprive owners of the reasonable use of land or buildings involved so that substantial justice will be done and public safety and welfare secured. Variances are to be granted sparingly and only to the minimum extent necessary. No variance shall be granted by the Board of Appeals unless it finds that all of the following conditions are substantially met:

   a. Such action would be in harmony with the Plan of Conservation and Development and the stated Purpose of these regulations stated in Sec. I.B.

   b. The exceptional difficulty or unusual hardship claimed has not been created by the owner or his/her predecessor in title.

   c. There are conditions that apply to the land or structures for which the variance is sought, which conditions are peculiar to such land or structures and not to the

personal or financial circumstances of the appellant, and which conditions are not affecting generally the area in which such land or structure is situated. Minor infractions in the location or height of a structure or the dimension or area of a lot, caused by human error, may be considered sufficient cause for an affirmative finding of this paragraph, unless, in the opinion of the Board, such infractions can be repaired without impairing the use of the land or structure.

d. The aforesaid conditions are such that the strict application of the requirements of these regulations would deprive the appellant of the reasonable use of the land or structure and that the variance, as granted by the Board, is the minimum variance that will accomplish this purpose.

e. The aforesaid conditions are such that the strict application of the requirements of these regulations would deprive the appellant of the reasonable use of the land or structure and that the variance, as granted by the Board, is the minimum variance that will accomplish this purpose.

f. That the Applicant has demonstrated that there are no reasonable alternatives other than to grant the requested variance.

3. To act on requests concerning the location of motor vehicle dealers and repairs license pursuant CGS 14-54.

C. PROCEDURES

1. The Board shall hold a public hearing on all applications and appeals, and shall publish a notice of said hearing as prescribed by these regulations and the CGS as amended.

2. In accordance with CGS Sec. 8-6a, whenever an application for a variance is joined with an appeal of any order, requirement, or decision of the Zoning Enforcement Officer, the Board shall decide the issues presented in the appeal before considering the variance application.

3. The Board shall hold a public hearing, close such hearing, and render its decision on any application within the time limits imposed by CGS Sec. 8-7d. The Board may reverse or affirm wholly or partly any order, requirement or decision appealed from, and make such order, requirement or decision as in its opinion should be made. Such order, requirement or decision, and any grant of any variance, may be subject to such conditions and restrictions as appear necessary to the Board in order to insure that the granting of the application or petition shall be in harmony with the purposes of these regulations as set forth in CGS Sec. 8-2.

4. In granting any variance, the Board shall describe specifically the exceptional difficulty or unusual hardship on which its decision is based, and why the granting of the variance is in harmony with the purposes of these Regulations.

5. Any variance that is granted by the Board shall be placed upon the Land Records of the Town of Suffield by recording a copy of the variance with the Town Clerk or as otherwise provided by the CGS as amended.

6. The concurring vote of four (4) Board members shall be necessary to reverse any order, requirement or decision of the Zoning Officer, or to vary the application of these regulations.

7. The time limit for filing an appeal of an order, requirement, or decision of the Zoning Enforcement Officer to the Board shall be fifteen (15) days from receipt of an order.

D. APPLICATION FORM AND CONTENT

Applications to the Zoning Board of Appeals shall be made in writing on a form prescribed by the Board through the Zoning Enforcement Officer, and shall include a filing fee and the following information to facilitate a thorough review of said application:

1. Evidence of approvals from the Conservation Commission, North Central Health District (if not on sanitary sewers), and Historic District Commission (if within District).

2. An A-2 quality certified property plan when a frost-protected foundation is proposed or when in the opinion of the Board said plan is necessary.

3. Building elevations and floor plans.

4. Contours or sufficient detail to show general topography.

5. If in the opinion of the Board a plan to scale showing the total layout of the property including all buildings on adjacent lots within one-hundred (100) feet of the proposed structure for which the variance is being sought is necessary.

6. Name and address of record owner of land, who must sign the application.

7. Names and addresses of abutting property owners within one-hundred (100) feet of the property line, including across the street.

8. The staking of the proposed corners of any proposed structure requiring a variance.

9. The specific provisions of the regulations involved the details of the variance that is applied for, and the grounds on which it is claimed that relief should be granted.

E. TIME LIMIT ON VARIANCE

Any variance granted by the Zoning Board of Appeals that is not exercised within a period of three (3) years from date of decision shall automatically become null and void and shall be stated as such in the Board's decision.

Section XIV: ADMINISTRATION

A. Required Permits and Information ……... XIV-1
B. Approvals ……. XIV-5
C. Bonding …… XIV-7
D. Enforcement …… XIV-8
E. Zoning Amendments ……. XIV-9
F. Fees ……. XIV-9

SECTION XIV: ADMINISTRATION

A. REQUIRED PERMITS AND INFORMATION

No building or structure shall be erected, expanded, or structurally altered and no land use shall be established until a permit therefore has been issued as required below:

1. Special Permit.

   All applications for a special permit shall be submitted in writing to, and in a form prescribed by, the Commission. The Commission shall adopt administrative procedures therefore, including but not limited to application forms, fees, map submission requirements, number of copies and filing deadlines. Failure of an applicant to comply with these application submission requirements shall be grounds for the Commission to reject or deny such application. In addition:

   a. A special permit use identified as such in these regulations shall also require Site Plan Approval including said plan requirements according to Subsection A.2. below.

   b. The application submission shall address all off-site and on-site impacts, requirements, improvements and considerations, including but not limited to building location, traffic, storm drainage, sanitary sewerage, water supply, parking and loading, vehicular and pedestrian circulation, landscaping, and environmental and aesthetic considerations. Sufficient information to address these major impacts shall be provided by the applicant so that the Commission can make an informed decision.

   c. Special permit uses proposing high traffic generators where the construction of more than twenty-five (25+) homes, fifty (50+) parking spaces, 20,000+ square feet of floor area, or any proposal which in the Commission's judgment would generate high levels of traffic shall be accompanied by a traffic study prepared by a licensed Traffic Engineer. (The Commission may waive this requirement if it finds that the projected use is of a nature that a significant traffic impact is not anticipated.) At a minimum, the traffic study shall include data and information on existing and projected average daily vehicle trips on streets within 1,000 feet of the development, peak-hour traffic, adequacy of rights-of-way and travel ways, existing roadway capacity, traffic accidents, the traffic impact of the proposed development, traffic generation data, traffic lights and intersections, and recommendations for safe pedestrian and vehicular circulation, including provisions for safe sidewalks and crosswalks for pedestrians. Where applicable, the Applicant shall include the written recommendations of the Connecticut Department of Transportation.

   d. Where it is projected that the additional traffic resulting from the proposal will reduce the Level of Service (LOS) to D or below, the Commission shall not approve the

project unless and until provision has been made for the improvement of said condition.

e. Additional information may be required of the applicant during the Commission's consideration of an application for a special permit as deemed necessary by the Commission to determine compliance of the proposed use with these regulations. Such additional information may include but not be limited to environmental impact analysis.

2. Site Plans.

Applications for site plan approval or special permit use shall include the following information:

a. Town of Suffield Site Plan Application, including a list of abutters within two-hundred (200) feet according to the most recent Assessor's records and an application fee in accordance with Subsection F. below.

b. Statement of Purpose or comprehensive written record detailing the proposed use(s) of the site and building(s) thereon.

c. Four (4) prints of the site plan of the premises at a scale of 1" = 40', 24" x 36" in size, and ten (10) 11" x 17" reduced prints, certified by a licensed surveyor, engineer, or landscape architect showing the following:

(1) Name and address of developer and owner of record. Scale of drawing, north arrow, date of preparation and revision(s), and if a lot in a subdivision a reference to the original subdivision plan.

(2) Lot boundaries, dimensions, and lot areas. A boundary survey of the lot may be required, which shall conform to Class A-2 requirements of the State of Connecticut.

(3) An area map, drawn to a scale not larger than 1" = 100' showing all properties with owners' names and address within two-hundred (200) feet.

(4) The zoning and proposed use of the lot or lots subject to the application and of the adjacent land within two-hundred (200) feet of the perimeter of the site.

(5) Locations and outlines of all significant natural or man-made features within two-hundred (200) feet of the perimeter of the site, including buildings fences, signage, roadways, and driveway entrances to lots on both sides of the street(s) abutting the subject property.

(6) The location, size and height of all existing and proposed structures above and below ground.

(7) Perspectives or elevations of proposed building(s) as viewed from public roads. (2/10/06)

(8) Access and egress details, including signage, pedestrian crossings, vehicular movement on the site, pavement materials and construction specifications.

(9) The layout of existing and proposed parking and loading facilities and access thereto, including snow storage location and any parking barriers or walkways. A calculation shall be shown on the plan to show that the parking and loading spaces meet the requirements of Sec. VII. of these regulations.

(10) Existing contours of the land at two (2) foot intervals and proposed contours if any change in the grading is proposed.

(11) An Erosion and Sedimentation Control Plan and narrative if required by Sec. XII. of these regulations.

(12) All present and proposed uses of all structures.

(13) Location of the proposed sanitary disposal system, whether by sewer connection or sub-surface disposal area, and appropriate agency approvals, e.g., Health Department or WPCA.

(14) Where surface or subsurface drainage facilities are to be constructed or modified, existing and proposed structures and piping with flow line elevations shall be shown.

(15) Wetland soils.

(16) Locations of existing and proposed water supply either by private well or public water.

(17) The type, location, and specifications for any outdoor lighting proposed in accordance with Sec. III.M. of these regulations. Depending on the site conditions and type of use proposed, the Commission may also require that a photometric plan be provided which details the type(s) and wattage(s), installation location, mounting height, and ground level lighting intensity of all lighting within the parcel and at adjacent property lines.

(18) The type, size and location of all signs where applicable in accordance with Sec. IX. of these regulations.

(19) Existing (including those to be removed) and proposed trees and shrubs with a list and count of all trees and shrubs to be planted by common and botanical names, size (caliper, height, time until maturity) at planting, and

height and spread maturity. Required buffers/screening between properties shall also be labeled on the plan in accordance with Sec. VIII. of these regulations. Depending on site conditions and type of use proposed, the Commission may require a landscaping plan prepared by and containing the seal of a Landscape Architect registered by the State of Connecticut.

(20) Such additional information as required by the Zoning Officer, Town Planner, or the Commission, where it is necessary to determine that the requirements of these regulations are met.

(21) The Zoning Officer may excuse compliance with requirements for specific information otherwise required on the plot plan where such compliance is not necessary to determine that zoning or other code regulations are met.

d. Four (4) copies of elevations and floor plans of the building to scale, and specifications to indicate the size, kind, and quality of the proposed construction.

e. Measures to be taken to control erosion and sediment, if required, may be described and provided for in a construction agreement and the estimated costs of accomplishing such measures may be covered in a performance bond acceptable to the Commission.

f. Letters of approval from the Conservation Commission, Historic District Commission, Health District, WPCA, and Water Company, as appropriate.

g. Bond estimates as required in Subsection C.

h. Intersections and driveways shall meet the intersection sight distance requirements of AASHTO. Applicants shall determine the 85th percentile of operating speed on existing streets by conducting a speed study or by determining the AASHTO site distance requirements for the posted speed limit plus ten (10) miles per hour. (2/10/06)

3. Other.

a. Upon determination of the Zoning Officer that a proposed structure or use complies with these regulations, the Building Official can issue a building permit.

b. Upon determination of the Zoning Officer that a proposed structure or use complies with these regulations and applicable laws, the Building Official can issue a Certificate of Occupancy.

c. An application that does not require a site plan as described above shall consist of those items that the Zoning Officer determines are necessary to review a proposal for zoning compliance.

B. APPROVALS

1. Special Permit.

   Except as otherwise provided therein, a use allowed by special permit shall conform to all requirements of the zoning district in which it is proposed to be located and the following standards and conditions. A special permit may be approved, approved with conditions, or denied by the Commission upon completion of a duly advertised and held public hearing according to the standards specified below and elsewhere in these regulations.

   a. Procedure for Approval. A public hearing for a special permit application shall be held within sixty-five (65) days of the Commission's receipt of said application, unless the Commission and the applicant consent to an extension of up to sixty-five (65) days. The public hearing associated with said application shall be no longer than thirty-five (35) days, unless the applicant consents to an extension of up to thirty-five (35) days. The Commission shall decide on the special permit application within sixty-five (65) days of the close of the public hearing unless otherwise extended according to CGS.

   b. Standards for Approval. The Commission may grant a special permit after considering the health, safety, and welfare of the public in general and the immediate neighborhood in particular, and must find that each of the following standards is met, and, where necessary, shall attach specific conditions to its special permit approval, if in its opinion, such conditions are essential to making the finding that:

      (1) The location and size of the proposed use; the nature and intensity of the operation associated with the proposed use; the size, shape, and character of the site in relation to the proposed use; and the relationship of the proposed use and site to adjacent land uses, sites, and streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.

      (2) The kind, location, size, and height of all proposed structures and the nature and extent of the proposed landscaping on the lot are such that the use will not hinder or discourage the appropriate development and use of adjacent properties.

      (3) The impact of the proposed use on traffic safety and circulation on nearby streets will not be negative and the ability of such streets to adequately accommodate the traffic to be generated by the proposed use will be adequate.

      (4) The parking and loading facilities are adequate and properly located for the proposed use, and entrance and exist driveways are laid out so as to achieve maximum safety.

      (5) The proposed use is in compliance with the *Plan of Conservation and Development*.

c. Conditions of Approval. In granting a special permit, the Commission may attach such conditions as may be required to protect the public health, safety, and general welfare and to ensure continued compliance with these regulations. Such conditions may include, but shall not be limited to:

(1) Hours and days of operation.

(2) Maximum number of employees.

(3) Date of expiration of the special permit.

(4) Periodic review and renewal of the special permit by the Commission or the Zoning Officer as the case may be, to determine continuing compliance.

(5) Improvements to existing public facilities to accommodate the use.

(6) Conservation restrictions necessary to protect and permanently preserve unique natural site features.

(7) Soil erosion and sedimentation control measures.

(8) Requiring a Performance Bond for site improvements.

(9) In cases where a reasonable and necessary need for off-site improvements for public safety purposes are demonstrated or required by the proposed development application, and where no other property owners receive a special benefit thereby, the Commission may require the construction of off-site improvements at the applicant's expense.

d. Other.

(1) A special permit shall authorize only the particular use or uses specified in the Commission's approval.

(2) A special permit may be amended or modified provided that application shall be made according to Subsection A. above.

(3) No special permit shall become effective until it has been filed in the town's land records in accordance with the provisions of the CGS.

(4) Failure to strictly comply with the special permit conditions approved by the Commission, as a part of the special permit shall be a violation of these regulations. The Zoning Enforcement Officer shall notify the applicant, in writing, of the specifics of the noncompliance and shall provide a reasonable time period for compliance therewith. Unless there is full compliance within such time period, the Commission may, following a duly advertised public hearing, rescind and revoke such special permit.

2. Site Plan.

   A site plan may be approved, approved with modifications, or denied by the Commission within sixty-five (65) days of receipt of application, unless the applicant and the Commission consents to one or two extensions of such time period, or the applicant withdraws. In addition:

   a. Minor revisions to an approved site plan may be approved by the Town Planner or Zoning Officer when proposed changes are limited to landscaping, parking, finish grading, or building additions or additional structures that are less than ten percent (10%) of the gross floor area of the building and not to exceed 2,000 square feet in total floor area. The Town Planner shall report all such approvals to the Commission at its next meeting and plans indicating such changes shall be filed with the Commission. If there is disagreement on any such issue between the staff and the applicant, the applicant will be referred to the Commission for site plan approval.

   b. No Certificate of Occupancy shall be issued until as-built drawings in both hard copy and in Disk/CD AutoCad format if applicable, have been submitted to the Planning Office and are determined by the Zoning Officer to be in substantial compliance with the approved site plan.

   c. All work in connection with a site plan shall be completed within five (5) years after the approval of the plan. Failure to complete all work within such period shall result in automatic expiration of the approval of such site plan. The Commission may grant one or more extensions of the time to complete all or part of the work in connection with the site plan, provided the total extension or extensions shall not exceed ten (10) years from the date such site plan was approved.

C. BONDING

As a condition of special permit or site plan approval, the Commission may require that the applicant post with the town a performance bond to guarantee satisfactory completion of all proposed site improvements (excluding buildings) shown on the approved site plan. When a performance bond is required by the Commission, the following shall apply:

1. An itemized estimate of the cost of the site improvements shall be prepared by the applicant and shall be submitted to the Town Engineer for approval at time of application.

2. Before the release of a performance bond, the site shall be inspected by the Town Engineer to determine if the required site improvements have been satisfactorily completed in accordance with the approved site plan. Based upon these findings, the Town Engineer, in consultation with the Town Planner, may authorize the release of such

bond as along as the applicant has submitted as-built drawings in hard copy and electronic format.

3. The Town Engineer shall file a quarterly report with the Commission listing all outstanding performance bonds and those recently released under this section.

4. Performance and maintenance bonds required under this section shall:

    a. Be in a form and with security satisfactory to the Commission's Counsel; and

    b. Be in the form of cash; a certified check payable to the town; a savings passbook or certificate of deposit in the name of the town to be held in escrow by the town, together with a letter from the applicant stating that the passbook is being provided in accordance with the approved site plan and may be drawn against by the town, if necessary, or an irrevocable letter of credit from a bank chartered to conduct business in Connecticut.

D. ENFORCEMENT

1. These regulations shall be enforced by the Commission through the Zoning Enforcement Officer or other designee, who is hereby empowered to cause any building, structure, place or premises to be inspected and examined and to order, in writing, the remedying of any condition found to exist therein or thereon in violation of any provisions of these regulations or, when the violation involves grading of land or the removal of earth, to issue in writing a cease and desist order to be effective immediately.

2. The owner or agent of a building or premises where a violation of any provision of these regulations has been committed or exists; or the lessee or tenant of an entire building or an entire premises where such violation has been committed or exists; or the owner, agent, lessee or tenant of any part of a building or premises in which such violation has been committed or exists; or the agent, architect, builder, contractor or any other person who commits, takes part or assists in any such violation or who maintains any building or premises in which any such violation exists shall be subject to penalties in accordance with the provisions of CGS Sec. 8-12, as may be amended.

3. Any person who, having been served by the Zoning Enforcement Officer with an order to discontinue any such violation, fails to comply with such order within ten (10) days after such service; or, having been served with a cease and desist order with respect to a violation involving grading of land or removal of earth, fails to comply with such order immediately; or continues to violate any provision of these regulations in the manner named in such order shall be subject to penalties in accordance with the provisions of CGS Sec. 8-12, as may be amended.

4. Erosion and sedimentation control inspections/enforcement shall be conducted by the Conservation Commission or their designee.

E. ZONING AMENDMENTS

The requirements for a proposed amendment to the Zoning Regulations or Zoning Map are as follows:

1. A completed Town of Suffield Zone Change application form with application fee and letter of explanation of why the change is being requested.

2. Applicants requesting an amendment to the Zoning Map shall provide a preliminary site plan for property to be developed under the proposed zone. Said plan shall show proposed buildings and uses, parking, preliminary grading, driveway locations and other proposed features that that will aid the Commission in its deliberations. Supporting reports such as traffic studies, feasibility studies, compliance with the *Plan of Conservation and Development*, etc., shall be submitted at the time of application to the Commission in order to allow adequate review by the Commission and its staff. This requirement shall not apply to proposals by the Commission.

3. A proposed amendment to the Zoning Map shall include:

   a. A legal description of the area proposed to changed;

   b. Four (4) prints of a map drawn to scale of not more than one (1) inch to one hundred (100) feet showing the proposed change and the zoning district boundaries of the Zoning Map.

   c. A list, as taken from the most current Assessor's records, containing the name, street address, mailing address, and land use of all property owners whose property, or any portion thereof, is within five hundred (500) feet of the proposed Zoning Map amendment. This requirement shall not apply to comprehensive or large area revisions as determined by the Commission.

F. FEES

All applications shall be accompanied by the appropriate fee as established below.

1. The fees for the various permits and applications required by these Regulations are hereby established as follows, except that the Commission and Board of Appeals may waive all or a portion of a fee which shall be accompanied by a statement of reason.

   a. Zone Change: $200.00 per acre (minimum of $400.00) plus $60 DEP fee.

b. Amendment to Zoning Text:	$200.00 plus $60 DEP fee.
c. Site Plan:	$0.005 per square foot of disturbed area (minimum of $200.00) plus $60 DEP fee.
d. Site Plan Modification:	$0.005 per square foot changed (minimum of $100.00).
e. Planned Development Apartments:	$400.00 plus $75.00 per unit plus $60 DEP fee.
f. Special Permit Use:	$0.005 per square foot of disturbed area (minimum of $400.00) plus $60 DEP fee.
g. Special Permit Use Renewal:	$100.00, except for Earth Removal Operations where fee shall be $250.00 plus $60 DEP fee.
h. Subdivision/Resubdivision - Lots:	$300.00 per lot (minimum of $600.00) plus $60 DEP fee.
i. Subdivision/Resubdivision - Modification of Prior Approval:	$200.00 per each building lot over 2 (minimum of $400.00) plus $60 DEP fee.
j. New Road Construction:	$1.00 per lineal foot.
k. Temporary Special Permit Use:	$25.00.
l. Board of Appeals:	$250.00 plus $60 DEP fee.
m. Zoning Compliance Certification:	$50.00 (2/10/06)

2. Financing of Special Study.

Certain applications for extraordinarily large and/or significant projects may pose environment, traffic, and/or other problems beyond the expertise of the Commission's staff to evaluate and make appropriate recommendations. In such instances, if the Commission, after reviewing the matter with its staff, reasonable concludes that an outside, independent study or consultation is necessary for the Commission to decide the issue before it, the Commission may require an applicant, as a condition of processing its application, to pay for the cost of such study or consultation. In such cases, the applicant will be required to place a sum not to exceed $10,000.00 into a fee account, the balance of which will be returned to them after the study and/or consultation is completed.