



Zoning Regulations

Town of Canterbury, CT

As adopted by the Canterbury Planning & Zoning Commission
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SECTION I TITLE, AUTHORITY AND PURPOSE

1.1 Title

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

1.2 Authority

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

1.3 Purpose

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

1.4 Interpretation

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way impair or interfere with existing provisions of other laws, regulations or ordinances, except those specifically repealed by these Regulations, or with private restrictions placed upon property by covenants running with the land (to which the Town is a party).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

SECTION 2 DEFINITIONS

2.1 General Rules of Construction:

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

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

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

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

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

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

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

2.2 Terms Defined

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

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

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

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

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

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

Adult Mini-Motion Picture Theater - An enclosed building with a capacity for less than 50 persons used regularly and routinely for material having a dominant theme material

distinguished or characterized by an emphasis on matter depicting, describing or relating to “Specified Sexual Activities” or Specified Anatomical Area”, for observation by patrons therein.

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

Agriculture – The growing of crops; raising of livestock; and, the storing, processing and sale of agricultural and horticultural products and commodities, including those defined in Connecticut General Statutes Section 1-1q as amended, as Accessory to a Farm.

Agricultural Buildings and Structures - Buildings or Structures used in connection with agriculture, Accessory to a Farm including shelter for livestock and storage for farm machinery, equipment and supplies, but excluding Seasonal Farm Stands and Farm Stores.

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

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

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

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

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

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

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

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

Commission - the Town of Canterbury Planning and Zoning Commission.

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

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

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

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

Farm - A parcel, or parcels, of land under single ownership or leasehold and used for which the Principal or Secondary Use is Agriculture.

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

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

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

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

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

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

No use for which a Special Exception is required as per Section 2.2, Section 5.3, and Section 8 of these Regulations can be considered a Home Occupation.

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

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

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

Junk discarded material, waste paper, rags, scrap metal, building materials, house furnishings, machinery, vehicles, or parts thereof which may or may not be used or useful in some form with or without dismantling, processing, salvage, sale or other use or disposition of the same.

Junk Yard: An area of land, with or without buildings, used, either as a principal or accessory use, or occupied by the outdoor storage of more than 30 cubic yards of used or discarded materials such as waste paper, rags, scrap metal, building materials, house furnishings, machinery, vehicles, or parts thereof, with or without dismantling, processing, salvage, sale or other use or disposition of the same. Items shall not be deemed to be junk if they are itemized on a Personal Property Declaration with the Town Assessor with a stated value in excess of \$500.00 provided they are not leaking fluids. Unless part of a permitted repair facility, a deposit or the outdoor storage on a lot of two (2) or more wrecked or unregistered vehicles, or vehicles otherwise not in a condition for legal use on public highways, or parts of two (2) or more such vehicles, shall be deemed a junk yard.

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

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

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

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

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

Lot Lines - the property lines bounding the lot.

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

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

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

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

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

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

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

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

Regulated Areas, Wetland or Watercourse – Wetlands or watercourses as defined in the Canterbury Inland Wetlands and Watercourses Regulations, plus an additional one-hundred (100) foot area around these resources.

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

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

Seasonal Farm Stand - A Building or Structure used by a Farm business for the temporary, seasonal sale of raw and/or processed agricultural and horticultural products, services, and activities. See Section 19, Agriculture Regulations.

Service Establishment - any building or structure which is used for the performance of a service, including but not limited to the following: banking and bank-related functions, insurance carriers, agents, brokers and services, real estate and related services, personal

services such as laundering, dry cleaning, photographic services, beauty and barber services, funeral and crematory services, restaurant, apparel repair, alteration and cleaning pick-up services, shoe repair services, repair services including automobile repair and service including the sale of gasoline and automobiles; the sale of appliances, machine parts and products; furniture repair services; construction services; a slaughterhouse; a saw mill and a lumber yard.

Sign – Any structure, or part thereof, or any device attached to a building or structure or painted or represented thereon which displays or includes letters, words, symbols, trademarks or any other graphic representation which is in the nature of an announcement, direction, advertisement or other device used to attract the attention of the public for commercial purposes or otherwise; similarly, any natural object, such as a tree, stone, or the earth itself, which is painted or arranged so as to represent or display any of the aforesaid graphic representations; any building feature, including roof or other special illumination, special colors or effects, or building or roof lines which serve to identify the use or occupancy of any building or site through a recognized motif or symbol. The term "sign" shall include sculptures and similar works of art designed or intended to attract the attention of the general public to commercial or industrial premises. See, Section 14 (Signs).

Sign, Advertising - A sign, including that type of sign commonly known as a "billboard", which directs the attention of the viewer to a business, commodity, service, entertainment, or other Use which is conducted, sold, offered, or occurring, either presently or in the future, at a location different from the Lot upon which such sign is displayed, or only incidentally occurring upon such lot.

Sign, Agricultural Directional Sign - A permanent directional sign approved by the Connecticut Department of Agriculture.

Sign, Agricultural Sign - A permanent ground, wall, or overhanging sign on a Seasonal Farm Stand or Farm Store with an area no larger than 12 square feet per side, limited to two sides.

Sign Area or Face - The plane defined by one continuous perimeter of that rectangle having the smallest area which encompasses all the lettering, wording, design, or symbols together with any background different from the balance of the surface on which it is located, if such background is designed as an integral part of and related to the sign. Such perimeter, however, shall not include any structural elements lying outside the limits of such sign and not forming an integral part of the display. For the purposes of these Regulations, two-sided signs where the sides are back-to-back and located no more than eighteen (18") inches apart and parallel, shall be considered to have only one (1) sign face. See, Section 14 (Signs).

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

Sign, Ground - Any Sign supported by upright structural components, placed or located upon the ground and not attached to any part of any Building.

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

Sign, Information - A sign showing text or symbols on a LED, LCD or similar display that can scroll, flash or otherwise change via computer or similar control.

Sign, Flashing - Any Sign in which or upon which artificial light is not maintained stationary and constant in intensity and color at all times and specifically including signs that scroll, alternate, or otherwise move or change a message using lighting, screens, projections, or moving parts of any kind; excluding time, temperature, or information signs approved in accordance with Section 14 of these Regulations.

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

Sign, Outdoor Advertising and/or Off-Premises - See "Sign, Advertising".

Sign, Overhanging - Any Sign extending at an angle from a Building which is its sole or principal support.

Sign, Pole - See "Sign, Ground".

Sign, Roof - Any Sign erected, constructed, or maintained upon the roof of a Building.

Sign, Seasonal Agricultural Sign -: A temporary ground, wall, or overhanging sign on a farm, associated with a farm stand store, seasonal farm stand, or agriculturally related uses, whose content may change per available goods, services, or activities. Such signs shall not have an area larger than 32 square feet per side, with a maximum of two sides.

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

Sign, Temporary - Any Sign which is intended to advertise community or civil projects, construction projects, real estate for sale or lease, or other special events of a temporary nature, including Seasonal Agricultural Signs, and erected on a temporary basis.

Sign, Trespass - Any Sign on a Premises restricting the right to enter such Premises and indicating the private nature of such Premises.

Sign, Wall - Any Sign painted, posted, or otherwise affixed to any portion of a vertical surface or plane that forms the wall of a Building.

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

such zoning district as special exceptions, if specific provision for such special exceptions is made in this Zoning Regulation.

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

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

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

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

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

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

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

Use, Principle - the principal purpose for which a lot or the main building thereon is designed, arranged, or intended and for which it is or may be used, occupied or maintained. Special Exception Uses or, in zones where they are permitted, commercial and industrial uses, that were established before a residential structure existed, shall be considered a Principal Use. Agricultural Activities can be considered Principal Uses.

Use, Secondary – a secondary, non Principle Use, carried out on a lot, other than an accessory use (see section 4.5 of these regulations). Special Exception Uses or, in zones where they are permitted, commercial and industrial uses, that are approved on a lot with a residential structure, can be considered a Secondary Use if the physical size, as determined by the Commission, of the non-residential use is smaller than the physical size of the residential use. Home Offices / Occupations as defined in 4.8 shall be considered Secondary Uses. Agricultural Activities can be considered Secondary Uses.

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

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

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

Yard, Front - an open unoccupied space extending across the full width of the lot between the front wall of a building and the front lot line.

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

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

<p>SECTION 3 ZONING DISTRICTS</p>

3.1

Section 8-2 of the General Statutes allows Towns to create zones or districts within their communities to lessen congestion in the streets; to secure safety from fire, panic, flood and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population and to facilitate the adequate provision for transportation, water, sewerage, schools, parks and other public requirements.

Using the Plan of Conservation and Development as a guide, the Planning and Zoning Commission has divided the Town into districts, or zones, to carry out the above mentioned goals. Applicants may petition the Commission to further adjust these zones, add new zones, or change any regulations relating to zones with an application to change a zone or amend the regulations, or both. These changes must, however, be in general harmony with the Plan of Conservation and Development to be approved.

3.2 Land Under Water

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

SECTION 4 GENERAL PROVISIONS

4.1 Compliance with Regulations

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

4.2 Reduction of Lot Area or Dimensions

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

4.3 Existing Businesses

Any business which was in existence prior to February 1, 1976, which may be permitted as a special exception under Section 13 of these Regulations shall be recognized as and considered a permitted use if a statement is submitted to the Canterbury Planning and Zoning Commission in accordance with the requirements of Section 13.5 of these Regulations to show any proposed enlargement of existing business. Any proposed change of use on land containing an existing business to a business other than that existing on February 1, 1976, shall be treated as a special exception.

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

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

4.4 Open Spaces Required for Each Building

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

4.5 Use on a Lot

Not more than one (1) Principal Use shall be permitted on any single lot. Accessory buildings are permitted on a lot upon the issuance of a zoning permit in accordance with section 19.2 of these regulations. A Secondary use or building may be permitted on a single lot upon the issuance of a special exception in accordance with section 13 of these regulations where the Commission finds that the secondary use is subordinate to the principal use or building in terms of its physical size, level of projected activity, parking requirement, traffic flows, location of the land, and proposed mitigation of adverse impacts on the neighborhood. Secondary uses may include home occupations, farms, or commercial or industrial uses permitted in the subject zone on a lot with an existing dwelling.

4.6 Agricultural Uses

Nothing in these Regulations shall prohibit the construction or use of any building or buildings for agricultural purposes as defined in Section 2.2 of these Regulations, provided that such building meets the requirements of Section 19 of these Regulations.

4.7 Height Limitation

No building shall be constructed, reconstructed, extended, enlarged, moved or altered in any way so as to be in excess of thirty-five (35) feet in height above the average finished lot grade. Antennas, windmills, and non-occupied steeples or spires are exempt from the height calculation; and also water tanks, agricultural structures and approved industrial structures all not to exceed 100 feet in height.

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

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

- 4.8.1** The floor area used for the professional offices and home occupation in a dwelling unit shall not exceed twenty-five percent (25%) of the dwelling units floor area.
- 4.8.2** There shall be no evidence outside the dwelling except permitted signs and required off-street parking that the dwelling contains a professional office or home occupation.
- 4.8.3** Such uses shall not create objectionable noise, odor, dust, smoke, fumes, vibrations, electrical interference or unsightly conditions noticeable off the premises.
- 4.8.4** A home occupation conducted in an accessory building shall require a special exception and shall have the same floor area requirements as in a dwelling unit. Trades persons may use up to 100 square feet of space in an accessory building to store tools, equipment and supplies necessary in their trade. They may also store tools, equipment and supplies necessary for their trade outdoors provided it is not located in the front yard, and, the material is completely screened from view from the street or neighbors.
- 4.8.5** Adequate off-street parking shall be provided as deemed necessary by the Commission. The Commission shall take into consideration the nature of the proposed professional office or home occupation in determining parking requirements.
- 4.8.6** Such uses as restaurants, taverns, massage parlors (not including licensed massage therapist), tourist homes, nursing homes, funeral homes, vehicle and boat repair shops, animal hospitals, martial arts schools and dancing schools shall not be deemed to be home occupations.
- 4.8.7** No use determined to be a Special Exception as per Section 2.2, 5.3 and also 6.3 of the Regulations can be considered as a Home Occupation.

4.9 Storage of Waste Material

No waste or scrap material, debris, abandoned machinery, junk or similar unsightly material, with a total volume of under 30 Cubic Yards, shall be stored or allowed to accumulate in any open space not screened from public view by either a fence, wall, or evergreen hedge or outside a completely enclosed building on any lot within the Town of Canterbury, but this provision shall not apply to the temporary storage of waste material from a construction operation being legally executed on the same premises.

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

Furthermore, storage tanks for gasoline on any lot having a total capacity exceeding two hundred seventy-five (275) gallons or storage tanks for fuel oil on any lot having a total capacity exceeding one thousand (1,000) gallons must meet NFPA-30 standards which require review by the Town Fire Marshall and must meet current Federal E.E. and Connecticut DEP standards for storage tanks. Tanks may be placed above ground or underground based upon ground conditions and proposed use.

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

4.10 Existing Lots

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

4.11 Restoration of Existing Buildings

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

4.12 Driveways

Driveways shall be suitably paved ten (10) feet or more in from the street, and shall be constructed so as to prevent material from eroding into the street. All driveways shall be constructed in accordance with Canterbury Public Improvement Specifications.

4.13 Construction Adjacent to Bodies of Water and Wetland Areas

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

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

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

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

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

4.14 Prohibited Uses

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

- 4.14.1** Oil refining
- 4.14.2** Manufacture of explosives, or highly flammable products.
- 4.14.3** Commercial distillation of bones, rendering of fat or reduction of animal matter.
- 4.14.4** Junk yard, refuse disposal area, other than the official town refuse disposal facility.
- 4.14.5** Industrial waste disposal or processing areas other than at the official town refuse disposal facility.
- 4.14.6** Any activity which produces unreasonable noise, odors, vibrations, fumes, electrical interference, or other noxious effects considered objectionable to the residents of the area.

4.15 Soil Erosion and Sediment Control

4.15.1 Activities Requiring a Certified Erosion and Sediment Control Plan: A soil erosion and sediment control plan shall be submitted with any application for

development when the disturbed area of such development is cumulatively more than one-half (1/2) acre.

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

4.15.2 Erosion and Sediment Control Plan:

1. To be eligible for certification, a soil erosion and sediment control plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from storm water runoff on the proposed site based on the best available technology. Such principles, methods and practices necessary for certification are found in the Connecticut Guidelines for Soil Erosion and Sediment Control (2002), as amended. Alternative principles, methods and practices may be used with prior approval of the Commission.
2. Said plan shall contain, but not be limited to:
 - A. A narrative describing:
 1. the development
 2. the schedule for grading and construction activities including:
 - a. start and completion dates
 - b. sequence of grading and construction activities
 - c. sequence for installation and/or application of soil erosion and sediment control measures
 - d. sequence for final stabilization of the project site
3. The design criteria for proposed soil erosion and sediment control measures and storm water management facilities and storm water management facilities
4. The construction details for proposed soil erosion and sediment control measures and storm water management facilities
5. The installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities
6. The operations and maintenance program for proposed soil and erosion and sediment control measures and storm water management facilities
 - B. A site plan map at a sufficient scale to show:
 1. the location of the proposed development and adjacent properties
 2. the existing and proposed topography including soil types, wetlands, watercourses and waterbodies
 3. the existing structures on the project site, if any

4. the proposed area alterations including cleared, excavated, filled or graded areas and proposed structures, utilities, roads and, if applicable new property lines
 5. the location of and design details for all proposed soil and erosion and sediment control measures and storm water management facilities
 6. the sequence of grading and construction activities
 7. the sequence for installation and/or application of soil erosion and sediment control measures
 8. the sequence for final stabilization of the development site
- C. Any other information deemed necessary and appropriate by the applicant or requested by the Commission or its designated agent.

4.15.3 Minimum Acceptable Standards

- A. Plans for soil erosion and sediment control shall be developed in accordance with these Regulations using the principles as outlined in Chapters 3 and 4 of the Connecticut Guidelines for Soil Erosion and Sediment Control (2002) as amended. Soil erosion and sediment control plans shall result in a development that minimizes erosion and sedimentation during construction; is stabilized and protected from erosion when completed; and does not cause off-site erosion and/or sedimentation.
- B. The minimum standards for individual measures are those in the Connecticut Guidelines for Soil Erosion and Sediment Control (2002), as amended. The Commission may grant exceptions when requested by the applicant if technically sound reasons are presented.
- C. The appropriate method from Chapter 9 Erosion and Sediment Control (2002), as amended, shall be used in determining peak flow rates and volumes of runoff unless an alternative method is approved by the Commission.

4.15.4 Issuance or Denial of Certification

- A. The Canterbury Planning and Zoning Commission (or the Windham County Soil and Water Conservation District) shall either certify that the soil erosion and sediment control plan, as filed, complies with the requirements and objectives of this regulation or deny certification when the development proposal does not comply with these Regulations.

- B. Nothing in these Regulations shall be construed as extending the time limits for the approval of any application under Chapters 124, 124A or 126 of the Connecticut General Statutes.
- C. Prior to certification, any plan submitted to the municipality may be reviewed by the Windham County Soil and Water Conservation District which may make recommendations concerning such plan, provided such review shall be completed within thirty (30) days of receipt of such plan.
- D. The Commission may forward a copy of the development proposal to the conservation commission or other review agency or consultant for review and comment.

4.15.5 Conditions Relating to Soil Erosion and Sediment Control

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

4.15.6 Inspection

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

4.16 Recreational Vehicles or Trailers (RVs)

One (1) RV, registered in the State of Connecticut, may be stored on a residential lot provided the RV is owned by the owner of the property or a resident family member, or legal tenant. A non-owner or non-resident family member may store one (1) RV on a residential property in lieu of the owner or resident family member or tenant for a period of no more than 4 months per calendar year.

No person or family shall utilize an RV as a residence. Temporary stays by the owner or a guest are permissible for a total period not to exceed one (1) month annually. Longer periods, of up to six (six) total months annually shall be allowable by zoning permit which will state the only dates the RV can be occupied. If the RV is going to utilize its water facilities, appropriate hookups must be provided and approved by the Department of Health.

Longer periods of occupancy may be allowed by a zoning permit, provided the primary residence has been deemed uninhabitable by the Building Official for reasons of fire or other calamity, or because of major renovations, for a period of no more than six (6) months, renewable once.

4.17 Minimum Yard Exceptions

A. Front porches and balconies (covered) that are un-enclosed other than a required railing or balustrade and attached to the house can extend into the front yard 10 feet, but in no case shall the front yard be less than 15 feet. Decks shall not be considered porches.

B. Handicap ramps, stoops and steps can extend into the front, side or rear yard 10 feet, but in no case shall such structures be less than 15 feet from the lot line.

C. A wall of a building which is nonconforming under these regulations as to required yards, may be extended horizontally or vertically, up to an increase of an additional fifty (50) feet horizontally, but shall not increase the degree of the non-conformity. Example: A fifty (50) foot long home twenty (20) feet from the street line with a wall parallel to the street, where the minimum front yard is fifty (50) feet, can extend the front wall up to an additional fifty (50) feet horizontally as long as it remains twenty (20) feet from the street line. It may not be constructed any closer than twenty (20) feet to the street line in any case.

D. Chimneys, cornices, eaves, architectural trim and similar items may extend into the required yards by no more than twenty-four (24) inches.

4.18 Peddlers, Hot Dog Carts, and Similar Temporary Retail Uses

A. These are allowed in Town as long as they are temporary in nature, self contained, are removed each night, do not cause a disruption of the traffic flows, have adequate space for parking and do not cause undue hardship to residents living nearby. All necessary permits from the State or Health Department and written permission from the property owner are all required before sales can commence. One temporary sign is allowed, to be only used while the business is actually operating (must be removed with business each night), that is no larger than 6 square feet per side.

SECTION 5 RURAL DISTRICT

5.1 General

The majority of the Town of Canterbury is in the Rural District. This zone is primarily a residential and agricultural zone, with other uses allowed via Special Exception.

5.2 Permitted Uses

The following uses are permitted by right in this district:

5.2.1 One-family detached dwelling.

5.2.2 Two-family dwelling.

5.2.3 Agricultural and forestry activities.

5.2.4 Home occupations as defined in Section 2.2 and in compliance with the conditions enumerated in Section 4.8 of these Regulations. A zoning permit must be obtained from the Zoning Enforcement Officer prior to the establishment of a home office.

5.2.5 Temporary stands for the display and sale of fruits, vegetables, flowers, honey or other agriculture products, provided such stand shall be located at least twenty-five (25) feet from any side lot line, at least ten (10) feet from the edge of the pavement and at least fifty (50) feet from any road intersection.

5.2.6 Temporary religious or entertainment gatherings such as festivals, horse shows, bazaars or fairs when sponsored by local non-profit organizations only.

5.2.7 Accessory apartments are allowed by right in all residential districts subject to the conditions specified in Section 5.9. A zoning permit must be obtained from the Zoning Enforcement Officer prior to building an accessory apartment or converting part of a single-family house into an accessory apartment.

5.3 Special Exceptions

The following uses may be permitted as a special exception subject to site plan review in accordance with Section 13 these Regulations:

5.3.1 Professional offices as defined in Section 2.2

5.3.2 Private schools

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

5.3.4 Museums

5.3.5 Retail Commercial Establishment as defined Section 2.2.

- 5.3.6 Service Establishment as defined in Section 2.2.
- 5.3.8 Planned Industrial Park as provided for in Section _ of these Regulations.
- 5.3.9 Dwellings of three (3) or more dwelling units provided not more than six (6) dwelling units are contained within any one (1) building.
- 5.3.10 Kennels as defined in Section 2.2 of these Regulations.
- 5.3.11 Laboratories as defined in Section 2.2 of these Regulations.
- 5.3.12 Official town refuse disposal facility.
- 5.3.13 Recreational campgrounds which shall be defined as a facility designed, intended and used for outdoor camping and recreation for temporary periods of time by trailers, tents, or other recreational camping vehicles or equipment.
- 5.3.14 Any of the uses permitted under Section 6.2 of these Regulations.
- 5.3.15 Commercial recreation facility.
- 5.3.16 Commercial Fuel Storage Facilities
- 5.3.17 Religious or governmental uses
- 5.3.18 Special events, festivals, fairs, sales and similar gatherings other than those sponsored by non-profit organizations.

5.4 Minimum Yards

No building shall be located closer than fifty (50) feet from any front lot line nor twenty-five (25) feet from any side lot line or rear lot line, except in Section 5.25 and 5.5 of these Regulations. The front lot line may be reduced to as little as twenty-five (25) feet by the Commission via a Site Plan Review if it is found that this exception will allow the building to better fit in with neighboring structures that are at a similar setback in a village setting.

5.5 Accessory Structures

a. Sheds, storage buildings, greenhouses, hoop houses, and similar structures used for non-commercial or agricultural purposes shall have the following minimum side and rear setback from property lines and, if proposed to be less than 75 feet from the front property line, be located in the side or rear yards of the primary home.

	Building Size (Sq. Ft.)	Minimum Side and Rear Setbacks
Small	Less than 400	5 feet
Medium	400 - 800	10 feet
Large	Greater than 800	25 feet

b. Buildings for Agricultural use may be built in the front yard and may, by Site Plan Review, be constructed as close as 15 feet from the front property line as long as there are no safety concerns as determined by the Commission.

c. Commercial accessory structures may also follow the guidelines in the table above provided the indicated setback is from another parcel with a commercial use, otherwise they shall have a minimum twenty-five (25) foot side and rear setback.

d. Buildings less than 100 square feet need not obtain a zoning permit, but still must meet the minimum requirements and may require other permits.

e. Temporary Structures under eight-hundred (800) square feet that are to be used for no more than five (5) calendar years, for example, tent-type structures or lightweight unenclosed metal carports, must meet the above setback requirements, but do not require zoning permits.

5.6 Off-Street Parking

Off-Street parking shall be provided in accordance with the requirements of Section 12.

5.7 Minimum Lot Size

Minimum Lot Size shall be two (2) acres.

Within this lot shall be a contiguous area of forty-five thousand (45,000) square feet, exclusive of Regulated Areas, areas within the 100 year flooding boundary, rights-of-way and easements. The forty-five thousand (45,000) square foot contiguous buildable area shall be in the shape of a convex polygon where the aspect ratio of any bounding rectangle shall not exceed 4:1. Within the contiguous buildable area can be constructed a residential building, accessory structures, fixtures and supportive services such as water supply and sewage disposal.

5.8 Minimum Lot Width and Frontage

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

The requirements contained within this section shall not apply to buildings developed in accordance with Section 7 of these regulations.

5.9 Interior Lots

All interior lots have a minimum of fifty (50) feet frontage and be twice the size required in the zone; the access strip from the street from which the lot obtains its access must be at least fifty (50) wide at all points and shall not be included in calculation of the lot area. Any access strip shall be located at least four hundred (400) feet, measured along the streetline, from any other access strip serving an interior lot, as defined in these regulations, where such interior lots are located on land which was a single parcel of land on the effective date of these regulations (April 5, 1974).

Within this lot shall be a contiguous area of forty-five thousand (45,000) square feet, exclusive of wetlands, watercourses, water bodies and their Regulated Areas, areas within the 100 year flooding boundary, rights-of-way and easements. The forty-five

thousand (45,000) square foot contiguous buildable area shall be in the shape of a convex polygon where the aspect ration of a bounding triangle shall not exceed 4:1. Within the contiguous buildable area can be constructed a residential building, accessory structures, fixtures and supportive services such as water supply and sewage disposal.

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

5.10 Accessory Apartments

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

Owner of the house must occupy one (1) unit.

No more than two (2) people can occupy an Accessory Apartment.

The Commission may require that new doors and fire escapes be in the rear of the building.

8. The Northeast District Department of Health (NDDH) must determine that the septic system and well adequate to serve the additional Accessory Apartment as well as the original unit.
9. If a single-family residence which is being converted does not conform to all Zoning requirements, conversion must not increase the nonconformity.
10. Application for zoning permit for an Accessory Apartment shall be on the form provided by the Commission and must include the following:
 - A) A site plan to scale showing existing and proposed structures, well, septic, driveway, and property boundaries as well as all separating distances between each these features, and
 - B) A floor plan of the existing level to which the Accessory Apartment is attached or in which it will be contained plus a floor plan of the proposed Accessory Apartment showing all internal dimensions
11. All aspects of these structures must meet all provisions of the Connecticut

State Fire code as well as the Connecticut State Building Code (CABO) for one (1) and two (2) family dwelling units.

5.11 Accessory Apartments on Commercial properties

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

Accessory Apartments are allowed by Special Exception on all commercial properties subject to the following standards:

- a. An accessory apartment on a commercial property shall be of such a size and in such a location that its use is clearly subordinate to the principal commercial use. An accessory apartment shall be no more than one-half the square footage or 1500 square feet, whichever is smaller, of the building area occupied by the principal commercial use(s).
 - b. Only one accessory apartment per lot is allowed.
 - c. Two separate entrances are required for the accessory apartment.
 - d. Two dedicated parking spaces per apartment are required.
 - e. Adequate lighting of both pedestrian and parking areas must be provided.
 - f. Evidence satisfactory to the Commission shall be provided to show that acoustic and thermal insulation (i.e. fire walls) will be provided between commercial and residential areas where appropriate and where required by law.
 - g. Where dumpsters are proposed, dumpsters locations shall be shown on the site plan. All dumpsters shall be placed on a concrete pad and suitably screened with trees, shrubs, fencing, or by other appropriate means (e.g., the building itself). Appropriate waste removal services shall be provided by the owners of the property.
 - h. Evidence satisfactory to the commission shall be provided to show that all health code and fire safety requirements for both the residential and commercial uses of the building must be met.
 - i. For the purposed of this section, commercial properties are limited to the following sections of the Zoning Regulations:
 1. Section 4.3 Existing Businesses*
 2. Section 5.2.3 Permitted Uses (Agricultural and forestry activities)*
 3. Section 5.3.17 Permitted Uses (religious or governmental uses)*
 4. Section 5.3 Special Exception (permitted uses)*
 5. All Commercial uses which are Non-Conforming
 - j. A comprehensive site plan shall be provided as per Section 13 the Zoning Regulations.
- Retyped with sections listed above as requested at approval on 12/8/94 – 3/15/95

5.12 Guest Houses

The purpose of this section is to allow residents to have one (1) small guest house for temporary use.

Guest Houses are allowed in the RD zone subject to the following standards:

- a) They shall be self contained (having a kitchen and a bath) and be no larger than 1,000 square feet in floor area.
- b) They shall meet all requirements of the zone (setbacks)
- c) The lot must have a minimum of three acres

- d) The owner of the property must occupy the main house
- e) They shall not be used for more than 30 days in a calendar year. Longer periods, of up to six (six) total months annually shall be allowable by zoning permit which shall state the only dates the Guest House can be occupied.
- f) They must have at least one additional parking space
- g) They must be 100 feet from the primary house
- h) Applications for a guest house must have all the standard elements of a home including provisions for adequate water and septic service, adequate driveway. Submitted site plan must show both the guest and primary houses.

The owner of the lot shall keep records of the occupants of the guest house and shall provide this record upon request of the Zoning Enforcement Official

No exceptions or variances shall be given to the occupancy requirements of this section.

SECTION 6
VILLAGE COMMERCIAL ZONES

6.1 General

To encourage the development of commercial areas within the Town of Canterbury there is herein created the zonal designation of VILLAGE COMMERCIAL ("VC"). Areas of the Town may be rezoned to this designation pursuant to the provisions of Section 13, and subject to the requirements of this Section 6. Areas designated VC are intended to encourage the centralization of permitted commercial uses in said zone so as to provide for the orderly and controlled growth of the Town with due regard to traffic congestion, property values and environmental concerns.

6.2 Permitted Uses

The following uses are permitted by right the VC zones:

- 6.2.1** Retail commercial establishments in which articles of merchandise are sold to the ultimate consumer for direct consumption and not for resale, including, but not limited to grocery store, drug store, hardware store, clothing store, tire store, farm equipment store, florist, plant store, meat markets.
- 6.2.2** Service establishments involving the delivery or performance of a service for a consumer or customer, including, but not limited to banks and financial institutions, insurance offices, personal service shops such as barbers, beauty parlors, shoe repair, garment repair, restaurant for on site food consumption, electronic repair shops, car dealers, gasoline and repair stations. There are excluded from service establishments in a VC zone uses such as saw mills, lumber yards other than garden and home accessory shops, slaughterhouses.
- 6.2.3** Professional offices including, but not limited to medicine, dental, optometry, chiropody, legal, accounting, engineering, surveying, real estate, financial planning.
- 6.2.4** Commercial recreation including bowling alleys, tennis, squash, or racquetball courts, swimming pools, gyms, miniature golf, but excluding golf courses, riding rinks, game arcades and massage parlors.

6.3 Special Exceptions

The following uses may be permitted as a special exception subject to Section 13, and site plan review in accordance with these regulations.

- 6.3.1** Religious, governmental, private school, and museums.
- 6.3.2** Shopping Centers as defined in Section 6.4 of these Regulations.
- 6.3.3** Elderly Housing Developments as defined in Section 6.5 of these Regulations.

6.4 Shopping centers

- 6.4.1** A shopping center is herewith defined to be a lot with an area of not less than 2.0

acres on which is situated a building that may contain one or more of the uses enumerated in Sections 6.21 and 6.3.1 of these Regulations.

- 6.4.2** A shopping center shall have 250 feet of frontage on a public highway, and the building situated on said lot shall have a front yard setback of 50 feet; sideline setbacks of 25 feet; and a rear lot setback of 25 feet, and a lot coverage ratio of building to lot of 25%.
- 6.4.3** A shopping center shall have a central parking lot and the number of parking spaces shall be determined by Section 12 of these regulations. The parking requirements shall be computed on the basis of each individual use. All other requirements of Section 12 shall apply to a shopping center.
- 6.4.4** One free standing sign shall be provided for all uses in the shopping centers, the size of said sign on one face shall equal two (2) square feet for each foot of frontage of the building on said lot; provided both sides of said sign may be utilized. Nothing contained herein shall prohibit signs attached to the fascia of the building on the shopping center lot, provided each sign for each use in the shopping center shall not exceed 12 square feet. Signs shall not exceed 35 feet in height and shall not exceed 64 square feet in area.

6.5 Elderly Housing Project

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

- 6.5.1** Property used for the elderly housing shall have a minimum of ten (10) acres.
- 6.5.2.** The lot area requirement shall be 5,000 s.f. per dwelling unit, averaged over the total net acreage of the project site. No more than 30% of the gross site shall be covered by buildings.
- 6.5.3** Property used for elderly housing shall have frontage on a Town-approved paved road.
- 6.5.4** Buildings may be clustered, but no building shall be located closer than twenty-five (25) feet to another building, and no building shall be erected within fifty (50) feet of an abutting property line.
- 6.5.5** A building or buildings containing elderly housing may be of one or two stories provided the following standards are satisfied:
 - (A) A single story building shall not contain more than 24 elderly units, but may contain recreation facilities as provided in section 5a.5.17. An elderly housing development containing a single story building may be

expended by such expansion shall not exceed 100% of the existing units, provided all other elderly housing requirements are satisfied.

- (B) An elderly housing development may be in a two story building provided no building shall contain more than ten units.

- 6.5.6** Access roads serving the project shall be built to the standards of the Town Road Ordinance.
- 6.5.7** A minimum of one and one-half (1.5) off-street parking spaces shall be provided for each dwelling unit. Such areas shall be paved and curbed.
- 6.5.8** Sewage disposal facilities shall be approved by the Northeast District Department of Health, and when required by the State Statutes or regulations promulgated there under by the Department of Environmental Protection and/or Health.
- 6.5.9** Adequate lighting of all parking areas shall be provided.
- 6.5.10** Refuse containers shall be of the dumpster type and located on paved platforms, screened from view. Refuse removal shall be the responsibility of the owner of the facility.
- 6.5.11** Ramps shall be provided to permit easy movement of wheelchairs and all codes relating to the handicapped shall be satisfied.
- 6.5.12** All units shall be connected to parking areas, recreation facilities and sidewalks by paved walkways wide enough to accommodate wheelchairs; they shall be a minimum of four (4) feet in width.
- 6.5.13** All main entrances shall be constructed wide enough to accommodate wheelchairs; they shall be a minimum of three (3) feet in width.
- 6.5.14** All main entrances shall maintain in a central location a register of the names and ages of all residents. Such register shall be open for inspection by the Zoning Enforcement Officer at any reasonable time. Age verification shall be by Birth Certificate or Baptismal Certificate.
- 6.5.15** All such projects shall be suitably landscaped, all disturbed areas graded and seeded and all required streets, driveways and walkways paved prior to occupancy.
- 6.5.16** All roads, walks, sidewalks, and parking areas within the development shall be maintained by the owner of the facility.
- 6.5.17** A recreation building and facilities shall be provided
- 6.5.18** All utilities shall be installed underground.
- 6.5.19** The Commission may require as a condition of approval that an adequate financial reserve fund be established to insure proper maintenance and repair of

any on site sewer and water system. In exercising its prerogative to require such a reserve fund the Commission may waive this requirement if the project is financed by a governmental agency that requires the maintenance of a reserve fund.

6.5.20 Minimum Lot Size and Yards

The following lot size, lot width, setbacks, and frontage shall apply to all permitted uses as defined in Section 6.2.1 and 6.3.1:

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

6.5.21 Parking

Parking requirements shall be in accordance with Section 12.

6.5.22 Site Plan

No construction and/or development shall occur in a VC zone until a site plan has been approved by the Commission. Said site plan shall be in accordance with Section 13 of the regulations. A public hearing may be held on a site plan involving a permitted use.

6.5.23 Sanitation

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

6.5.24 Minimum Area and Location

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

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

SECTION 7 PLANNED INDUSTRIAL PARK

7.1 General

Planned Industrial Park shall be allowed within the Town of Canterbury as a special exception in accordance with the procedures described in Section 13 of these Regulations.

7.2 Permitted Uses

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

7.2.1 Offices for professional, industrial and research use.

7.2.2 Warehousing, truck terminals and related facilities.

7.2.3 Printing, book binding and related uses.

7.2.4 Wholesale business or distribution plants.

7.2.5 Machine shops, sheet metal shops and metal fabrication.

7.2.6 Food manufacturing, storage and freezing.

7.2.7 Manufacture and processing of millwork and other wood products.

7.2.8 Casting of small, lightweight and nonferrous metal products.

7.2.9 Wearing apparel fabrication and processing.

7.2.10 Data processing, electronic processing.

7.3 Minimum Area

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

7.4 Access to State Highways

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

7.5 Buffer Area

A landscaped buffer area of at least one hundred (100) feet in width shall be provided adjacent to each property line of the parcel to be developed. All buffer areas shall be planted with a mixture of evergreen and deciduous trees and shrubs or preserved in its

natural state so as to provide a reasonable opaque natural barrier at least ten (10) feet in height between the planned industrial park and adjacent properties.

7.6 Lot Size, Width and Setbacks

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

7.7 Access Streets and Parking

The dimensions and construction of all roads and streets within a planned industrial park, shall be in accordance with Section 4B of the Town of Canterbury's Subdivision Regulations and deeded to the Town. Parking shall be provided for all uses according to the requirements of Section 12 of these Regulations.

7.8 Public Hearing Required

No approval shall be given to a planned industrial park until after the Planning and Zoning Commission has: (a) held a public hearing as required by Section 13 of these Regulations, and (b) determined that the applicant has met all of the conditions of Sections 7 and 12 of these Regulations, and all other requirements of these Zoning Regulations are being complied with.

7.9 Site Plan Required

No planned industrial park shall be approved unless a site plan is submitted in accordance with Section 13 of these Regulations.

7.10 Modification to Approved Plan

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

SECTION 8 COMMERCIAL RECREATION
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8.1 General

Commercial recreation shall be allowed within the Town of Canterbury as a special exception in accordance with Section 13 of these Regulations and the following requirements.

- 8.1.1** The minimum tract area shall be fifty (50) acres.
- 8.1.2** Evidence of adequate potable water supply and sanitary sewage disposal to provide for the maximum requirements of the proposed uses shall be submitted for approval by the Town Director of Health and by state agencies having jurisdiction.
- 8.1.3** No structure except a single-family dwelling shall be less than one-hundred (100) feet from the nearest public highly or less than five-hundred (500) feet from the nearest dwelling located on land under other ownership.
- 8.1.4** Off-street parking shall be provided as required in the Zoning Regulations. No parking areas shall be located less than forty (40) feet from a public highway, and where located less than one-hundred (100) feet from any other property line shall be protected by a landscaped buffer strip not less than forty (40) feet wide.
- 8.1.5** The volume of sound from music and public address systems shall be so controlled as to prevent objectionable noise off the premises.
- 8.1.6** Outdoor barbecue activities shall terminate at ten o'clock pm (10:00p.m.), and all other outdoor activities shall terminate at midnight.

8.2 Permitted uses

- 8.2.1** Out door athletic activities, including facilities for skating, skiing, sledding, swimming, squash and tennis.
- 8.2.2** A golf course, of not less than nine (9) holes as a principal recreational use, and a par three (3) golf course or putting greens and driving range as accessory to a major recreational facility, but expressly prohibiting miniature golf, putting greens and driving ranges as a principal use.

SECTION 9 Bed and Breakfast Establishments

- 9.1 Bed and Breakfast establishments provide overnight accommodations to guests with the only meal provided being breakfast and then only to those same (overnight) guests. The owner of the business must reside on the subject property during all times that the Bed and Breakfast is operating. There shall be no more than three (3) non-habitants employed.
- 9.2 Bed and Breakfast (B&B) establishments are approved by Site Plan Approval from the Commission subject to the requirements of Section 13 other applicable sections of the Zoning Regulations and as established below.
- 9.3 The Site Plan will be approved only if the Commission determines that the application meets the following standards:
1. The applicable Health Agency shall certify that applicable Health Codes are met, (kitchen, potable water supply and septic system).
 2. The Town Fire Marshall has certified or otherwise indicated that all applicable fire codes are met.
 3. A Site Plan shall be submitted and shall provide information regarding parking. In addition to standard residential requirements, one parking space shall be provided for each rental bedroom. Parking areas shall be separated from property lines by a suitable landscaped buffer at least 10 feet wide.
 4. The operation shall not alter the residential nature of the neighborhood nor the character of the dwelling as a single-family residence.
 5. The refuse area shall be screened from view. This area shall be no closer than 20 feet to any property line and 50 feet to any dwelling on an adjacent lot.
 6. No more than 6 bedrooms shall be used for rental purposes.
 7. Occupancy by any guest(s) shall not exceed 14 consecutive nights.

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

SECTION 10 PRIVATE CLUBS

- 10.1 A private club is a facility whose primary purpose is to provide a home base/headquarters/meeting site/official operating address to a specific organization and its duly instituted membership. This same facility is however, rented to various outside groups for single events on a sponsorship basis only. Typical events for which the facility may be rented for are weddings, anniversaries, receptions, business meetings, retirement parties, etc. The rental of these facilities may include serving alcoholic beverages and food. Examples of a private club include the following: American Legion, ELKS Club, VFW, Knights of Columbus, and other similar fraternal organizations.
- 10.2 Private Clubs shall be allowed in the Town of Canterbury as a Special Exception in accordance with Section 13 of these Regulations including the submission of a comprehensive Site Plan as per Section 13 (including the site plan checklist) and all other applicable sections of these Regulations. In addition the proposed project shall be approved only if it meets the following standard:
- A. Minimum Area and Frontage**
The minimum lot area for a proposed Private Club shall be at least three (3) acres. Frontage at the street line shall be a minimum of two hundred (200) feet.
 - B. Access/Location**
No Private Club shall be permitted unless access to such facility is from a state highway (State Route 169, Route 14 and Route 688) or provided in such a way so as not to create any dangerous or hazardous conditions on any existing Town road. If it is found that a dangerous or hazardous condition may be created on an existing Town road, the applicant shall be required by the Town to undertake such improvements at the applicant's expense as are deemed necessary to eliminate such conditions. This determination shall be made jointly by the Town Road Foreman and the Town Engineer.
 - C. Setbacks**
No building or related structures shall be constructed closer than one hundred fifty (150) feet from the front property line nor thirty (30) feet from any side or rear property line.
 - D. Parking and Buffer Requirements**
Off street parking shall be provided at restaurant standards as follows: Twenty (20) parking spaces per 1000 square feet of Gross Leasable Floor Area (GLA). The dimensions of each individuals space shall be as described in Section _ of these Regulations. All parking areas shall be separated from property lines by a natural or suitably landscaped buffer area of at least forty (40) feet wide.
 - E. Health Code Requirements**
Evidence satisfactory to the Commission shall be provided to show that there is adequate potable water supply and on-site sanitary sewage disposal capacity for the maximum use requirements (22 persons). The kitchen, food storage and

food preparation area shall be designed as per Section B-24 of the State Health Code, which covers restaurant quality and capacity. Approval of the plans for said facility shall be provided prior to zoning approval.

F. Noise Control

Any noise generated by outside activities such as picnic, barbecues, games, music, et. shall be kept to a level so as not to be annoying to surrounding residential neighbors and in any case shall be stopped no later than 10:00 p.m.

Approved November 9, 1995

Section 11 INDUSTRIAL DISTRICT

11.1 General

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

11.2 Establishment of Industrial Districts

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

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

11.3 Permitted Uses

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

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

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

11.3.1 Manufacturing, including retail sales in conjunction with products manufactures on premises;

11.3.2 Processing and assembling;

11.3.3 Warehousing and storage;

11.3.4 Wholesaling and distributing;

11.3.5 Trucking and rail terminals;

11.3.6 Professional and research offices; and

11.3.7 Research laboratories and information technology industries.

11.4 Special Exceptions

The following uses may be permitted by special exception pursuant to Section 13. Special Exception uses are subject to site plan review and all other applicable requirements of this section.

11.4.1 Commercial uses;

11.4.2 Commercial recreational uses;

11.4.3 Municipal facilities; and

11.4.4 Official town refuse disposal facilities.

11.5 Site Plan Approval

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

11.6 General Standards

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

11.6.1 Parking Areas

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

11.6.2 Buffers to Residential Districts

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

11.6.3 Loading Areas

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

11.6.4 Outside Storage

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

11.6.5 Traffic

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

11.6.6 Town Engineer Review

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

11.7 Interior Lots

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

11.7.1 Access

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

11.7.2 Lot Size

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

11.7.3 Building Coverage

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

11.8 Off-Street Parking

Off-street parking spaces shall be provided for each lot within this district in accordance with Section 12.

11.9 Signs

All signs are subject to the approval of the Commission and shall be constructed in accordance with Section 14 where applicable.

11.10 Rail Spurs and Sidings

Rail spurs and sidings shall be located no closer than two hundred fifty (250) feet from a residential district; four hundred (400) feet from an existing residential use; and, are

prohibited within the buffer areas outlined in Section 11.6.2. The Commission may waive this requirement where appropriate. The Commission may require special screening and/or noise abatement measures for rail spurs and sidings.

11.11 Dimensional Requirements

Minimum Lot Acreage:	Three (3) acres
Public Street Frontage	Two hundred (200) feet
Lot Width at the Building Line:	Two hundred (200) feet
Maximum Building Height:	Thirty-five (35) feet with up to fifty (50) feet for stacks
Maximum Stack/Structure Height:	Fifty (50) feet
Front Yard Setback:	Fifty (50) feet
Side Yard Setback:	Fifty (50) feet
Side Yard Setback Abutting	
An Existing Residential Use:	One hundred fifty (150) feet
Rear Yard Setback:	Fifty (50) feet
Rear Yard Setback Abutting	
An Existing Residential Use:	One hundred fifty (150) feet

11.12 Prohibited Uses

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

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

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

SECTION 12 OFF-STREET PARKING
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12.1 Parking Facilities Required

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

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

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

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

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

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

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

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

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

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

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

12.2 Location of Required Parking Facilities

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

building or use being served which is under control of the individual operating the building or use being served.

12.3 Interior Driveways

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

The minimum width of interior driveways shall be as follows:

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

SECTION 13 SPECIAL EXCEPTIONS
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13.1 Purpose

As stated in Section 3 of these Regulations, Canterbury's Zoning Regulations are based on performance rather than district. The entire town has been placed into a single district, and various uses are permitted by right. However, certain uses and features, because of the unique characteristics and impact, must be treated on a case-by-case basis. Consideration of each application for uses listed under Section 5.3 of these Regulations must be reviewed individually to determine their particular impact upon neighboring uses and the surrounding area as compared with the public need for them in particular locations. Such uses and features are, therefore, treated as Special Exceptions.

13.2 Application for Special Exceptions

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

13.3 Notification of Adjacent Property Owners

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

13.4 Findings

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

- 13.4.1** Compliance with the Plan of Development for the Town of Canterbury -
 The proposed use is consistent with the objectives of the Plan of Development for the Town of Canterbury, and the intent and requirements of the Zoning

Regulations on any amendment thereto adopted by the Town of Canterbury's Planning and Zoning Commission.

- 13.4.2** Adverse effects - The proposed use will not affect adversely the health and safety of residents or workers in the area and will not be unreasonably detrimental to the use or development of adjacent properties or the general neighborhood.
- 13.4.3** Traffic movement - The proposed use will not impair the movement of through- traffic along the adjoining thoroughfare by creating congestion or reducing street capacities.
- 13.4.4** Orderly development - The proposed use will not result in a fragmentation of the area's development pattern, thereby creating unnecessary additional points of vehicular conflict with the adjoining highway and adversely affecting the orderly development of surrounding properties.
- 13.4.5** Property values and character - The proposed use will not unreasonably depreciate adjacent property values and the character and the extent of the proposed development will be in harmony with the existing use of adjoining properties.
- 13.4.6** Parking and loading - The proposed use will provide off-street parking and loading facilities in accordance with Section 12 of the Zoning Regulations.

13.5 Site Plan Requirement

No building, structure or site used by a business shall be enlarged, or moved until a site plan has been approved by the Planning and Zoning Commission. Changes to parking lots, vehicular access, drainage, or site utilities, other than maintenance, shall also require a site plan review. Such plan shall be prepared in accordance with the requirements of Section 13.6 of these Regulations.

13.6 Content of Site Plan

A site plan consisting of a sketch drawn at a scale of one inch (1") equals forty feet (40') shall be prepared that will include and show where applicable the following information:

- A. All of the land in the lot together with any adjacent or contiguous parcels in the same ownership and with such detail of adjacent properties and public ways as will relate the subject premises to the neighborhood and to the street pattern within one-thousand feet (1,000') from the perimeter of the subject property. (Such information may be shown on a key map at a scale of one inch (1") equals one-thousand feet (1,000').
- B. The names of abutting property owners.
- C. Proper provision for vehicular traffic, control of entrances and exits to adjacent streets, and parking as required in Section 12 of these Regulations.

- D. Indication of all existing and proposed buildings or uses on the subject site.
- E. Adequate provision for storm water drainage, water supply, and sanitary sewage disposal.
- F. Approval shall not be granted unless all conditions of these Zoning Regulations are met and sufficient information to indicate compliance with all requirements of these Zoning Regulations is provided.

13.7 Recording of Commission's Actions

The Commission shall cause the decision to be published as required in State Statute, and the applicant shall file the official notice on the land records of the Town of Canterbury before developing or commencing the use authorized under the Special Exception.

13.8 Commencement of Construction

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

13.9 Violation of Special Exceptions

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

13.10 Conditions and Bonding

Whenever the Commission finds it necessary to protect the interests of the Town or its residents, or when additional controls need to be placed on an approval that are not indicated in the proposal, the Commission may require additional conditions or bonding. The bonding shall be deposited with the Town before the approval is filed on the land records and be in a form acceptable to the Town.

SECTION 14**SIGNS****14.1 General**

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

14.2 Permanent Signs

No permanent sign shall be permitted unless it meets the requirements listed below. A zoning permit is required for any newly installed permanent sign or replacement sign that is changing in dimension, method of illumination, or location. Signs are allowed only for approved retail, professional, or commercial uses.

14.2.1 Rural District

a. One ground sign may be provided per property which shall not exceed 12 square feet, per side, nor the height exceed 6 feet. Sign shall be installed at least 10 feet from any property line and shall not encroach into this setback in any way. Sign may be Indirectly Illuminated.

b. One wall sign shall be allowed for each individual retail, professional, or commercial space within a building, excluding home occupations or kiosks, at a uniform height and style up to 32 square feet per sign. Sign(s) may be Indirectly Illuminated.

As an alternative to the size restrictions in paragraph (b) above, a sign budget can be established and filed with the Land Use Office that shall equal 1 square foot of signage for each linear foot of building frontage facing a street. Such budget shall then become the total allotment of allowable fascia or siding mounted signage for that building, provided no individual space's sign is over 50 square feet. Signs may be Indirectly Illuminated.

A second separate logo or stylized element may be utilized as part of the sign, and measured separately, however the total square footage for both signs shall not exceed the limits given. Sign may be Indirectly Illuminated.

c. One hanging sign, mounted perpendicular to the face of the building (excluding the roof) shall be allowed per retail space within the building frontage. Signs shall not project out from the building more than three (3) feet, nor exceed four (4) square feet in size and shall not protrude into any area that would cause a safety issue such as a driveway or walkway where it could be hit. Sign may be Indirectly Illuminated.

14.2.2 Village Commercial and Industrial District

a. One ground sign shall be provided for all uses on the property which shall not exceed 64 square feet, per side, nor the height exceed 12 feet. Sign shall be installed at least 10 feet from any property line and shall not encroach into this setback in any way. Sign may be Indirectly or Directly Illuminated.

b. One wall sign shall be allowed for each individual retail, professional or commercial space within a building, excluding home occupations or kiosks, on each side having frontage, at a uniform height and style, up to 32 square feet per sign. Sign(s) may be Indirectly Illuminated.

Alternatively, a sign budget can be established and filed with the Land Use Office that shall equal 1 square foot of signage for each linear foot of building frontage facing a street. Such budget shall then become the total allotment of allowable fascia or siding mounted signage for that building frontage, provided no individual space's sign is over 50 square feet. Signs may be Indirectly Illuminated.

A second separate logo or stylized element may be utilized as part of the sign, and measured separately, however the total square footage for both signs shall not exceed the limits given. Sign may be Indirectly Illuminated.

c. One hanging sign, mounted perpendicular to the face of the building (excluding the roof) shall be allowed per retail space within the building frontage. Signs shall not project out from the building more than three (3) feet, nor exceed four (4) square feet in size and shall not protrude into any area that would cause a safety issue such as a driveway or walkway where it could be hit. Sign may be Indirectly Illuminated.

14.3 Temporary Signs

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

14.3.1 Construction signs

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

14.3.2 Real estate

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

14.3.3 Street banners

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

14.3.4 Window signs

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

14.3.5 Grand Opening Signs

Businesses opening, or expanding to a new or larger location, may install one (1) banner on the face of the building of no more than 40 square feet, one temporary sandwich or freestanding sign that is within the size limits for that district, and associated flags or balloons for 30 days.

14.3.6 Open flags

One open, seasonal or holiday flag is permitted to be mounted per separate storefront or building.

14.3.7 Outdoor Display Signs

Signs advertising merchandise that is stored outside, such as greenhouse stock or used cars, may have one sign for each type of merchandise or per car, displayed on or in a glass surface, for sale for a car lot, not larger than 2 square feet in size provided the outdoor merchandise is specifically allowed by the Commission and the sign is mounted on or directly in front, above or beside the merchandise or for vehicles, in or on a window surface.

14.3.8 Seasonal Signs or Displays

Signs or displays celebrating holidays or seasons are allowed provided they do not specifically advertise a product sold at the business, though the sign can incorporate merchandise available at the business (such as plants at a greenhouse or pumpkins at a grocery store). One display is allowed per building or storefront limited to 12 square feet for signs or 50 cubic feet for a display.

14.3.9 Temporary Signs for Retail, Commercial or Professional Use

Temporary Signs are allowed, by zoning permit issued by the Zoning Enforcement Officer to expire each January 1st of the following year, to be displayed by legally operating businesses, excluding Home Occupations. They must be less than 8 square feet in size, removed each night, on the subject property and at least 10 feet off the road pavement. They also shall not block any sight lines or cause any other safety issues. Such signs may be in the form of a sandwich board, wire frame, or similar designs and may indicate the name of the store, specials, or other messages. One such sign is allowed per lot and is in

addition to the permanent sign, as allowed. This section shall not be used in conjunction with Seasonal Agricultural Signs, as this is a similar allowance.

In the case of a parcel with multiple uses, such as a mall or office building, one temporary sign as described above in section (a) shall be allowed along each road the property fronts, for each 100 feet of frontage along that street/road.

14.3.10 Information Signs

Information signs may be incorporated into traditional ground signs provided the area of the display is no larger than 8 square feet and shall, to prevent driver distraction, not change or flash more than 1 time in any given minute.

14.3.11 Real Estate Project Signs

Signs indicating residential or commercial lots for sale or including things such as a map, lot(s) available, pricing, and contact information are allowed provided they are removed within 30 days of the last lot or unit being sold. Signs may not exceed 32 square feet.

14.4 Exemptions

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

14.4.1 Public signs

Signs of a non-commercial nature and in the public interest, erected by, or on the order of, a public officer in the performance of his public duty, such as safety signs, traffic signs, memorial plaques, signs of historical interest and the like, Institutional Signs setting forth the name or any simple announcement for any public, charitable, educational or religious institution, located entirely within the premises of that institution, up to an area of twenty (20) square feet. Such signs may be illuminated in accordance with the Regulations contained hereinafter. If building-mounted, these signs shall be flat wall signs and shall not project above the roof line. If ground-mounted, the top shall be no more than ten (10) feet above ground level.

14.4.2 Integral

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

14.4.3 Private traffic direction

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

14.4.4 Vehicles

Signs on vehicles of any kind, provided the sign is painted or attached directly to the body of the original vehicle and does not project or extend beyond the original manufactured body proper of the vehicle; and that the vehicle is registered with the State of Connecticut; and that the vehicle is in motion or parked in an approved parking or loading space at the business location.

14.4.5 Warning signs

Signs posted on private property warning a visitor or passer-by of imminent danger which one might incur if one entered onto the property or indicating directions to non-residents of property as to a method or speed of access on to or around the property or a sign prohibiting a given activity on a lot. Such signs shall not exceed 2 square feet.

14.4.6 Mail boxes or street numbers

Serving the Principal Use or Structure on a lot, or sign indicating the name of the party in residence. Such signs shall not exceed 2 square feet.

14.4.7 Signs of Civic Support

Signs advertising a sponsoring commercial concern installed by the Town and in support of a Town sponsored team, field, or event. Examples would include signs on the outfield fence on a ball field or on a concession stand. Such signs shall not exceed 32 square feet.

14.4.9 Trespass Signs

Signs that indicate no trespassing, no hunting, and similar signs. . Such signs shall not exceed 2 square feet.

14.5 Non-conforming Signs

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

14.6 Prohibited Signs

Prohibited signs are signs which:

- a. Contain statements, words, or pictures of an obscene, indecent or immoral character, such as will offend public morals or decency.
- b. Contain or are in imitation of an official traffic sign or signal or contain the words "stop", "go slow", "caution", "danger", "warning", or similar words.
- c. Are of size, location, movement, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street sign or signal.
- d. Advertise any activity, business, product or service no longer conducted on the premises upon which the sign is located.
- e. Moving signs or signs that mechanically move in any manner or have a major moving part.

- f. Contain or consist of banners, posters, pennants, ribbons, streamers, strings of light bulbs, spinners or similarly moving devices.
- g. Swing or otherwise noticeably move as a result of wind pressure because of the manner of their suspension or attachment in such a way as to cause a potential hazard to public safety.
- h. Signs indicating uses not carried-on on the premises on which the sign is located nor indicating directions to off-premises locations.
- i. Flashing signs other than Information Signs, sky signs, and roof signs.

14.7 Illumination of Signs

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

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

14.8 Structural Requirements

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

14.9 Special Events and Signage

No more than twice per calendar year, businesses may apply for a special event permit which will allow the installation of one (1) banner on the face of their building of no more than 40 square feet, one additional temporary sandwich or freestanding sign that is within the size limits for that district, and associated flags, streamers or balloons for a period of no more than 15 days. The applicant may also install a tent (up to 200 square feet) or hold a sidewalk sale under this permit, provided that the ZEO finds there will be no safety concerns as a result of the event.

14.10 Town erected business directional signs

Signs installed by the Town, on behalf of the Economic Development Commission, showing directions and distances to businesses installed at key crossroads around town shall be allowed by site plan review. Signs shall not exceed 32 square feet in size and shall be complimentary to

the Town's character. Signs shall be updated as needed and the design of the sign should allow for this updating (with removal panels, for example). Location of sign must be approved.

Revised: May 13, 2010

Effective: June 1, 2010

Section 15
Nonconforming Use, Building, or Structures and Nonconforming Lots

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

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

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

15.2 Nonconforming Use, Building or Structures

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

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

enlarge shall not apply to any nonconforming use expressly listed as a prohibited use under these regulations.

- E. Any building or structure which is deemed nonconforming because of the location of the building in relation to the boundaries of the lot, must comply with all other existing zoning regulations, including use.
- F. A legally existing nonconforming use may be changed to a conforming use, provided a zoning permit has been issued for such change upon proper application. In no case shall any use be changed to a use that is prohibited by the Town of Canterbury Zoning Regulations, regardless of district and including, but not limited to Section 4.14 Prohibited Uses and Section 11.2 Industrial District prohibited Uses.
- G. All nonconforming uses shall be subject to the same regulations for building arrangement and operation as those that apply to conforming uses in the district which they are located.
- H. Where a nonconforming use abuts a residential lot, no outside storage of goods or refuse shall be permitted which would deteriorate the value of adjacent property by creating a nuisance.

15.3 Nonconforming Lots

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

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

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

- 1) has a lot size smaller than required in these regulations;
- 2) is not part of a valid subdivision plan approved under the Town of Canterbury Regulations and filed or recorded with the Canterbury Town Clerk; and

- 3) does not have a dwelling or other principal structure legally constructed thereon, shall be deemed to be combined (merged) with any adjacent lot held in common ownership, such that the combined lot shall conform or more nearly conform to the lot size requirements of these regulations, as amended.

15.4 Abandonment of Nonconforming Uses

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

- 1) an intention to abandon; and
 - 2) an overt act, or failure to act, which carries the implication that the owner does not claim or retain any interest in the right to the nonconforming use.
- A. Any nonconforming use which has been abandoned shall not thereafter be re-established. Any structure or land, or structure and land in combination, which was formerly devoted to a nonconforming use which has been abandoned, shall not again be devoted to any use other than those uses which are permitted in the district in which the structure or land, or structure and land in combination is located.

Revised: October 10, 2002
Effective: October 21, 2002

Section 16

Communication Towers and Antenna

16.1 Purpose

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

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

16.2 Siting Preferences

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

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

16.3 Permitted and Special Exception/Site Plan Review Uses

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

- A. Wireless telecommunications facilities where the antenna is mounted on the rooftop or façade of a nonresidential building, provided the following standards are met:
1. No change is made to the height of the building.
 2. Panel antennas shall not exceed sixty (60) inches in height by twenty-four (24) inches in width; whip antennas shall not exceed forty-eight (48) inches in height; and dish antennas shall not exceed thirty-six (36) inches in diameter.
 3. Equipment cabinets and sheds shall meet the requirements of these regulations.
 4. Facilities shall be of materials or color that matches the exterior of the building, and shall blend into the existing architecture to the extent possible.
 5. Façade mounted antennas shall not protrude above the building structure and shall not project more than three feet beyond the wall or façade.
 6. Roof mounted antennas shall not exceed the highest point of the rooftop by more than ten (10) feet.
 7. Roof mounted antennas shall not occupy more than twenty-five percent (25%) of the roof areas in residential zones, and fifty percent (50%) in all other zones.
- B. Wireless telecommunication facilities where the antenna is mounted on existing towers, water towers/tanks, utility poles, steeples, clock or bell towers, monuments, billboards, chimneys, bridges, grain elevators, and silos, provided the following standards are met:
1. No change is made to the height of the structure.
 2. Panel antennas shall not exceed sixty (60) inches in height by twenty-four (24) inches in width; whip antennas shall not exceed forty-eight (48) inches in height; and dish antennas shall not exceed thirty-six (36) inches in diameter.
 3. Equipment cabinets and sheds shall meet the requirements of these regulations.
 4. Facilities shall be of a material or color that matches the exterior of the structure and shall blend into the existing architecture of these structures to the extent possible.
- C. Wireless telecommunications facilities where a tower is located on property occupied by one or more towers erected prior to the effective date of these telecommunication zoning amendments (July 29, 1999) provided the following standards are met:
1. The height of the tower to be erected shall not exceed the height of the tallest tower on the property.
 2. All attempts are made to co-locate the antenna on existing towers.
 3. Equipment cabinets and sheds shall meet the requirements of these regulations.
- D. All other placement of wireless communication facilities shall require a Special Exception/Site Plan Review and the following requirements:
1. All of the plans and information required for a permitted use wireless telecommunications facility site plan required for a permitted use

wireless telecommunications facility site plan required in Section 10.B.4.A.

2. A view shed analysis showing all areas from which the tower would be visible and if requested by the Commission, a simulation of the proposed site in order to help the Commission determine the visual impacts associated with the proposal.
3. Documentation prepared by a licensed telecommunications systems engineer that no existing or planned tower or other structure can accommodate the applicant's antenna. For tall structures located within one-quarter radius of the proposed site, documentation that the owners of these locations have been contacted and have denied permission to install the antenna on these structures other than economic reasons.
4. Proximity of the tower to residential structures.
5. Nature of uses on adjacent and nearby properties within 1,000 feet.
6. Surrounding topography within 1,000 feet at contour intervals not exceeding ten (10) feet.
7. Design of the tower with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.

16.4 Site Plan Requirements

All applicants to develop a wireless telecommunications facility, as a permitted use of Special Exception shall meet the following site plan requirements (Section 16.5)

16.5 Site Plan Requirements for Wireless Telecommunications Facilities

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

- A. Detailed analysis of alternative sites, structures, access, and antennas as provided by the applicant. Particular attention will be placed upon the siting preferences found in Section 16.2. #2 of these regulations
- B. Detailed propagation and antenna separation analysis relative to tower height.
- C. Tower sharing or co-location to facilitate the telecommunication needs of municipalities and other entities in order to reduce the need to construct additional towers. The Commission reserves the right to require the applicant to utilize the provisions of Section 16-50aa of the Connecticut General Statutes to achieve tower sharing.
- D. Assessment of tower structure type.
- E. Assessments of design characteristics/architectural treatments that mitigate reduce or eliminate visual impacts on adjacent areas.
- F. If located on a property listed on the National Register of Historic Places, preservation of the historic and/or architectural character of the landscape or any structure.
- G. Consideration of future use or re-use of the site, with provisions for facility removal and site restoration. In addition the following information shall be submitted for each application where applicable. The Commission may require independent engineering/technical review of submitted materials at the applicant's expense.

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

- A. A map indicating the service area of the proposed wireless telecommunications site. A map indicating the extent of the provider's existing and planned coverage within the Town of Canterbury, and a map indicating the search radius for the proposed wireless telecommunications site, including the location of tall structures within on quarter mile of the proposed site.
- B. A report from licensed telecommunications systems engineer indicating why the proposed site location is necessary to satisfy its function in the applicant's proposed wireless telecommunications system.
- C. A plan showing where and how the proposed antenna will be affixed to a particular building or structure.
- D. Details of all proposed antenna and mounting equipment including size and color.
- E. Elevations of all proposed shielding and details of material including color.
- F. An elevation of all proposed equipment buildings, boxes or cabinets. Details of all proposed fencing including color.
- G. Tower base elevation and height of tower.
- H. A design drawing, including cross section and elevation, of all proposed towers. A description of the tower's capacity, including the number of type of antennas it can accommodate as well as the proposed location of all mounting positions for co-located antennas and the minimum separating distances between antennas. The design shall indicate how the tower will collapse without encroaching upon any adjoining property if failure occurs.
- I. A report from a licensed telecommunication systems engineer indicating that the proposed wireless telecommunication facility will comply with FCC radio frequency emission standards and that the installation will not interfere with public safety communications.
- J. All proposed landscaping, if appropriate, with a list of plant materials.
- K. Proposed access to the site.

16.6 General Standards

The wireless telecommunication facility standards enumerated below shall be followed:

- A. The tower and/or antenna shall be erected to the minimum height necessary to satisfy the technical requirements of the telecommunications facility. Documentation of the minimum height needed, prepared by a licensed telecommunications systems engineer, shall accompany an application. The Commission may require the submission of propagation modeling results to facilitate its review of tower height.
- B. A tower must comply with the setback requirements of the zone in which it is located, or be set back from all property lines a distance equal to the height of the tower, whichever is greater.
- C. A Telecommunications facility may be considered as either a principal or accessory use. The minimum lot area of the construction of a new tower shall be that of the zone in which it is located. More than one tower on a lot may be permitted if all setbacks, design and landscape requirement

are met for each tower. A telecommunications facility may be located on leased land as long as there is adequate ingress and egress to the site for service vehicles, and such access is documented in a deed easement presented to the Commission.

- D. All towers in residential zones shall be a monopole design unless otherwise modified and approved by the Commission. The Commission may require that a monopole be designed and treated with architectural materials so that it is camouflaged to resemble a woody tree with a single trunk and branches on its upper part, or other suitable art or sculpture as determined by Commission.
- E. Towers not required FAA painting or markings shall be painted in a non-contrasting blue, gray or other neutral colors.
- F. No lights or illuminations shall be permitted unless required by FAA.
- G. No signs or advertising shall be permitted on any tower or antenna, except "No Trespassing", warning, and ownership signs are permitted at ground level.
- H. The proposed support structure shall be required to accommodate a minimum of three users unless it is determined to be technically unfeasible based upon information submitted by the applicant and verified by the Commission. These users shall include other wireless communication companies, and local police, fire and ambulance companies.
- I. A proposed tower shall be designed and constructed to all applicable standards of the American National Standards Institutes, as amended.
- J. The Commission may require the use of Section 16-50aa of the Connecticut General Statutes to promote tower sharing.

16.7 Ancillary Buildings

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

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

16.8 Abandonment

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

Adopted: June 10, 1999

Effective: July 15, 1999

Section 17 Adult Uses

17.1 Purposes

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

17.2 Regulated Uses

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

Retail stores carrying a small selection (less than 10 SKUs) of books or periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical area" shall not be regulated by this section, but they shall display these in a manner where minors can not view the covers, that is, they must be out of reach of small children and their covers wrapped to obscure any graphic images.

Retail stores or video rental shops carrying a small selection (less than 5 percent of the total videos offered or two hundred, whichever is smaller) of videos, DVD's or other similar recordings which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical area" shall not be regulated by this section, but they may only display this material in a separate location not accessible by any minors or individuals not wishing to see such material.

The provisions above shall not be deemed to be retroactive.,

17.3 Exterior Display

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

Adopted: 7/8/99

**SECTION 18
EXCAVATION AND FILLING OF EARTH PRODUCTS**

18.1 Purpose and Authority.

The purpose of these Regulations is to regulate the filling, processing and removal from land of earth, sand, stone, ledge, gravel, soil, minerals, loam, fill, clay, peat moss, and other similar substances, so as to prevent conditions in the Town of Canterbury detrimental to the public safety, health, and general welfare, including, but not limited to, erosion, depletion of natural resources, dangerous open pits, lowering of property values, stagnant water bodies, nuisances, traffic hazards, and unsightly operations. This Section is enacted pursuant to Connecticut General Statutes §7-148.

18.2 Definitions.

For the purposes of this Section 18 only, terms used herein shall be defined as follows:

a. Excavation or Excavation Operations. The terms "Excavation" or "Excavation Operations" shall include (1) Any operations involving excavating, grading, filling or removal of earth, sand, stone i.e. stone walls and ledge, gravel, soil, minerals, loam, fill, clay, peat moss, and any other earth products in the Town of Canterbury, and (2) The transportation of such products from such operations across private property located in the Town, regardless of whether the operation itself is within the Town or in an adjacent Town.

b. Permit Premises. Any premises (as defined in these Regulations) upon which a Special Permit in accordance with this Section 18 has been issued, or upon which premises any such Special Permit would be required pursuant to the provisions of this Section 18.

18.3 Permit Required.

Except as provided in the following Section, there shall be no Excavation Operations on any premises except upon the issuance of a Special Permit in accordance with this Section 18. Upon the issuance of such Special Permit, Excavation Operations shall be permitted in all zones.

18.4 Exempt Operations

This Section 18 shall not apply to the following provided the excavation does not substantially alter the existing topography or drainage patterns and the affected area(s) are re-vegetated as required in the 2002 CT Erosion and Sedimentation Control Guidelines, as amended:

a. Excavation (placing or removing material) of less than 100 cubic yards of material over a twelve (12) month period from a lot.

b. An activity that is clearly incidental to a residential use which will require the importation or exportation of 100 to 500 cubic yards of material over any twelve (12) month period of time, may, be approved via a zoning permit issued by the Zoning Enforcement Officer provided that the operation is non-commercial in nature, utilizes adequate erosion and sedimentation controls, and will have no significant impact on

local drainage patterns, inland wetlands or watercourses or the surrounding neighborhood. The receipt of a zoning permit for an activity covered under this paragraph exempts the activity from the requirement to obtain a Special Exception under this section 18.

c. The necessary excavation for the construction of a wall, sewer or water line, septic system, swimming pool, fence, sidewalk, driveway or parking area accessory to either to an existing building or to a building for which a Zoning Permit and a Building Permit (where required by the Building Code) have been issued; or any work incidental to landscaping or gardening on the property (expanding lawn areas, filling in depressions, removing or building interior walls, etc.)

d. Excavation involving the movement of earth products from one part of the premises to another part of the same premises, when such removal/filling is made for agricultural purposes or landscaping.

e. Necessary excavation, graveling, removal or filling incidental to the construction or alteration of a building or structure for which a Zoning Permit and, where required, a Building Permit has been issued.

f. Necessary excavation, graveling, removal or filling incidental to the construction or alteration of a public highway, or a street in a subdivision approved by the Commission and filed in the Office of the Town Clerk in accordance with the Canterbury Subdivision Regulations.

g. Activities on a farm that are directly related to the agricultural activity such as installing roads, preparing fields, or preparing for construction activities related to the farm.

18.5 Special Permit Application Requirements

The Commission may grant a Special Permit in accordance with this Section (in lieu of the provisions of Section 13, Special Permit/Exception, of these Regulations) for the removal or filling of soil, loam, sand or gravel, stone or clay, under the following conditions:

a. The owner of the land, or his agent, shall submit a plan of the permit premises prepared by a professional engineer and a land surveyor licensed in the State of Connecticut which shall:

1) Show the boundaries of the entire parcel of land owned by the applicant, with the permit premises delineated. On large parcels, areas which will not be affected under this permit, or have been affected by excavation activities in the past and have been adequately reclaimed, need only be shown at Class D accuracy. Areas to be excavated or areas previously excavated but not yet reclaimed need to be shown to the A-2 standard of accuracy.

2) All plans showing excavation activities shall be drawn to 1" = 40' scale. Overall plans or plans showing larger parcels (or sections of parcels) that will not be affected by this permit may be drawn at any of the following scales: 1" = 50', 1" = 60' or 1" = 100', subject to the Commission's approval.

3) Indicate existing contour lines and proposed final contour lines of the project area, as well as all area within five hundred (500') feet thereof. Elevation data for areas not excavated in the past, or excavated and restored may be from available sources (ie. USGS maps, state fly-overs, etc.), new surveys are not necessary but the source must be identified. Any unrestored areas, or areas proposed to be excavated, shall be shown to the T-2 standard of accuracy based on field surveys. Said plan shall also indicate the location of surface and subsurface rock and the seasonal high groundwater table, if known. Cross-sections shall be also included for the widest part of the excavation and additional slices perpendicular to it in a number sufficient to adequately show the existing and proposed grades. These cross-section locations shall be located to best show all wetlands, waterbodies, and any proposed or existing test pits.

4) Indicate bench marks (2) established from U.S.G.S. monumentation or by a bench mark established on site. In addition, to aid in the operation and inspection of the pit, permanent or semi-permanent markers or signs shall be proposed and installed in the pit area, where they will not be disturbed, to mark excavation limits, wetlands and watercourses, and the maximum excavation depth (a post where maximum depth can be 5 feet lower than the top, for example).

5) Show the location and elevation of all existing and proposed streets, roads or highways on and within one thousand (1,000') feet of the permit premises. Existing street data can be from available sources, new surveys are not necessary.

6) Indicate the existing and proposed drainage of the permit premises including drainage provisions during the excavation or filling phases, as well as an erosion and sedimentation control plan in accordance with current standards of the Natural Resources Conservation District.

7) Show all adjacent property owners, and indicate the names and mailing addresses of all property owners adjacent to the permit premises, as such names and mailing addresses are shown on the current records of the Assessor.

8) Location of all structures, wetlands, watercourses, FEMA Special Flood Hazard Areas, utilities, rights-of-way, and easements on the permit premises, and areas which are wooded or open field.

For the wetland and watercourse delineation of areas within 200 feet of a current or proposed excavation, or a previous excavation which has not been restored, the delineation shall be completed by a licensed Soil Scientist and a signed statement by this individual shall be on the plans indicating that they completed the delineation and that all wetlands and watercourses in the affected area are correctly depicted on the plan. Areas outside this 200 foot area can be identified through the use of available data such as the USDA Wetlands Survey, but the source must be identified on the plans.

9) Details of re-grading and re-vegetation of the permit premises, including the number, size at planting, and location of all landscaping material and the mix of grass seed for all restored area.

10) Show the results of any test borings or pits including soil types and seasonal high water table levels over time in the form of a table or chart. This data shall be produced over a minimum of one year at intervals, or as necessary to properly determine water tables. Until this data is obtained, the Commission may be required that the excavation remain at a higher level until the exact levels of the seasonal high water table levels can be determined.

b. A statement and map describing the stages of operation by area and time sequence.

c. A list of the number and types of machinery to be used on the premises and for hauling; the proposed hours of operation, and the location and type of any storage building existing or to be erected on the permit premises.

d. All applications shall include a sedimentation and erosion control plan in accordance with Section 4.18 of these Regulations, and also including: Routes water will follow both during and after work is completed; temporary measures, both mechanical and vegetative, for erosion control; measures planned for keeping sediment on the site; and any permanent mechanical measures needed to control water runoff and thus erosion and sediment.

e. The applicant shall submit a re-use plan which will indicate the final land configuration of the parcel. In order to encourage land aesthetics, final slopes may consist of variations of 3:1 and 4:1 ratios. This requirement may be waived by a two-thirds majority where the ultimate re-use shows the necessity of a steeper slope, but shall not, in any event, exceed 2:1. Said plan, subject to approval of the Commission, shall also include provision for ground cover, including top soil, reforestation and/or seeding. Said re-use plan shall indicate: a) Proposed final condition of the land and its usefulness for development in accordance with the zoning of the premises, based on the remaining natural resource conditions after restoration; b) Improvements to the land resulting from the excavation operation; and c) Evidence (such as borings) that adequate cover will remain over bedrock to permit development of the premises in accordance with its zoning, including adequate depth for drainage, septic systems, and other utility installation. This cover shall be no less than 5 feet above the water table or 6 feet above any ledge.

f. The applicant shall submit the anticipated haul pattern for the operations, which shall be approved or modified and approved by the Commission. If such haul pattern creates traffic safety hazards, and cannot be modified to remove such conditions, the Commission may deny the application.

g. A statement of the total cubic yards of material to be removed from, or brought into, the site, not the net of removal and deposition; the number of truck loads required to move such a volume of material, based on the types of trucks to be used in the excavation operation; and the approximate number of trips per day, based on the probable seasons of operation and the proposed days and hours of operation.

h. Evidence of the approval of the Excavation Operation, where required, by the Canterbury Inland Wetlands and Watercourses Commission, and the final report of that Commission, as required by Connecticut General Statutes §8-3c.

i. An application fee in accordance with Town Ordinances.

J. All applications shall include the owner's (or other persons who are in charge of the operation on a daily basis) 24 Hour contact information for emergencies and other requests. This information will be kept on file in the Land Use Office and forwarded to the Canterbury Fire Department.

k. Proof, in the form of a certificate of insurance, that the applicant carries sufficient liability insurance to hold the Town of Canterbury harmless from any liability resulting from the applicants operations as approved by the Town.

18.6 Requirements for Excavations

All excavations shall comply with the following minimum requirements:

a. At no time shall more than five (5) acres be left in an unrestored condition, unless expressly authorized by the Commission due to special circumstances such as topography, weather, or unique site conditions.

b. The use of any un-permitted proposed buildings on the permit premises shall be limited to sanitary facilities and the storage of tools, equipment and materials essential to the operation, and without human habitation.

c. All aspects of the excavation operation shall strictly comply with the plans and other supporting information submitted, as the same may be modified by the Commission, and shall comply at all times with the provisions of these Regulations. Failure to follow said plans may result in permit revocation, subject to written notice to the permit holder and property owner (if different) and the opportunity to be heard before the Commission.

d. Removal of material shall not result in a finished grade steeper than three to one (3':1'), except for areas of ledge outcrop. This requirement may be waived by a two-thirds majority where the ultimate re-use plan shows the necessity of a steeper slope, but shall not exceed 2:1. There shall be no excavation operations within fifty (50') feet of any property line or of a street line, except that the Commission may waive such buffer via a two-thirds majority where the re-use plan indicates that excavation closer to the property line would facilitate a valid ultimate use of the property, or where excavation on an adjacent parcel would match the finished grades on the subject parcel. This buffer shall remain vegetated unless otherwise approved under this permit. Work to created permitted burms or other buffer improvements is allowable under this section. Where the use of an abutting property is similar or compatible to the proposed use, or where the topography of the property is appropriate, grades may be as steep as two to one (2':1'), and material may be removed to the property line to conform to existing or proposed grades. All slopes shall be protected both during and after disturbance by cut- off ditches or other erosion control devices or measures. At the end of each day, no temporary working slopes shall be left with more than a 2:1 slope unless approved by the Commission and protected with an adequate access barrier.

e. Excavation operations, including loading and delivery of material, shall not commence before 7:00 a.m., E.S.T. or D.S.T. (as the case may be) and terminate not later than 4:30 p.m., E.S.T. or D.S.T. (as the case may be), Monday through Friday; and shall not commence before 8:00 a.m., E.S.T. or D.S.T. (as the case may be) and terminate not later than 1:00 p.m., E.S.T. or D.S.T. (as the case may be) on Saturdays. No

operations are permitted on Sunday or holidays (Memorial Day, Independence Day, Labor Day, Thanksgiving, Christmas and New Years Day). The foregoing shall be deemed to be the standard maximum days and hours of operation in the absence of any condition in the Special Permit to the contrary. The Commission may require or permit greater or lesser days or hours of operation depending on the use of adjoining or nearby properties and of properties along the roads of the anticipated haul pattern; the pattern and character of traffic on the roads of the anticipated haul pattern, including times of commuter traffic, school buses, and truck or other traffic from other land uses in the area; the topography of the property, and its ability to contain or deflect noise and dust; and the presence or absence of specific measures to control noise in the Excavation Operation.

If a Town or State Government requires materials in the event of an emergency, the operation may supply the needed materials outside the normal allowed hours provided the owner/operator notifies the Land Use Office within 24 Hours or on the next business day, whichever comes first, and if requested by the office, provides written orders or invoices for the material showing the government that received the material and the reason for the emergency.

f. No proposed on-site processing of material or use of explosive devices may be permitted unless such use is expressly requested in the application, and approved by the Commission as part of the Special Permit issued hereunder. The plan submitted in support of the Special Permit shall depict the proposed location of such activities. In any event, no rock crushing or other processing of material shall occur within five hundred (500') feet of any property line or of any street. No permanent equipment shall be installed closer than 200' of any street or property line.

The Commission may increase or decrease these minimum setbacks by two-thirds vote depending on the projected lifespan of the Excavation Operation; the character and use of adjacent or nearby properties; the topography of the property, and its ability to contain or deflect noise and dust; and the presence or absence of specific measures to control noise in the Excavation Operation. No stumps shall be buried on site and grinding of stumps shall only occur only when and where expressly authorized by the Commission.

g. During the period of excavation, provision shall be made for proper drainage. The drainage system shall include sedimentation basins designed in accordance with Soil Conservation Service standard practices. The drainage system shall, where recommended by the Town Engineer, include detention basins designed to prevent any increased rate of discharge due to the additional runoff caused by the excavation. The effectiveness of the drainage facilities, including vegetative cover, shall be assured for a 12 month period following completion of each stage of the operation, and no bonds for such stage shall be released until the expiration of such time. The Commission may extend such twelve (12) month period for good cause, such as the failure of the vegetative cover to become established, unusual weather conditions, failure of the drainage design, and similar factors.

h. In any area where the Commission reasonably finds that there is a need to minimize the nuisance of noise, flying dust and rock, or the accumulation of ground or surface water, the Commission may require any or all of the following measures:

- 1) Limitations on the height of stockpiles.

- 2) Provisions for watering/wetting of stockpiles, haul roads, working surfaces/areas; or covering or temporary mulching of stockpiles.
- 3) Construction of visual and/or noise buffers by fencing, earth mounding, vegetative screening, a particular orientation for working faces of the excavation, or other similar measures.

l. Where necessary to protect the safety of persons entering the permit premises, the Commission may require fences, gates, or barricades to control or prevent such access.

j. The sale of earth products to the general public on the premises is permitted where and as designated in the application and approved by the Commission.

k. Truck access roads to and within the permit premises shall be so arranged as to eliminate danger to traffic and to minimize the nuisance to surrounding property owners. Such access roads shall have a dustless surface for the first five hundred ((500') feet from the public street, which is to be maintained in good condition at all times. There shall be an anti-tracking pad adjacent to the street or at the end of any paved entranceway, and such other measures as may be necessary to prevent the tracking, washing, spillage or other deposition of material on the street.

l. The applicant shall make provision for such highway warning signs as are reasonably required by the Commission and authorized by the State Traffic Commission or the Board of Selectmen, as the case may be.

m. As each stage of the excavation operation is completed, that portion of the permit premises shall be graded to its final contour lines as shown on the plans, as approved by the Commission, and a layer of arable topsoil or a combination of subsoil and topsoil on flat areas, of a quality approved by the Zoning Enforcement Officer, shall be spread over the previously excavated areas, except exposed rock surfaces, to a minimum depth of four (4") inches. The areas shall be mulched and seeded in accordance with current recommendations of the Natural Resources Conservation Service. The cover vegetation shall be stabilized and maintained for a period of twenty-four (24) months following seeding. The Commission may authorize different restoration vegetation for areas which are to be used for recreation or agriculture. This work shall occur within 30 days of completion of the phase, or as weather permits, whichever is sooner.

n. No loam shall be sold from any permit premises unless the applicant can conclusively establish that the required four (4") inches of loam would remain to provide the cover specified in the preceding paragraph for all disturbed areas.

o. Removal or disturbance of any material below that elevation shown on the final approved plan is prohibited (i.e., no mining permitted)

p. The applicant shall pay, as an additional application fee, the estimated expenses related to this application and any ongoing inspections during the permit period including, but not limited to, engineering, legal, or consultant fees. Fee estimates shall be provided by those consultants which the Commission Feels may be required, and shall be paid within thirty (30) days of the time that such estimates are provided to the

applicant. Failure to pay these shall be considered reason for denial of the application. A refund may be given, upon successful completion of the project, on the portion of fees collected under the estimate that are not spent on behalf of the application by the Town.

q. No fuel is to be stored on site without express permission from the Commission. When and where authorized, fueling and minor maintenance where spills are possible shall only be performed on an impervious surface.

r. A sign indicating the name of the pit, its address, and emergency contacts shall remain conspicuously posted near each entrance to the site. The Land Use Office shall also have on file this information at all times. If any contact information changes, the owner/operator shall notify the Land Use Office and change the signs within 48 Hours.

18.7 Criteria for Decision

In passing on applications for Special Permits pursuant to this Section 18, the Commission shall consider the following criteria:

a. The application shall contain all information required by this Section 18, and the number of copies required, and said information has been prepared by persons possessing the necessary expertise to prepare it. Information shall be presented with adequate clarity and professionalism to permit the Commission to understand it and determine compliance with these Regulation. The presentation of a complete application, as described herein, is the obligation of the applicant, and failure to meet this criteria shall be grounds for denial without prejudice to future, complete applications.

b. The application shall conform with applicable provisions of these Regulations, unless an express waiver is granted where specifically authorized herein. Further, the application shall conform to the Canterbury Subdivision Regulations; the Canterbury Inland Wetlands and Watercourses Regulations, as evidenced by the submission of an Inland Wetlands Permit issued by the Canterbury Inland Wetlands and Watercourses Commission, where required; 2002 CT Erosion and Sedimentation Manual, as amended, and the CT DEP Stormwater Permit Standards and all relevant provisions of the United States Code and the Connecticut General Statutes and regulations adopted pursuant to them (such as water diversion permits from the Connecticut Department of Environmental Protection or wetlands permits from the U.S. Army Corps. of Engineers), whether or not cited in these Regulations.

c. No excavation operation shall be approved where there is evidence, on the record, that such operation poses a risk of degradation of surface or ground-water supplies arising out of any element of the proposed use or site plan.

d. The effect of such removal or filling on the surrounding property and the future usefulness of the premises when the operation is completed.

e. The traffic and safety impacts of the haul pattern.

f. The impact of noise, dust, erosion, blasting, and other proposed activities on residential uses and property values in the neighborhood.

- g. The environmental impact of the use, including impacts on ground- and surface- water quality and quantity, wildlife habitat, aquifer protection, and similar considerations.
- h. Compliance with the Performance Standards of Section 13.4 of these Regulations.
- i. The visual impact of the use both during and following the excavation operation.
- j. The adequacy of the provisions for a dustless surface on access roads, and the minimization of the nuisance from noise, flying dust and rock.

Provision for adequate vegetative screening, fencing, earth mounding for safety, visual and noise buffers along the property and street lines may be required, as determined by the Commission.

18.8 Application Procedure

The application procedure set forth in Section 13 of these Regulations (concerning Special Exceptions) shall apply to applications under this Section 18, except as modified in the following Section 18.9.

18.9 Permit Review, Expiration and Renewal.

18.9.1 Inspection and Testing. The Commission, its Zoning Enforcement Officer or Town Engineer may, at any time, inspect the permit premises for compliance with these Regulations, the approved plans, and any conditions of the permit. The Commission or its Zoning Enforcement Officer may take water samples from appropriate locations and have them analyzed to determine the impact of the excavation operation on surface or subsurface water quality. Such monitoring shall not relieve the permit holder of its responsibility to assure effective water pollution control.

18.9.2 Permit Review. During the month of April and the month of August, or more often if conditions warrant, the Commission may require the permit holder to review the site, either in the field or before the Commission or both, to address permit compliance and to review progress toward restoration.

18.9.3 Permit Expiration and Renewal. Any permit or renewal thereof shall expire on March 1 of the year following its date of issuance except for those permits issued after July 1st, whereas, the first required renewal shall be the second occurring March 1st to avoid a renewal requirement eight (8) or fewer months after the initial approval. For example, a permit that was initially approved July 1, 2008 or later would not need to be renewed until March 1st, 2010. A permit issued prior to March 1, 2008 would need to be renewed March 1st, 2009.

The Commission may authorize renewal of any permit for additional periods of not more than one (1) year, without an additional public hearing if the excavation operation is proceeding in accordance with all these Regulations and any permit issued hereunder. The permit holder shall apply for such renewal no less than forty-five (45) days, nor more than ninety (90) days, prior to the expiration of the current permit.

Renewal applications shall include evidence of compliance herewith, including, but not limited to, an updated survey depicting the existing contours and / or existing

spot elevations as accepted by the Town Engineer, as compared to the proposed contours, as required in section 18.5; photographs of the site; water quality or noise test data (if requested by the Commission); and the like. Operations that have hauled less than 100 yards over the course of the year may submit a letter to the Commission from their engineer or surveyor indicating this fact in lieu of a new full survey. However, at the point where the operation hauls a total cumulative volume of 500 or more yards without the filing a site plan, or upon the request of the Commission because of a particular concern, a new updated site plan shall then required. The Commission may require additional information if the renewal will involve changes from the original permit. The Commission may also impose additional conditions on, or modifications to, the original permit which appear necessary or desirable in light of the history of the operation.

To minimize the necessity of operators or their professional representatives from attending the meeting where their renewal will be discussed, if no concerns are outstanding concerning the operation and the ZEO and Town Engineer are in concurrence that the operation is operating within the permit requirements, the ZEO may forward a report stating these facts to the Commission, which may accept this report as all the needed testimony to approve the renewal. If the Commission determines that testimony is required, the application shall be continued to allow for this to occur.

18.10 Staging

The Commission reserves the right to require project stages to limit the amount of land to be denuded and stripped at any one time. Such requirements shall be based upon the character of the neighborhood, the topography of the site, the potential for erosion by wind or water, and the recommendation of the Town Engineer or such other State or local agency, or special advisor, as may provide advice to the Commission.

18.18 Bonding

Before a permit or renewal is granted, the owner shall post a bond in the form of cash, a passbook assigned to the Town or an irrevocable letter of credit issued by a commercial bank having offices in Windham County in the State of Connecticut, any of which shall be filed with the Treasurer of the Town of Canterbury or a lien on real property located within the Town of Canterbury and filed on the land records of the Town of Canterbury. The amount of the bond, and the type of bond or combination of bonds (cash, passbook, letter of credit, lien) shall be determined by the Commission and be sufficient to insure full and faithful compliance with the provisions of these Regulations, including the protection of Town roads, and final reseeding, re-grading and site restoration as required by these Regulations and the permit. The amount of such bond shall be reviewed by the Town Engineer and/or the Natural Resources Conservation Service of the United States Department of Agriculture. The form of bonds shall be approved by the Commission's legal counsel and shall be on forms approved by the Town. Bonds may be reduced, in the Commission's sole discretion, as areas of the site are restored and the scope of the excavation operation is reduced; or the Commission may increase such bonds due to inflation, unforeseen restoration problems, correction of violations of these Regulations, and other similar factors.

18.12 Enforcement

Any permit issued hereunder may be enforced in accordance with the provisions of Section 18 of these Regulations.

18.13 Pre-Existing Excavation Operations.

a. Excavation Operations in existence as of the effective date of this regulation. Legal Excavation Operations, as defined below, shall submit Site Plan Review applications in accordance herewith within 120 days of the effective date of this Regulation section 18, and shall be bound by all procedural requirements hereof; and shall conform to all operating requirements contained herein. However, this Section 18 shall not be construed to require any alteration of any area already restored in accordance with any past approval and as amended thereafter; nor shall renewal of such permit be denied for the reason that it does not comply with any criteria as to the location of the excavation (that is, its relationship to surrounding uses or zones) which are contained in this Section 18 but which were not contained in said predecessor approval. This permit shall also not be denied for an accessory use, which was previously approved, or existed at the time zoning was enacted (ie. crushing or screening), but these uses may be reasonably regulated to protect the quality of life and safety of the residents and the protection of the environment. All existing excavation operations shall submit a plan depicting stages by which areas of active excavation either existing or approved, but which violate the restoration provisions of this Section 18, shall be brought into conformance herewith. Such plan shall provide for full conformance with this Section 18 no later than December 31, 2012. Failure to meet either of these dates will be a violation of this section 18.

b. Legal Excavation Operations which are not Active Excavation Operations (see definition below), shall not resume excavation activity except upon the issuance of a Special Exception as described in 18.3. However, no such Special Exception shall be denied for the reason that it does not comply with any criteria as to the location of the excavation (that is, its relationship to surrounding uses or zones) which are contained in this Section 18. This permit shall also not be denied for an accessory use, which was previously approved or existed at the time zoning was enacted (ie. crushing or screening), but these uses may be reasonably regulated to protect the quality of life and safety of the residents and the protection of the environment. The requirement for an application for Special Exception is to allow neighbors the opportunity to be made aware of, and to comment on, the pending application for activities they may not be aware are allowable on the parcel.

No excavation activities which would be otherwise regulated under this section may start without this permit being filed on the land records.

An Active Excavation Operation is one which either is currently, or has been in the past five years, conducting activities that would be regulated under this section.

A Legal Excavation Operation is one which either received a permit previously from the Planning and Zoning Commission, or one which has existed before zoning was established, with or without the statement of use described in 4.3 of these regulations; provided, however, that any activity regulated under this section 18 to be carried out by any entity, which will occur on an adjacent or other parcel(s) not covered under a separate permit or statement of use, or on any portion of the subject parcel which was not present in its current configuration as of the effective date of these regulations or the date the Legal Non-Conforming or Statement Use was created (such as the areas obtained under lot line revisions, mergers, splits, subdivisions, etc), shall not be covered under the above clauses in this section 18.13 will require a new Special Exception as a new proposed operation.

18.14 Revisions to Approved Plan

Nothing herein shall prevent the Commission from approving a revised plan, without a public hearing, depicting minor modifications, or depicting reductions to the scope of work originally approved (but not expanding or extending it), provided that the bond required in Section 18.11 shall not be released until all required provisions of these Regulations have been met, and provided further that any significant modification, or any expansion or extension of the operation shall require a public hearing prior to approval.

Added 2/10/09
Effective 3/1/09

SECTION 19 AGRICULTURE REGULATIONS

19.1 Purpose and Authority

These regulations have been developed to substantiate, promote, protect, retain, and encourage Canterbury's rural character. This rural character has its roots in the tradition of New England Agriculture: the small farm, the fruit orchard, and the dairy.

19.2 Definitions and Terms

See Section 2.1 of these Regulations.

19.3 Farm Buildings and Structures

Agricultural buildings and Structures on a farm are allowed by right, subject to the limitations below and all applicable building codes and other applicable regulations.

19.3.1 All agricultural buildings and Structures, except farm stores and seasonal farm stands, shall be located at least 50 feet from any Front Lot Line and 25 feet from any Side or Rear Lot Line except as allowed in section 5.5.

19.3.2 The Commission may reduce these front lot line setback requirements via site plan review when the building's location will not cause any safety issues on the street / road. The Commission may also waive side or rear lot line requirements if the Commission finds that the use will be compatible with the existing use(s) on abutting properties.

19.3.3 Agricultural buildings and Structures with footprints totaling greater than 6,000 square feet on a farm parcel of less than three acres require Special Permit approval unless adjacent to another parcel in common ownership where both lots in total size, equals greater than three acres.

19.3.4 Buildings housing livestock and/or animal waste and refuse on any parcel shall be located at least 100 feet from any school, library, museum, church, government building, park or dwelling other than that of the owner.

19.3.5 Agricultural buildings and Structures shall have a 100 foot height limit.

19.3.6 Any food service facilities shall comply with state and municipal health codes.

19.3.7 Temporary Structures, such as hoop houses, run in sheds, birthing sheds, and similar Structures easily moved and not permanently mounted to the ground are allowed by-right and no zoning permits are required provided they meet the setback requirements in 19.3.1 & 19.3.4.

19.4 Farm Stores and Seasonal Farm Stands

19.4.1 Farm Store: Farm stores are allowed by Special Permit only on farms, provided they meet the Special Permit requirements of Section 13 and:

- A. The footprint of the farm store and all retail areas is compatible in size and scale with neighboring uses. A farm store may, if compatible, contain up to 100

square feet of indoor display area for each acre of land in the farm parcel, or adjacent parcels commonly owned. If the farm parcel is reduced after the establishment of the farm store, the farm store must be reduced to remain in compliance with this provision. Greenhouses used to sell nursery stock are not counted in this maximum size requirement.

B. At least 50 percent of the gross value of the products available on site for sale shall be from agricultural goods produced on the owner's farm, or processed products made from raw material that were produced on the owner's farm, for at least three of the immediately preceding five years. For new farm stores, the store must meet this requirement moving forward until an adequate history is present to revert to the rear-looking requirement.

C. To ensure public safety, farm stores are required to have off-street parking with adequate ingress and egress. A parking area, of three square feet for every one square feet of building footprint or outdoor display area, shall be provided. Permeable parking services are encouraged.

D. Farm Stores shall be no less than 50 feet from the front lot line and 25' from the side, and rear lot lines.

19.4.2 Seasonal Farm Stand: Seasonal Farm Stands are allowed on farms by the issuance of a zoning permit from the Zoning Enforcement Official, provided:

A. The Seasonal Farm Stand and sales area are compatible in size and scale with the neighboring uses. This shall be defined as being less than 750 square feet in size. Larger operations may be approved by the Commission via Site Plan Review. Greenhouses used to sell nursery stock are not counted in this maximum size requirement.

B. At least 70 percent of the gross value of the products available on site for sale shall be from agricultural goods produced on the owner's farm, for at least three of the immediately preceding five years. For new farm stores, the store must meet this requirement moving forward until an adequate history is present to revert to the rear-looking requirement.

C. The seasonal farm stand must cease operations at least six weeks in one year, unless primary product(s) are produced year round, such as dairy products.

D. To ensure public safety, seasonal farm stands are required to provide parking for 5 cars (not in a public right-of-way) with adequate ingress and egress. Parking does not have to be paved or improved, just accessible to and useable in all weather conditions for visiting vehicles (a section of a field works, provided it is passable).

E. The Seasonal Farm Stand must be placed at least 10 feet from the front lot line, at least 50 feet from any road intersection and at least 25 feet from any side or rear lot line.

19.5 Agricultural and Non-Agricultural Related Uses

19.5.1 Temporary Agriculturally-Related Uses: Events of limited duration on a farm, which are accessory to agricultural uses.

A. These include events such as corn mazes, pick-your-own, harvest festivals, educational demonstrations, hay rides, petting zoos, or other accessory agricultural uses.

B. Agriculturally related uses are allowed on farms provided adequate off-street parking is provided for guests/customers. Parking does not have to be paved or

improved, just accessible to and useable in all weather conditions for visiting vehicles (a section of a field works, provided it is passable).

19.5.2 Permanent Agriculturally Related Uses: Events on a farm, which are accessory to agricultural uses, which occur regularly.

A. These include uses such as horseback riding and / or lessons for pay, horse or animal boarding (other than cat and dog boarding), processing of farm products or similar activities.

B. Agriculturally related uses are allowed on farms via a zoning permit issued by the Zoning Enforcement Agent (ZEO) provided adequate off-street parking is provided for the anticipated number of guests/customers. Limits on the use may be established by the ZEO, depending on the available parking.

C. Off street parking shall be improved, using a gravel or other stable base or pavement, and have safe access, including site lines, as specified in the Public Improvement Specifications of the Town of Canterbury and determined by the ZEO.

19.5.3 Non-Agriculturally Related Uses: Fee-based activities that are part of a farm operation's total offerings, but are not accessory to agricultural, or tied to agricultural buildings, Structures, equipment and fields.

A. Such uses include but are not limited to, fee based outdoor recreation, such as cross country skiing and mountain biking and event hosting, such as banquets, weddings, etc.

B. Non-agriculturally related uses are allowed on farms only by Special Permit and shall meet Special Permit requirements.

C. Loud uses, such as truck, car, motorcycle or all-terrain vehicle racing or riding where neighbors would be disturbed by noise or fumes are not allowed under this section.

19.6 Agricultural Sign Regulations

19.6.1 Agricultural Sign: A. One agricultural sign per farm or farm stand is allowed.

B. Agricultural signs shall meet all other applicable performance standards, including setbacks, illumination standards, and others.

19.6.2 Seasonal Agricultural Sign: Such signs shall not have a combined area larger than 32 square feet per side total (for all Seasonal Agricultural Signs), with a maximum of two sides.

A. One or several seasonal agricultural sign(s) per farm, farm store, seasonal farm stand, and agriculturally related use is allowed in a rural district zone only.

B. At no time, however, shall any farm have more than three seasonal agricultural signs.

C. Seasonal agricultural signs shall meet all other applicable performance standards indicated in section 14, including setbacks, illumination standards, and others.

19.6.3 Agricultural Directional Sign: A permanent directional sign approved by the State Department of Agriculture. Farms are encouraged to provide agricultural directional



signs in addition to agricultural and seasonal agricultural signs.

19.6.4 Temporary Directional Signs: A directional sign that is temporary in use to direct traffic to a seasonal farm stand or store for periods not to exceed three months annually. These shall be allowed by Zoning Permit issued by the Zoning Enforcement Officer, which shall expire on January 1st of the following year. Such signs are not to exceed 4 (four) square feet per side and shall only be installed on private property with the permission of the owner or Town property with the written permission of the First Selectman. Such signs shall also not block any sightlines or cause any disturbance to vehicular, bicycle or pedestrian traffic.

Adopted June 10, 2010
Effective June 18, 2010

SECTION 20 ADMINISTRATION, ENFORCEMENT, FEES, PENALTIES
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- 19.1** These Regulations shall be administered by the Planning and Zoning Commission or its appointed agent, who will be designated the Zoning Enforcement Officer.
- 19.2** No building over 100 square feet shall be erected, moved, or structurally enlarged in area without a zoning permit, issued in conformity with the provisions of these Regulations, unless he or she receives a written order from the Zoning Board of Appeals in the form of an administrative review or variance. Application for a Zoning Permit shall be made on a form provided for that purpose and obtainable in the Office of the Canterbury Town Clerk.
- 19.3** The Canterbury Planning and Zoning Commission or the Zoning Enforcement Officer, in addition to other remedies, may institute an action or proceeding to prevent the erection, alteration, reconstruction or to prevent the illegal occupation or use of buildings or land.
- 19.4** Fees to be charged for the issuance of zoning permits shall be as determined by a fee schedule adopted by a Town Meeting of the Town of Canterbury.
- 19.5** The penalties for violation of these Regulations shall be: a fine of not less than ten (\$10) nor more than one-hundred dollars (\$100) for each day that such violation continues; but, if the offense is willful, the person convicted thereof shall be fined not less than one-hundred (\$100) dollars, nor more that two-hundred and fifty dollars (\$250) for each day such violation continues, or imprisoned not more than ten (10) days for each day such violation continues, or both; or, the penalties prescribed in the Connecticut General Statutes, as amended, whichever is more severe.

SECTION 21 APPEALS

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

SECTION 22 AMENDMENTS
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- 21.1** These Regulations may be amended by the Commission after proper public notice and public hearing in accordance with Section 8-3 of the General Statutes. Application for a zone change shall be made on the form supplied by the Commission and shall be submitted to either the Secretary or Chairman of the Commission at least 24 hours prior to the next regularly scheduled meeting and shall be accompanied by such fee as shall be determined by the Planning and Zoning Commission of the Town of Canterbury adequate to cover the cost of advertising and processing the application.

**SECTION 23
SEPARABILITY**

- 22.1** Should any section or provision of these Regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of these Regulations as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

**SECTION 24
EFFECTIVE DATE**

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

February 1, 1976;
December 2, 1985;
October 12, 2000;
July 26, 2002 (Effective August 18, 2002);
October 10, 2002 (Effective October 30, 2002);
September, 11, 2003 (Effective September 30, 2003);
February 14, 2008 (Effective March 4, 2008)
February 10, 2009 (Effective March 1, 2009)
May 13, 2010 (Effective June 1, 2009)
June 10, 2010 (Effective June 18, 2010)