



TOWN OF VOLUNTOWN
115 Main Street, PO Box 96, Voluntown, CT 06384
AGENDA
Planning and Zoning Commission Meeting
September 13, 2023
7:00 PM
Voluntown Town Hall Meeting Room

This public meeting is being held in person and will be livestreamed on the town YouTube channel which is: Town of Voluntown, CT-Government, <https://www.youtube.com/channel/UCXdF6kZQMhDVNetgjDX2MAQ>

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1. **Call to Order and Roll Call**
2. **Seating of Alternates**
3. **Approval of Minutes**
4. **Additions to Agenda**
 - a. Minutes of the July 12th 2023 meeting of the Planning & Zoning Commission 2 - 3
[Voluntown-PZC-Minutes-July-2023_jg](#)
5. **Citizen Comments**
6. **New Business**
7. **Old Business**
 - a. Zoning Regulations Update 4 - 54
[VoluntownZoningRegs Revision August 2023 Working - Clean](#)
8. **Correspondence & Announcements**
9. **Planner/ ZEO Report**
 - a. Commissioner Training
10. **Adjournment**



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**PLANNING & ZONING COMMISSION
PUBLIC HEARING & REGULAR MEETING**

July 12, 2023

7:00 P.M.

VOLUNTOWN TOWN HALL

MINUTES

1. **Call to Order and Roll Call:** S. Stephanski called the meeting to order at 7:07 pm.

Members Present: S. Stephanski, P. Wray, J. Hodge, J. Zonfrilli

Members Absent: S. Davidson, D. Nieminen, B. Muschiano, T. Sweet

2. **Seating of Alternates:** J. Hodge was seated for S. Davidson

3. **Citizen Comments**

Approval of Minutes: J. Zonfrilli made the motion to approve the meeting minutes from June 14, 2023. Seconded by J. Hodge. *MOTION PASSED* Unanimously.

4. **Additions to the Agenda**

5. **Public Hearing**

- a. **Re-Subdivision Application: 280 Shetucket Turnpike.** Applicant: Daniel Cloud.

Applicant Daniel Cloud discussed the subdivision plans for 280 Shetucket Turnpike. The Planning & Zoning Commission requested a revised plan from the applicants to demonstrate compliance with the Rear Lot provisions of the Zoning Regulations and to accommodate future subdivision plans.

J. Hodge made the motion to table the public hearing to August 9th. Seconded by J. Zonfrilli. *MOTION PASSED* Unanimously.

6. **Old Business**

- a. **Re-Subdivision Application: 280 Shetucket Turnpike.** Applicant: Daniel Cloud. Application received at May 10, 2023 Meeting.

J. Hodge made a motion to table the discussion of the application to August 9th. Seconded by J. Zonfrilli. *MOTION PASSED* Unanimously.

- b. **Zoning Regulation Project.** Review compiled draft

Planning & Zoning reviewed the regulations and discussed potential regulations for short term rentals.

7. **New Business**

- a. CGS §8-24 Referral from Board of Selectmen: Potential sale of 2 Church Street (Map 27B, Lot 081).

First Selectman Tracey Hanson discussed the demolition of the former Methodist Meeting House and the inability to redevelop the property. Motion to put 2 Church St up for sale was made by J. Hodge. Seconded by P. Wray. *MOTION PASSED* Unanimously.

8. Correspondence

9. General Discussion

Planner/ Interim ZEO J. Guskowski reminded P&Z Commission to complete land use training.

10. Adjourn

Motion was made to adjourn the meeting at 8:28 pm by J. Hodge, seconded by J. Zonfrilli. *MOTION PASSED* Unanimously.

Zoning Regulations

Town of Voluntown, Connecticut

**Revision Markup – Working Draft
August 2023**

Voluntown Planning & Zoning Commission

Revised: July 25, 2023

ZONING REGULATIONS
Town of Voluntown

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SECTION 1: TITLE, AUTHORITY, AND PURPOSE

1.1 These regulations shall be known as the "Zoning Regulations of the Town of Voluntown, Connecticut," and are in reference to as "these Regulations."

1.2 These Regulations have been prepared in accordance with provisions of Chapter 124 of the Connecticut General Statutes, 1958 Revision, as amended.

1.3 The purpose of these Regulations is to: (A) lessen congestion in the streets; (B) secure safety from fire, panic, flood and other dangers; (C) promote health and the general welfare; (D) provide adequate light and air; (E) protect the state's historic, tribal, cultural and environmental resources; (F) facilitate the adequate provision for transportation, water, sewerage, schools, parks and other public requirements; (G) consider the impact of permitted land uses on contiguous municipalities and on the planning region, as defined in § 4-124i, in which such municipality is located; (H) address significant disparities in housing needs and access to educational, occupational and other opportunities; (I) promote efficient review of proposals and applications; and (J) affirmatively further the purposes of the federal Fair Housing Act, 42 USC 3601 et seq., as amended from time to time, and to proactively advance the goals of the Voluntown Plan of Conservation & Development..

SECTION 2: DEFINITIONS

Certain words and terms used in these Regulations shall have the meanings presented in this section. All words used in the present tense include the future tense. The word "used" shall be deemed also to include "designed, intended, or arranged to be used." Other words used in these Regulations shall have the meaning commonly attributed to them. Where questions arise, the Connecticut General Statutes and current dictionaries of American English language shall apply, as determined by the Commission.

Accessory Use or Building. A subordinate use or building or structure which is customarily incidental to and located on the same lot with the principal use or building or a contiguous lot under the same ownership.

Accessory Dwelling Unit : A residential dwelling unit subordinate in size and accessory to a one-unit dwelling, which may be located within, attached to or on the same lot as a one-unit dwelling.

Affordable Unit, Affordable Housing. A dwelling unit(s) conveyed by a deed containing covenants and restrictions which requires that it be sold or rented at, or below, prices which will preserve it as affordable housing, as defined in the General Statutes, Section 8-39a, for persons and families whose income is less than or equal to 80 percent of the area median income, for at least 20 years after the initial occupation of the unit.

Agriculture. Agriculture and farming shall follow the definition provided by Section 1-1(q) of the Connecticut General Statutes.

Amusement Game Arcade. Three (3) or more amusement game machines in the same place, location, or premises.

Amusement Game Machine. A coin-operated machine or device which, whether mechanical, electrical or electronic, shall be ready for play by the insertion of a coin, and may be operated by the public for use as a game, entertainment or amusement, the object of which is to achieve either a high or low score, which, by comparison to the score of other players whether playing concurrently or not, demonstrates relative skill or competence, or indicates in any other way competitive advantage of one player or team over another, regardless of skill or competence. It shall include devices such as pinball machines or any device which utilizes a video tube to reproduce symbolic figures and lines intended to be representative of real games or activities.

Antenna. A device used to receive or transmit electromagnetic waves. Examples include whip, panel, and dish antennas.

Bed and Breakfast Inn. An owner-occupied dwelling, having six or less guest rooms, without separate kitchen facilities, in which overnight accommodation and meals are provided to travelers, for a fee and for not more than fifteen consecutive days.

Beer & Brew Pub: An establishment selling beer brewed on the premises and may include a restaurant. See Section 8.18 for Regulations regarding Beer & Brew Pub

Buildable Area: Land area on a parcel exclusive of the following: wetlands and watercourses; areas within the 100-year FEMA flood boundary; slopes in excess of 25%; rock or ledge outcrops; rights of ways or easements, and utility and drainage easements.

Building. A structure enclosed within exterior walls, built, erected, and framed of component structural parts, designed for the housing, shelter, enclosure and support of individuals, animals, or property of any kind.

Town of Voluntown Zoning Regulations – Working Draft of Zoning Overhaul (Clean Version) – June 2023

Camper, Camp Trailer, Camper Coach. A wheeled conveyance for camping or recreational purposes, or clearly intended as an accessory vacation habitation, and not for permanent human habitation.

Campground. Any area devoted to or designated for the use of more than one temporary seasonal accommodation, such as more than one camp trailer, tent, or rental cottage.

Cemeteries. A place for the burial of the dead.

Churches and Other Places of Worship: A building, together with its accessory buildings and uses, where persons regularly assemble for religious purposes and related social events and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain religious ceremonies and purposes. Includes accessory residential structures and associated buildings for religious personnel. Does not include any use defined in these regulations as Public/Private Schools or Day Care.

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

Commercial Recreation Facility. The use of a building or space for recreation activities, other than those otherwise specifically prescribed by these Regulations, which may or may not involve equipment or apparatus and where a fee is charged for participation in such activities.

Commission. The Planning and Zoning Commission of the Town of Voluntown.

Dwellings, Multiple-Family. A residential building designed for or occupied by three (3) or more families in separate dwelling units.

Dwelling, Single-Family. A detached residential dwelling unit, other than a mobile home, designed for occupancy by one (1) family only.

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

Dwelling Unit. One room, or rooms connected, constituting a separate, independent housekeeping establishment for owner or renter occupancy, and containing independent cooking, sleeping facilities and sanitary facilities.

Eating and Drinking Establishment: Retail establishment selling food or drink for consumption on the premises, including lunch counters and refreshment stands selling prepared foods for immediate on site consumption.

Elderly Housing. Dwelling units specially designed for the use and occupancy of married couples or single individuals who are 55 years of age or older or disabled.

Excavation. The excavation, grading, depositing, or removal of earth material, including, but not limited to, topsoil, sand, gravel, clay or stone, which involves more than 100 cubic yards of material in a single calendar year, except in connection with (a) a bona fide construction project for which a zoning permit has been issued; (b) a subdivision approved by the Commission; or (c) farming conducted on the same property or adjacent property, provided no such material is sold to another and no more than 400 cubic yards of material is removed in any one (1) calendar year.

Town of Voluntown Zoning Regulations – Working Draft of Zoning Overhaul (Clean Version) – August 2023

Family. One or more persons occupying a dwelling unit and living as a single housekeeping unit, as distinguished from a group occupying a hotel, boardinghouse, club, fraternity, or sorority house.

Family Day Care Home, which is a private family home caring for not more than six (6) children, including the provider's own children not in school full time, where the children are cared for not less than three (3) nor more than twelve (12) hours during a twenty-four (24) hour period and where care is given on a regular basis, per Section 17-31 of the Connecticut General Statutes.

Floor Area. The sum of the gross horizontal interior areas of all floors contained within a structure, measured from the exterior face of outside walls or from the centerline of a common wall separating two structures. It shall not include areas below grade when devoted to the following uses: mechanical spaces, parking, or storage (when related to the principal use of the building) but shall include all other below grade areas. Stairwells, open porches, balconies, garages, or utility rooms shall not be included in determining a floor area.

Group Day Care Home, which is a facility which provides a program of supplementary care to not less than seven (7) nor more than twelve (12) related or unrelated children on a regular basis for part of the twenty-four (24) hours in one or more days a week, and meets the requirements of the State of Connecticut Department of Health Services "Public Health Code Regulations for Child Day Care Centers and Group day Care Homes", Section 19a-79-1 through 19a-79-8 inclusive, and Connecticut General statutes Sections 19a-77 through 19a-87 inclusive, as amended, and all other applicable federal, state, and local requirements.

Hazardous Material. Materials, including waste products, as defined in the U.S. Environmental Protection Agency's publication 49 CFR, Table 172.101, "Hazardous Materials Table".

Height, Building. The vertical distance above the average existing grade of each side of a structure measured to the highest point of the structure.

Home Business. An activity conducted for financial gain in a dwelling unit or in another building on the same lot as the dwelling unit, and complying with Section 10.6 of these Regulations

Hotel/Motel: A building or buildings providing transient lodging to the general public for compensation, with daily cleaning service, and with or without meals or kitchen facilities.

Household: A household is considered the living together in a single dwelling unit of: (a) Any number of individuals related by blood, marriage or adoption, or (b) up to four (4) adult persons all of whom are not necessarily related to each other by blood, marriage or adoption, and their minor children.

Junk Yard. Any property or portion thereof used for the outside storage, keeping or abandonment of worked out, cast-off, or discarded articles or material ready for destruction or collected or stored for salvage or conversion to some use. Motor vehicles which are on the tax rolls are not considered junk.

Kennel, Commercial: A commercial establishment that provides boarding, medical care, breeding, grooming, exercise, whelping, raising, and/or training of puppies, dogs, and other household pets.

Kennel, Hobby: The boarding, breeding, raising, grooming, or training of two or more dogs, cats, or other household pets that are owned by the owner or occupant of the premises and are not regularly intended for sale.

Laboratory, Medical, Scientific, or Technical: A facility for scientific, technical, or medical research, investigation, testing, analysis, or experimentation, but not for manufacture or sale of products.

Town of Voluntown Zoning Regulations – Working Draft of Zoning Overhaul (Clean Version) – June 2023

Lot: One or more contiguous parcels of land under single ownership or control, to be used, developed, or built upon as a unit.

Mixed Use Development: The development of a neighborhood, tract of land, building or structure with a variety of complementary and integrated uses, such as, but not limited to residential, office, manufacturing, retail, eating and drinking establishments, public and recreation, in a compact village design.

Mobile home. A building mass-produced in a factory as an individual unit designed for long-term residential use when connected to required utilities and designed and constructed on a chassis for transportation to a site for use. A mobile home shall be construed to remain a mobile home, subject to all regulations applying thereto, whether or not wheels, axles, hitch or other appurtenances of mobility are removed and regardless of the nature of the foundation provided. A mobile home shall not be construed to be a camping vehicle. Other factory-manufactured buildings, such as modular homes, not meeting the above criteria, shall not be construed to be mobile homes.

Non-Conforming Building or Structure. A building or structure of which the dimensions or location do not conform to all the applicable provisions of these Regulations, but which was legally existing at the effective date of the adoption of these Regulations or of any pertinent amendment thereto.

Non-Conforming Use. The use of land or structure does not conform to the applicable use provisions of these Regulations but was legally existing at the effective date of these Regulations or of any pertinent amendment thereto.

Office, General. A room, group of rooms or a building used primarily for conducting the affairs of a business, profession, service, industry, or government but excluding any medical services and facilities related to the practice of medicine.

Office, Medical or Health Care: A facility where human patients, who are typically not lodged overnight, are treated by physicians, dentists, therapists, other health care professionals or similar professions. Such facilities may include ancillary laboratory, rehabilitation, and pharmacy services.

Open Space: Land or water areas which include but are not limited to: areas left in their existing or natural state; areas and facilities for non-commercial, non-profit passive and active recreation; or areas for wildlife habitat, groundwater recharge, and scenic protection.

Principal Building. A building containing the principal use of a property. In the case of a farm, the residence, if any, shall be the principal building.

Principal Use. The main use of land or structures as distinguished from a secondary or accessory use

Restaurant, Standard. Any establishment whose principal business is the sale of foods prepared from scratch ingredients on the premises and beverages to the customer in a ready-to-consume state, and whose method of operation is such that an employee takes the seated customer's order and serves the food and beverages at the same table or counter at which said items are consumed. It also means a cafeteria-type operation, provided foods and beverages are consumed on the premises and are not typically served in paper, plastic, or other disposable containers.

Restaurant, Take-Out. Any establishment whose principal business is the sale of food that has been prepared from scratch ingredients on the premises to the customer in a ready-to-consume state and whose method of operation is such that customers order the product off site or at a counter on the premises and take the product off the site for consumption elsewhere.

Restaurant, Fast-Food. Any establishment whose business involves the sale of pre-prepared or rapidly prepared foods or beverages to the customer in a ready-to-consume state, and whose method of operation is such that customers normally order and obtain the product at a central location separate from the tables or counters used for consumption on site.

Short-Term Rental ?

Specialized Agricultural Buildings. The use of a building for intensive farming and farming-related activities that involves one or more of the following:

- a. Processing or packaging of farm products, by-products, or animal or poultry wastes;
- b. Shelter for more than 100 animals or 20,000 fowl;
- c. Workplace for more than five (5) non-family, full-time employees;
- d. Retail sales of products raised, or processed on the premises, other than in a seasonal roadside farm produce stand.

Special Exception (Special Permit). A permit process authorized by the Connecticut General Statutes which allows land use only under special conditions due to the potential negative impacts from such uses. The special conditions must be included in the regulations.

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

Structure. Anything constructed or erected, the use of which requires location on the ground or water or attachment to something having location on the ground or water. A structure shall be deemed to include, but not be limited to: buildings, swimming pools, tennis courts, towers, paddle or platform tennis courts, docks, balconies, open entries, porches, decks, handicap ramps, signs, permanent awnings, ground-mounted antennas, ground-mounted solar panels and satellite dishes, and fences or walls more than seven feet in height, other than retaining walls.

Temporary Events: A temporary festival or other such group or aggregation of rides, shows, games, exhibits, demonstrations or concessions or any combination thereof. Also, any special events such as weddings, large parties, and other such gatherings where the property is rented for a fee and not held within or on the grounds of a private residence in a residential district.

Tower. A structure intended to support equipment used to receive or transmit electromagnetic waves. Examples of towers include self-supporting lattice, guyed, and monopole.

Use. The purpose for which property is arranged, designed, or intended, or for which either land or building is or may be occupied or maintained.

Wetlands: Lands, including submerged lands, not regulated pursuant to Sections 22a-28 through 22a-35, inclusive, of the Connecticut General Statutes, which consist of any of the soil types designated as poorly drained, very poorly drained, alluvial, and floodplain by the National Cooperative Soil Survey, as it may be amended from time to time, of the Natural Resources Conservation Service of the U.S. Department of Agriculture (USDA). Such areas may include filled, graded or excavated sites which possess an aquic (saturated) soil moisture regime as defined by the USDA National Cooperative Soil Survey.

Wireless telecommunication facility. The equipment and structures involved in receiving or transmitting electromagnetic waves are 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. An unoccupied space on a lot, extended along the entire length of the lot lines.

Yard, Front. An open, unoccupied space, extending across the full width of the lot between the minimum required building setback line and the front lot line.

Yard, Side. An open, unoccupied space between the minimum required building setback line and the side lot line, extending from the front yard, or front lot line, to the rear lot line. A corner lot shall be considered to have two (2) front yards.

Yard, Rear. An open, unoccupied space, extending across the full width of the lot between the minimum required setback line and the rear lot line.

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SECTION 3: ADMINISTRATION AND PROCEDURES

3.1 Enforcement. These Regulations shall be administered and enforced by the Planning and Zoning Commission and/or its appointed agent, the Zoning Enforcement Officer. The Zoning Enforcement Officer:

- A. Shall not issue any permit, certificate, or extension thereof unless the same complies with these Regulations.
- B. May cause any building, land, or use to be inspected, and may order in writing, any person to correct or abate any condition violating these Regulations.
- C. Shall keep on file a full and accurate record of all applications, permits, certificates and other records required by these Regulations or pertaining to his services.

3.2 Permits. No building shall be erected, moved, or structurally enlarged in area and no use shall be established or changed without a Zoning Permit therefore from the Zoning Enforcement Officer, issued in conformity with the provisions of these Regulations. Application for a Zoning Permit shall be made on a form provided for that purpose and obtainable from the Voluntown Land Use Office or municipal website.

A. A plot plan showing the location and dimensions of lots and structures shall be required to show conformity with these Zoning Regulations before any zoning permit can be issued. Such plot plan must be reviewed by the Zoning Enforcement Officer prior to issuance of a building permit by the Building Inspector.

B. No Building Permit and no Certificate of Occupancy shall be issued by the Building Official for any building, use or structure without certification in writing by the Zoning Enforcement Officer that such building, use, or structure is in conformity with these Regulations, or is a valid non-conforming use. The Zoning Enforcement Officer may require as-built plans to ensure compliance with these Regulations and any approved permits.

C. The Zoning Enforcement Officer may require a plot plan prepared, signed, and sealed by a licensed land surveyor or registered professional engineer to ensure compliance with these Regulations. The Zoning Enforcement Officer may further require that location markers for the building foundation and property line be set by a licensed land surveyor in accordance with the plot plan prior to the issuance of a zoning permit.

3.3 Fees. The following application fees shall be charged:

- A. \$50.00 for structural enlargements or additions, and for the construction of outbuildings which are 100 square feet or larger in size.
- B. \$100.00 for new residential buildings.
- C. \$200.00 for commercial or industrial buildings or uses and any other building or use requiring a site plan.
- D. \$550.00 for any special exception, request for zone change, text amendment, or application for a Major Development District to defray costs connected with the required public hearing. (When the fee of this subsection applies, no other fees prescribed in Subsections 3.3.1 through 3.3.3, above, shall be required.)
- E. \$25.00 for a Home Business Permit **or home used for Short-Term Rental?**
- F. In addition to the above fees, an additional charge is required by Section 22a-27j of the Connecticut General Statutes. See the fee schedule in Zoning office.

G. No fee will be charged for religious or governmental buildings or uses.

H. Application fee to the Zoning Board of Appeals is \$550.00.

3.4 Penalties. In accordance with Section 8-12 of the General Statutes, the owner or agent of any building or premises where a violation of any provision of these Regulations has been committed or exists, or the lessee or tenant of an entire building or premises where such violation has been committed or exists, or the agent, architect, builder, contractor or other person who commits, takes part or assists in any such violation or who maintains any building or premises in which such violation exists, shall be fined not less than ten (\$10) nor more than one hundred (\$100) dollars for each day that such violation continues; but if the offense if willful, the person convicted thereof shall be fined not less than one hundred (\$100) dollars nor more than two hundred fifty (\$250) dollars for each day that such violation continues, or imprisoned not more than ten (10) days for each day such violation continues or both; and the superior court shall have jurisdiction of all such offenses, subject to appeal as in other cases.

A. Any person who, having been served with an order to discontinue any such violation, fails to comply with such order within ten (10) days after such service, or having been served with a cease and desist order with respect to a violation involving grading of land or removal of earth, fails to comply with such order immediately, or continues to violate any provision of the Regulations made under authority of the provisions of this chapter specified in such order shall be subject to a civil penalty of twenty-five hundred (\$2,500) dollars, as prescribed in Section 8-12 of the Connecticut General Statutes, payable to the treasurer of the municipality.

3.5 Referral to Neighboring Municipality. The Commission shall notify the clerk of any adjoining municipality of any application required by Title 8 of the Connecticut General Statutes, as may be amended.

3.6 Review by Wetlands Commission. If an application for special exception and/or site plan approval involves an activity regulated as an inland wetland or watercourse under the provisions of Chapter 440 of the Connecticut General Statutes, the applicant shall submit an application to the Voluntown Inland Wetlands Commission no later than the day the application is filed with the Commission. The Commission shall not make a decision until the Wetlands Commission has submitted a report with its final decision to the Commission. In making its decision, the Commission shall consider the report of the Wetlands Commission.

3.7 Referral to Regional Planning Commission (Council of Governments). When the zoning commission proposes to establish or change a zone or any regulation affecting the use of a zone any portion of which is within five hundred feet of a boundary of another municipality located within the area of operation of a regional planning agency, the zoning commission shall notify the regional council of governments as required by Title 8 of the Connecticut General Statutes, as may be amended from time to time.

SECTION 4: ZONING DISTRICTS

4.1 The Town of Voluntown is divided into zoning districts as shown on the map entitled, "Zoning Map, Voluntown, Connecticut," which map is a part of these Regulations. Four districts are established, whose purpose are described as follows:

A. Village District: This District is intended to provide an opportunity for higher residential densities in an area of the Town that can most easily be served by public facilities and services. In addition, it is intended to encourage the further development, and redevelopment, of commercial and service establishments in one area of the Town, as opposed to allowing a scattering of such land uses throughout the entire Town.

B. Rural District: This district is intended to preserve as much of the Town as possible in a low-density settlement pattern. It is intended both to retain the rural character of the Town and to minimize the need for extending public facilities and services throughout the entire Town.

C. Major Development District: This district is intended to provide an opportunity for major commercial, industrial, or institutional uses to locate anywhere within the Town of Voluntown, provided certain environmental and site conditions are met. Although no specific zoning districts have been mapped for this category, the Commission may establish such a district after public hearing and after reviewing the proposed major development and its impact on the area of the proposed location. This district is not intended for use in locating small, individual, local-serving retail and business establishments.

D. Village Commercial Overlay District: (3/15/01) The intent of this district is to allow for the development of light commercial uses that will enhance the Village Center of town and provide economic opportunities and benefits for the town. It is further intended that structures be architecturally designed with site layouts which are typical of a New England Village setting.

4.2 Where a district boundary line divides a lot which was in single ownership at the time of adoption of these Regulations, the Zoning Board of Appeals may permit, as a variance, the extension of the regulations for either portion of the lot a maximum of 100 feet beyond the district line into the remaining portion of the lot.

4.3 Zoning Schedules. The schedules entitled "Schedule of Uses," including any subsequent amendments thereto, is declared to be a part of these Regulations is hereinafter referred to as the "Schedule."

A. Uses listed in the Schedule are permitted in accordance with the following designation and procedure.

1. "ZP" means a use permitted in the district as a matter of right after approval of a **Zoning Permit** from the **Zoning Enforcement Officer**.
2. "SP" means a use permitted in the district, subject to approval of a **Special Permit / Special Exception** by the **Voluntown Planning & Zoning Commission** in accordance with Section 9 of these Regulations.
3. "V" means a use permitted in the district, subject to securing a **Variance** from the **Zoning Board of Appeals** in accordance with Section 13 of these Regulations.
4. If a use is not listed or has a blank space in the Schedule, that use is not allowed in the district.
5. Notwithstanding other prohibitions in these Regulations, the Commission reserves the right to determine whether a proposed use that is not specifically permitted is substantially similar to another use that is permitted by these Regulations. If the Commission makes that determination, the proposed use may be permitted via a Special Permit procedure.

SECTION 5: VILLAGE DISTRICT REGULATIONS

Table 5.1: Lot and Building Requirements

Minimum Lot Size, Single Family and Two-Family	40,000 square feet
Minimum Lot Size, Multiple Family Unit	45,000 square feet (1)
Minimum Lot Size, Mixed Use Development	85,000 square feet (2)
Minimum Lot Size, All Other Uses	40,000 square feet
Minimum Street Frontage	150 feet on accepted Town road, State Highway, or a road shown on an approved subdivision plan
Minimum Front Yard	25 feet
Minimum Side Yard	15 feet
Minimum Rear Yard	15 feet
Maximum Lot Coverage	20%
Maximum Building Height	35 feet

- (1) 15,000 square feet minimum required per dwelling unit, with a maximum of four units in any one structure for new construction or replacement of existing buildings. For renovation/re-use of existing buildings built prior to 2022 on lots of record, maximum density will be determined by the site’s ability to support on-site wastewater treatment and sufficient on-site parking for residents, but under no circumstances shall there be more than four total units per lot.
- (2) Where the applicant can demonstrate to the satisfaction of the Commission that there will be no adverse impact to traffic circulation and adjacent properties based on design or current site configuration, the Minimum Lot Size may be reduced by 20%.

Table 5.2: Permitted Uses

USE	PERMIT TYPE
1. Single Family Dwellings	ZP
2. Two-Family Dwellings	ZP
3. Accessory Apartments	ZP
4. Religious, institutional and governmental and public utility uses	ZP
5. Agricultural activities including the keeping of horses, but not including the raising of poultry or fur-bearing animals for commercial purposes.	ZP
6. Retail businesses, such as grocery stores, drug stores, apparel stores, variety stores, antique shops, hardware stores, and sporting goods stores.	ZP
7. Business services, such as banks and other financial institutions, real estate and insurance offices, business, and professional offices.	ZP
8. Personal services, such as barber shops, beauty salons, laundry, and dry-cleaning establishments.	ZP
9. Repair services, such as radio, television, appliance and plumbing shops, upholstery shops and shoe repair shops.	ZP
10. Accessory uses and buildings.	ZP
11. Home businesses, per Section 8.16 of these Regulations.	ZP
12. Cemeteries, as defined in Section 2.7 of these Regulations.	
13. Bed and Breakfast Inn	
14. Family Day Care Home	ZP
15. Group Day Care Home	ZP
16. Multiple Family Dwellings	SP
17. Automotive services, such as service stations, repair garages, automotive supplies, and automotive vehicle sales establishments.	SP or Certificate of Location
18. Drive-in eating establishments.	SP
19. Temporary religious or entertainment gatherings, such as festivals, bazaars, and fairs.	ZP

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20.	Senior Housing Communities	SP
21.	Amusement game arcades.	SP
22.	Eating and drinking establishments.	SP
23.	Motels, hotels, and resorts for non-residential use	SP
24.	Commercial recreation facilities.	SP
25.	Telecommunication Towers	SP
26.	Mixed Use Development	SP
27.	Beer and Brew Pub	SP
28.	Wind or Solar Energy System per Section 10.16	SP

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SECTION 5A: VILLAGE COMMERCIAL OVERLAY DISTRICT REGULATIONS

This overlay designation is applicable in the area designated on the zoning map at the dimensional requirements, use requirements and standards listed in this section. The dimensional requirements, use requirements and standards of the underlying Rural Residential District are listed in Section 6 of these regulations. The intent of this overlay zoning designation is to allow for the development of light commercial uses to the extent that their specific locations provide opportunities and benefits for the town. Further, it is intended that structures be architecturally designed with site layouts typical of a New England Village setting and enhance the existing well-defined Village Center of town. Village Commercial Overlay District uses shall comply with all other specific standards designed to minimize nuisances between these overlay uses, and the other uses permitted by right in the underlying residential district.

5A.1 Dimensional Requirements

Minimum Lot Size	40,000 square feet
Minimum Street Frontage	150 feet on accepted Town road, State Highway, or a road shown on an approved subdivision plan
Minimum Front Yard	25 feet
Minimum Side and Rear Yard	15 feet
Maximum Lot Coverage by Buildings	25%

5A.2 Permitted uses. The following uses are permitted in this district only after issuance of a special exception from the Zoning Commission as required by Section 9 of these Regulations.

USE	PERMIT TYPE
1. Religious, institutional and governmental and public utility uses.	SP
2. Retail businesses, such as grocery stores, drug stores, apparel stores, variety stores, antique shops, hardware stores, and sporting goods stores.	SP
3. Business services, such as banks and other financial institutions, real estate and insurance offices, business, and professional offices.	SP
4. Personal services, such as barber shops, beauty salons, laundry, and dry-cleaning establishments.	SP
5. Repair services, such as radio, television, appliance and plumbing shops, upholstery shops and shoe repair shops. This does not include automotive/vehicular repair services.	SP
6. Private Schools.	SP
7. Senior Housing Communities	SP
8. Group Day Care Home.	SP
9. Accessory buildings and uses.	SP
10. Home businesses, per section 10.6 per Section 8.16 of these Regulations.	ZP

5A.3 Use Standards. Lots in this overlay district may be utilized for one or more of the permitted uses provided all dimensional and setback requirements of these regulations are met. In addition, the following requirements are applicable.

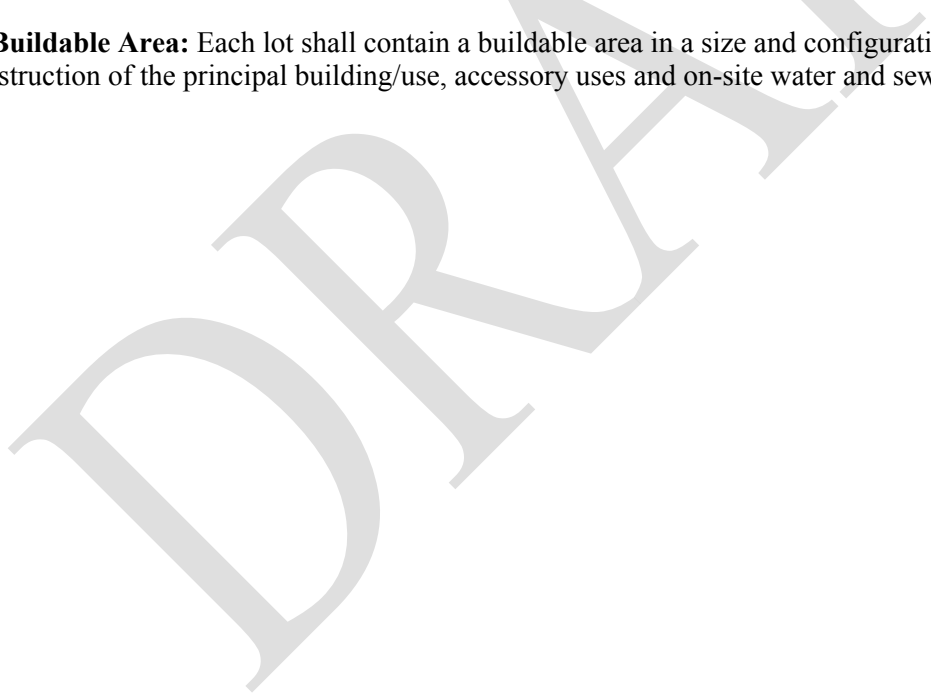
- A. Uses permitted in the “Commercial Village Overlay District” and the underlying “Rural District” shall not be combined on the same lot.
- B. Uses permitted in the “Village Commercial Overlay District” may be housed in the same building.

- C. The Commission shall determine that the number and size of buildings are designed and located as to comply with the “intent” of these regulations as stated in the opening paragraph of this section. Normally, no one building shall exceed 10,000 square feet in size regardless of the number of individual “Village Commercial Overlay District” uses allowed in that structure. More than one building is permitted on an individual lot if all the setbacks and other applicable requirements of these Regulations are met.
- D. The building size requirement of this section shall not be applicable to any Elderly Housing development.

5A.4 Design Standards. The architectural design, and access and traffic standards of Section 10 are the applicable standards in this district. Off-street parking shall be sufficient to the projected parking demand as proposed and justified by the applicant to the satisfaction of the Commission. All signs shall comply with the requirements of Section 11 of these Regulations.

A. **Other Setback:** The Commission may require planted buffer strips of twenty-five (25) feet in addition to the required yard setback along a property line where the adjoining property contains or may contain an incompatible or dissimilar land use. Such landscaped buffer strip shall be suitably seeded to grass and/or shall be suitably planted with trees or shrubs. Acceptable existing trees shall be preserved and supplemented by additional plantings as deemed necessary by the Commission to meet the requirements of privacy of adjacent yards and to eliminate noise, dust, and objectionable lighting. The Commission may vary the above requirements as to planting in accordance with the effectiveness of screening proposed and the architectural character of the neighborhood in which the use is located.

B. **Buildable Area:** Each lot shall contain a buildable area in a size and configuration to be suitable for the construction of the principal building/use, accessory uses and on-site water and sewer facilities.



SECTION 6: RURAL DISTRICT REGULATIONS

Table 6.1: Lot and Building Requirements

Minimum Lot Size, Single Family and Single-Family with Accessory Dwelling Unit	80,000 square feet
Minimum Lot Size, Two Family Dwelling	140,000 square feet
Minimum Lot Size, All Other Uses	80,000 square feet
Minimum Street Frontage	200 feet on accepted Town road, State Highway, or a road shown on an approved subdivision plan
Minimum Lot Width at Setback Line	200 feet
Minimum Setback from All Property Lines	50 feet
Maximum Lot Coverage by Buildings	15%
Maximum Building Height	35 feet

Table 6.2 Permitted Uses. The following uses are permitted in this district only after issuance of a zoning permit from the Zoning Enforcement Officer or a Special Permit from the Commission

USE	PERMIT TYPE
1. Single Family Dwellings	ZP
2. Two-Family Dwellings	ZP
3. Accessory Dwelling Unit	ZP
4. Multifamily Dwellings per Section 10.8	SP
4.5. Religious, institutional, and governmental and public utility uses	ZP
5.6. Agricultural and forestry activities	ZP
6.7. Home businesses, per Section 8.16 of these Regulations	ZP
7.8. Stand for the display and sale of fruits and vegetables, provided such stand shall be located at least twenty-five (25') feet from any property line and at least fifty (50') feet from any road intersection	ZP
8.9. Accessory uses and buildings.	
9.10. Commercial Kennels per Section 10.7	ZP
10.11. Commercial riding academies, boarding and livery stables on properties larger than five (5) acres, per Section 10.7	ZP
11.12. Cemeteries	ZP
12.13. Family Day Care Home	ZP
13.14. Automotive service and repair shops	SP
14.15. Antique shops	SP
15.16. Private schools	SP
16.17. Camping, recreation, and sporting supply stores	SP
17.18. Hotels, motels, and resorts for nonresidential use	SP
18.19. Recreational camping grounds	SP
19.20. Temporary religious or entertainment gatherings such as festivals, bazaars, or fairs	ZP
20.21. Sand and gravel excavation, removal, or processing operations	SP
21.22. Amusement game arcades	SP
22.23. Specialized agricultural buildings	SP
23.24. Bed and Breakfast Inn	SP
24.25. Group Day Care Home	SP
25.26. Telecommunications Towers	SP
26.27. Salt storage facilities per Section 8.19	SP

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27.28. Wind or Solar Energy System per Section 10.16	SP
28.29. Senior Housing Communities	SP

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SECTION 7: MAJOR DEVELOPMENT DISTRICT REGULATIONS

7.1 Application Procedures. Application for a Major Development District shall constitute a request for a zone change and shall be in accordance with procedures outlined in Section 8-3 of the General Statutes.

A. The applicant shall, at a regular or special meeting of the Commission, present a site plan for the proposed district, which shall show in detail the following:

1. An outline map of the proposed district, certified by a registered land surveyor, landscape architect, or professional engineer, at a scale of not less than 1" = 200', showing the boundaries of the proposed district, the locations, and names of all roads within 200 feet of the proposed district, and the names of all property owners within 200 feet of the proposed district.
2. A site plan is prepared in accordance with Section 8-9 of these Regulations.

7.2 General Requirement. A Major Development District shall have direct access to a state highway or onto a town road when the Commission determines that the town road is adequate to handle the proposal's traffic flow.

Table 7.3: Lot and Building Requirements

Minimum Lot Size for Major Development District	10 acres
Maximum Lot Coverage, including buildings, outside storage, and vehicle parking areas	60%
Minimum Street Frontage	500 feet on accepted Town road, State Highway, or a road shown on an approved subdivision plan
Minimum Setback from All Property Lines	100 feet

Table 7.4: Allowable Uses: The following uses may be allowed by Special Permit from the Commission subject to the provisions of Section 9 of these Regulations.

USE	PERMIT TYPE
1. Major retail and wholesale business, such as a shopping center, furniture outlet, building supply store, and farm and garden supply store.	SP
2. Manufacturing or assembly plants.	SP
3. Buildings for research or professional use.	SP
4. Commercial or private recreation and resort developments	SP
5. Truck terminals and warehouses	SP
6. Hotels, motels, and resorts for non-residential use	SP
7. Telecommunication Towers.	SP
8. Wind or Solar Energy System per Section 10.16	SP

SECTION 8. PERMITTING REQUIREMENTS AND PROCEDURES

8.1 Administrative Zoning Permits

A. Applicability. No building and/or portion of a building shall be constructed, reconstructed, altered, excavated for, moved, or structurally altered in whole or in part for any purpose, nor shall any use be established or changed in the Town of Voluntown, without a Zoning Permit from the Zoning Enforcement Officer or the Commission, issued in conformance with:

1. the provisions of these Regulations; or
2. an approval granted by the Commission; or
3. a variance granted by the Zoning Board of Appeals; or
4. Any combination of the above.

B. A Zoning Permit may not be issued for buildings or structures or for uses of land, buildings, or structures not clearly permitted by these Regulations in the various districts.

C. A Zoning Permit is not required for repairs or alterations to existing buildings or structures, provided that such work does not increase the floor area of any building or structure and does not change the use thereof.

D. Contents of Application. All applications shall set forth such information as may be required in order to allow the ZEO or the Commission to determine the conformance of any proposed buildings, structures or uses, or any proposed changes thereto, with these Regulations. The ZEO or Commission may require submission of additional information, including any information that might be required for a Site Plan as described in Section 9 of these Regulations (e.g., soils data, topography, drainage computations, etc.), and a plot plan prepared, signed, and sealed by a licensed land surveyor, to ensure compliance with these Regulations. The ZEO or the Commission may further require that location markers for the building foundation be set by a Connecticut licensed land surveyor in accordance with the plot plan prior to the issuance of a Zoning Permit. For new dwellings and for commercial/business and industrial construction, the ZEO or Commission may require the submission of a survey with Class A-2 level of accuracy in order to determine zoning compliance and shall require that such plans be prepared by a Connecticut licensed engineer and/or land surveyor.

E. Application Procedures

1. An application for a Zoning Permit on a form or online format provided by the Town shall be accompanied by plans and/or other information that comply with applicable requirements of these Regulations, and all applicable fees.
2. If all requirements of these Regulations are met, the Zoning Permit shall be issued within 30 days unless the applicant agrees, in writing, to extend the time for decision; otherwise, the application shall be denied and the reasons for denial shall be stated by the ZEO.
3. In the event that any Zoning Permit is issued based on incorrect information or the specific conditions of approval are not adhered to strictly, the ZEO or the Commission may declare such Zoning Permit null and void, provided no such decision may be made until after the ZEO or the Commission has provided the permit-holder an opportunity for a hearing.

F. Expirations. Zoning Permits issued by the ZEO for construction, erection or alteration of a building or structure are valid until a Certification of Zoning Compliance is issued, or until applicable time limits

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described herein expire. A Zoning Permit issued by the ZEO that is not associated with any other Commission-approved site work (e.g., Special Exception) shall expire after one year if no work has commenced or if the site work has ceased for a period of one year. The ZEO may grant one extension of one additional year to allow the applicant to commence or continue approved work.

G. Post-development certification.

1. **Applicability.** It shall be unlawful for any newly erected building or any structural addition and/or use for which a Zoning Permit has been issued to be occupied or used, or for any building, lot, or premises or part thereof to be converted or changed from one type of use or occupancy to another, until a post-development Certification of Zoning Compliance has been issued by the ZEO. The ZEO may require an as-built plan to facilitate this review. In the absence of the ZEO, the Chairman or other designated agent of the Commission may issue a Certification of Zoning Compliance. A Certification of Compliance shall remain valid only so long as the building, structure, lot, or use thereof or the use of the land remains in full conformity with these Regulations or any relevant amendments thereto. The Certification of Zoning Compliance shall be issued within thirty business days after a written request is made to the ZEO, provided that:

a) any building, structure, or alteration and/or use of property for which the Certification is sought has been properly completed and is fully in compliance with these Regulations and that all pertinent conditions of any Zoning Permit or approval for such building, structure or use have been fulfilled; and

b) that the Health Officer or Sanitarian or responsible regulatory agency has inspected the premises and has given written approval for the installation of the sewage disposal facility and water supply system.

2. **Certificate of Occupancy.** No Certificate of Occupancy shall be issued by the Building Official for a building, use or structure subject to these Regulations without certification in writing from the ZEO that such building, use, or structure is in conformity with these Regulations or is a valid non-conforming use under these Regulations.

H. **Property Line Adjustments and Free Splits.** Any and all property line adjustments or lot divisions (splits) within the Town of Voluntown shall require a review by the ZEO to determine compliance with the Zoning and Subdivision Regulations.

1. A property line adjustment is any change in the location of an existing property line that does not create an additional lot, does not result in a lot or condition that violates the Zoning Regulations, and does not increase any existing lot nonconformities with respect to the dimensional requirements of the Zoning Regulations. Such property line adjustment shall not be considered a subdivision or resubdivision so long as it does not create a lot or affect a street layout shown on an approved subdivision or resubdivision map and does not affect any area reserved for public use or established as open space on an approved subdivision plan.

2. A “Free Split” is a one-time division of land permitted on a parcel that has remained undivided, and in the same configuration as it was on or before 10/18/1963. Any subsequent division of land requires subdivision approval.

3. The applicant shall record the approved survey in the office of the Town Clerk, and any survey not so recorded within ninety (90) days following its approval, shall become null and void. The applicant may request two (2) additional ninety (90) day extensions. The request for an extension must come

before the initial time period expires. A signed copy of the approved survey shall be provided by the applicant to the Zoning Enforcement Officer and to the office of the Town Assessor.

8.2. Special Exceptions by Commission

A. Applicability. A Special Exception application shall be submitted for any activity designated in the Regulations as requiring Special Exception approval, including modifications of existing Special Exception uses, unless such modifications would not change the essential character of the use and would not require the submission of a new or modified Administrative Zoning Permit.

B. Preliminary Discussion. If an application is of such size or nature that providing a full Special Exception application may be a significant expense, the applicant may submit a Concept Plan for preliminary discussion to the Commission.

1. A Concept Plan shall be submitted to the Land Use Office and shall be accompanied by plans and sufficient information so that the Commission may informally review the plan for general conformance with these Regulations.

2. A Concept Plan shall be considered only informational and advisory in nature and no development rights shall attach to the review or consideration of any Concept Plan. The Commission shall make no decision on the plan, and its review shall not be binding on the applicant or the Commission.

C. Application. Applications for Special Exceptions shall be submitted electronically, via the Town’s website. All applications for Special Exceptions shall be accompanied by a Site Plan, as prescribed in Section 9 of these Regulations, and by a fee as per **Section 3.3** to cover the costs related to the required public hearing.

D. Application Review Procedure

1. Referrals and Hearings

a) If a Special Exception application involves an activity regulated pursuant to CGS §22a-36 to § 22a-45, inclusive, the applicant shall submit an application for a permit to the Inland Wetlands Commission not later than the ay such application is filed with the Planning and Zoning Commission.

b) The Commission shall hold a public hearing on the Special Exception application and:

i. The Commission shall publish a legal notice in accordance with the requirements of the Connecticut General Statutes.

ii. Notice: Applicant shall (1) submit evidence that notice, via certificate of mailing, of the public hearing has been provided to property owners within 500’ of the property at least 7 days in advance of the hearing and (2) shall display a sign giving notice of the hearing on the property frontage for 10 days in advance of the hearing. The sign shall be no smaller than 18" x 24"; lettering shall be at least 1.25" high, and text shall be as follows:

APPLICATION PENDING

on this property before the
 Voluntown Planning & Zoning Commission.
 Hearing Date _____ Time _____
 Place: Voluntown Town Hall
 For information, call 860-376-3867

iii Provide notification to adjoining municipalities or the Council of Governments in accordance with the requirements of the Connecticut General Statutes.

iv. The Commission shall process the Special Exception application within the period of time specified in the Connecticut General Statutes.

v. Notwithstanding the provisions of this section, if an application involves an activity regulated pursuant to CGS §22a-36 to §22a-45, inclusive and the time for a decision by the Commission would elapse prior to the 35th day after a decision by the Inland Wetlands Commission (“IWC”), the time period for a decision shall be extended to 35 days after the decision of the IWC.

E. Special Exception Criteria for Review and Decision. In considering an application for a Special Exception, the Commission shall evaluate the merits of the application with respect to all the following criteria that the Commission may determine are relevant to the application:

1. That the application is materially in conformance with all applicable provisions of these Regulations;
2. That transportation services would be adequate and that the uses would not cause traffic congestion or undue traffic generation that would have a deleterious effect on the welfare or the safety of the motoring public;
3. That the proposed uses and structures would be in harmony with the appropriate and orderly development of the Zoning District in which they are proposed to be situated, and that the use(s) would not be noxious, offensive, or detrimental to the area by reason of odors, fumes, dust, noise, vibrations, appearance, or other similar reasons;
4. That no significantly adverse effect would result to the fundamental development context of the district, property values, or historic features of the immediate neighborhood;
5. In accordance with CGS §22a-19, that the proposed uses would not cause any unreasonable pollution, impairment or destruction of the air, water, and other natural resources of the state; and
6. That all proposed uses and structures would be consistent with future development as identified and envisioned in these Regulations and the Voluntown Plan of Conservation and Development.

F. Decision and Filing. No special exception shall become effective until a copy thereof, certified by the Chairman or Secretary of the Commission, containing a description of the premises to which it relates and specifying the nature of the special exception, including the zoning provision to which a special exception is granted, and stating the name of the owner of record, is recorded in the Town's land records. The Town Clerk

shall index the same under the grantor's index under the name of the then record owner and the record owner shall pay for such recording.

G. Bonding. For all Special Exception approvals, the Commission may require the applicant to post a bond to cover the cost of public site improvements, including the measures to be taken to control soil erosion and sedimentation and installation of landscaping plantings. Such bond shall be in a form and amount satisfactory to the Commission.

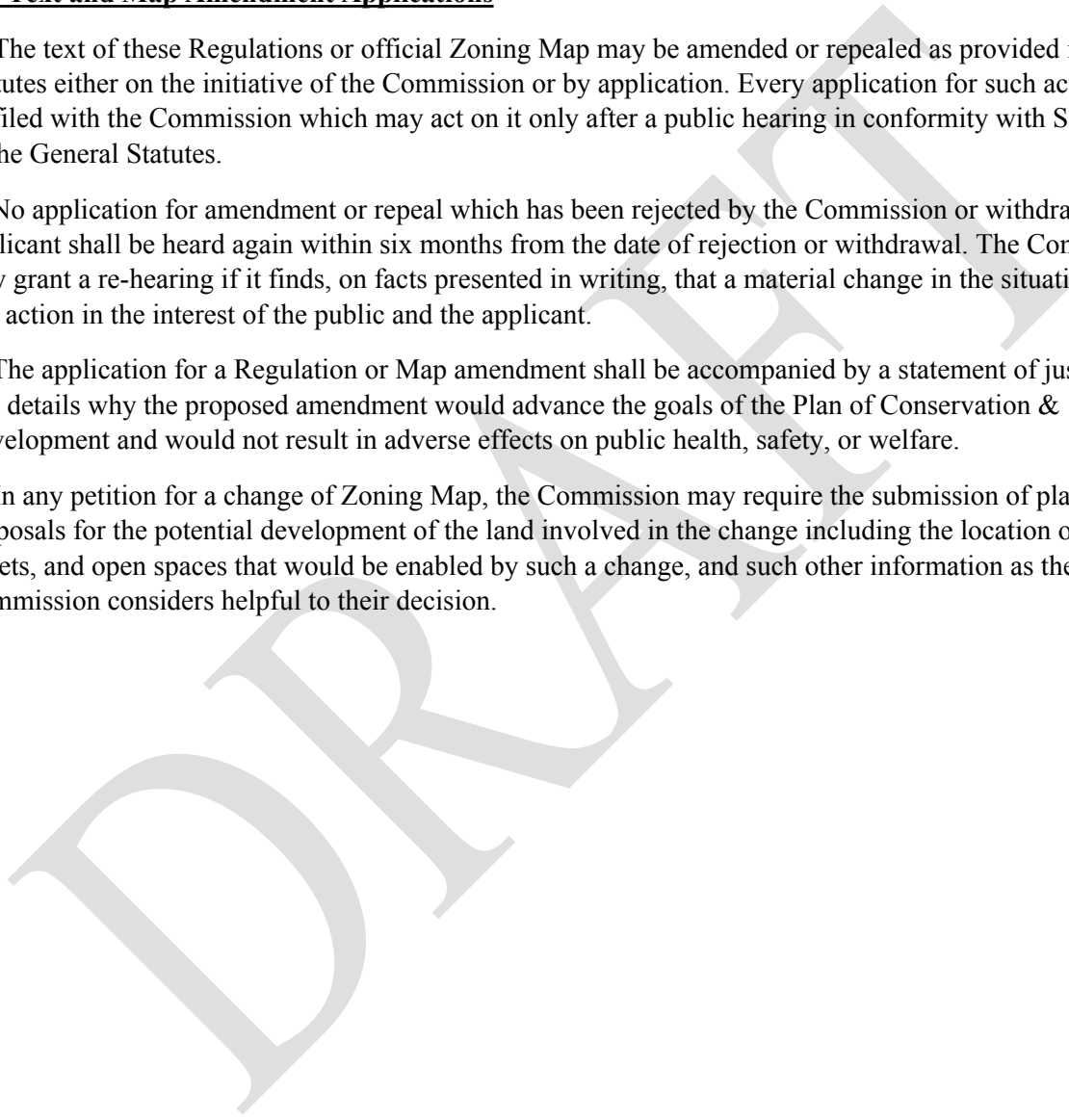
8.3. Text and Map Amendment Applications

A. The text of these Regulations or official Zoning Map may be amended or repealed as provided in the Statutes either on the initiative of the Commission or by application. Every application for such action shall be filed with the Commission which may act on it only after a public hearing in conformity with Section 8-3 of the General Statutes.

B. No application for amendment or repeal which has been rejected by the Commission or withdrawn by the applicant shall be heard again within six months from the date of rejection or withdrawal. The Commission may grant a re-hearing if it finds, on facts presented in writing, that a material change in the situation justifies this action in the interest of the public and the applicant.

C. The application for a Regulation or Map amendment shall be accompanied by a statement of justification that details why the proposed amendment would advance the goals of the Plan of Conservation & Development and would not result in adverse effects on public health, safety, or welfare.

D. In any petition for a change of Zoning Map, the Commission may require the submission of plans showing proposals for the potential development of the land involved in the change including the location of buildings, streets, and open spaces that would be enabled by such a change, and such other information as the Commission considers helpful to their decision.



9. SITE PLAN REQUIREMENTS AND DEVELOPMENT STANDARDS

9.1. Applicability and Purpose: Except as may be expressly provided elsewhere in these Regulations, a Site Plan shall accompany all Special Exception applications and may be required by the Zoning Enforcement Officer on select administrative permits. The filing of the Site Plan is intended to provide the Commission/ZEO with information that will enable it to determine that the proposed activity shall be arranged in a manner that is consistent with these Regulations and that enhances the health, safety and welfare of the citizens of Voluntown, to protect property values in the neighborhood, to preserve and protect historic features, natural resources, and the appearance and beauty of the community, to avoid undue traffic congestion, and to ensure against the erosion of soil and the sedimentation of streams and waterbodies. The Commission may conduct a pre-application review of the proposed project as stipulated by the Connecticut General Statutes Section 7-159b.

9.2. Plan Contents (do a checklist?)

A. The Site Plan shall cover the entire property where the use is proposed, drawn at a scale of one inch equals no more than fifty feet, and shall clearly show the property boundaries, existing and proposed structures, the location of driveways, parking areas, wetlands and watercourses, walkways, landscaping, buffer strips, fences, water supply and sewage disposal facilities, paved areas, drainage features, signs and lighting.

B. The Site Plan shall address vehicular and pedestrian circulation.

C. Contour lines or other indications of elevation shall clearly show the direction of slope and flow of surface waters. Where re-grading is proposed, the existing and proposed grades will be shown.

D. Where a proposed development contains a lot or lots fronting on an existing street that does not meet the dimensional and improvement requirements of these Regulations, the applicant shall be required to deed sufficient land to the Town of Voluntown to permit widening of the street and shall be required to make such improvements within the right-of-way of the street, as deemed appropriate by the Commission to maintain public safety.

E. The Commission may require the Site Plan to be prepared, signed, and sealed by a Connecticut registered professional engineer or architect, whichever is appropriate. The determination by the Commission shall also be made to include an accurate class A-2 survey of the property and all improvements prepared by a land surveyor registered in the State of Connecticut.

F. The Commission may require the applicant to submit an additional evaluation report to address an area or areas of concern resulting from a proposed development. Such areas may include traffic, drainage, or other impact-related evaluations to ensure these Regulations are implemented. Such reports shall be conducted by independent professionals as determined by the Commission. Such reports shall be required at the expense of the applicant.

G. The Site Plan shall include parking and circulation details as prescribed in Section 9.3.

H. The Site Plan shall include site lighting details as prescribed in Section 9.4.

I. The Site Plan shall include landscape details as prescribed in Section 9.5.

J. The Site Plan shall include architectural details as prescribed in Section 9.6.

K. The Site Plan shall include a soil erosion and sedimentation plan as prescribed in Section 9.7.

L. The Commission may, upon written request by the applicant, waive one or more of the Site Plan ingredient requirements if the applicant can show, to the satisfaction of the Commission, that the information is not needed to reach a decision on the application.

9.3. Parking and Loading Standards

A. Purpose. This section lessens congestion in the streets by requiring adequate off-street parking and loading spaces be provided for all uses. Additionally, off-street parking and loading spaces should be properly designed and located to accommodate the safe flow of traffic on public and private property.

B. Location and Ownership. Required accessory parking spaces shall be provided on the same lot as their use. As of the date of this section's adoption, all parking spaces shall conform to these Regulations' requirements.

1. Within the Village District the Commission may approve parking located within 200 feet walking distance of the lot on which the principal use is located. Such parking spaces shall be either (1) in the same ownership as the use to which they are accessory or (2) be subject to a perpetual easement, dedicating such spaces as appurtenant to the property on which the principal use is located, which easement shall contain affirmative covenants requiring the owner of the principal use to maintain the required number of parking spaces available either (a) throughout the existence of such use to which they are accessory or (b) until such spaces are provided elsewhere, and which easement and covenant shall be subject to the approval of the Commission. Such easement and covenant may be approved for joint parking facilities.

C. Size of Spaces. Minimum parking space dimensions shall be ten (10) feet wide by twenty (20) feet long, except for handicapped spaces, which shall conform to State requirements. Minimum aisle width shall be twelve (12) feet wide. Parking spaces shall be arranged so that enough extra room for motor vehicles can stand, turn, and maneuver, and areas for snow storage and snow removal activities.

D. Access to Parking Areas. Such access shall be twenty-four (24) feet wide for two-way traffic and fourteen (14) feet wide for one-way traffic.

E. Multiple Use of Lot. When a lot serves more than one use, such lot must provide for the parking requirements of each contributing use. Where it can be conclusively demonstrated that such uses will not occur simultaneously, the Commission may reduce the total parking spaces required. Within the Village District a lot may accommodate the parking needs of more than one establishment whether or not such establishments are located on the same lot.

F. Change of Use. Any change of use or the addition of a use(s) to an existing use shall require that the aggregate required off-street parking be provided and uses that are non-conforming as to required off-street parking shall also be brought into compliance at such time.

G. Parking Requirement. These Regulations are intended to create multifunctional, flexible, and adaptive off-street parking.

1. All applicants for new or modified uses must demonstrate that parking is adequate to the proposed use(s);
2. The applicant must demonstrate that safe loading and access by trucks and other delivery vehicles is accommodated in the Site Plan;
3. For Special Exception uses, a parking analysis shall be submitted, prepared by a licensed professional engineer or other suitable professional, addressing the following:
 - a) Demonstration that parking provided is adequate for proposed or combined uses;

- b) Calculation methodology;
- c) Indication if shared parking or offsite parking is being used; and
- d) Provisions for reserve parking.

H. Off-Street Loading Requirements. All loading facilities, which are spaces or berths used for the loading or unloading of materials or products, shall be located at the rear or side of a proposed or existing building and shall be screened so as not to be visible from adjacent property of public streets.

I. Access and Traffic. To reduce potential traffic conflict points, the Commission shall require driveways to be located so they will provide common access to adjacent parcel(s) of land (e.g., on property line) for traffic safety.

1. The Commission shall also require common interior drives to serve more than one parcel, where appropriate for traffic safety. Such requirements may stipulate reserved rights-of-way in lieu of actual construction depending on present use of adjacent parcels. Where common driveways are required and constructed, a written agreement for the common use and maintenance of shared access must be recorded in the Town Land Records.
2. An access drive which only serves an individual parcel may be permitted by the Commission if the Commission is satisfied that the characteristics of the parcel and the proposed drive placement will accomplish the intent of these regulations to minimize traffic circulation congestion. Such characteristics should include at a minimum twice the minimum lot frontage between the proposed drive and the side lot lines of the parcel in application where they intersect with its lot frontage. All other appropriate traffic safety measures such as sightline clearance must also be satisfied.
3. The applicant must demonstrate that the site design makes proper provision for pedestrian access and safety. All Site Plans shall provide for pedestrian walkways and circulation in parking areas and around buildings, and with surrounding properties as appropriate.

9.4. Lighting Standards. The intent of this section is to: permit uses of outdoor lighting for nighttime safety, utility, security, and enjoyment while preserving the ambiance of the night; curtail and reverse degradation of the nighttime environment and the night sky; minimize glare and obtrusive light by limiting outdoor lighting that is misdirected, excessive, or unnecessary; conserve energy. A Site Plan shall be accompanied by sufficient lighting detail to demonstrate compliance with the following:

A. Residential Lighting. Outdoor residential lighting shall be directed onto the premises on which it is located and shall not cast direct lighting or glare off premises. Illumination of adjacent premises shall be minimized.

B. Non-Residential Lighting. Outdoor lighting for nonresidential activities shall:

1. Not exceed what is needed to conduct a legal activity on the subject property for user safety and site security. The Commission may require that the applicant submit expert testimony to demonstrate compliance with this regulation.
2. Utilize shielded or cut-off fixtures to direct all illumination onto the premises and prevent off-site illumination. A cut-off fixture directs light down, nor sideways nor upward, with the light source completely enclosed in the fixture. Fixtures shall be selected from the list approved by the International Dark Skies Association or shall be equivalent.

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3. Utilize motion sensitive lighting and alarm systems in lieu of all-night lighting, except that the Commission may waive this requirement if it finds that all-night lighting is needed for security AND will not cause illumination of adjacent residential and undeveloped properties.
4. Utilize free standing fixtures placed on poles that are low enough to keep light from spreading where it is not needed, typically not to exceed 20 feet in height.
5. Not operate when the facility or activity is not operating, except the minimum needed for security purposes.

9.5. Landscape Requirements

A. Intent: The intent of this section is to protect and enhance Voluntown's beauty, natural, historic, and cultural resources; and property values. The following standards are intended to: provide protection from off-site noise; screen views of intensive or commercial activities from less intensively zoned properties; protect the quality of water, soil, and other natural resources; reduce heat, glare, and dust; and beautify developed properties to enhance economic values and quality of life.

B. General Requirements. Site Plans shall include landscaping details that conform to the following:

1. Vegetative Cover. Any part of a property not used for the location of buildings, structures, accessory uses, parking and loading or other permitted use shall maintain vegetative cover to minimize storm water runoff and protect water quality. This section's requirements apply to the area between the edge of the road and the front property line and the subject property.
2. Maintenance. Trees, shrubs, and other plants required by these regulations as a part of an approved Site Plan shall be maintained in a healthy, growing condition. Any required landscaping not in healthy condition shall be replaced by the property owner during the next planting season.
3. Protection of plants. Trees, shrubs, and other plantings required as a part of an approved Site Plan adjacent to parking areas and driveways shall be protected from damage by curbs or other barriers.
4. Existing vegetation. If found to fulfill this section's intent and requirements, existing vegetation may be credited with compliance with these regulations.
5. Native species should be used wherever possible. No tree, shrub, or any other plant shall be installed that has been identified as an invasive species by the State of Connecticut Invasive Plants Council.

C. Buffer Area. The buffer area's purpose is to minimize noise, lights, and appearance associated with nonresidential and dense residential development on nearby properties. A buffer area:

1. Is required where a lot with nonresidential or multifamily (more than two units) residential development is adjacent to, or directly across the road from, a residential zoned property; and
2. May be required where a lot with nonresidential or multifamily (more than 2 units) residential development is adjacent to a lot with residential use at the time of application for development, if the Commission finds, by a majority vote, that the impact of the proposed development will significantly depreciate the value of the residential property.
3. Standards. The buffer area shall comply with the following standards:

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- a) Buffer width. The minimum width of the buffer area is 50 feet. Where lot size and shape or existing structures make it infeasible to comply with the minimum width required, the Commission may, by a majority vote, reduce this requirement if it finds that the modified width meets the intent of these regulations.
- b) Plantings. The buffer area shall be planted with evergreen species of such type, height, spacing, and arrangement to effectively screen the activity on the lot from the neighboring residential area within 5 years of planting, as determined by a licensed arborist or landscape architect. At a minimum, the planting shall consist of two rows of trees planted twenty feet apart in the center with staggered arrangement. Trees shall be eight feet in height at time of planting. Non-evergreen plantings may be included to supplement evergreen planting, but not to take its place.
- c) Structural Buffers. An earthen berm, wall, or fence, with location, height, design, and materials approved by the Commission, may be substituted for any portion of the required planting and/or buffer area.
- d) Existing Screening. Where the Commission finds that existing topography and/or landscaping provide adequate screening, the Commission may reduce the planting and/or buffer area requirements.

D. Landscaped Parking Areas

1. Intent. The intent of this section is to reduce heat build-up on pavement, increase infiltration of stormwater into the ground, renovate stormwater before it leaves the site, and establish standards that will guide development in Voluntown.

2. Interior Landscaping

a) General Requirements. A parking area with ten or more parking stalls shall have landscaped islands marking each end of rows of vehicle spaces and intermediate islands at intervals of not more than ten vehicle spaces. Such planting islands shall be no less than 8 feet by 18 feet long. Each island shall be planted with ground cover or grass and shall contain a tree of at least 3-inch diameter at breast height and 8 feet high.

b) Requirements for Shade. A parking area with twenty or more parking stalls shall be planted to provide shade over 35% of its area within 15 years of planting.

i. The shading requirement applies to all surfaces on which a vehicle can drive and all parking stalls but does not apply to garages or enclosed parking stalls; truck loading areas that are separate from the vehicle parking area; vehicle sales display areas; vehicle repair parking and related vehicle storage areas.

ii. The tree shading plan shall be prepared by a licensed arborist or landscape architect and shall be based upon the expected crown dimensions 15 years from time of planting.

iii. A parking area that predates this regulation and is expanded shall be required to conform to the requirement over the expanded area, only.

iv. Required trees shall be maintained for the life of the facility.

v. Modification. The Commission may approve the modification of the interior landscaping's location by a majority vote if it finds that such landscaping can be located elsewhere on the lot to better achieve this section's purpose.

E. Perimeter Landscaping. A landscaped area shall be provided along the perimeter of any parking area. The landscaped area shall have a minimum depth of ten feet; be planted to grass, ground cover or shrubs; and include at least one tree of at least three-inch diameter at breast height, ten feet in height, for every fifty feet along the perimeter of the parking area. The Commission may permit the placement of the perimeter landscaping area elsewhere on the lot if it finds that such placement better achieves this section's intent.

9.6. Architectural Guidelines. Architectural drawings for information and not for construction purposes shall be submitted with Site Plans, showing proposed buildings and structures in elevation and floor plans, building materials, roof design, architectural details, and building uses.

9.7. Erosion & Sedimentation Control and Stormwater Management.

A. Erosion and Sediment (E&S) Control Plan. Whenever plans for the proposed development show that it will result in the disturbance of more than one-half acre of land, the applicant will submit with the Site Plan an erosion and sediment control plan that presents, in mapped and narrative form, the measures to be taken to control erosion and sedimentation both during and after construction. The E&S plan shall be based on "Connecticut Guidelines for Soil Erosion and Sediment Control," published by the Connecticut Department of Energy & Environmental Protection as may be amended from time to time. The E&S Control Plan shall include the following:

1. Locations of areas to be stripped of vegetation.
2. Locations of areas to be re-graded and contour data indicating existing and proposed grades.
3. A schedule of operations, including the sequence of major improvement phases such as clearing, grading, paving, installation of drainage features and the like.
4. Seeding, sodding, or re-vegetation plans and specifications for all unprotected or un-vegetated areas.
5. Location, design, and timing of structural control measures, such as diversions, waterways, grade stabilization structures, debris basins, and the like. The narrative shall indicate design criteria used in the design of control measures.
6. A description of procedures to be followed to maintain sediment control measures.
7. The plan map shall show the words: "Erosion and Sediment Control Plan Certified by Vote of the Voluntown Planning and Zoning Commission on (date)," and a space for the signature of the Chairman or Secretary of the Commission.

B. After review of the E&S Control Plan by the Commission or its designee, the Commission shall vote to certify that the plan is in compliance with these Regulations. A vote of the Commission to approve a Site Plan shall imply approval of the E&S plan as well.

C. The Commission, through its members, agents, and consultants, shall periodically inspect construction projects for which Site Plans have been approved to verify that E&S controls are installed and maintained in a manner consistent with the certified plan.

D. All applications that require an E&C Control Plan shall also require a Stormwater Management and Treatment Plan.

1. Such Plans shall be designed and prepared consistent with the 2004 Connecticut Stormwater Quality Manual, as may be amended sometimes, or an alternative guide deemed acceptable by the Commission.
2. Stormwater management and treatment shall be accomplished on-site unless no feasible on-site options are available and shall provide for no increase in intensity or duration of off-site stormwater flows relative to pre-development conditions.

9.8. Waste Collection: A waste collection area shall be designated on the Site Plan. Any dumpster or roll-off container shall be screened from view off site and shall be placed to the side or rear of the building. Containers shall have sufficient capacity to be closed at all times. Waste pickup shall be sufficient to prevent unsanitary conditions. There shall be no litter at any time.

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10. SUPPLEMENTARY REGULATIONS AND SPECIAL EXCEPTION REGULATIONS

10.1 Prohibited Uses. The following uses are expressly prohibited within the Town of Voluntown:

- A. Manufacture of explosives.
- B. Commercial poultry or animal slaughtering.
- C. Commercial distillation of bones, rendering of fat or reduction of animal matter.
- D. Junk yard, motor vehicle junk yard, refuse disposal areas, other than the official Town refuse disposal facility.
- E. Industrial waste disposal or processing areas, including the disposal, or processing of hazardous waste or material.
- F. Any activity which produces unreasonable noise, odors, vibrations, fumes, electrical interference, or other noxious effects should be considered objectionable to the residents of the area.

10.2 Accessory Dwelling Unit. To foster affordable housing alternatives in the Town of Voluntown, to increase residential densities in established neighborhoods, an accessory dwelling unit shall be permitted, through the issuance of a zoning permit as required by these Regulations, in all Zoning Districts in which one-family dwellings are also allowed as a Permitted Use, provided that:

- A. Only one accessory dwelling unit, which may be attached or within the principal structure on the property or may be within a new or existing secondary building, shall be permitted for each lot and no accessory dwelling unit shall be approved as part of a two -family dwelling or any multi -family use;
- B. The lot shall conform to the minimum lot width and area requirement for the zone in which the property is located or be legally nonconforming;
- C. The accessory dwelling unit shall:
 - 1. Be a minimum size of 400 square feet but shall not exceed 1,200 square feet or 35% of the floor area of the single -family dwelling and the accessory dwelling unit, whichever is less;
 - 2. Be self-contained, with separate cooking, sanitary, and sleeping facilities for the exclusive use of the occupant(s);
 - 3. Both the accessory dwelling unit and the principal building/unit shall meet the requirements of the Building and Public Health Codes;
 - 4. Parking and access from the public right -of -way shall serve both the principal and accessory units, and shall not be distinguishable as separate facilities;
 - a) No additional curb cut shall be required to be created to serve an accessory dwelling unit;
 - b) Adequate off -street parking as required by these Regulations shall be provided for both uses;
 - 5. No accessory dwelling unit shall be located in a basement unless an approved means of egress is provided;
 - 6. All other requirements of Zoning Regulations, Building Code, Public Health Code, and applicable law are met.

10.3 Bed and Breakfast:

Bed and Breakfasts are permitted uses that may be conducted in any single-family residential dwelling by the owner-occupant, provided the following conditions are met:

1. Meals: Breakfast is to be the only common meal provided.
2. Number of Rooms: There must not be more than 6 guest rooms
3. Location of Guest Rooms: Guest rooms may be located in the principal building and/or up to one accessory building.
4. Exterior Evidence: There is to be no exterior evidence of the activity other than a sign permitted and the required parking.
5. Code Compliance: The building is to be in compliance with all applicable zoning, building, fire, electrical and plumbing codes.
6. Length of Stay: No guest may be registered for more than 15 consecutive nights.
7. Registration Records: The owner is to maintain a guest register and retain registration records for a minimum of three (3) years. The register and all records are to be made available for inspection by the zoning official or designee.
8. Parking: All required parking must be accommodated on site.

10.3 Beer and Brew Pubs. A beer and brew pub shall be a premises at which the Commission by Special Exception and Site Plan approval may allow some or all the following activities to take place:

- A. The manufacture, storage (anywhere in the state of Connecticut) and bottling of beer (as “beer” is defined by Conn. Gen. Stat. § 30-1 (5), as it may be amended);
- B. The retail sale of alcoholic liquor (as “alcoholic liquor” is defined by Conn. Gen. Stat. § 30-1 (3), as it may be amended) to be consumed on the premises with or without the sale of food;
- C. The selling at retail from the premises of sealed bottles or other sealed containers of beer brewed on such premises for consumption off the premises, provided that no more than nine gallons of beer may be sold to any person on any day;
- D. The offering and tasting on the premises of the beer and brew pub of free samples of beer brewed on such premises. The offering and tasting may be limited to visitors who have attended a tour of the premises;
- E. The sale of sealed bottles or other sealed containers of beer brewed on such premises to the holder of a wholesaler permit issued pursuant to Conn. Gen Stat. § 30-17(b) as it may be amended; and
- F. Only the activities expressly permitted by the approval of a Special Exception and Site Plan for a beer and brew pub may be conducted at the premises.

10.4. Cannabis Facilities

A. Purpose: The purpose of this section is to allow for a comprehensive review and appropriate siting of cannabis establishments to ensure any such establishment is in harmony with and will not have a detrimental effect upon the surrounding area, and that both the operation and location of any such establishment is protective of the public health and welfare.

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B. Definition of Terms: For this Section only, the terms referred to herein shall be defined and used as outlined and defined in C.G.S §21a-420h (as amended).

1. Cannabis Establishment: a non-profit, person(s) or business entity otherwise engaged in an activity which would be defined as a producer, dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer, food and beverage manufacturer, product manufacturer, and product packager.
2. Cannabis Hybrid Retailer: A person that is licensed to purchase cannabis and sell cannabis and medical marijuana products.
3. Cannabis Retailer: A person, excluding a dispensary facility and hybrid retailer, that is licensed to purchase cannabis from producers, cultivators, micro-cultivators, product manufacturers and food and beverage manufacturers and sell cannabis to consumers and research programs.
4. Cultivator: A person that is licensed to engage in the cultivation, growing and propagation of the cannabis plant at an establishment with no less than fifteen thousand square feet of grow space.
5. Micro-cultivator: A person that is licensed to engage in the cultivation, growing and propagation of the cannabis plant at an establishment containing not less than two thousand square feet and not more than ten thousand square feet of grow space, prior any expansion authorized by the Commissioner of DCP.
6. Food and Beverage Manufacturer: A person that is licensed to own and operate a place of business that acquires cannabis and creates food and beverages.
7. Producer: A person that is licensed as a producer pursuant to section 21a-408i of the general statutes and any regulations adopted thereunder.
8. Product Manufacturer: A person that is licensed to obtain cannabis, extract and manufacture products exclusive to such license type.
9. Product packager: A person that is licensed to package and label cannabis.

C. Cannabis Retailers and Hybrid Retailers: Retailers and Hybrid Retailers may be permitted via Special Exception in the Village District, the Village Commercial Overlay District, and the Major Development District subject to the standards specified elsewhere in these regulations in addition to the standards set forth below.

1. All Cannabis Retailers shall meet the following criteria:
 - a) Shall not be located within five hundred (500) feet of any other cannabis establishment as defined herein or, within five hundred (500)feet of any licensed child day-care facility, church, public playground or public or private school in existence at the time of Special Exception application, when measured using a direct line between any part of the permit premises and any part of a lot used as such.
 - b) Hours of operation will be limited to no earlier than 8:00 AM or later than 10:00 PM Monday through Saturday and 10:00 AM to 6:00 PM on Sunday.
 - c) No consumption of any cannabis product may take place on site.
 - d) Signage shall be in accordance with Section 11 of these Regulations and C.G.S §21a-421bb or any applicable state regulations (as amended) whichever is more restrictive.

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2. Any application for a Cannabis Retailer approval shall include:

- a) An operational plan to indicate, at a minimum, how the facility will be managed related to:
 - i. Hours of operation
 - ii. Security and Access
 - iii. Signage to be installed
 - iv. Odor monitoring and mitigation
 - v. Parking, Traffic and Circulation

D. Cannabis Micro-Cultivators: Cannabis Micro-Cultivators may be permitted in any Zoning District via Special Exception subject to the standards specified herein in addition to the standards set forth below.

1. All Cannabis Micro-Cultivator shall meet the following criteria:

- a) Minimum parcel size for Cannabis Micro-Cultivator shall be five (5) acres
- b) All cultivation shall be conducted within an enclosed building
- c) State of Connecticut Micro-Cultivators License shall be obtained from the State of Connecticut and filed on the Voluntown Land Records
- d) There shall be at least one thousand feet (1000') separation distance to all residential structures existing at the effective date of this regulation. The Commission may consider increasing the separation distance based on site topography, height of proposed building and adjacent buildings, Odor Dispersion Analysis, and any other factors specific to the proposed site.
- e) No consumption of any cannabis product may take place on site.
- f) Signage shall be in accordance with Section 11 of these Regulations and C.G.S §21-421bb or any applicable state regulations (as amended) whichever is more restrictive.

2. Any application for a Cannabis Micro-Cultivator approval shall include an operational plan to indicate, at a minimum, how the facility will be managed related to:

- a) Hours of operation
- b) Security and Access
- c) Signage to be installed
- d) Odor monitoring and mitigation
- e) Parking, Traffic and Circulation

E. Conditional Approval: In addition to any conditions imposed pursuant to these Regulations, all special exceptions for cannabis establishments shall be subject to the following conditions:

- 1. Special Exceptions shall be approved with the condition that the applicant continuously maintains all necessary approvals required by the State of Connecticut for the duration of the operation.

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2. A conditional approval issued by the Commission shall not be considered fully executed until a copy of the State issued license has been provided to the Land Use Department. A fully executed approval, including the State issued license must be filed with the Voluntown Town Clerk within six (6) months of the issuance of the Special Exception.
3. The Commission may issue not more than two (2) six-month extensions to this requirement provided the applicant can demonstrate that an application has been filed with the Department of Consumer Protection and the expected decision date will fall within the timeframe of the extension.
4. No entity shall commence operations, sales, or advertisements without a valid, current license from the State of Connecticut and fully executed Special Permit from the Town filed on the Voluntown Land Records.

10.5. Earth Excavation. Excavations, as defined in Section 2.16 of these Regulations, shall meet the following requirements:

- A. Such operations shall not be conducted between 7:00 p.m. and 7:00 a.m., except for municipal purposes.
- B. The site plan for such use shall show how the land is to be graded after completion of the removal operation.
- C. No excavation, fill, or grading shall result in excessive flying dust, noise, hazard to children or pedestrians, or danger to adjacent properties or passing vehicles.
- D. Property drainage shall be provided to prevent the collection and stagnation of water and the protection of water courses, streams ponds and wetlands from pollution, siltation, and erosion.
- E. No sharp declivities, pits, depressions, or soil erosion problems shall be created, and no slopes or banks will exceed one foot of vertical rise to two feet of horizontal run.
- F. Topsoil removed shall be stockpiled on the premises and shall be spread uniformly over the excavated or filled area and over exposed rock surfaces resulting from the excavation or filling to a depth of four inches in accordance with the approved contour plan. Additional topsoil beyond that required for the site can be removed from the site. When the excavation, re-grading, removal, or filling operations have been completed, the excavated, re-graded or filled area and other vegetated areas destroyed by the excavation, re-grading or filling process shall be covered to a minimum depth of four inches with topsoil and seeded with a perennial rye grass or similar cover crop, planted with trees or shrubs.
- G. During the operation, barricades, earthen berms, or fences for the protection of the public and adjoining properties shall be erected if deemed necessary by the Commission.
- H. Truck access to the excavation shall be arranged to minimize danger to traffic, nuisance to surrounding properties, and such access to the premises shall be provided with dustless surface for 300 feet from a public street or highway.
- I. The completed excavation, re-grading or fill area shall not impair the future use of the property in accordance with the Zoning Regulations and the slopes and banks will not impair good development and safe use of the property after the excavation or filling.
- J. The premises shall be excavated, re-graded or filled in conformity with the plans as approved or as modified.

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K. All fills shall be compacted to provide stability of materials and to prevent undesirable settlement. The fill shall be spread in a series of layers, each not exceeding 12 inches in thickness, and shall be compacted after each layer is spread. The Town Engineer may require tests or other information, if the conditions or materials are such that additional information is necessary.

L. No builder, excavator, grader, or owner of any property shall cause unsightly piles of rock or subsoil, or denuded land caused by, or in connection with, any activity regulated herein, to remain for a period of more than one year after completion of said construction or activity. However, when the construction or activity cannot be completed within such a period, said one-year period may be extended if approved by the Commission for such extra time.

M. Any excavation which involves the creation of a pond or permanent water containment area shall be permitted. Upon completion of excavation of said pond, the side slopes shall be graded at a slope not to exceed one foot of vertical drop to three feet horizontal distance to a minimum horizontal distance of 30 feet measured from the edges of the containment area at the discharge elevation.

N. The Commission shall require the applicant to submit periodic reports on progress of the excavation, re-grading, removal, or filling including contours and cross sections prepared and certified by an engineer or a land surveyor licensed to practice in the State of Connecticut. If at any time, the Commission finds that the excavation, re-grading, removal, or filling is not being conducted or cannot be conducted in accordance with the plans as approved or as modified, the Commission shall order the applicant to cease operation and revoke the permit.

O. The applicant shall file with the Commission a performance bond in the form of an irrevocable letter of credit acceptable to the Commission, or its designated agents, in an amount of \$ 2,500 per acre of disturbed area. No excavation, re-grading, removal, or filling operation shall begin until such bond is received by the Commission. Furthermore, said bond shall not be released until said cover crop or planted material as required has been established and all debris removed.

10.6 Home-Based Businesses: Customary home occupations may be allowed via administrative Zoning Permit, provided that:

- A. Only members of the family residing on the premises, plus a maximum of two (2) persons not residing on the premises, shall be employed in such business;
- B. The occupation shall be clearly incidental and subordinate to the residential use of the premises;
- C. No more than twenty-five (25%) percent of the floor area of the dwelling shall be used for the conduct of the business;
- D. The floor area of an outbuilding used for a home business shall not be greater than fifty (50%) percent of the floor area of the dwelling unit;
- E. No equipment or process shall be used in such business which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the business is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence;
- F. One (1) off-street parking space shall be provided for each 100 square feet of floor area devoted to the home business;
- G. A home business shall not generate any vehicle traffic beyond what might reasonably be expected in a residential area.

H. Once approved by the Commission or Zoning Enforcement Officer (ZEO), the permit shall be submitted for renewal and inspection every (2) years. Application for permit renewal shall be applied for during the month prior to their expiration;

I. Signs used in conjunction with an approved “home business” shall comply with Section 11 of these Regulations. In no case shall the use of banners, advertisement flags, lighted displays, or the use of audio for attracting customers be allowed; and

J. The location of all outdoor display areas shall be approved by the Commission/ZEO to ensure that any such areas do not create a traffic safety or public health concern.

10.7. Mobile Homes and Trailers.

A. A mobile home or trailer may be used temporarily in connection with a bona fide construction job for which a valid zoning permit has been obtained.

B. A temporary construction mobile home or trailer permit shall be issued for an initial period of six (6) months and may be renewable, at the discretion of the ZEO or Commission and for good cause shown, for additional six-month periods up to the date of the issuance of a certificate of occupancy.

C. The mobile home or trailer shall be removed within ten (10) days after the issuance of the certificate of occupancy.

D. A manufactured home, designed as a single-family dwelling and, having its narrowest dimension of twenty-two feet or more and built in accordance with federal manufactured home construction and safety standards shall comply with the same requirements imposed on single-family dwellings.

10.8 Multifamily Dwelling Units

The following standards and requirements shall apply to all multifamily residential uses permitted under these Regulations:

A. Minimum area for a new-construction multifamily development shall be three (3) contiguous buildable acres

B. Minimum lot frontage shall be one hundred and fifty feet (150’) on a State Highway or approved Town road.

C. A multifamily development on a rear lot with a minimum 25’ wide access strip to a Town or State road shall have a minimum of six (6) contiguous buildable acres

D. Maximum allowable development density shall be one dwelling unit per acre for lots between three and six acres (3-6 ac.) and one and one half dwelling units per acre (1.5 u/ac.) of contiguous buildable area for lots in excess of six (6) acres.

E. The total number of units allowed on a parcel existing as of the effective date of this Regulation shall be sixteen (16)

F. No new multifamily structure shall contain more than four (4) dwelling units

G. Residential structures existing at the effective date of this Regulation with greater than 3,000 square feet of livable area may be converted into no more than six (6) dwelling units.

H. No multifamily structure shall contain more than five thousand square feet (5,000 sf) in gross floor area

- I. Maximum building height shall be two and one half (2 ½) stories, not to exceed thirty five feet (35')
- J. Minimum structural setbacks for a multifamily dwellings on lots over six or more acres shall be:
 - 1. Front yard – 100'
 - 2. Side yard – 75'
 - 3. Rear yard – 75'
 - 4. Between multifamily structures within the development – 50'
- K. Minimum structural setbacks for a multifamily dwellings on lots between 3-6 acres shall be:
 - 1. Front yard – 75'
 - 2. Side yard – 50'
 - 3. Rear yard – 50'
 - 4. Between multifamily structures within the development – 25' or the minimum required by the Fire Marshal, whichever is less.
- L. Maximum impervious surface coverage of the lot shall not exceed twenty-five percent (25%)
- M. A landscaping plan shall accompany the application materials for multifamily developments demonstrating sufficient screening from neighboring properties and from the public way.
 - 1. The landscaping plan shall be prepared by a licensed Landscape Architect
 - 2. The Commission, as a condition of any application approval, shall require a landscape performance bond in a form and amount sufficient to ensure that required plantings are installed and maintained.
- N. A minimum of two hundred and fifty square feet (250 sf) of open space or recreation land shall be set aside on the property for each dwelling unit. The open space may either be private and accessible to individual units or combined for collective recreation space.
- O. Access driveways, parking areas, and areas for vehicular circulation shall be paved and of sufficient width and quality to provide for safe circulation.
- P. A minimum of two (2) paved or structured (garage) parking spaces shall be provided for each residential unit.
- Q. The site development plans shall include elements for pedestrian safety and circulation.
- R. Plans for maintenance of common facilities, including parking, driveways, landscaping, lighting, and pedestrian amenities, shall be included with all multifamily applications.
- S. Fire protection elements, including cisterns or sprinkler systems, may be required at the recommendation of the Fire Marshal and Fire Chief.

10.9. Public Utility and Telecommunications Facilities

A. The order of preference for facility locations shall range from .1 as the most preferred to .4 as the least preferred.

- 1. On existing structures such as nonresidential buildings/facades, water towers/tanks, utility poles, steeples, clock or bell towers, chimneys, grain elevators, and silos.
- 2. On existing or approved towers.

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3. On new towers located on property occupied by one or more existing towers.
4. On new towers.

B. Wireless telecommunication facilities are defined by Section 2 of these regulations. Antenna may be mounted on the rooftop or facade of a nonresidential building or existing towers, water tanks, utility poles, steeples, chimneys, and silos, provided the following standards are met:

1. Facilities shall be of a material or color matching the building's exterior and shall blend into the existing architecture as much as possible.
2. Facade mounted antennas shall not protrude above the building structure and shall not project more than three feet beyond the wall or facade.
3. Roof mounted antennas shall not exceed the highest point of the rooftop by more than 10 feet.
4. Roof mounted antennas shall be set back from the roof edge a minimum of ten feet or ten percent of the roof width, whichever is greater.

C. General Standards for wireless telecommunication facilities below are in addition to other applicable requirements in these regulations.

1. 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 telecommunication systems engineer, shall accompany an application.
2. 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.
3. Towers not requiring FAA paintings or markings shall be painted a non-contrasting blue, gray, or other neutral color.
4. No lights or illumination shall be permitted unless required by the FAA.
5. No signs or advertising shall be permitted on any tower or antenna, except “no trespassing”, “warning”, and “ownership signs” are permitted at ground level.
6. A proposed tower shall be designed and constructed to all applicable standards of the American National Standards Institutes, as amended.

D. Site Plan Requirements: All applications to develop a wireless telecommunications facility as a Special Exception shall meet the Site Plan requirements listed in Section 9 of these regulations. 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.

1. 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 Voluntown, and a map indicating the search radius for the proposed wireless telecommunications site, including the location of tall structures within one quarter mile of the proposed site.
2. A report from a licensed telecommunication systems engineer indicating why the proposed site location is necessary to satisfy its function in the applicant’s proposed wireless telecommunications system.

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3. A plan showing where and how the proposed antenna will be affixed to a particular building or structure.
4. Details of all proposed antenna and mounting equipment including size and color.
5. Elevations of all proposed shielding and details of material including color.
6. An elevation of all proposed equipment buildings, boxes, or cabinets. Details of all proposed fencing including color.
7. Tower base elevation and height of tower.
8. A design drawing, including cross section and elevation, of all proposed towers. A description of the tower's capacity, including the number and type of antennas it can accommodate as well as the proposed location of all mounting positions for co-located antennas and the minimum separating distances between antennas. The design shall indicate how the tower will collapse without encroaching upon any adjoining property if failure occurs.
9. 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.
10. All proposed landscaping, if appropriate, with a list of plant materials.
11. Proposed access to the site.

E. Review Standards: In addition to other review standards found in these regulations, the Commission, in reviewing applications for wireless telecommunication facilities, shall consider:

1. Detailed analysis of alternative sites, structures, access, and antennas as provided by the applicant. Particular attention will be placed upon the sitting preferences found in these regulations.
2. Tower sharing or co-location to facilitate the telecommunication needs of municipalities and other entities to reduce the need to construct additional towers.
3. Assessment of tower structure type.
4. Assessment of design characteristics/architectural treatments that mitigate, reduce or eliminate visual impacts on adjacent areas.
5. 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.
6. Consideration of future use or re-use of the site, with provisions for facility removal and site restoration.

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

10.10. Rear Lots: The Commission may permit a lot not having the required frontage on a street (a rear lot) to be used for a residence provided the following conditions are met:

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A. The minimum lot size of a rear lot shall be at least: **160,000 square feet**. Each lot shall contain at least 30,000 contiguous square feet of buildable area in a size and configuration suitable for the principal building/use, accessory uses and on-site water and sewer facilities.

B. A rear lot shall be accessible to a street by way of a driveway located in a strip of land owned as part of the rear lot and at least twenty-five (25') feet in width throughout. A letter, statement, or other form of sign-off from the public utility concurring that the proposed driveway width is adequate to allow service to the proposed lot shall be submitted to the Commission. The driveway area shall not be counted toward meeting the rear lot area required.

C. Where the driveway for any rear lot meets the street, it shall be determined by the Commission not to endanger public safety by reason of poor site distance or some other condition.

D. No part of any access strip for a driveway to a rear lot shall be located closer than 150 feet in the Rural District and 150 feet in the Village District to another such access strip to a rear lot on the same side of a street.

E. No driveway providing access to a rear lot shall serve more than one (1) residence except as provided by Section 5.1.2 of the Subdivision Regulations.

10.11. Recreational Campgrounds and Outdoor Recreational Facilities: Recreational camping grounds and outdoor commercial recreational facilities shall:

A. Be buffered by a planting strip not less than 100 feet deep along all property lines, suitably planted with evergreen trees and shrubbery to affect dense growth.

B. The layout and operation of a recreational camping ground shall conform to the provisions of Section 19-13-B97 of the Connecticut Public Health Code and to Section 425 of the Building Code.

C. A grocery and supply store for the convenience of campers on the premises may be operated as a part of the recreational camping ground.

10.12. Salt Storage Facilities: Salt storage facilities may be allowed via Special Exception when:

A. Located at least 250 feet away from a public drinking supply well;

B. Outside any Level A aquifer protection area;

C. Outside 100-year floodplain;

D. A minimum of 100 feet from all wetlands and watercourses;

E. Completely covered with a roof or weighted tarp and stored on impervious surfaces in accordance with the recommendations of the 2004 Connecticut DEEP Stormwater Quality Manual, as may be amended from time to time; and

F. The Commission determines that there will be no adverse impact to groundwater or other critical environmental resources

10.13. Special Event Facilities

A. Location: Property shall have fronting and primary access from a State Highway, or application shall demonstrate that local roads are suitable to support projected traffic volumes.

B. Site Plan: The Site Plan shall be prepared by a licensed Professional Engineer or Landscape Architect.

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C. Acreage: The property shall be of sufficient area to provide the buffer, parking, and screening requirements set forth in these Regulations.

D. Buffer: A buffer of at least 100', in which no activity shall take place, shall be provided from side and rear property lines.

E. Hours of Operation: Hours of Operation shall be protective of the welfare and the quality of life of the underlying rural-residential zone and shall be established based on the impact of nearby residences and uses. Proposed hours of operation shall be submitted as part of the application and the approved hours shall not be extended without prior approval of the Commission.

F. Health District: Approval by the Public Health District shall accompany the application.

G. Parking Areas: No parking shall be within 100' of a property line. Parking areas shall be comprised of previous surfaces to the greatest extent possible. The applicant shall demonstrate that the parking spaces, including handicapped spaces, are of sufficient number to accommodate the proposed use.

H. Waste Collection: A waste collection area shall be designated on the Site Plan. Any dumpster or roll-off container shall be screened from view off-site and be placed to the side or rear of the building. Containers shall have sufficient capacity to be fully closed at all times. Waste pickup shall be sufficient to prevent unsanitary conditions.

I. Stormwater: A plan for stormwater management that recharges to the ground shall be provided by a professional engineer.

J. Landscaping/Screening: The Commission may require landscaping to minimize the impact on surrounding properties.

K. Noise: Noise from any sound system shall not constitute a nuisance to area residential properties. Noise levels shall comply with Regulations for noise as promulgated by the Connecticut Department of Energy and Environmental Protection and Connecticut General Statutes, Section 22a-73.

L. Lighting: See requirements of Section 9.4 Performance Standards.

M. A traffic and circulation plan, including access management details, shall be provided to satisfy the requirements of Section 9.3 of these Regulations.

N. For events exceeding 85% of the design capacity of the facility, the applicant or facility operator shall provide written notification to the First Selectman a minimum of two weeks in advance of the event.

10.14. Special Flood Hazard Areas: Any development activities within Special Flood Hazard Areas as shown on the most currently available Flood Insurance Rate Maps must be conducted in accordance with the Voluntown Flood Damage Prevention Ordinance.

10.15. Specialized Agricultural Facilities

Specialized agricultural facilities and buildings shall meet the following conditions:

A. Roads and intersections providing access to the buildings will be adequate to provide safe and un-congested movement of traffic;

B. All plans for the storage and disposal of waste shall be consistent with regulations of the Connecticut Departments of Health and Environmental Protection.

C. No specialized agricultural building shall be located closer than 100 feet from any property line.

D. No waste storage or treatment area shall be located closer than 225 feet from a street center line or 300 feet from any other property line, except that the distance may be reduced to 100 feet when the adjoining property is a state open space or land physically unsuitable for building purposes, as determined by the Commission.

10.16. Wind and Solar Energy

A. Wind Energy Conversion Systems (WECS): A WECS is any mechanism designed to convert wind into mechanical electrical power intended for use on the premises. WECS will be approved by the Commission only if, after review of a Special Permit application for the proposed WECS, the Commission is satisfied that it will not pose a threat to the health, safety, and general welfare of people living and working in the vicinity. The following minimum requirements shall be met by all proposed WECS:

1. No WECS shall be permitted on a lot containing less than 40,000 square feet.
2. The maximum height of any support tower for a WECS shall be eighty (80') feet. Any protruding rotor blades shall not extend closer than fifteen (15') feet to the ground surface.
3. No part of a WECS structure shall be located closer than twenty-five (25') feet to a property line.
4. The support tower for a WECS shall be set back from all property lines a distance equal to the sum of the tower height plus the rotor blade length.
5. The supporting structure for a WECS shall not be attached to any structure containing a dwelling unit.
6. Each WECS shall be equipped with a braking device that will prevent the rotor blades from turning faster than a rate produced by a forty mile per hour wind.
7. A WECS shall not cause interference with radio or television reception. If such interference is detected, the property owner shall be required to take whatever measures are necessary to end the interference, including relocation or removal of the WECS.
8. No WECS shall be approved until the application shows evidence that the plans have been reviewed and found to be satisfactory by the public utility responsible for providing conventional electric power to the property. The wiring shall be installed by a certified electrician.
9. The maximum permitted noise level of a WECS shall be 45 decibels, as measured on the DBA scale, and as detected at any point on the property line.
10. Climbing access to the WECS support tower shall not begin lower than twelve (12') feet above the ground.
11. The support tower for a WECS shall be used solely for supporting the WECS and shall be removed when the tower ceases to be used for such purposes.

B. Solar Power Installations over 250 kW (“Large-Scale Solar Energy Systems”)

1. Compliance with Laws, Ordinances and Regulations The construction and operation of all large-scale Solar Energy System shall be consistent with all applicable local, state and federal requirements,

including but not limited to all applicable safety, construction, electrical, and communications requirements

2. Building Permit and Building Inspection No large-scale Solar Energy System shall be constructed, installed or modified as provided in this section without first obtaining a building permit.
3. Site Plan Review Ground-mounted large-scale Solar Energy System with 250 kW or larger of rated nameplate capacity are allowed in all districts subject to Special Permit review by the Voluntown Planning and Zoning Commission prior to construction, installation or modification as provided in this section.
 - a. General All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in Connecticut.
 - b. Required Documents Pursuant to the site plan review process, the project proponent shall provide the following documents in addition to the Special Permit submission requirements of Section 9:
 - c. Blueprints or drawings of the Solar Energy System signed by a Professional Engineer licensed to practice in Connecticut showing the proposed layout of the system and any potential shading from nearby structures.
 - d. Manufacturer’s data sheets or similar documentation of the major system components to be used, including the PV panels, mounting system, and inverter
 - e. Full contact information, including name, address, phone number and e-mail address for proposed system installer
 - f. Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any
 - g. The name, contact information and signature of any agents representing the project proponent;
 - h. Documentation of actual or prospective access and control of the project site;
 - i. An operation and maintenance plan viii. Zoning district designation for the parcel(s) of land comprising the project site,
 - j. Proof of liability insurance; The Voluntown Planning and Zoning Commission may waive documentary requirements that it finds are unnecessary to determine compliance with these regulations, as it deems appropriate.
4. Site Control The project proponent shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed Solar Energy System.
5. Operation & Maintenance Plan The project proponent shall submit a plan for the operation and maintenance of the large- scale ground-mounted Solar Energy System, which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operational maintenance of the installation.

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6. Utility Notification No large- scale ground –mounted Solar Energy System shall be constructed until evidence has been given to the Voluntown Planning and Zoning Commission that the utility company that operates the electrical grid where the installation is to be located has been informed of the Solar Energy System owner or operator’s intent to install an interconnected customer-owned solar energy system. Off-grid systems shall be exempt from this requirement.

7. Dimension and Density Requirements a. Setbacks For large - scale ground-mounted Solar Energy system, front, side and rear setbacks shall be as follows:

- a. Front yard: The front yard depth shall be at least 10 feet; provided, however, where the lot is across from a Residential district, the front yard shall not be less than 50 feet.
- b. Side yard. Each side yard shall have a depth of at least 25 feet; provided, however, where the lot abuts a Residential district, the side yard shall not be less than 100 feet.
- c. Rear yard. The rear yard depth shall be at least 20 feet; provided, however, where the lot abuts a Residential district, the rear yard shall not be less than 100 feet
- d. Minimum Lot Size The minimum lot size for any large-scale Solar Energy System shall be seven (7) acres.
- e. Height The total height of any large-scale Solar Energy System, including any mounts, shall not exceed nine (9) feet above the ground

10.17 Commercial Kennels, Animal Daycare Facilities, and Commercial Riding Stables

Commercial kennels/animal daycare, riding stables, and boarding stables are permitted uses subject to approval of a special permit and the following conditions:

A. Minimum Lot Area: A minimum lot area must be five (5) acres for riding and boarding stables and three (3) acres for commercial kennels/animal daycare, with the exception that commercial kennels/ animal daycare serving only domestic cats need only meet the minimum lot size required by the applicable zoning district on which they are located.

B. Setbacks: Open exercise areas and buildings containing animals must be a minimum of 100 feet from any property line, except for the following:

- 1. Commercial kennels/animal daycare serving only domestic cats need only meet the minimum setbacks required by the applicable zoning district on which they are located.
- 2. A building that is sufficiently soundproof so as not to create a nuisance to adjoining property owners or the general public, and that has no outdoor area for animals, may meet a 50-foot setback from any property line. Documentation of soundproofing must be provided with any application.

C. Open Exercise Areas: Open exercise areas must be enclosed by a fence at least five (5) feet in height and such areas must always be maintained in a sanitary and odor-free condition.

D. Animal Enclosures: All stalls, pens, and similar enclosures for animals must have a floor made from concrete or other impervious material which must contain adequate drainage facilities connected to an acceptable sanitary system for proper washing and maintenance.

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E. Animal Waste: All animal waste must be safely stored and disposed of. Manure and other animal waste must be removed from the site or must be composted in enclosed bins, which must not be stored within 100 feet of a lot line. Areas where manure or other animal waste is stored or composted must be visually screened from dwellings on adjacent lots.

10.18 Senior Housing Communities

A. Purpose: The purpose of this section is to provide for the construction of diverse alternative housing types for active seniors age 55 and over that are designed for aging in place and including common recreational and socialization amenities to meet the needs of this population while balancing the need to protect existing neighborhood character in the Town of Voluntown. No provisions in this regulation shall be applied, enforced or implemented in a manner that is inconsistent with or prohibited by the Fair Housing laws of the United States (42USCA Section 3607) and the State of Connecticut (46a-64b). Active Senior Housing Communities are permitted uses subject to approval of a special permit and the following conditions:

B. Location: The site and the primary access thereto shall be located on a collector road or higher classification in the Town's system as shown in the Plan of Conservation and Development.

C. Building Height and Coverage: The maximum building height and coverage of all buildings on the lot must be in accordance with the underlying zone.

D. Occupancy:

1. Active Senior Housing Communities are intended for senior citizens and must be restricted to persons 55 years of age and older subject to the following exceptions: • If a couple resides in one unit, one member of the couple must meet this age requirement. At any time, the total number of dwelling units occupied by persons under 55 years of age cannot exceed 20% of the total number of units.
2. Active Senior Housing shall meet all requirements of the United States Federal Fair Housing Act, as amended. The Active Senior Housing facility or community shall be responsible for compliance with the Fair Housing Act and must publish and adhere to policies and procedures that demonstrate intent to comply with the requirement of the Fair Housing Act and shall so state in the appropriate legal documents for the community or facility.
3. The Town shall have the right, but not the obligation, to review continuing compliance with the criteria of the Federal Fair Housing Act.

10.19 Drive Through Facilities:

Drive through facilities are permitted by Special Permit as accessory uses to restaurants, banks, and other commercial/retail uses subject to the following conditions:

- A. Location On-Site: Drive through facilities, including required stacking lanes, must be located in the rear or side yards only.
- B. Curb-Cuts: Drive through facilities must not generate the need for an additional driveway curb cut.
- C. Stacking Spaces Required:
 - 1. Restaurants: For fast food restaurants or any window designated for the pick-up of readily consumable food or beverage, a minimum of ten (10) stacking spaces entering and one stacking space exiting must be provided for each drive through window, including the vehicle being serviced. Where an order board and pickup window are involved at such an establishment, a minimum of five (5) stacking spaces should be provided before the order board.
 - 2. Services: For banks, a minimum of five (5) stacking spaces entering and one (1) stacking space exiting must be provided for each drive through window or ATM, including the vehicle being serviced.
 - 3. Retail: For pharmacies or any window designated for the pick-up of retail goods to be used or consumed later, a minimum of three (3) stacking spaces entering and one (1) stacking space exiting must be provided for each drive through window, including the vehicle being serviced.
- D. Size: Stacking lanes must be a minimum of 10 feet wide and each space shown must be 20 feet long.
- E. Circulation: Stacking lanes should be separate from internal aisles which allow traffic to circulate through the site without entering the drive through facility.
- F. Exiting Space: Exiting stacking space must be separate from other circulation aisles and must be at least 50 feet from the curb line of the street to which they will exit.
- G. Traffic/Pedestrian Circulation: Stacking lanes should be designed and located to minimize traffic congestion and to promote pedestrian safety using pavement markings, signs, and designated walkways.

11. SIGNAGE

11.1 General. Sign regulations applying to all districts:

- A. No sign or its illuminator shall, because of its size, shape, or method of illumination, be permitted to confuse or obstruct the view or effectiveness of any traffic sign or signal or in any way result in a hazard to the safe and efficient flow of vehicular traffic.
- B. No sign shall be equipped with flashing lights or movable parts.
- C. The light source of an illuminated sign shall be shaded so as not to be viewed from off the premises.
- D. No part of any sign shall project more than twenty-five (25') feet above the ground surface.

11.2 Residential. Signs permitted on residential lots:

- A. One (1) sign, not exceeding two (2) square feet, identifying the occupant of the residence.
- B. One (1) sign, not exceeding four (4) square feet and set back at least ten (10') feet from any property line, associated with an approved home business.
- C. One (1) temporary sign of a contractor, builder, painter, or other artisan or a sign offering the premises for sale or lease, provided it shall not exceed four (4) square feet in size and be set back at least ten (10') feet from any property line.
- D. One (1) sign not over sixteen (16) square feet for lawfully permitted uses in residential districts such as farming, forestry, recreation, or similar uses as determined by Commission.

11.3 Non-Residential. Signs permitted on non-residential lots:

- A. No sign shall be closer than five (5') feet from any travel portion of any road or from any property line.
- B. No sign located within fifty (50') feet of a road right-of-way shall be larger than thirty-two (32) square feet.
- C. No free-standing sign shall exceed one hundred (100) square feet in size.
- D. A sign on a wall or canopy or attached to a building may exceed one hundred (100) square feet in size, provided the building is at least fifty (50') feet from any road right-of-way, but in no case shall any sign exceed two hundred (200) square feet in area.
- E. Each non-residential use or activity shall have no more than one (1) permanent sign, except that two (2) signs are permitted where the total combined area of the signs does not exceed the limits described in 11.3.A-D, above.
- F. In any commercial or business complex or building containing two (2) or more activities, each individual use may have a sign, not exceeding twenty (20) square feet in size, attached to or projecting from the building, provided that such signs do not project more than ten (10') feet from the building. In addition, a commercial or business complex may have a directory sign no more than ten (10) feet wide, consisting of one sign no more than three (3') feet high identifying the complex and individual signs no more than one and one-half (1½') feet high identifying the individual activities.

11.4 Permits. A building permit must be obtained for any sign exceeding thirty-two (32) square feet in size unless the design and location of such sign is shown on a site development plan as approved by the Commission.

SECTION 12: NON-CONFORMING USES, BUILDINGS AND LOTS

12.1 Buildings and Uses. Any use or building lawfully existing at the time of the effective date of these Regulations and which is not in conformity with the provisions of these Regulations shall be deemed a non-conforming use or building. Such use or building shall be permitted to continue provided it is not enlarged or changed to another non-conforming use considered by the Commission to be more objectionable than the existing use.

A. When a building is located on a conforming lot and the building is non-conforming because it encroaches into a required yard, said building may be extended or expanded, via applicable permit processes, provided such extension or expansion does not further violate the yard requirement.

B. A new accessory building may be constructed on a non-conforming lot without a variance provided the dimensional requirements of the district are complied with and provided the building is not larger than two hundred (200) square feet in area and ten (10') feet in height.

12.2 Lots. Any person who has, in good faith, acquired ownership of a lot which does not meet the area and lot width requirements of the district in which it is located due to the adoption of these regulations or an amendment thereto, may use said lot for the purposes permitted in that district, provided all yard requirements can be met and the Sanitarian approves the provisions made for water supply and sewage disposal and providing

The owner(s) of the lot do not also own adjoining property which, if merged with the nonconforming lot, would cause such lot to either become less nonconforming or comply with the provisions of these regulations;

SECTION 13: APPEALS AND VARIANCES

13.1 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 Zoning Board of Appeals of the Town of Voluntown.

A. Such appeal or request for variance shall be made on a form prescribed by the Board and available from the Zoning Enforcement Officer and shall be accompanied by a fee as per Section 3.3 to cover the costs related to the required public hearing following provisions of Section 8-7 of the Connecticut General Statutes. (1/1/90)(7/1/98)

B. No variance shall be effective until a copy thereof, certified by the Chairman or Secretary of the Zoning Board of Appeals, containing a description of the premises to which it relates and specifying the nature of such variance, including the zoning regulation which is varied in its application, and stating the name of the owner of record, is recorded in the land records of the Town of Voluntown. The Town Clerk shall index the same in the grantor's index under the name of the then record owner and the record owner shall pay for such recording.

SECTION 14: AMENDMENTS

14.1 These Regulations may be amended by the Commission, after proper public notice and public hearing, in accordance with Section 8-3 of the Connecticut General Statutes.

SECTION 15: SEPARABILITY

15.1 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 16: EFFECTIVE DATE

16.1 These Regulations were effective on August 22, 1973.