

# **ZONING REGULATIONS OF THE TOWN OF MORRIS, CONNECTICUT**

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## ARTICLE I

### GENERAL PROVISIONS

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## SECTION 1 - PURPOSE

Purpose: The purpose of these Zoning Regulations is to guide the growth and development of the Town of Morris and promote beneficial and convenient relationships among residential, agricultural, commercial, industrial, and public areas within the Town. In addition, these Zoning Regulations are designed to achieve the following more particularly described purposes:

1. To provide adequate light, air, and privacy;
2. **To prevent the overcrowding of land and undue concentration of population;**
3. To provide for the safe and convenient circulation of traffic throughout the town and to avoid traffic congestion;
4. To secure the population and property from fire, panic, flood, and other dangers;
5. To protect and conserve the existing and planned character of all parts of the town, and thereby aid in maintaining property stability and value, and to encourage the orderly development of all parts of the town;
6. To provide a guide for public policy and action concerning public facilities and services, and building development;
7. To minimize conflicts among uses of land and buildings and to bring about the gradual conformity of uses of land and buildings with the comprehensive plan herein set forth;
8. Protect the natural aquatic resources in the Town of Morris from the adverse impacts of stormwater runoff and non-point source pollutants;
9. To protect the water quality and usefulness of Bantam Lake.

## SECTION 2 - JURISDICTION

Jurisdiction: Within the Town of Morris, no land, building, or other structure shall be used; and no building or other structure shall be constructed, reconstructed, enlarged, extended, moved, or structurally altered except in conformity with these Regulations.

This shall include, but is not limited to the following:

No lot or land shall be subdivided, conveyed, or encumbered; nor shall any use, building, or structure be used, changed, or altered to:

1. Make said lot or land nonconforming or more nonconforming to these Regulations;
2. Make any use, building, or other structure nonconforming or more nonconforming;
3. Reduce any setback, open space, or off-street parking and loading space to less than is required by these Regulations, or;
4. Make any nonconforming setback, open space, or off-street parking and loading space more nonconforming.
5. All new development and redevelopment projects in all zones proposed in the Town of Morris are required to comply with the requirements found in the Town of Morris Low Impact Sustainable Development Design Manual.

Nonconforming: Any use, building, or other structure or any lot which existed lawfully on the date these Regulations, or any amendment hereto became effective, and which fails to conform to one or more of the provisions of these Regulations or such amendment hereto, may be continued subject to the provisions and limitations of Section 10.

### **SECTION 3 - ZONING PERMIT AND CERTIFICATE OF ZONING COMPLIANCE**

Zoning Permit: No building or other structure, or part thereof, shall be constructed, reconstructed, enlarged, extended, moved, or structurally altered until a Zoning Permit has been approved by the Zoning Enforcement Officer. However, no Zoning Permit shall be required for structural alterations (such as the installation of interior partitions) which do not involve the enlargement of a building or structure beyond its existing perimeter or height unless such structural alteration involves a change of use.

No land, building, or other structure, or part thereof, permitted in these regulations, shall be used or occupied, or changed in use, until a Zoning Permit has been approved by the Zoning Enforcement Officer.

Certificate of Zoning Compliance: No Certificate of Occupancy shall be issued by the Building Official until a Certificate of Zoning Compliance has been issued by the Zoning Enforcement Officer certifying conformity with these Regulations.

No Zoning Permit or Certificate of Zoning Compliance, however, is required for a farm, forestry, truck garden, or nursery use having no building or other structure in connection with such use.

All applications for a Zoning Permit shall be submitted and approved in accordance with the provisions of Section 72; all Zoning Permits shall be issued in accordance with such Section.

Expiration of Zoning Permit: A Zoning Permit shall be void one year after the date of approval, unless the use has begun or actual construction has begun and is being diligently pursued to completion. Actual construction is the excavation and construction of a basement, cellar, or foundation and the actual placing of construction materials in their permanent position and fastened in a permanent manner.

An applicant may request one or more extension(s) of the Zoning Permit date of expiration, provided the total time of the extension(s) shall be no longer than one year.

## SECTION 4 - DISTRICTS

Districts: For the purpose of these Regulations, the Town of Morris is hereby divided into the following classes of districts:

| <u>District</u>            | <u>Map Code</u> |
|----------------------------|-----------------|
| Residence District 40      | R - 40          |
| Residence District 60      | R – 60          |
| Residence District 80      | R – 80          |
| Residence District 160     | R – 160         |
| Lake Residential District  | L.R.            |
| Deer Island District       | D.I.D.          |
| Commercial District A      | C.A.            |
| Commercial District B      | C.B.            |
| Lake Commercial District   | L.C.D.          |
| Lake Recreational District | L.R.D.          |
| Light Industrial District  | LI – 80         |

Special Districts: The following are additional classes of districts established in accordance with Article V:

Flood Plain District

Planned Development District

## SECTION 5 - ZONING MAP

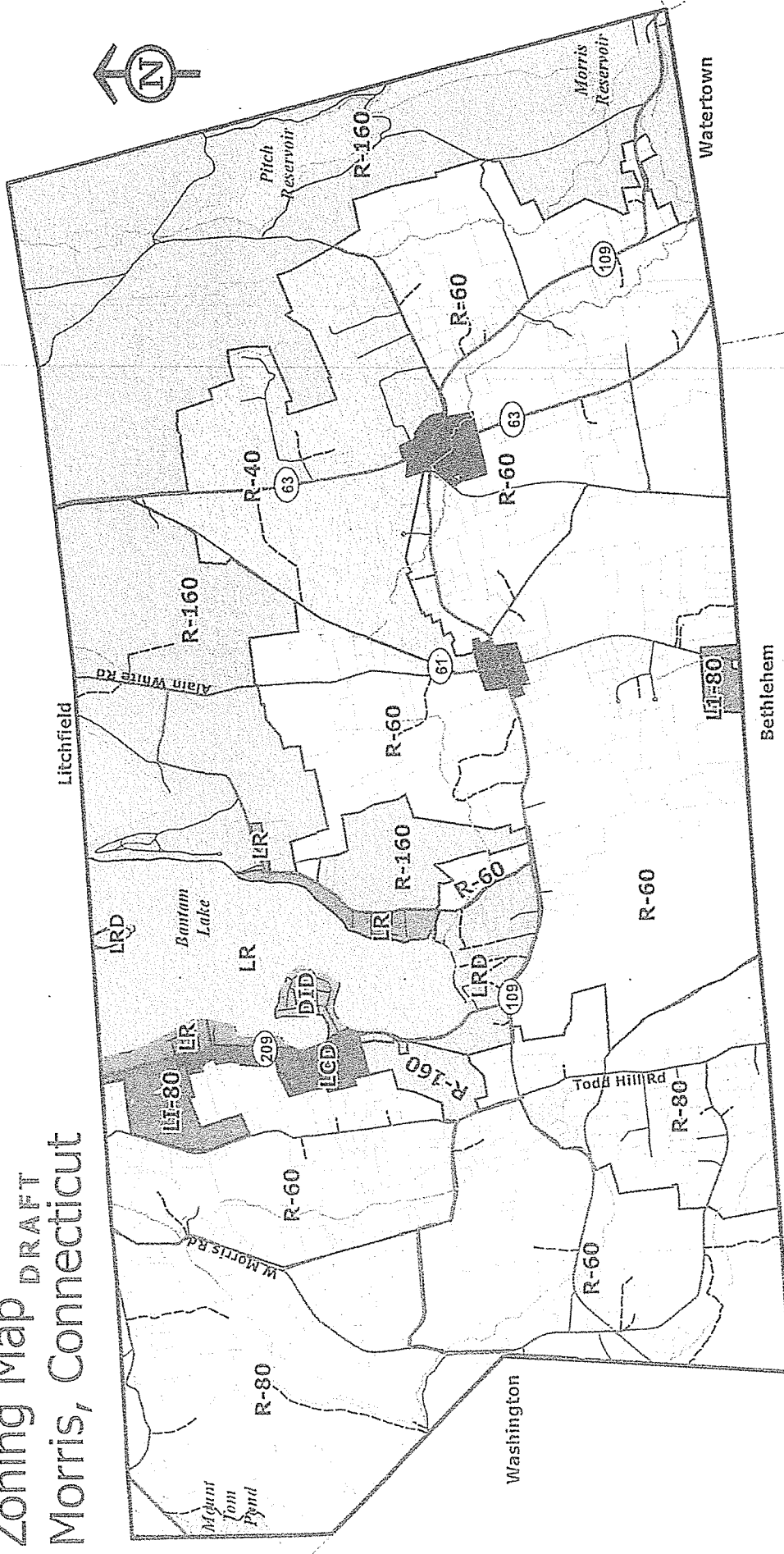
Map: The boundaries of the districts specified in Section 4 are hereby established as shown on a map entitled "Zoning Map, Town of Morris, Connecticut" as amended, including any special maps and boundary descriptions supplementary thereto and any amendments thereof, which map is hereby declared to be a part of these Regulations and is herein referred to as "Zoning Map."

Interpretation of Map: Where a question arises as to exact boundaries of a district shown on the Zoning Map, the Planning and Zoning Commission shall by resolution determine the location of the boundary, giving due consideration, among other factors, to the indicated location of the boundary on the Zoning Map, the scale of the Zoning Map, the location of property lines, and the expressed intent and purposes of these Regulations.

Where district boundaries are so indicated that they approximately follow the edges of lakes, ponds, reservoirs, or other bodies of water, the mean high water lines thereof shall be construed to be the district boundaries.

Where the boundary of a district divides a lot and the lot existed on the effective date of the Regulation establishing the district boundary as evidenced by deed or deeds recorded in the Town Land Records, the Planning and Zoning Commission, in accordance with the provisions of Section 52, may grant a Special Exception authorizing the use of land, buildings, and other structures permitted in one district to be extended into the other district for a distance of not more than 30 feet.

# Zoning Map <sup>DRAFT</sup> Morris, Connecticut



## Town of Morris Zoning

| Zone                         |  |
|------------------------------|--|
| Deer Island District DID     |  |
| Commercial District CA/CB    |  |
| Light Industrial LI-80       |  |
| Lake Recreation District LRD |  |
| Lake Commercial District LCD |  |
| Lake Residential LR          |  |
| Residence R-40               |  |
| Residence R-60               |  |
| Residence R-80               |  |
| Residence R-160              |  |

## Legend

|  |                 |
|--|-----------------|
|  | Town Boundary   |
|  | Primary Route   |
|  | Secondary Route |
|  | Local Road      |
|  | Unimproved Road |
|  | Watercourse     |
|  | Waterbody       |

Data Sources:  
Zoning: Adapted from Map Titled "Zoning Map Town of Morris Conn.," October 18, 1995, Prepared by Bradford E. Smith & Son  
U.S. routes, and state routes: The U.S. Census. (TIGER Data)  
Zoning: Arthur Howland & Associates/Town of Morris

This map should not be treated as an actual Land Survey.  
Errors may exist and changes may have occurred since this map was published. Please see the Town of Morris website for additional information:  
<http://ahhowland.com/resources/litchfield-county/morris-ct/morris-ct-zoning-regulations.html>

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Date: 10/14/2020

## **SECTION 6 - PERMITTED USES**

Uses: Land, buildings, and other structures in any district may be used for one or more of the uses listed as permitted in the district under Articles II, III, and IV. Uses listed as Special Exception Uses are permitted in the district subject to the approval of the Commission in accordance with the provisions of Section 52.

**Any use not specified as permitted in a district is prohibited.**

The following uses are specifically prohibited in all districts:

1. The use, occupancy, parking, or storage of a trailer on any lot except in accordance with the provisions of Section 64.
2. The outdoor storage on any lot in a Residence District of more than one (1) unregistered motor vehicle, excluding operable farm vehicles.
3. Carousel, roller coaster, whirligig, merry-go-round, Ferris wheel, or similar amusement devices, unless sponsored by a local charitable or non-profit organization, and then for a period not to exceed six (6) days.

Parking and Loading: As specified in Section 61, parking and loading spaces shall be provided off the street in connection with all uses of land, buildings, and other structures. All off-street parking and loading spaces shall conform to the requirements of Section 61.

## SECTION 7 - AREA, LOCATION, AND BULK STANDARDS

General: The following regulations shall apply to the area, shape, and frontage of lots and the location and bulk of buildings and other structures in each district under Articles II, III, and IV.

Lot Area, Shape, and Frontage: Each lot shall have at least the minimum area as specified for the District. In determining compliance with minimum lot area and shape requirements of these Regulations, land subject to easements for drainage facilities and underground public utilities may be included, but no street or highway, easement for vehicular access, private right-of-way for vehicles or easement for above ground public utility transmission lines may be included.

The area consisting of ponds, lakes, swamps, or marshes shall not be used for compliance with more than 25% of the minimum lot area requirements.

Land in a Residence District shall not be used to satisfy a lot area requirement in any non-Residential Zoning District.

A lot with land in two or more Zoning Districts may include land from each district to satisfy the minimum lot area requirement which shall be that of the Zoning District with the greatest lot area requirement.

Each lot to be used for a dwelling containing more than one (1) dwelling unit shall have at least the minimum additional lot area for each dwelling unit, except that this requirement shall not apply to an application for an accessory apartment.

Each lot shall have the minimum frontage on a Street for the District in which it is located as specified in these Regulations. (See also Minimum Access and Interior Lots.)

### Height:

1. Except as provide for below, no building or other structure shall exceed the number of stories and/or the maximum height, whichever is less, as specified for the District. Height shall be measured in accordance with the definition of "Height of a Building" (see section 9).
2. Exceptions to maximum height limits. The above maximum height limits shall not apply to following buildings and structures subject to the following conditions.
  - Churches, Town buildings or structures and farm silos.
  - Flag poles.
  - Ornamental cupolas or belfries, roof chimneys.
  - Wind turbines
  - Heating, ventilating, air-conditioning and similar equipment or bulkheads located on a roof of a building provided the total area of all such equipment or fixtures does not occupy more than 25% of the total area of the building roof(s).

Additional Side Yard Setback Required. Building or structures which exceed the maximum height limitations as provided above shall be setback from the required side yards by an additional minimum setback distance equal to the height of said building or structure.

Accessory Solar Energy Systems: Solar energy systems shall be permitted by right as an accessory use in all zoning districts subject to the requirements of this section.

1. **Applicability.** A system is considered an accessory solar energy system only if it supplies electrical or thermal power primarily for on-site use. This regulation applies to solar energy systems to be installed and constructed after the effective date of the regulation. Any upgrades, modifications or changes that materially alter the size or placement of an existing Solar Energy System shall comply with the provisions of this section.

2. **Design and Installation.**

- Accessory solar energy systems shall be designed and located in order to prevent reflective glare toward any inhabited structure on adjacent properties as well as adjacent street rights-of-way.

- No portion of an accessory solar energy system shall be located within or above any front yard, along any street frontage, nor within any required yard setback of any property.

3. **Height Restrictions.**

- Building or roof mounted solar energy systems shall not exceed the maximum allowed height in any zoning district. For purposes for the height measurement, solar energy systems other than building-integrated systems shall be considered to be mechanical devices and are restricted consistent with other building-mounted mechanical devices

- Ground or pole mounted solar energy systems shall not exceed the minimum accessory structure height within the underlying district.

- Setback. Solar energy system structures must meet the accessory structure setback for the zoning district and primary land use associated with the lot on which the system is located.

- Roof-mounted Solar Energy Systems. In addition to the building setback, the collector surface and mounting devices for roof-mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built.

- Ground-mounted Solar Energy Systems. Ground-mounted solar energy systems may not extend into the side-yard or rear setback based upon minimum design tilt.

**Setbacks:** No building or other structure shall extend within less than the minimum distances of any street line, rear property line, other property line or Residence District boundary line as specified in the district, subject to the following exceptions and additional limitations:

1. **Signs:** Certain permitted signs, as specified in Section 62, may extend within lesser distances of a property or street line.
2. **Projections:** Cornices, eaves, entrance canopies, and roof line projections, including gutters, may extend into any required setback area by a maximum of not more than three (3) feet, unless otherwise specifically provided for in the District, provided there is no encroachment on required setback areas by supporting walls or columns.

Fire escapes, chimneys, unenclosed entrance porticoes, window or meter boxes and cooling equipment may extend into any required setback area by a maximum of not more than three (3) feet unless otherwise specifically provided for in the District, subject to the requirement that the aggregate length of such features does not exceed 25% of the length of the building wall to which it is attached.

3. Fences, Walls, and Terraces: The required setback distances shall not apply to fences or walls six (6) feet or less in height nor to necessary retaining walls or to unroofed terraces, but no fence, wall, or terrace shall be located within the right-of-way of any street.
4. Accessory Buildings and Structures in Residential Districts: The setback requirements for accessory buildings and structures in Residential Districts shall not apply to detached accessory buildings or structures which are less than five (5) feet in height and 26 square feet in floor area. Such accessory buildings or structures shall not require a Zoning Permit.
5. Handicapped Access  
Nothing in these Regulations shall prohibit the projection of an addition to an existing building into the required front, side or rear setback area where the addition is clearly designed to function solely for the purpose of a handicapped access provided;
  - a. Such access is necessary or required according to federal or State codes or laws, and
  - b. The applicant shall provide an evaluation of other reasonable and feasible alternatives that would meet zoning setback requirements or reduce the proposed projection into the required setback, and
  - c. The dimensions of the handicap access do not exceed the minimum necessary to meet code requirements.

In an emergency the Zoning Enforcement Officer may approve a 90 day temporary handicapped access pending submission of an application meeting the requirements of this regulation.

6. Other: Other sections of these Regulations provide for the specific setback exceptions for certain buildings or structures, such as temporary farm stands and structures for horses or ponies.

Lot Coverage: “Lot Coverage” requirements as set forth under each zoning district sets maximum limits on two factors relating to the coverage of buildings and other structures on a lot.

“Maximum Floor Area Ratio” is the total floor area (including all stories) of the buildings on a lot as a percentage (or ratio) of the total lot area.

“Maximum Coverage by Buildings and Structures” is the maximum footprint coverage of all buildings and structures on a lot, except detached accessory buildings or structures as defined in Article I, Section 7, and certain other structures as specifically provided for in these Regulations.

## SECTION 8 - ADDITIONAL STANDARDS

General: The requirements hereinafter specified are supplementary to and in addition to standards set forth elsewhere in these Regulations.

Plan Requirements: Site plans and architectural plans, when required to be submitted pursuant to Section 51 of these Regulations in connection with a Zoning Permit, shall conform to the following standards:

1. Site Plan: A site plan shall be drawn to a scale of not less than 40 feet to the inch and shall show all of the following information, both existing and proposed, as applicable to the particular Zoning Permit: property lines and lines delineating the land to be used under the Zoning Permit; contours at an interval not exceeding two (2) feet or equivalent ground elevations; buildings, structures, retaining walls, signs and outdoor illumination facilities; streets, driveways, off-street parking and loading spaces, outside storage areas and all paved areas; water courses, ponds, and wetlands, *stormwater management system designed in accordance with the Town of Morris Low Impact Sustainable Development Design Manual*, and sewage disposal, and water supply facilities; docks, wharfs, and bulkheads; landscaping (including trees and/or shrubs, lawns and other landscape features and natural terrain not disturbed). The site plan shall be prepared by a professional engineer licensed to practice in the State of Connecticut.
2. Architectural Plans: Architectural plans required to be submitted in connection with the establishment of certain uses of land, buildings and other structures as specified in the commercial and industrial districts shall include all proposed buildings, structures, and signs proposed to be reconstructed, enlarged, extended, moved, or structurally altered.

Architectural plans may be in preliminary form, but shall include exterior elevation drawings, prepared, except for drawings for signs, by an architect or professional engineer licensed to practice in the State of Connecticut.

3. Stormwater Pollution Prevention Plan (SWPPP): A SWPPP subject to the requirements of Section 51.2 shall be submitted with any application for development in any district when the disturbed area of such development is cumulatively more than one-half acre.
4. Indoor Restaurants: Indoor restaurants and other food and beverage service establishments shall be located within an enclosed building and may include a food take-out service incidental to the primary permitted use but shall not include establishments where customers are served in motor vehicles.

Outdoor dining may be considered as an accessory use to a food establishment that is licensed or permitted to operate pursuant to section 19a-36i of the Connecticut General Statutes (a "Food Establishment"), provided that:

1. A Zoning Permit application shall be required. A sketched plot plan or site plan shall accompany the Zoning Permit to show the proposed limits of the outdoor dining patron area, the distance from the closest property line(s) and the location of structural elements (such as the number of tables and chairs), landscaping, and other features, and a well-defined boundary of the dining patron area.
2. The outdoor dining area shall not operate earlier than 7 AM or later than 10 PM.

3. All alcohol service shall be incidental and related to the dining service. Applications shall demonstrate compliance with alcohol service requirements of the State of Connecticut.

4. The Zoning Permit for outdoor dining as an accessory use may be subject to review and approval by the local area health district, such as Torrington Area Health.

5. No advertising or promotional features shall be permitted in the outdoor dining area including on umbrellas and canopies.

Accessory Uses: Accessory uses shall not include uses which are otherwise not permitted or specifically prohibited in the District. In Residence Districts, accessory uses shall conform to the following additional standards and conditions:

1. The accessory uses shall be located on the same lot with the use to which it is accessory or to an adjoining lot.  
For the purpose of these Regulations, adjoining lots so used shall be considered part of the lot to which the use is accessory until the accessory use is discontinued.
2. Accessory uses may include off-street parking spaces and private garages, but, except in connection with a farm or a Special Exception use, there shall be no more than one (1) commercial vehicle parked on any lot, and such vehicle shall not exceed 3 (three) tons capacity.

Accessory Apartments: Accessory apartments, “accessory dwelling units”, may be permitted with administrative review and the issuance of a Zoning Permit, subject to the General Standards of the Regulations, dimensional requirements within the applicable zoning district, and the following provisions:

1. Pursuant to PA 21-29, an accessory apartment is defined as a separate dwelling unit that is (a) located on the same lot as the principal dwelling unit of greater square footage, (b) has cooking facilities, and (c) complies with or is otherwise exempt from any applicable building code, fire code, and health and safety regulations.
2. No more than one (1) accessory apartment shall be permitted on a lot in either Residential or Commercial Districts
3. The maximum floor area of an accessory apartment shall be no more than 40% of the total floor area of the principal dwelling. In no case shall an accessory apartment contain more than 1,000 sf and/or more than two (2) bedrooms.
4. One (1) parking space shall be required for the accessory apartment.
5. The sanitary facilities serving the accessory apartment shall be subject to the approval of the local area health district, such as Torrington Area Health District.
6. The as-of-right permit application and review process shall require a decision on any such application be rendered no later than sixty-five (65) days after the receipt of such application, except the applicant may consent to one (1) or more extensions of not more than an additional sixty-five (65) days or may withdraw such application.

Access Through Residence District: No part of a lot located in any of the Residence Districts shall be used for access to a use not permitted in such District.

Home Office of Convenience: A home office of convenience is permitted as a matter of right with no Zoning Permit required where the office use meets the following criteria:

1. No business is conducted from the home office, except by the telephone or by mail.
2. There are no outside persons employed. Only members of the family residing in the dwelling shall be employed in the home office use.
3. The home office use must be clearly incidental to the use of the dwelling as a residence.
4. There is no outdoor display or storage of materials, goods, supplies, or equipment.
5. There is no change in the exterior of the dwelling, or any visible evidence of the home office use, nor any sign identifying a business use.
6. There is no additional traffic, parking space, noise, or electrical interference over that which is typical for the residential use without a home office use.
7. There is no Hazardous Material stored, used, or displayed in association with a home office use, other than that related to on-site heating associated with a residence.

Farms: Farms, including truck gardens, and the keeping of horses or ponies, shall conform to the following additional standards and conditions:

1. Farms shall not include or permit commercial slaughtering, fertilizer manufacturing, or any commercial reduction of animal matter. This prohibition does not include the sale of manure.
2. Any building in which a horse (for the purpose of this Regulation “horse” shall include a pony or donkey) is kept shall not extend within less than 50 feet of any property line or street line. The minimum land area required for the keeping of horses shall be as follows:
  - 1.5 acres for one horse,
  - 1.5 acres, plus  $\frac{3}{4}$  acre for each additional horse over one and up to a total of ten,
  - 8.5 acres for 10 horses,

For more than 10 horses, the applicant shall provide additional land over the minimum required based upon the relationship of the proposed location to surrounding land uses and the suitability of the site’s topography and soils to support the number of horses proposed and in consideration of the report on the proposal by the Torrington Area Health Department.

3. It is highly recommended that farms implement Low Impact Sustainable Development practices specified in Section 4.6 of the Town of Morris Low Impact Sustainable Development Manual to improve the water quality of the runoff from farm and agricultural operations.

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Minimum Access and Interior Lots: Proposed building lots shall be of such shape, size, location, topography, and character that buildings can be constructed reasonably and that they can be occupied and used for building purposes.

In addition, each lot shall have the minimum frontage required by these Regulations on a STREET or, if approved as a Special Exception according to the standards of Article V, an interior lot may be permitted in residential districts R-40, R-60 and R-80 serving a single family residence subject to the following specific requirements:

1. The lot shall be served by an accessway which intersects with an existing or proposed public street and such accessway is not less than 40 feet in width at all points.
2. The minimum lot area shall be 100,000 square feet. (In no case shall the area of the accessway be included in the calculation of the required minimum lot area.)
3. The accessway shall be owned in fee simple by the owner of the interior lot.
4. The interior lot shall meet all of the setback requirements of these Regulations. However, the minimum frontage requirements shall be measured along the lot line of the interior lot which intersects the accessway and is most parallel to the street line.
5. The Commission shall require a driveway construction and stormwater management plan for any new residential or commercial driveway.
6. No two accessways to interior lots shall be closer to each other than the minimum frontage measured along the street line, except as permitted in 7, below.
7. Two accessways may be closer to each other than the minimum frontage requirement only if the two lots have a common driveway entrance within all or part of the street right-of-way and at the intersection with the Town street or State highway. The common driveway intersection shall be maintained by the owners of the interior lots. A common driveway maintenance requirement shall be stipulated in the deeds of both interior lots and presented as part of the application for a Special Exception.

Outside of the Street right-of-way two interior lots may be served by a common driveway only where the common portion of the driveway is located entirely on one or the two lots and the accessway is not less than 40 feet in width at all points and where a deed provision is established permitting owner of one lot to pass and re-pass over the common portion of the driveway located on the other lot.

8. The number of interior lots permitted in a subdivision shall be as follows:
  1. A maximum of 20% of the total lots in a subdivision may be interior lots.
  2. The above maximum may be increased to allow not more than 50% of the lots in a subdivision to be interior lots only where the following conditions are met: The applicant must clearly demonstrate that the increased number of interior lots will result in the permanent preservation of a natural resource feature or other significant land feature, view, or vista that would not be so protected under the standard requirement. The applicant's presentation shall clearly identify the land, water, historic, and/or other cultural feature that will be so preserved and shall provide legal documentation assuring its permanent protection.

Corner Visibility: On any corner lot, there shall be no building structure, fence, wall, or planting, located within a triangular space on the lot bounded by the two intersecting street lines and a straight line connecting a point on the street line 25 feet from the intersection with a point on the street line

25 feet from the intersection, so as to obstruct a clear line of sight anywhere across such triangle between an observer's eye at an elevation 3.5 feet above one street line and an object one (1) foot above the other street line.

Any fence, wall, or planting which so obstructs such sight shall not be considered a non-conformity authorized to continue under the provisions of Section 10, titled Nonconforming Situations.

## SECTION 9 - DEFINITIONS

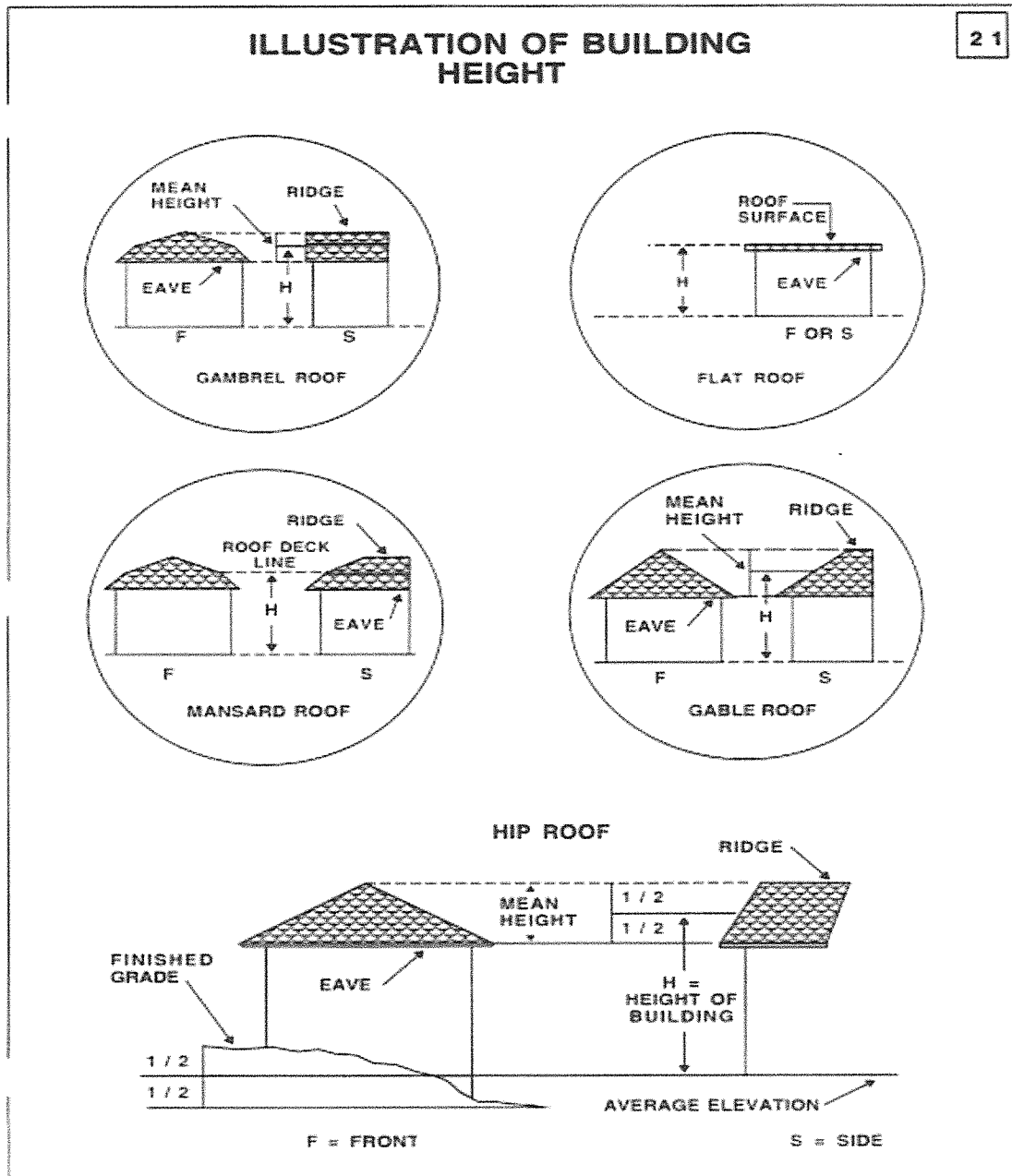
The paragraphs which follow define and explain certain words used in these Regulations. Other words used in these Regulations shall have the meanings commonly attributed to them. Words in the present tense include the future, the singular number includes the plural, and the opposite shall apply. The word “person” includes a partnership, corporation, or other entity. The word “lot” includes the word “plot.” The word “building” includes the word “structure.”

Where a question arises as to the precise meaning of a word, the Commission shall by resolution determine the meaning of the word, using the definition set forth in Webster’s latest unabridged dictionary, giving due consideration to the express purpose and intent of these Regulations.

1. “ACCESSORY USE/ACCESSORY BUILDING” An “accessory use” or “accessory building” is a use or building subordinate to the principal building on a lot and used for purposes customarily incidental to those of the principal use or building.
2. “ACCESSORY BUILDING OR STRUCTURE, DETACHED” An accessory building or structure separated from the principal building by a distance of not less than five feet.
3. “BEST MANAGEMENT PRACTICES” Guidelines designed by a Federal, State, or other qualified public agency which describe methods of building or operating a facility or of using land so as to minimize or eliminate pollution of ground or surface water drinking supplies.
4. “BUILDING” Any structure having a roof supported by columns or walls and intended for shelter, housing, or enclosure of persons or animals.
5. “BUILDING, PRINCIPAL” The building where the primary use on a lot is conducted.
6. “CLUB” An organization catering exclusively to members and their guests, provided that the purpose of the club is not conducted primarily for gain and that there are not conducted any commercial activities except as required generally for the membership and purpose of the club.
7. “COMMISSION” The Planning and Zoning Commission of the Town of Morris.
8. “CONVALESCENT HOME” Any establishment, other than a hospital, where three or more persons suffering from or afflicted with or convalescing from, any infirmity, disease, or ailment are habitually kept, boarded, or housed for remuneration.
9. “BUILDING IMPERVIOUS COVERAGE” The percentage of a parcel which is covered by all buildings and structure, not including:
  - building steps, or
  - detached decks provided the deck is not connected to the principal building and is located a minimum of five (5) feet from the principal building.
10. “DAY CARE” (See “FAMILY DAY CARE”)
11. “DOCK” An uncovered walkway, either fixed or removable, extending into a lake.

12. “DWELLING” A building or portion thereof, designed exclusively for residential occupancy, including one family, two family, and multiple dwellings, but not including hotels, motels, or boarding houses. (See also “SEASONAL DWELLING”.)
13. “FAMILY” One or more persons occupying a single housekeeping unit and using a common cooking facility, provided that unless all members are related by blood or marriage, no such family shall contain more than five persons.
14. “FAMILY DAY CARE” A day care facility within a single family residential dwelling which facility meets the criteria for a “Family day care home” as defined in Section 19a-77 of the Connecticut General Statutes and which is subject to the approval of the State of Connecticut. As provided for in the Connecticut General Statutes, a “family day care home” provides day care, for not more than six (6) children, including the day care provider’s own children who are not in school full time, where the children are cared for not less than three nor more than twelve hours during a 24-hour period and where care is given on a regularly recurring basis.
15. “FARM” Any tract of land containing at least three (3) acres which is used for a dairy or for the raising of agricultural products, forest products, livestock, or poultry.
16. “FLOOR AREA” For the purposes of these Regulations the term “floor area” shall be defined as the sum of the horizontal area of the several floors of a dwelling(s) measured from the outside, excluding cellar floor areas, basement rooms, open attics, or unfinished rooms which are not designed or intended for use as living space and garages, unenclosed porches, or decks.
17. “GARAGE, PRIVATE” A detached or accessory building or portion of a main building for the parking and storage only of automobiles belonging to the occupants of the premises.
18. “GARAGE, PUBLIC” A building or use, other than a private garage, used for maintenance, repair, and storage of automobiles.
19. ***“PERMEABLE GRAVEL DRIVEWAY” A driveway constructed with washed crushed aggregate which contains no fines or stone dust that is constructed in accordance with the specifications found in the Town of Morris Low Impact Sustainable Development Design Manual.***
20. “GROUNDWATER” All the water beneath the surface of the ground.
21. “HAZARDOUS MATERIALS” Substances or combinations of substances including waste products which present an actual or potential hazard to human health or to private or public drinking water supplies if discharged to the ground or surface waters, including:
  - a. Substances which are toxic, flammable, corrosive, explosive, radioactive, or infectious;
  - b. Substances listed in the U.S. Environmental Protection Agency’s “Title III List of Lists – Chemicals Subject to Reporting Under Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986” (which is on file in the Town Clerk’s office) and which are used for other than normal household purposes or in quantities exceeding those identified in SARA;
  - c. Acids and alkaloids outside the pH range of 2 to 10;
  - d. Petroleum products, including fuels and waste oils;
  - e. Synthetic organic solvents;
  - f. Any solid material which, if exposed to water, will leach or dissolve to form a hazardous material as defined above.

22. **"HEIGHT OF BUILDING"** The vertical distance from the average elevation of the finished grade within 10 feet of the walls of the building to the highest point of a flat roof (including parapet), to the roof deck line for a mansard roof, or to the mean height between the eaves and ridge of the roof for a gable, hip, or gambrel roof. Average elevation of finished grade shall be determined by measuring finished ground elevations equally spaced (maximum 10 feet apart) in a continuum around the perimeter of the building or structure, and dividing their sum by the total number of such elevations. (See Illustration of Building Height)



23. “HOSPITAL” Any establishment for the diagnosis, treatment, or other care of human ailments.
24. “HOTEL” A building containing rooms intended or designed to be used or which are used, rented, or hired out to be occupied or which are occupied for sleeping purposes by guests and where only a general kitchen and dining room are provided within the building or in an accessory building. The term “hotel” shall be deemed to include the term “motel.”
25. “IMPERVIOUS SURFACE” An impervious surface is any of the following surfaces which minimize or prevent the infiltration of rainfall into the soil: Any Building Roofs, Pools, Tennis Courts, Other athletic courts, Concrete or stone patios, and walkways, road and driveways consisting of bituminous concrete, concrete, compacted soils, compacted bank run sand and gravel and compacted processed stone material, permeable pavement, porous concrete or permeable interlocking concrete pavers .
26. “JUNKYARD” The term “junkyard” shall be construed to include any junkyard, motor vehicle junk business, and motor vehicle junkyard as defined in the General Statutes of the State of Connecticut. The term shall also include any place for storage or deposit, whether in connection with a business or not, for two or more unregistered, used motor vehicles which are either no longer intended or in condition for legal use on the public highways, and shall also include any place of storage or deposit of used parts of motor vehicles and old metals, iron, glass, paper, cordage, and other waste materials which on any lot have an aggregate bulk equal to one automobile.
27. “KENNEL, COMMERCIAL” Any operation on any premises in which six (6) or more dogs, six (6) months of age or older, are raised, quartered, and groomed, boarded, or otherwise provided care or services for the benefit of dog owners not residing on the premises, whether or not a State kennel license is required.
28. NON-POINT SOURCE RUNOFF: Non-point source (NPS) pollution is caused by rainfall or snowmelt moving over and through the ground. As the runoff moves, it picks up and carries away natural and human-made pollutants, finally depositing them into lakes, rivers, wetlands, coastal waters, and even our underground sources of drinking water. These pollutants include: Total Suspended Solids, Phosphorous, Nitrogen, Metals and Hydrocarbons.
29. “LAKE SHORE” Shore of Bantam Lake, 894 feet above sea level.
30. “LOT” A “lot” is defined as a parcel of land which is either (1) owned separately from any contiguous parcel as evidenced by fee conveyance recorded in the Land Records of the Town, or (2) is a building lot shown on a subdivision map approved by the Planning Commission and filed in the Office of the Town Clerk.
31. “LOT, CORNER” A lot located at the intersection of two or more streets.
32. “LOT DEPTH” The mean horizontal distance between the front and rear lot lines, measured in the general direction of side lot lines. In determining the required depth of a lot, any portion of said lot which is in excess of the minimum lot area need not be included.
33. “LOT LINE” The property lines bounding a lot as defined herein.

34. "LOT LINE, FRONT AND MINIMUM LOT FRONTAGE" In the case of a lot abutting upon only one street, the line separating the lot from the street; in the case of any other lot, the owner shall, for the purpose of these Regulations, have the privilege of electing any street line as the front lot line.
35. "LOT LINE, REAR" The lot line which is generally opposite the front lot line; if the rear lot line is less than ten (10) feet in length, or if the lot comes to a point at the rear, the rear lot line shall be deemed to be a line parallel to the front line not less than 10 feet long, lying wholly within the lot and farthest from the front lot line.
36. "LOT LINE, SIDE" Any lot line which is not a front lot line or a rear lot line, as defined herein.
37. "LOT, REAR" A lot of which the buildable area is located generally to the rear of other lots having frontage on the same street as said lot and having access to the street via a private right-of-way.
38. "LOT WIDTH" The horizontal distance, measured at right angles and in the center of the depth of the lot. In determining the required width of a lot, any portion of the lot which is in excess of the minimum lot area need not be included.
39. "LOW IMPACT SUSTAINABLE DEVELOPMENT" An ecologically friendly approach to site development and stormwater management that aims to mitigate development impacts to land, water, and air. The approach emphasizes the integration of site design and planning techniques that converse sensitive natural systems and hydrologic functions on a site.
40. "MOTEL" A building or group of buildings having units containing sleeping accommodations which are available for temporary occupancy by automobile transients.
41. "PROFESSIONAL OFFICE" The office of recognized professionals, such as doctors, lawyers, dentists, architects, engineers, artists, musicians, designers, teachers, and others who, through training or experience, are qualified to perform services of a professional as distinguished from a business nature.
42. "SEASONAL DWELLING" A dwelling not used for permanent dwelling and not occupied for more than six months in each year.
43. "STORY" That portion of a building which is between the surface of a floor and the surface of the next floor above, or, in its absence, the next ceiling above. A basement shall be counted as a story if the ceiling is more than five feet above the level from which the height of the building is measured or if it is used for business or residential purposes by other than a janitor or watchman.
44. "SETBACK" An open space on the same lot with a structure which lies between said structure and the nearest lot line and which is unoccupied except as may be specifically authorized in this ordinance. In measuring a setback, as hereinafter provided, the line of structure shall be deemed to mean a line parallel to the nearest lot line, drawn from a point of a structure nearest to such lot line. Such measurement shall be taken at right angle from the line of the structure, as defined herein, to the nearest lot line.
45. "SETBACK, FRONT" The open unoccupied space required across the full width of a lot from the front lot line to the nearest edge of the principal building or any covered porch, garage, or addition which extends from the principal building.

46. “SETBACK, REAR” An open unoccupied space extending across the full width of the lot and lying between the rear lot line and the nearest line of the building.
47. “SETBACK, SIDE” An open unoccupied space between the side lot line and the nearest line of the building and extending from the front setback to the rear setback, or, in the absence of either such yards, to the front or rear lot line, as the case may be.
48. “STREET” Any way which is an existing Town or State highway or any way shown on a recorded subdivision map duly approved by the Planning and Zoning Commission, recorded and approved prior to the adoption of subdivision, or certain private streets as identified and delineated on the Town Zoning Map.
49. “STREET LINE” A line separating a parcel of land from a street.
50. “STRUCTURE” Anything constructed or erected, including a building, the use of which requires location on or under the ground or attachment to something having location on the ground, specifically not including an improved or graded area located on the ground with no structural supports other than the subsurface base material and retaining walls. A terrace or patio, a paved or gravel driveway, a parking area, or similar improved surfaced area designed for parking, drainage or erosion stabilization purposes is not a structure within the meaning of these Regulations.
51. “STRUCTURE, ACCESSORY” A structure which is subordinate to the principal building or structure on a lot and used for purposes which are customarily incidental to those of the principal use or building.
52. “STRUCTURE, DETACHED ACCESSORY” An accessory structure separated from the principal building or structure by a distance of five feet or more.
53. “TOTAL IMPERVIOUS COVERAGE” The total percentage of a lot or parcel covered by buildings, accessory structures, pools, patios, driveways, tennis courts or any other hard surface which does not infiltrate rainfall.
54. “TOWN” The Town of Morris, Connecticut.
55. “UNDERGROUND” A structure or structure component which is below the surface of the ground or is not fully visible for inspection.
56. “WATER POLLUTION” An activity having a harmful thermal effect on, or contamination, or rendering unclean or impure any waters, including groundwaters of the State by reason of any waste or other materials discarded or deposited therein by any public or private sewer or otherwise so as directly or indirectly come in contact with any waters.
57. “WIND TURBINE” A device that converts wind energy to electricity and not regulated by the Connecticut Siting Council.
58. “SOLAR ENERGY SYSTEM” A device or structural design feature for the purpose of providing daylight for interior lighting or providing for the collection, storage and distribution of solar energy for space heating or cooling, electricity generating, or water heating.

59. “BUILDING-INTEGRATED SOLAR ENERGY SYSTEM” A solar energy system designed and installed as a building component and is part of the exterior envelope of the building. This includes but is not limited to solar energy systems contained within roofing materials, windows, skylights, and awnings.

## SECTION 10 - NONCONFORMING SITUATIONS

### Non-Conforming Situations – Definitions:

A non-conforming situation is any use, building, structure, or lot or any use of any building, structure or lot, lawfully existing at the time of the adoption of these Regulations or any relevant amendment thereto which does not conform to the requirements of these Regulations or such amendment. Non-conforming situations are as follows:

1. Non-conforming lots:

A non-conforming lot is a lot of record that:

- a. existed prior to the original effective date of these Regulations (January 15, 1979) or prior to an amendment to these regulations, and
- b. does not conform to the lot area or lot frontage requirements of these Regulations as established on the original effective date or an amendment to these Regulations.

2. Non-conforming building or structure: A non-conforming building or structure is one which does not meet one or more of the requirements for building or structure location or dimensions on a lot.

3. Non-conforming use: A non-conforming use is a use of a lot, building or structure which has legally existed since before the adoption of these Regulations, or any relevant amendment thereto, that does not meet the use requirements for the zone district in which the building, structure, or lot exists. A non-conforming use may be a non-conforming use of land only, of a building or structure only, or a building, structure, and land in combination.

Non-conforming Situations – Statement of Intent: As required by Connecticut General Statutes, Section 8-2, these Regulations do not prohibit the continuance of any non-conforming use, lot, building, or structure legally existing at the time of the adoption of these Regulations, or any relevant amendment thereto. It is the public policy of the Town of Morris and the intent of these Regulations, that the degree of non-conformity in any non-conforming situation be reduced, and any non-conforming situations be eliminated, as quickly as possible.

### General Rule Concerning Change from Non-Conforming to Conforming:

Once a non-conforming situation, or any portion thereof, has been changed to conform to these Regulations, that situation or portion thereof shall not be permitted to revert or again become non-conforming.

Non-Conforming Use of Land: Where no structure is involved, the non-conforming use of land may be continued, provided, however:

1. That no non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than that occupied by such use at the time of the adoption of the Zoning Regulations, or any relevant amendment thereto, unless specifically allowed by other provisions of these Regulations.
2. That no non-conforming use be moved in whole or in part to any other portion of the lot or parcel of land occupied by such non-conforming use at the time of the adoption of these Regulations, or any relevant amendment thereto.

### Non-Conforming Use of Structures:

1. Unless specifically provided for under another section of these Regulations, a structure, the use of which does not conform to the use Regulations for the district in which it is situated, shall not be enlarged or extended, nor shall it be structurally altered or reconstructed unless such alterations are required by law; provided, however, that such maintenance and repair work as is required to keep a non-conforming structure in sound condition shall be permitted.
2. A non-conforming use may be extended throughout any parts of the structure which were manifestly arranged or designed for such use at the time of the adoption of these Regulations provided such extension was made within one year after the date of adoption of these Regulations or any relevant amendment thereto.

### Change in Non-Conforming Use:

1. In determining whether an activity represents a change in non-conforming use, the Commission shall consider three factors: (1) the extent to which the new use reflects the nature and purpose of the original non-conforming use; (2) any difference in the character, nature, and kind of use involved; and (3) any substantial difference in effect upon the neighborhood resulting from the differences in the activities conducted on the property.

Where a change of non-conforming use is proposed, the Commission may require the applicant to submit a Site Plan prepared in accordance with the requirements of Section 51.

The Commission may approve such change of use where it finds that the proposed non-conforming use will not have an adverse effect on the district, the neighborhood and surrounding properties greater than that of current non-conforming use.

In reaching the determination of adverse effect, the Commission shall consider, but not be limited to the following factors – traffic (both type and volume), number of uses permitted, noise, lighting, parking, external alterations to the building and lot, and factors relating to environmental pollution.

The Commission may attach appropriate conditions and safeguards to the approval of such change of non-conforming use where such conditions are determined necessary to ensure that the proposed non-conforming use will not have a greater adverse effect upon the district, the neighborhood and surrounding properties than that of the current non-conforming use. Such conversion may be allowed only pursuant to a Certificate of Use issued by the Commission or its Zoning Enforcement Officer.

2. If any non-conforming use of a structure is changed to a conforming use, or if the structure in which such use is conducted or maintained is moved for any distance, then any future use of such structure shall be in conformity with the standards specified by the Zoning Regulations for the district in which such structure is located.
3. If any structure in which any non-conforming uses are conducted or maintained is removed, the subsequent use of the land on which such structure was located, and the subsequent use of any structure thereon, shall be in conformity with the standards specified by the Zoning Regulations for the district in which such land or structure is located.

Non-Conforming Building or Structure: A building or structure or any portion thereof that is non-conforming in terms of the location or dimension requirements of these Regulations shall not be

enlarged or extended in any way that increases the existing non-conformity. This includes non-conforming vertical expansions, such as a second story addition over that portion of a one story building located within a required setback from a property line.

Location and dimension requirements include the building setback requirement from a street line or other property line, maximum percentage of building coverage on a lot ("lot coverage"), and any other building or structure location or dimension requirement of these Regulations.

Non-Conforming Accessory Building Located in a Commercial or Industrial Zoning District – Change of Use: An accessory building which is located in any Commercial District or Industrial District (L.R. District, L.C.D. District, CA District, CB District, LI-80 District) and which does not conform to the front, side or rear setback area requirements of the District shall not be approved for conversion to any primary or principal Permitted Use or Special Exception use.

Extension of Non-Conforming Use in a Building or Structure: A building or a structure containing a non-conforming use may be enlarged or extended up to 25% of the original total floor area of the building or structure devoted to the non-conforming use subject to the following:

1. An application for enlargement or extension of a building or structure containing a non-conforming use shall require submission of a Site Plan. The Site Plan and application shall clearly show the floor area of the building and the area of the lot devoted to the non-conforming use as it existed at the time such use became non-conforming, the area of any previous enlargements or extensions to the building or structure, and the area proposed for expansion.
2. The Commission may approve the enlargement or extension if it finds that the proposed enlargement or extension will not have an adverse effect on the district, the neighborhood and surrounding properties greater than that of the current non-conforming use.

The Commission may attach appropriate conditions and safeguards to the approval of such enlargement or extension where such conditions are determined necessary to ensure that the proposed enlargement or extension will not have a greater adverse effect upon the district, the neighborhood, and surrounding properties than that of the current non-conforming use. Such enlargement or extension may be allowed only pursuant to a Certificate of Use issued by the Commission or its Zoning Enforcement Officer.

3. The applicant shall provide a statement from the Assessor or copies of the assessor's records documenting that the building has not been expanded since the date it became non-conforming or that any such expansion was approved by the Commission and does not exceed 25% of the total floor area of the building which is devoted to the non-conforming use.
4. The total floor area of the enlargement shall not exceed 25% of the total floor area legally dedicated to the non-conforming use at the time it became non-conforming, including any previously granted approval for expansion.
5. Enlargements shall be allowed only to an existing building containing a non-conforming use. No new building or structure containing a non-conforming use shall be permitted.
6. The total maximum building coverage of the lot with the expansion shall not exceed 25% of the total lot area.

7. The location and dimensions of the enlargement shall conform to the requirements of these Regulations.
8. Off-street parking spaces meeting the requirements of these Regulations shall be provided on the lot.

Restoration of Damaged Structures: A non-conforming building or structure damaged by fire or other casualty may be reconstructed or restored subject to approval of a Zoning Permit provided that:

1. The reconstruction or restoration shall not exceed the previous non-conforming dimensions of the building or structure. Where it is necessary to reach this determination, the applicant may be required to provide documentation of the building or structure's size and height prior to the damage and
2. Work shall be started within one year of such damage and is diligently pursued to completion.
3. The Commission may grant an extension(s) of the date to start work, provided:
  - a. The owner submits a request for the extension in writing, stating the reasons for the request, and
  - b. The request is received prior to expiration of the one year deadline, and
  - c. The total of all extensions do not exceed one year.

Abandonment of a Non-Conforming Use: No non-conforming use once changed to a more conforming use shall revert back or be changed to a less conforming use.

Building On Vacant or Unimproved Non-Conforming Lots:

1. A non-conforming lot is a lot of record that:
  - a. existed prior to the original effective date of these Regulations (January 15, 1979) or prior to an amendment to these Regulations, and
  - b. does not conform to the lot area or lot frontage requirements of these Regulations as established on the original effective date of an amendment to these Regulations.
2. A permit may be issued for construction of a permitted structure or for a permitted use on a vacant or unimproved non-conforming lot provided:
  - a. the applicant provides an affidavit certifying that: the lot was owned separately and distinctly from any other adjoining lot having a common boundary line as evidenced by a deed recorded in the Town land records on or before the effective date of these Regulations or any amendment thereto which made the lot non-conforming, and the lot has been continuously thereafter owned as a separately distinct lot from any other adjoining lot, and
  - b. all setback and lot coverage requirements of the Regulations can be met.
3. Where based upon the affidavit required in 1.a. above, or where the Commission determines that the current or a prior owner of the non-conforming lot also owned an adjoining lot, no Zoning Permit for

construction or use of a non-conforming lot shall be issued until the Commission approves a Special Exception application.

a. As a part of the Special Exception application, the Commission shall consider all factual evidence relating to the lot and the adjoining land. Based upon this information and in consultation with its attorney, the Commission shall decide whether to require the merger of the non-conforming lot with adjoining land in order to make the non-conforming lot more conforming with lot area or frontage requirements of these Regulations.

## ARTICLE II

### RESIDENCE DISTRICTS

|              |                                |
|--------------|--------------------------------|
| SECTION 21 - | RESIDENCE R-40 DISTRICT        |
| SECTION 22 - | RESIDENCE R-60 DISTRICT        |
| SECTION 23 - | RESIDENCE R-80 DISTRICT        |
| SECTION 24 - | RESIDENCE R-160 DISTRICT       |
| SECTION 25 - | LAKE RESIDENTIAL L.R. DISTRICT |
| SECTION 26 - | DEER ISLAND D.I.D. DISTRICT    |

## SECTION 21 - RESIDENCE R-40 DISTRICT

### Permitted Uses:

1. A single dwelling.
2. Home office of convenience, subject to the provisions of Section 8.
3. Schools, parks, playgrounds, and open space lands of the Town of Morris.
4. Farms, including truck gardens, nurseries, greenhouses, forestry, and the keeping of livestock and poultry, horses or ponies, subject to the provisions of Section 8.
5. State licensed family day care as an accessory use in a single dwelling for one family and in accordance with the provisions of the Connecticut General Statutes, 8-23j.
6. Signs, as provided in Section 62.
7. An accessory apartment or accessory dwelling unit
8. Accessory uses customary with and incidental to any aforesaid permitted use, subject to the provisions of Section 8.

Special Exception Uses: All Special Exception uses shall be subject to the general and specific requirements of Section 52 and, where applicable, the requirements of Section 67.

- 1.. Roadside stands for display and sale of farm products grown on the premises.
2. Convalescent homes, private hospitals, and sanitariums, licensed by the State of Connecticut.
3. The following uses when conducted by a non-profit corporation and not as a business for profit: churches and places of worship, parish halls, educational, religious, philanthropic, and charitable institutions subject to the following requirements:
  - a. Minimum lot size five (5) acres not including inland wetlands and watercourses.
  - b. Access to all buildings and facilities on the lot shall be from a State Highway.
  - c. Minimum setback for all buildings and parking areas on a lot shall be 100' from the street line and 75 feet from all other lot lines.
4. Schools, libraries, and cemeteries.
5. Buildings, uses, and facilities of the Town of Morris, except a town dump which is not permitted.
6. Home occupation.
7. Shop and Storage Use by Contracting and Building Tradesmen.
8. Bed and Breakfast.

9. Conversion of an Existing Residence or Accessory Building for Antique Sales.
10. Summer day camps, provided there is no furnishing of rooms.
11. The following uses when not conducted as a business or for profit: membership clubs; lodges, community houses, nature preserves and wildlife sanctuaries; golf, tennis, swimming, boating, and similar clubs.
12. Public utility substations and telephone equipment buildings provided that there is no outside service yard or outside storage of supplies.
13. Water supply reservoirs, towers, treatment facilities, and pump stations.
14. Railroad rights-of-way and passenger stations, including customary accessory services therein but not including switching, storage sidings, freight yards, or terminals.
15. Town Sponsored Multi-Family Housing and Related Community Facilities.
16. Solar Energy Systems designed to produce electric power to be used off site constructed upon town owned property.
17. Accessory uses customary with and incidental to any aforesaid Special Exception use.

Lot Area, Shape, and Frontage:

- |                     |                    |
|---------------------|--------------------|
| 1. Minimum Lot Area | 40,000 square feet |
| 2. Minimum Frontage | 150 feet           |

Height:

- |                              |            |
|------------------------------|------------|
| 1. Maximum Number of Stories | 2½ stories |
| 2. Maximum Height            | 35 feet    |

Setbacks:

- |                                                                                         |         |
|-----------------------------------------------------------------------------------------|---------|
| 1. Minimum setback – principal building* from street line                               | 35 feet |
| 2. Minimum setback – principal building* from all other property lines                  | 20 feet |
| 3. Maximum projection of principal or accessory building or structure into setback area | 3 feet  |
| 4. Minimum setback for all detached accessory buildings and structures:                 |         |
| a. from the street line                                                                 | 50 feet |
| b. from all other property lines                                                        | 20 feet |

\* An accessory building or structure attached to or located within five feet of the principal building shall be subject to the minimum setback requirements for principal building.

Lot Coverage:

- |                                                 |     |
|-------------------------------------------------|-----|
| 1. Maximum Coverage by Buildings and Structures | 15% |
| 2. Total Impervious Coverage                    | 35% |

Living Area Requirements Per Dwelling Unit (In Square Feet):

- |                                 |       |
|---------------------------------|-------|
| 1. Minimum for first floor area |       |
| 1 story                         | 1,000 |
| 1½ stories                      | 700   |
| 2 or more stories               | 600   |

## SECTION 22 - RESIDENCE R-60 DISTRICT

Permitted Uses: Any permitted use in Section 21.

Special Exception Uses: Any Special Exception use permitted in Section 21.

### Lot Area, Shape, and Frontage:

- |                     |                    |
|---------------------|--------------------|
| 1. Minimum Lot Area | 60,000 square feet |
| 2. Minimum Frontage | 175 feet           |

### Height:

- |                              |            |
|------------------------------|------------|
| 1. Maximum Number of Stories | 2½ stories |
| 2. Maximum Height            | 35 feet    |

### Setbacks:

- |                                                                                         |         |
|-----------------------------------------------------------------------------------------|---------|
| 1. Minimum setback – principal building* from Street line                               | 35 feet |
| 2. Minimum setback – principal building* from all other property lines                  | 30 feet |
| 3. Maximum projection of principal or accessory building or structure into setback area | 3 feet  |
| 4. Minimum setback for all detached accessory buildings and structures:                 |         |
| a. from the street line                                                                 | 50 feet |
| b. from all other property lines                                                        | 20 feet |

\* An accessory building or structure which is attached to or located within five feet of the principal building shall be subject to the minimum setback requirements for principal building.

### Lot Coverage:

- |                                                 |     |
|-------------------------------------------------|-----|
| 1. Maximum Coverage by Buildings and Structures | 15% |
| 2. Total Impervious Coverage                    | 30% |

### Living Area Requirements per Dwelling Unit (In Square Feet):

- |                                  |       |
|----------------------------------|-------|
| 1. Minimum for First Floor Area: |       |
| 1 story                          | 1,000 |
| 1½ stories                       | 700   |
| 2 or more stories                | 600   |

## SECTION 23 - RESIDENCE R-80 DISTRICT

Permitted Uses: Any Permitted Use in Section 22

Special Exception Uses: Any Special Exception use permitted in Section 22

Lot Area, Shape, and Frontage:

- |                     |                    |
|---------------------|--------------------|
| 1. Minimum Lot Area | 80,000 square feet |
| 2. Minimum Frontage | 175 feet           |

Height:

- |                              |            |
|------------------------------|------------|
| 1. Maximum Number of Stories | 2½ stories |
| 2. Maximum Height            | 35 feet    |

Setbacks:

- |                                                                                         |         |
|-----------------------------------------------------------------------------------------|---------|
| 1. Minimum setback - principal building* from Street line                               | 35 feet |
| 2. Minimum setback - principal building* from all other property lines                  | 30 feet |
| 3. Maximum projection of principal or accessory building or structure into setback area | 3 feet  |
| 4. Minimum setback for all detached accessory buildings and structures:                 |         |
| a. from the Street line                                                                 | 50 feet |
| b. from all other property lines                                                        | 20 feet |

\*An accessory building or structure which is attached to or located within five feet of the principal building shall be subject to the minimum setback requirements for principal building.

Lot Coverage:

- |                                                 |     |
|-------------------------------------------------|-----|
| 1. Maximum Coverage by Buildings and Structures | 10% |
| 2. Total Impervious Coverage                    | 25% |

Living Area Requirements per Dwelling Unit (in square feet):

- |                              |       |
|------------------------------|-------|
| 1. Minimum First Floor Area: |       |
| 1 story                      | 1,000 |
| 1½ story                     | 700   |
| 2 or more stories            | 600   |

## SECTION 24 - RESIDENCE R-160 DISTRICT

### Permitted Uses:

1. A single-family dwelling
2. Home office of convenience, subject to the provisions of Section 8.
3. State licensed family day care as an accessory use in a single dwelling for one family and in accordance with the provisions of the Connecticut General Statutes, Section 8-23j.
4. Parks, playgrounds and open space lands of the Town of Morris.
5. Farms, including truck gardens, nurseries, greenhouses, forestry, and the keeping of livestock and poultry, horses and ponies, subject to the provisions of Section 8.
6. Signs as provided in Section 62.
7. Accessory apartments or accessory dwelling units
8. Accessory uses customary with and incidental to any aforesaid permitted use, subject to the provisions of Section 8.

Special Exception Uses: All Special Exception uses shall be subject to the general and specific requirements of Section 52 and, where applicable, the requirements of Section 67.

1. Home occupation.
2. Bed and Breakfast.

### Lot, Area, Shape and Frontage:

- |                     |                     |
|---------------------|---------------------|
| 1. Minimum Lot Area | 160,000 square feet |
| 2. Minimum Frontage | 175 feet            |

### Height:

- |                              |            |
|------------------------------|------------|
| 1. Maximum Number of Stories | 2½ stories |
| 2. Maximum Height            | 35 feet    |

### Setbacks:

- |                                                                                         |         |
|-----------------------------------------------------------------------------------------|---------|
| 1. Minimum setback - principal building* from Street line                               | 35 feet |
| 2. Minimum setback - principal building* from all other property lines                  | 30 feet |
| 3. Maximum projection of principal or accessory building or structure into setback area | 3 feet  |

4. Minimum setback for all detached accessory buildings and structures:
  - a. from the street line 50 feet
  - b. from all other property lines 20 feet

\*An accessory building or structure which is attached to or located within five feet of the principal building shall be subject to the minimum setback requirements for principal building.

Lot Coverage:

1. Maximum Coverage by Buildings and Structures 10%
2. Total Impervious Coverage 25%

Living Area Requirements per Dwelling Unit (in square feet):

1. Minimum First Floor Area:
  - 1 story 1,000
  - 1½ story 700
  - 2 or more stories 600

## SECTION 25 - LAKE RESIDENTIAL DISTRICT L.R.

### Permitted Uses:

1. A single-family dwelling
2. Home office of convenience in a dwelling unit, subject to the provisions of Section 8.
3. Schools, parks, playgrounds, and open space lands of the Town of Morris.
4. State licensed family day care as an accessory use in a single dwelling for one family and in accordance with the provisions of the Connecticut General Statutes, Section 8-23j.
5. Signs as provided in Section 62.
6. An Accessory Apartment or an accessory dwelling unit
7. Accessory uses customary with and incidental to any aforesaid permitted use, subject to the provisions of Section 8.

Special Exception Uses: All Special Exception uses shall be subject to the general and specific requirements of Section 52, and, where applicable, the requirements of Section 67.

1. Buildings, uses, and facilities of the Town of Morris, except a town dump is not permitted.
2. Summer day camps, provided there is no furnishing of rooms.
3. The following uses, when not conducted as a business or for profit: membership clubs, nature preserves and wildlife sanctuaries, swimming and boating clubs.
4. Home occupation.
5. Bed and Breakfast.

### Lot Area, Shape, and Frontage:

- |                     |                    |
|---------------------|--------------------|
| 1. Minimum Lot Area | 40,000 square feet |
| 2. Minimum Frontage | 150 feet           |

### Height:

- |                              |            |
|------------------------------|------------|
| 1. Maximum Number of Stories | 2½ stories |
| 2. Maximum Height            | 35 feet    |

### Setbacks:

- |                                                                  |         |
|------------------------------------------------------------------|---------|
| 1. Minimum setback - principal building* from all property lines | 15 feet |
|------------------------------------------------------------------|---------|

2. Minimum setback - detached accessory buildings and structures from all property lines 10 feet
3. Maximum projection of principal or accessory building or structure into setback areas 3 feet

\* An accessory building or structure which is attached to or located within five feet of the principal building shall be subject to the minimum setback requirements.

Lot Coverage:

1. Maximum Coverage by Buildings and Structures 15%
2. Total Impervious Coverage 30%

Living Area Requirements per Dwelling Unit (in square feet):

1. Minimum for first floor area:
  - 1 story 1,000
  - 1½ stories 700
  - 2 or more stories 600

## **SECTION 26 - DEER ISLAND DISTRICT D.I.D.**

### Permitted Uses:

1. A single dwelling
2. State licensed family day care as an accessory use in a single dwelling for one family and in accordance with the provisions of the Connecticut General Statutes, Section 8-23j.
3. Private bath houses, lockers, and dressing areas.
4. Swimming facilities.
5. Boat houses, boat docks, and boat launching facilities.
6. Accessory Apartment or Accessory Dwelling Unit
7. Accessory uses customary with and incidental to any aforesaid permitted use.
8. Home office of convenience, subject to Section 8.

Special Exception Uses: All Special Exception uses shall be subject to the general and specific requirements of Section 52, and, where applicable, the requirements of Section 67.

1. The following uses when not conducted as a business or for profit: membership clubs limited to members of the Deer Island Association, nature preserves and wildlife sanctuaries, tennis, swimming, boating, and similar clubs.
2. Water systems including towers, treatment facilities, and pump stations.
3. Accessory uses customary with and incidental to any aforesaid Special Exception use.

Procedure for Special Exception in the Deer Island District: A Site Plan shall be required. At the public hearing, the applicant shall present to the Commission receipts from a return receipt requested letter sent to all property owners within 50 feet of the boundaries of the lot and to each member of the Board of Directors of the Deer Island Association. The letter shall include a "Statement of Proposed Use," the date, time, and place of the public hearing on the application, and shall be mailed 10 days in advance of the public hearing.

### Prohibited Uses:

1. No house trailer or truck trailer shall be parked or occupied for any purpose, either temporarily or permanently, or be affixed to the real estate in any manner whatsoever.
2. No tent shall be erected or used other than a child's play tent.
3. No farm animals are permitted.

Lot Area, Shape, and Frontage:

- |                              |                    |
|------------------------------|--------------------|
| 1. Minimum Lot Area          | 40,000 square feet |
| 2. Minimum Lot Line Frontage | 150 feet           |

Height:

- |                              |            |
|------------------------------|------------|
| 1. Maximum Number of Stories | 2½ stories |
| 2. Maximum Height            | 35 feet    |

Setbacks:

- |                                                                                                              |         |
|--------------------------------------------------------------------------------------------------------------|---------|
| 1. Minimum setback - principal and detached accessory buildings and structures from street line:             | 25 feet |
| 2. Minimum setback - principal and detached accessory buildings and structures from all other property lines | 12 feet |
| 3. Maximum projection of principal or accessory building or structure into setback area                      | 2 feet  |
| 4. Boat houses:                                                                                              |         |
| a. from street line                                                                                          | 40 feet |
| b. from all property lines excluding lake shore of Bantam Lake                                               | 12 feet |
| c. projection into Bantam Lake                                                                               | 30 feet |

Lot Coverage:

- |                                                 |     |
|-------------------------------------------------|-----|
| 1. Maximum Coverage by Buildings and Structures | 15% |
| 2. Total Impervious Coverage                    | 25% |

Living Area Requirements per Dwelling Unit (in square feet):

- |                                  |     |
|----------------------------------|-----|
| 1. Minimum for First Floor Area: |     |
| 1 story                          | 900 |
| 1½ stories                       | 600 |
| 2 or more stories                | 500 |

ARTICLE III  
COMMERCIAL DISTRICTS

SECTION 31 - COMMERCIAL DISTRICT CA

SECTION 32 - COMMERCIAL DISTRICT CB

SECTION 33 - LAKE COMMERCIAL DISTRICT L.C.D.

SECTION 34 - LAKE RECREATIONAL DISTRICT L.R.D.

**SECTION 31 - COMMERCIAL DISTRICT CA**

Permitted Uses:

1. Any Permitted Use in a Residential District.
2. A hotel or attached tourist unit or motel providing that the lot area is equal to not less than two thousand (2,000) square feet for each guest sleeping accommodation, but not less than forty thousand (40,000) square feet total area.
3. Indoor restaurants and other indoor food and beverage service establishments, with take-out service and outdoor dining as an accessory and incidental use subject to the provisions of Art. I, Section 8.
4. A retail business or retail service occupation.
5. Business and professional offices, banks and other financial institutions, medical and dental clinics.
6. Theaters for indoor motion picture projection or dramatic or musical productions.
7. Business, commercial, or vocational schools, whether operated for profit or not.
8. Child day care center.
9. A newspaper office or job printing plant.
10. Mortuary.
11. Off-street parking facilities, whether accessory to a permitted use or not.
12. Signs as provided in Section 62.
13. Accessory uses customary with and incidental to any aforesaid permitted use, including a family day care as an accessory use in a single family dwelling for one family in accordance with the provisions of the Connecticut General Statutes, Section 8-23j.

Special Exception Uses: The following Special Exception uses shall be subject to the general and specific requirements of Section 52, and, where applicable, requirements of Section 67.

1. Bed and Breakfast use.
2. Apartment Use in a Business Building.
3. Self-Storage Facility subject to the requirements of Art. V, Section 52.

Lot Area, Shape, and Frontage:

1. Minimum Lot Area                      40,000 square feet

2. Minimum Frontage 125 feet

Height:

1. Maximum Number of Stories 2½ stories

2. Maximum Height 35 feet

Setbacks:

1. Minimum setback - principal and detached accessory buildings and structures from street line:  
50 feet

2. Minimum setback - principal and detached accessory buildings and structures from all other  
property lines: 20 feet

3. Maximum projection of principal or accessory building or structure into setback area: 3 feet

4. Setback requirements for signs are as provided in Section 62.

Lot Coverage:

1. Maximum Coverage by Buildings and Structures 25%

2. Total Impervious Coverage 50%

3. Minimum for First Floor Area:

1 story 1,000 square feet

1½ stories 700 square feet

2 or more stories 600 square feet

Site Plan: Prior to approval of any application for a Zoning Permit (other than single dwelling for one family) for a use permitted under this section, a Site Plan shall be submitted and approved in accordance with the provisions of Section 51. Any Site Plan submitted hereunder shall show thereon a strip of land not less than thirty (30) feet wide in all side and rear yards where adjacent to a residence district which strip of land shall be suitably landscaped and not used for parking or for any use prohibited in such adjacent Residential District.

## **SECTION 32 - COMMERCIAL DISTRICT CB**

### Permitted Uses:

1. Any Permitted Use in a CA District.
2. A commercial kennel, provided that the lot is a minimum of ten acres and dogs shall be kept in buildings, enclosures, or runs located not less than 200 feet from any property or street line.
3. A riding academy or boarding stable with ten or more animals, provided that the lot is a minimum of ten acres, and any building in which horses, donkeys, or ponies are kept shall be located not less than 100 feet from a property or street line.
4. A veterinary hospital.
5. A cold storage locker plant.
6. Stores and other buildings and structures where goods are sold or services rendered primarily at retail.
7. Bowling alleys and similar recreational establishments.
8. Automobile service stations; public garages; automobile, trailer, and farm equipment sales room; outdoor sales area and public parking lot.
9. Manufacture, processing, or assembling of goods for sale only on the premises and at retail, provided that there are no more than three (3) persons engaged in such manufacture, processing, or assembling.
10. Off-street parking facilities, whether accessory to a permitted use or not.
11. Farm use and related activities.
12. Signs as provided in Section 62.
13. Accessory uses customary with and incidental to any aforesaid permitted use, including family day care as an accessory use in a single dwelling for one family and in accordance with the provisions of the Connecticut General Statutes, Section 8-23j.

Special Exception Uses: The following Special Exception uses shall be subject to the general and specific requirements of Section 52, and, where applicable, requirements of Section 67.

1. Bed and Breakfast use.
2. Apartment Use in a Business Building.

Lot Area, Shape, and Frontage:

- |                     |                    |
|---------------------|--------------------|
| 1. Minimum Lot Area | 40,000 square feet |
| 2. Minimum Frontage | 125 feet           |

Height:

- |                              |            |
|------------------------------|------------|
| 1. Maximum Number of Stories | 2½ stories |
| 2. Maximum Height            | 35 feet    |

Setbacks:

1. Minimum setback - principal and detached accessory buildings and structures from street line  
50 feet
2. Minimum setback - principal and detached accessory buildings and structures from all other  
property lines 20 feet
3. Maximum projection of principal or accessory building or structure into setback area 3 feet
4. Setback requirements for signs are as provided in Section 62.

Building and Bulk Coverage:

- |                              |     |
|------------------------------|-----|
| 1. Maximum Ground Coverage   | 25% |
| 2. Total Impervious Coverage | 50% |

Living Area Requirements per Dwelling Unit (in square feet):

- |                                  |       |
|----------------------------------|-------|
| 1. Minimum for First Floor Area: |       |
| 1 story                          | 1,000 |
| 1½ stories                       | 700   |
| 2 or more stories                | 600   |

Site Plan: Prior to approval of any application for a Zoning Permit (other than single dwelling for one family) for a use permitted under this section, a Site Plan shall be submitted and approved in accordance with the provisions of Section 51 and Section 67, where applicable. Any Site Plan submitted hereunder shall show thereon a strip of land not less than thirty (30) feet wide in all side and rear yards where adjacent to a Residential District, which strip of land shall be suitably landscaped and not used for parking or for any use prohibited in such adjacent Residential District.

## SECTION 33 - LAKE COMMERCIAL DISTRICT L.C.D.

### Permitted Uses:

1. Any Permitted Use in the Lake Residential District.
2. A hotel or attached tourist unit or a motel, provided that the lot area is equal to or not less than 2,000 square feet for each guest sleeping accommodation, but not less than 40,000 square feet total area.
3. Indoor restaurants and other indoor food and beverage service establishments, with take-out service and outdoor dining as an accessory and incidental use subject to the provisions of Art. I, Section 8.
4. A retail business or retail service occupation.
5. Bowling alleys and similar recreational establishments.
6. Theaters for indoor motion picture projection or dramatic or musical productions.
7. Stores and other buildings and structures where goods are sold or services rendered primarily at retail.
9. Business and professional offices; banks and other financial institutions; medical and dental clinics.
10. Off-street parking facilities whether accessory to a permitted use or not.
11. Signs as provided in Section 62.
12. Accessory uses customary with and incidental to any aforesaid permitted use, including family day care as an accessory use in a single dwelling for one family and in accordance with the provisions of the Connecticut General Statutes, Section 8-23j.

Special Exception Uses: The following Special Exception uses shall be subject to the general and specific requirements of Section 52, and, where applicable, requirements of Section 67.

1. Bed and Breakfast
2. Apartment Use in a Business Building

### Lot Area, Shape, and Frontage:

- |                     |                    |
|---------------------|--------------------|
| 1. Minimum lot area | 40,000 square feet |
| 2. Minimum frontage | 150 feet           |

### Height:

- |                              |            |
|------------------------------|------------|
| 1. Maximum number of stories | 2½ stories |
| 2. Maximum height            | 35 feet    |

Setbacks:

1. Minimum setback - principal building\* from all property lines 15 feet
2. Maximum projection of principal or accessory building or structure into setback area 3 feet
3. Minimum setback for all detached accessory buildings and structures from all property lines 10 feet

\* An accessory building or structure which is attached to or located within five feet of the principal building shall be subject to the minimum setback requirements for the principal building.

Building bulk and coverage:

1. Maximum coverage by buildings and structures: 15%
2. Total Impervious Coverage 25%

Living Area Requirements per Dwelling Unit (in square feet):

1. Minimum for first floor area:

|                   |       |
|-------------------|-------|
| 1 story           | 1,000 |
| 1½ stories        | 700   |
| 2 or more stories | 600   |

Site Plan: Prior to approval of any application for a Zoning Permit (other than single dwelling for one family) for a use permitted under this Section, a Site Plan shall be submitted and approved in accordance with the provisions of Section 51 and Section 67, where applicable. Any Site Plan submitted hereunder shall show a strip of land not less than 30 feet wide in all side and rear yards where adjacent to a Residential District which strip of land shall be suitably landscaped and not used for parking or for any use prohibited in such adjacent Residential District.

## SECTION 34 - LAKE RECREATIONAL DISTRICT L.R.D.

### Permitted Uses:

1. Any Permitted Use in the Lake Residential District.
2. Administrative offices, public rest rooms.
3. Bath houses, lockers, dressing areas, and rest rooms.
4. Barbeque or clam bake shelter and fireplaces.
5. Picnic shelter with tables and fireplace.
6. Public swimming facilities.
7. Public boat docks and boat launching facilities.
8. Sales of bait.
9. Sales, rentals, service of boats and boat motors and sale of gasoline marine service.
10. Off-street parking facilities.
11. Children's summer camp, defined herein to mean a day or over-night camp designed for children under age 18.
12. The following uses when not conducted as a business or for profit: membership clubs, nature preserves and sanctuaries, swimming and boating clubs.
13. Signs as provided in Section 62.
14. Accessory uses customary with and incidental to any aforesaid permitted use, including family day care as an accessory use in a single dwelling for one family and in accordance with the provisions of the Connecticut General Statutes, Section 8-23j.

Special Exception Uses: All Special Exception uses shall be subject to the general and specific requirements of Section 52, and, where applicable, requirements of Section 67.

1. Home Occupation
2. Bed and Breakfast

### Lot Area, Shape, and Frontage:

- |                     |                    |
|---------------------|--------------------|
| 1. Minimum lot area | 40,000 square feet |
| 2. Minimum frontage | 150 feet           |

Height:

- |                              |            |
|------------------------------|------------|
| 1. Maximum number of stories | 2½ stories |
| 2. Maximum height            | 35 feet    |

Setbacks:

- |                                                                                                |         |
|------------------------------------------------------------------------------------------------|---------|
| 1. Minimum setback - principal building* from all property lines                               | 15 feet |
| 2. Maximum projection of principal or accessory building or structure into setback area        | 3 feet  |
| 3. Minimum setback for all detached accessory buildings and structures from all property lines | 10 feet |

\*An accessory building or structure which is attached to or located within five feet of the principal building shall be subject to the minimum setback requirements for the principal building.

Building Bulk and Coverage:

- |                                                  |     |
|--------------------------------------------------|-----|
| 1. Maximum coverage by buildings and structures: | 15% |
| 2. Total Impervious Coverage                     | 25% |

Living Area Requirements per Dwelling Unit (in square feet):

- |                                  |       |
|----------------------------------|-------|
| 1. Minimum for first floor area: |       |
| 1 story                          | 1,000 |
| 1½ stories                       | 700   |
| 2 or more stories                | 600   |

Site Plan: Prior to approval of any application for a Zoning Permit (other than single dwelling for one family) for a use permitted under this Section, a Site Plan shall be submitted and approved in accordance with the provisions of Section 51 and Section 67, where applicable. Any Site Plan submitted hereunder shall show a strip of land not less than 30 feet wide in all side and rear yards where adjacent to a Residential District which strip of land shall be suitably landscaped and not used for parking or for any use prohibited in such adjacent Residential District.

ARTICLE IV  
LIGHT INDUSTRIAL DISTRICT

SECTION 41 - LI-80 DISTRICT

## SECTION 41 - LIGHT INDUSTRIAL - 80 DISTRICT

Statement of Purpose: The purpose of this District shall be to permit a variety of commercial and light industrial uses which can provide employment opportunities and improve the Town tax base. Uses allowed are of a type and nature that are compatible with the Town's rural character. All uses as listed below are permitted by Special Exception under standards and criteria designed to protect the Town's groundwater, rural environment, and the property values of surrounding residential uses.

### Special Exception Uses:

1. Only Special Exception uses as permitted in any Residential District or any permitted use or Special Exception use permitted in any previously listed Commercial District with the exception of a job printing plant or mortuary.
2. Storage warehouses.
3. Wholesale and distributing establishments.
4. Lumber and building material yards, contractor equipment storage.
5. Public utility buildings, including storage yards.
6. Manufacture of pottery and ceramic products.
7. Assembly of articles made of wood or metal.
8. The manufacture and assembly of electronic components and circuit boards including cable assemblies, wiring harnesses, mechanical assemblies, electro-mechanical systems, and similar electronic parts.
9. Paint, woodwork, sheet metal, blacksmith, or machine shop, excluding the use of a drop hammer.
10. Signs as provided in Section 62 and parking as provided in Section 61.
11. Accessory uses which are customary and incidental to any of the aforesaid uses, including, but not limited to: administrative, sales and marketing offices, research and development and testing, shipping, receiving, and storage.

### Lot Area, Shape, and Frontage:

- |                      |                    |
|----------------------|--------------------|
| 1. Minimum Lot Area: | 80,000 square feet |
| 2. Minimum Frontage: | 200 feet           |

### Height:

- |                              |            |
|------------------------------|------------|
| 1. Maximum Number of Stories | 2½ stories |
|------------------------------|------------|

- |                   |         |
|-------------------|---------|
| 2. Maximum Height | 35 feet |
|-------------------|---------|

Setbacks:

- |                                                                                         |          |
|-----------------------------------------------------------------------------------------|----------|
| 1. Minimum setback – principal building* from street line                               | 100 feet |
| 2. Minimum setback – principal building* from all other property lines                  | 60 feet  |
| 3. Maximum projection of principal or accessory building or structure into setback area | 3 feet   |
| 4. Minimum setback for all detached accessory buildings and structures:                 |          |
| a. from the street line                                                                 | 50 feet  |
| b. from all other property lines                                                        | 20 feet  |

\*An accessory building or structure which is attached to or located within five feet of the principal building shall be subject to the minimum setback requirements for the principal building.

Building Bulk and Coverage:

- |                                                 |     |
|-------------------------------------------------|-----|
| 1. Maximum Floor Area                           | 30% |
| 2. Maximum coverage by buildings and structures | 25% |
| 3. Total Impervious Coverage                    | 65% |

Site Plan: The Special Exception application shall be accompanied by a Site Plan prepared in accordance with the provisions of Section 51 and Section 67, where applicable.

Any Site Plan submitted hereunder shall show a strip of land not less than thirty (30) feet wide in the front setback area which shall be left in natural vegetation. If the natural landscape does not provide a vegetative screen to shield the proposed buildings from view from the public road, the 30 foot front setback strip shall be suitably landscaped according to a plan prepared by a registered landscape architect. Where a side or rear property borders a Residential District, the setback area along these lines shall also be left in natural vegetation and not used for parking or any other use prohibited in such Residential District. The buffer area may be used for the installation of Low Impact Sustainable Development vegetative treatment practices utilizing native species where permitted by the Commission as specified in the Town of Morris Low Impact Sustainable Development Design Manual.

## ARTICLE V

### SITE PLANS, SPECIAL EXCEPTIONS, AND SPECIAL DISTRICTS

SECTION 51 – STANDARDS AND REQUIREMENTS FOR SITE PLANS EROSION AND  
SEDIMENT CONTROL PLANS

SECTION 52 – STANDARDS AND REQUIREMENTS FOR SPECIAL EXCEPTIONS

SECTION 53 – PROCEDURES FOR SITE PLAN AND SPECIAL EXCEPTION APPLICATIONS

SECTION 54 - FLOOD PLAIN DISTRICT

SECTION 55 - PLANNED DEVELOPMENT DISTRICT

## **SECTION 51 - STANDARDS AND REQUIREMENTS FOR SITE PLANS & *STORMWATER POLLUTION PREVENTION PLANS (SWPPPs)***

General: The following regulations (Section 51.1) shall apply to the submission and administrative approval of Site Plans for the establishment of certain uses of land, buildings, and other structures as specified in these regulations. In the CA, CB, LCD, LRD, and LI-80 Zoning Districts, all applications for a Zoning Permit shall require submission of a Site Plan in accordance with the requirements of this section with the following exceptions: Zoning Permit applications for single family residential uses, including accessory uses.

All provisions of this Section are in addition to other provisions applicable in the district in which the use is to be located. Maps and other information required for a Stormwater Pollution Prevention Plan (see Section 51.2) may be shown on the Site Plan.

Effect of Change in Regulations on Approved Use: The effect of a change in the Zoning Regulations on a Site Plan which has been approved prior to the effective date of such change in the Regulations shall be as provided for in the Connecticut General Statutes, Chapter 124, Section 8-3, as amended.

### Section 51.1: Site Plans:

Application: The Site Plan shall be submitted to the Zoning Enforcement Officer with an application for a Zoning Permit, and it shall include the following:

1. Statement of Use: a written statement describing the proposed use in sufficient detail to determine compliance with the use provisions of these Regulations. Four (4) copies shall be submitted.
2. Site Plans: four (4) copies of a Site Plan, in accordance with the provisions of Section 8.
3. Architectural Plans: four (4) copies of architectural plans, which may be in preliminary form, in accordance with the provisions of Section 8.
4. For commercial buildings in Commercial Districts with a total FLOOR AREA (as defined in Article I, Section 9) of less than 2,000 square feet, upon written request of an applicant, the Commission may approve a resolution accepting a Statement of Use (see above) and a Plan Drawing (in accordance with Article VII, Section 72) in lieu of the requirement for a Site Plan. In approving such a resolution, the Commission shall make a finding that a Site Plan is not needed or required to determine compliance with the Zoning Regulations.
5. A stormwater management plan designed in accordance with the requirements of the Town of Morris Low Impact Sustainable Development Design Manual.

A Zoning Permit granted under this Section shall be valid only if execution of the plan is substantially underway within a period of 18 months from the date of approval.

Duties of The Commission: In acting upon an application, the Commission shall consider the following regarding the acceptability of the proposed Site Plan:

1. The location of main and accessory buildings in relation to one another, and in relation to other structures in the vicinity.
2. Traffic circulation within the site; traffic load or possible circulation problems on existing streets; and the amount, location, and access of parking.
3. Adequate provisions for obtaining potable water and discharge of wastewater to a sanitary sewer system or on-site subsurface sewage disposal system. Adequate provision for facilities required to prevent polluting surface and groundwater as a result of activities on the parcel.
4. Compliance with the requirements of the Town of Morris Low Impact Sustainable Development Design Manual.
5. Location and type of display sign and lighting.
6. Landscaping and screening suitable for the protection of abutting uses.
7. Safeguards to protect adjacent property, and the neighborhood in general, from detriment.

Approval: The Commission may approve, disapprove, or approve with modification a Site Plan application under this Article.

Performance Bond: Upon approval by the Commission, the applicant may be required to post a performance bond in form and amount satisfactory to the Commission, and with a bonding company licensed to do business in the State of Connecticut, as surety conditioned on the carrying out of the above conditions and any other safeguards imposed, and providing that in case of default, the surety shall promptly take any and all steps necessary to comply with said conditions.

#### Section 51.2 Stormwater Pollution Prevention Plan (SWPPP)

General: A soil Erosion and Sediment Control Plan subject to the requirements of this section shall be submitted with any application for development in any District when the disturbed area of such development is cumulatively more than one-half acre. A single family dwelling that is not a part of a subdivision of land shall be exempt from these erosion and sediment control regulations.

A lot in a subdivision shall be subject to the requirements for an Erosion and Sediment Control Plan both as part of the subdivision plan and an application for a Zoning Permit.

The applicant shall describe in mapped and narrative form the measures to be taken to control erosion and sedimentation both during and after construction. The plan and its specific measures shall be based upon the best available technology and shall be in accordance with the principles and the minimum standards of the 2002 Connecticut DEP Guidelines for Erosion and Sediment Control (as amended).

#### Definitions:

1. Certification - the approval by the Morris Planning and Zoning Commission that the Stormwater Pollution Prevention Plan complies with the applicable requirements of these Regulations.
2. Development - any construction or grading activities to improved or unimproved real estate.

3. Disturbed Area - an area where the ground cover is disturbed or removed, leaving the land subject to accelerated erosion.
4. Erosion - the detachment and movement of soil or rock fragments by water, wind, ice, or gravity.
5. Grading - any excavating, grubbing, filling (including hydraulic fill) or stockpiling of earth materials or any combination thereof, including land in its excavated or filled condition.
6. Inspection - the periodic review of sediment and erosion control measures shown on the certified plan.
7. Sediment - solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.
8. Soil - any unconsolidated mineral or organic material of any origin.
9. Stormwater Pollution Prevention Plan - an approach that prevents and/or minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to a map and narrative, calculations, phasing plan and installation details.

Information and Requirements: Mapped information as required below shall be shown separately or as part of the Site Plan. Said plan shall contain, at a minimum the following information and comply with the requirements found in the CT DEP 2004 Guidelines for Soil Erosion and Sediment Control as may be amended:

- A) A narrative describing the -
  1. Development project
  2. Phasing Plan and schedule for –
    - a) All major construction activities indicating the anticipated start and completion of development,
    - b) Creating and stabilizing disturbed areas,
    - c) Grading operations, and
    - d) Applying erosion and sediment control measures and facilities to the land.
  3. Design criteria, construction details, detailed installation/application procedures and maintenance programs.
- B) A Site Plan map to show –
  1. Existing and proposed topography.
  2. Within disturbed areas, topographic contours shall be shown at no less than two (2) foot intervals based upon field survey.
  3. Proposed site alterations and disturbed areas, including cleared, excavated, filled, or graded areas.
  4. Location of and other detailed information concerning erosion and sediment measures and facilities.
  5. Provisions to handle runoff from active construction areas and prevent the discharge of runoff to the maximum extent practical to off site areas.

Issuance or Denial of Certification:

1. The Commission shall either certify that the Stormwater Pollution Prevention Plan complies with the requirements and objectives of this regulation or deny certification when the development proposal does not comply with these regulations.
2. Nothing in these regulations shall be construed as extending the time limits for the approval of any application under Chapters 124, 125a, or 126 of the Connecticut General Statutes.
3. Prior to certification, the Stormwater Pollution Prevention Plan submitted to the Commission may be reviewed by the Northwest Conservation District which may make recommendations concerning such plan, provided such review shall be completed within thirty days of the receipt of such plan.

Conditions Relating to Erosion and Sediment Control:

1. Planned erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan. The Commission may require a performance bond or other form of surety acceptable to the Commission to guarantee completion of proposed erosion and sediment control measures.
2. All control measures and facilities shall be maintained in effective condition to ensure the compliance of the certified plan.

Inspection: Inspection by the Commission, its authorized agent, or a qualified design professional retained by the applicant and shall be done in compliance with the requirements found in the CT DEP 2002 Guidelines as may be amended and/or .

## SECTION 52 - STANDARDS AND REQUIREMENTS FOR SPECIAL EXCEPTIONS

General: In accordance with the procedures, standards and conditions hereinafter specified, the Commission may approve a Special Exception in a District where such uses are listed. All requirements of this Section are in addition to other requirements applicable in the District in which the Special Exception use is to be located.

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

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

1. Statement of Use: a written statement describing the proposed use in sufficient detail to determine compliance with the use provisions of these Regulations; four (4) copies shall be submitted.
2. Site Plan: four (4) copies of Site Plan, in accordance with the provisions of Section 8.
3. Architectural Plans: four (4) copies of architectural plans, which may be in preliminary form, in accordance with the provisions of Section 8.
4. Waiver: The Commission, upon written request by the applicant, may by resolution waive the required submission of that part of the information specified under Paragraphs (2) and (3) above; if the Commission finds that the information is not necessary in order to decide on the Application.

General Standards: The proposed use and the proposed buildings and structures shall conform to the following General Standards:

1. Character: The location, type, character, and extent of the use and of any building or other structure in connection therewith shall be in harmony with and conform to the appropriate and orderly development of the Town and the neighborhood and shall not hinder or discourage the appropriate development and use of adjacent property or impair the value thereof.
2. Fire Protection: The nature and location of the use and of any building or other structure in connection therewith shall be such that there will be adequate access to it for fire protection purposes.
3. Traffic: Vehicular and pedestrian traffic projected as a result of the use, including traffic to and from and in the vicinity of the use, will not be hazardous or detrimental to the character of the zone or the neighborhood.

In making its determination with respect to this criterion, the Commission shall consider the proposed location, the size and layout of the Special Exception use, its nature and the intensity of operations involved, and its relation to local streets providing access to the site. The Commission

shall give due consideration to any recommendation by the Board of Selectmen regarding the adequacy of any town road proposed to be used for access.

4. Parking: The number, location, and arrangement of off-street parking and loading spaces shall meet the requirements of these Regulations and shall be adequate for the proposed use.
5. Lot Size: The lot on which the use is to be established shall be of sufficient size and adequate dimension to permit conduct of the use and provision for buildings, other structures and facilities, in a manner that will not be detrimental to the neighborhood or adjacent property.
6. Neighborhood: The Site Plan and architectural plans shall be of a character as to harmonize with the neighborhood, to accomplish a transition in character between areas of unlike character, to protect property values and to preserve and enhance the appearance and beauty of the community.
7. Effect on Quantity and Quality of Groundwater: The site Plan shall show proper provision for facilities required in order to prevent pollution of surface and groundwater as a result of activities on the parcel.
8. A stormwater management plan designed in accordance with the requirements of the Town of Morris Low Impact Sustainable Development Design Manual.

Procedures and Standards for all Special Exceptions: In the evaluation of potential impact upon groundwater quality and quantity, the Commission's concerns shall include, but not be limited to the following:

1. Hazardous Material use and storage areas;
2. Existence of underground fuel storage facilities;
3. Location of floor drains;
4. Size and location of parking lot areas and the storm water run-off from the parking lot;
5. Any other use that may adversely affect the quality or quantity of groundwater.

Where Hazardous Materials may be used or generated or where the activity may otherwise threaten groundwater, the applicant must comply with the provisions of Section 67, Groundwater Protection Requirements, and the Commission may not approve any Special Exception for such activity unless it makes a finding that the groundwater protection plan as required in Section 67 will adequately protect groundwater.

Land uses normally associated with the use of Hazardous Material and which may pose a high risk to groundwater quality include, but are not limited to institutional uses such as schools, colleges, trade schools, hospitals, nursing homes, and prisons; high density housing (more than one dwelling unit per half-acre); large scale retail or commercial development; medical, veterinary and similar professional offices; furniture strippers; dry cleaners; photo processors; beauty shops, appliance repair shops; auto body and service stations; machine shops; junkyards; industrial, manufacturing, research and storage facilities; waste disposal practices utilizing land treatment, including landfills, lagoons, and bulky waste sites.

Where a Discharge Permit will be required from the Connecticut Department of Environmental Protection, the Special Exception shall be valid only during the time that such a Discharge Permit is in effect.

Special Standards: The proposed use and the proposed buildings and structures shall also conform to the following Special Standards:

1. Roadside Stands: Roadside stands shall be established only for the display and sale of farm products substantially all of which have been grown on the premises where the stand is located, shall not exceed a maximum ground coverage of 400 square feet, shall observe all setbacks required for buildings and other structures and shall be provided with at least one (1) off-street parking space for each 50 square feet of ground coverage. Temporary, moveable roadside stands, for which no Zoning Permit is required, may be located within ten (10) feet of the street line.
2. Convalescent Homes and Hospitals: Convalescent homes, private hospitals, and sanitariums shall be licensed by the State of Connecticut and shall conform to the following Special Standards:
  - a. The use shall be located on a lot with a minimum area of 10 acres, and there shall be no more than one (1) patient bed for each 10,000 square feet of lot area.
  - b. No building or other structure established in connection with such use shall extend within less than 100 feet of any property or street line.
  - c. The use shall be served by adequate water supply and sewer.
  - d. The use shall comply in all respects to applicable laws and regulations of the State of Connecticut.
  - e. The application shall be accompanied by a report from the Torrington Area Health District attesting to the adequacy of the proposed utilities, location, Site Plan, buildings and facilities for its intended use.
  - f. The application shall be accompanied by a report from the Fire Marshal attesting as to the safety of the proposed location, buildings and facilities.
3. Clubs: Golf, tennis, swimming, or other similar clubs shall be located on a lot of not less than 5 acres and no building, structure, or recreation facility established in connection with such use shall extend within less than 100 feet of any property or street line.
4. Public Utility Substations: Public utility substations and telephone equipment buildings shall conform to the following Special Standards:
  - a. Any equipment or utility facilities not located in a building shall be enclosed on all sides by evergreen shrubs or trees or by buildings, fences, walls, or embankments, so as to be screened from view from any other lot or from the street.
5. Commercial Kennels and Stables: Commercial kennels, livery, and boarding stables, and riding academies shall be located on a lot of not less than 10 acres. Dogs shall be kept in buildings, enclosures, or runs located not less than 200 feet from any property or street line. Any building in which horses, ponies, or donkeys are kept, as part of a commercial stable or riding academy with ten (10) or more such animals, shall be located not less than 100 feet from a property or street line.
7. Home Occupation: A home occupation as defined here shall be allowed as a Special Exception in Districts as specified in these Regulations subject to the general requirements of this Section, where applicable the requirements of Section 67 and the following specific standards and criteria.
  - a. Statement of Purpose. The purpose of the home occupation section of these Regulations is to provide the opportunity for the use of the home for limited business purposes subject to criteria

which are designed to minimize the conflict of the home occupation use with surrounding residential uses.

- b. Standards and Criteria. The following standards and criteria shall be applied by the Commission in reviewing and deciding upon any application for a home occupation Special Exception.
- c. There shall be no noise or electrical interference associated with the home occupation use which exceeds that which is typical for a residential use without the home occupation.
- d. The home occupation use may occupy a portion of the primary residence or an accessory structure. The home occupation use shall be clearly secondary to the residential use of the dwelling and shall not change the residential appearance of the lot or the residential character of the neighborhood. The lot area shall be not less than the minimum lot area for the District; however the Commission may approve a home occupation use on a lot of less than the minimum lot size where it finds the lot is of a size and shape adequate to accommodate the proposed use.
- e. The total floor area occupied by the home occupation use (not including the area of an accessory building devoted to storage) shall be not more than 50% of the total floor area of the primary residence defined in Section 9 of these Regulations.
- f. The application shall include building layout plans clearly drawn to scale which show the floor area and layout of the residence and/or accessory building and the floor area (in square feet) devoted to the home occupation use.
- g. The home occupation use may occupy an accessory building if the location, appearance, and scale of the accessory building are consistent with the residential character of the lot and the neighborhood. The applicant shall demonstrate that the type and intensity of the proposed use in the accessory building will not alter the primary residential character of the lot.
- h. There shall be no exterior evidence of the home occupation except permitted signs and required off-street parking.
- i. There shall be no retail sales, except for the sale of those products usually produced in a single home, garden, farm, or nursery, provided that such are created entirely on the premises, such as: home baking, needlework, dressmaking, tailoring, fruits and produce, home preserves, and the like, also the sale of products of arts and crafts based on individual talent, provided such are created entirely on the premises, such as painting and illustrating, wood carving and cabinet making, ceramics, writing, sculpture, ornamental glass and metal working, and the like.
- j. The use shall be conducted by the owner-resident of the premises. Resident family members may be employed in the home occupation. No more than two (2) non-resident persons shall work on the residential lot in association with the home occupation use.
- k. Storage of goods, supplies, or other material associated with the home occupation shall be entirely enclosed within a building. There shall be no visible display of goods, supplies, or other material associated with the home occupation use.
- l. Off-street parking shall be provided to accommodate the parking needs of the home occupation. Off-street parking in excess of four spaces shall be screened from view from the public street or

from adjoining property. The Commission may limit the number of parking spaces as a condition of the permit.

- m. Parties for the purpose of selling merchandise or taking orders shall not be held more often than four (4) times each month.
  - n. The operation of a home occupation use shall require a written permit. This permit will be issued by the ZEO following approval of a Special Exception by the Commission.
8. Shop and Storage Use by Contracting and Building Tradesmen: Shop and storage use by contracting and building tradesmen or a landscape service use, including but not limited to plumbers, electricians, contractors, painters, and similar occupations shall be allowed as a Special Exception in Districts as specified in these Regulations, in association with a single family residential lot, subject to the general requirements of this section, where applicable the requirements of Section 67 and the following specific standards and requirements:
- a. Statement of Purpose. The purpose of the shop and storage section of these Regulations is to provide the opportunity for the use of the home for limited local contracting services' purposes, subject to criteria which are designed to minimize the conflict of the shop and storage use with surrounding residential uses.
  - b. Standards and Criteria. The following standards and criteria shall be applied by the Commission in reviewing and deciding upon any application for a shop and storage Special Exception.
  - c. No such shop use shall occupy a total floor area in the residence and/or in an accessory building (not including floor area devoted to storage in an accessory building) greater than 50% of the floor area of the principal building. The lot area shall be not less than the minimum lot area required for the District.
  - d. Any such use must be conducted by the owner-resident of the premises and the work conducted on site shall be incidental to the work of such tradesman off the premises. Resident family members may be employed on the premises and in the shop and storage use. No more than two (2) non-resident persons shall work on the residential lot in association with the shop and storage use.
  - e. No retail sales shall occur on the residential premises. There shall be no visible display of goods, supplies or other materials associated with the shop and storage use.
  - f. An outside storage area may be permitted where it can be properly provided for on the lot. Outside storage shall not be permitted in the front or side yards, and the total outside storage area shall not exceed 10,000 square feet. The Commission may require landscape buffering of any planned outside storage area.
  - g. The Commission may limit the number and type of vehicles associated with the shop and storage use. The number of parking spaces may be limited by the Commission and it may require a landscape screen of the parking area.
  - h. No additional off-street parking space shall be created between the street and principal building.

- i. The application shall include a building floor plan, clearly drawn to scale, which shows the floor area, layout of the residence and/or accessory building, the floor area (in square feet) devoted to the use. The Site Plan shall show the area proposed for outside storage which shall be clearly marked in the field.
  - j. The operation of the shop and storage use shall require a written permit. This permit will be issued by the ZEO following approval of a Special Exception by the Commission.
9. Bed and Breakfast: The provision of rooms for transient visitors in a residential structure may be permitted as a Special Exception, subject to the following specific standards and criteria:
- a. The owner of the principal dwelling on the lot shall reside on the property housing the bed and breakfast use.
  - b. The lot shall be large enough to provide additional parking at the rate of one space per guest room, screened from public view, and preferably located on the rear portion of the lot.
  - c. The applicant must show that the structure is suitable to accommodate guest rooms based upon its interior arrangement, size, and structural condition.
  - d. No more than three (3) guest rooms rated for double occupancy are permitted in a structure in which the owner is in full-time residence.
  - e. A minimum of one complete bathroom shall be provided for the exclusive use of the guest room(s).
  - f. The applicant shall present a certification from the Torrington Area Health District that the existing or proposed well and subsurface sewage disposal system is adequate to serve the proposed use.
  - g. Minor additions may be made to a structure, up to 200 square feet, for improvements necessary for a bed and breakfast use.
  - h. The length of stay shall not exceed seven (7) days per guest. Food service shall be limited to continental breakfast only.
  - i. The operation of a bed and breakfast use shall require a written permit. This permit will be issued by the ZEO following approval of a Special Exception by the Commission. Willful failure to abide by these Regulations is cause for the Commission to revoke such permit.
10. Conversion of an Existing Residence or Accessory Building for Antique Sales: The conversion of an existing residence or accessory building on a residential lot for antique sales may be permitted as a Special Exception, subject to the following specific standards and criteria:
- a. Statement of Purpose. The purpose of this section is to provide an alternative use of large older homes and structures located on State Highways in the Town of Morris, by permitting the sale of antiquities in a Residential District where the use of the lot remains primarily residential.

- b. Standards and Criteria. An application under this section shall meet the standards and criteria for a home occupation use as set forth in this Section with the following exceptions and additional standards:
- c. The building or structure shall be located with direct access to a State Highway.
- d. The retail sales of goods shall be permitted but shall be limited to antiques which shall be defined as “any work of art, piece of furniture, decorative object, or the like created or produced in a former period.”
- e. The Commission may impose conditions on the Special Exception permit to accomplish the general and specific requirements of these Regulations. Conditions may include a limitation on the hours of operation, number and type of vehicles, etc.
- f. The use shall require a written permit. This permit will be issued by the ZEO following approval of a Special Exception by the Commission. Willful failure to abide by these Regulations is cause for the Commission to revoke such permit.

#### 11. Town-Sponsored Multi-Family Housing and Related Community Facilities:

- a. Statement of Purpose. The purpose of this Section is to permit by Special Exception in Residential Districts R-40, R-60, and R-80, the creation of needed housing and related community facilities sponsored by the Town of Morris.
- b. Standards and Criteria. The following standards and criteria shall be applied by the Commission in reviewing and deciding upon any application for a Town-sponsored multi-family housing Special Exception.
- c. The applicant for this Special Exception shall be the Town of Morris or the Morris Housing Authority.
- d. The minimum lot area shall be five (5) acres.
- e. Where the site is served by a public sewage system or a community septic system and water supply system, the number of housing units shall not exceed five (5) dwelling units per acre.
- f. The site shall be served by an accessway of not less than 50 feet in width.
- g. All buildings and structures shall be set back 150 feet from the street line and 15 feet from all other property lines.
- h. The minimum floor area requirement for dwelling units shall be as specified by the State of Connecticut Department of Housing Programs.

#### 12. Apartment Use in a Business Building

- .1 Apartment use in a business building in a commercial district may be permitted by the Commission subject to approval of a Special Permit and Site Plan application and the following:

- a. The purpose of this regulation is to expand moderate cost housing opportunities and second floor business building use options in the Commercial zones.
- b. The building shall be found by the Building Official, *Fire Marshal*, and the Commission to be suitable for apartment use.
- c. The lot area shall be sufficient to meet the parking requirements of the principal business use, plus two parking spaces for each apartment unit.
- d. The total building floor area used for apartments must be secondary to the total building floor area on the lot devoted to business purposes.
- e. The applicant shall provide written approval from the Torrington Area Health District certifying that the site's septic leach field system is suitable or can be modified to adequately treat the volume of waste disposal from the proposed apartment(s). Where the building is served by public sewer written approval shall be provided from the Morris Water Pollution Control Authority. The Commission may require that the applicant show the proposed apartment can meet other State and local codes.

Each apartment shall have outside access convenient to the parking area. Units located on upper floors shall have at least one access to ground level for exclusive use of the apartment(s).

#### 14. Self-Storage Facility.

- a. A self-storage facility may be permitted as an adaptive reuse of an existing building that has been actively used for a permitted use for a period of at least two years and provided:
  - i. Storage units are used for dead storage only. No activities other than rental of storage units and pick-up and deposit of stored items shall be allowed. No business use of any kind shall be conducted from storage units.
  - ii. The facility is served by common access bays located to the rear or out of view from the public street. Customers shall gain access to storage units via the common access bays. No exterior doors will be provided to any unit.
  - iii. No storage is permitted outside the building.
  - iv. No storage of transport trucks or transport vehicles shall be parked on site except to permit loading and unloading of storage materials. Parking of vehicles of the owner or operator of the business or such employees or contractors related to the operation of the business and consistent with ordinary business practices is permitted.
  - v. The site has a safe access and egress to public streets for storage truck turning movements.
  - vi. All lighting shall be shielded from view from the street and neighboring properties.
  - vii. No security fencing shall be permitted.
- b. In addition to compliance with the special permit standards contained in Section 52, the following additional standards apply
  - i. An architectural plan of the building containing the self-storage use must be submitted with the application and must demonstrate that the exterior of the building will be consistent with the architectural character of the area of the commercial district where the self-storage use will be located.

- ii. If requested by the Commission, a silo landscape plan shall be submitted demonstrating a design that will screen on-site parking from view from the street or neighboring properties.

15. Solar Energy Systems designed to produce electric power to be used off site constructed upon town owned property.

- a. Statement of Purpose. The purpose of this Section is to permit by Special Exception in Residential Districts R-40, R-60, and R-80, the solar energy facilities sponsored by the Town of Morris.
- b. Standards and Criteria. The following standards and criteria shall be applied by the Commission in reviewing and deciding upon any application for a Solar Energy System Special Exception.
  - i. The applicant for this Special Exception shall be the Town of Morris or an agent with written authority from the Town of Morris.
  - ii. The site shall be served by an accessway of not less than 18 feet in width unless otherwise approved by local authorities having jurisdiction.
  - iii. Applicability. This regulation applies to solar energy systems to be installed and constructed after the effective date of the regulation. Any upgrades, modifications or changes that materially alter the size or placement of an existing Solar Energy System shall comply with the provisions of this section.
  - iv. Design and Installation.
    - 1. Solar Energy Systems shall be designed and located in order to prevent reflective glare toward any inhabited structure on adjacent properties as well as adjacent street rights-of-way.
    - 2. No portion of a Solar Energy System shall be located within or above any front yard, along any street frontage without necessary screening as determined by the Morris Planning and Zoning Commission based on the property layout, nor within any required yard setback of any property.
    - 3. Building or roof mounted solar energy systems shall not exceed the maximum allowed height in any zoning district. For purposes for the height measurement, solar energy systems other than building-integrated systems shall be considered to be mechanical devices and are restricted consistent with other building-mounted mechanical devices.
    - 4. Ground or pole mounted solar energy systems shall not exceed the minimum accessory structure height within the underlying district.
    - 5. Setback. Solar energy system structures must meet the accessory structure setback for the zoning district and primary land use associated with the lot on which the system is located.

6. Roof-mounted Solar Energy Systems. In addition to the building setback, the collector surface and mounting devices for roof-mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built.
  7. Ground-mounted Solar Energy Systems. Ground-mounted solar energy systems may not extend into the side-yard or rear setback based upon minimum design tilt.
- v. The proposal should include a decommissioning plan, which at a minimum requires stabilization and revegetation of the property.

## **SECTION 53 – PROCEDURES FOR SITE PLAN AND SPECIAL EXCEPTION APPLICATIONS**

### **Special Exception Hearings**

The Commission shall hold a public hearing on an application for a Special Exception. Where a Site Plan application is required with a Special Exception application it shall be submitted at the same time as the Special Exception application and both applications shall be considered at the same public hearing.

### **Site Plan Hearings**

Where no Special Exception is required and a Site Plan is required the Commission, at its discretion, may hold a public hearing on the application for Site Plan approval.

### **Notice of Public Hearing**

.1 Legal notice in Newspaper. A legal notice of the public hearing shall be placed in a newspaper with substantial circulation in the Town of Morris in a form and at intervals as required in the Connecticut General Statutes.

.2 Notice to Abutting Property Owners. The applicant shall mail a copy of the legal notice of the public hearing to persons who own land abutting the land that is the subject of the hearing.

The applicant's name and address, the name of the owner of the subject land as indicated on the property tax map or on the last-completed grand list as of the notice date shall be provided to the Commission by the applicant and this information shall be included in the notice to the abutting property owner's.

At or before the public hearing the applicant shall provide proof of mailing evidenced by a certificate of mailing.

For a public hearing on a Special Exception application a copy of the required written statement describing the proposed use shall be included with the mailing to the owner of record of all property(s) abutting the property on which the Special Exception use is proposed.

### **Commission Review - Conditions and Safeguards**

In reviewing a Special Exception application, the Commission shall take into consideration the public health, safety and general welfare, and may prescribe such conditions and safeguards as are necessary to assure compliance with the requirements of these Regulations.

### **Additional Information**

The Commission may require the submission of additional information deemed necessary to determine compliance with the standards and requirements of these regulations.

### **Inland Wetland Agency and Inland Wetland and Watercourse Regulations**

If a Special Exception or Site Plan application involves an activity regulated by the Inland Wetland Agency, the Planning and Zoning Commission shall not render its decision on such application until the Inland Wetland Agency has submitted a report with its final decision and the Commission has given due consideration to such report.

### **Processing, Decision and Filing Requirements**

Time Requirements Where a Public Hearing is Held on a Special Exception and/or Site Plan Application  
In accord with Chap 124, 8-7d of the Connecticut General Statutes for all applications made to the Commission where a public hearing is required or otherwise held such hearing shall commence within sixty-five days after receipt of such application and shall be completed within thirty-five days after such hearing commences. Decisions on such applications shall be rendered not more than sixty-five days after completion of such hearing.

These time requirements for hearings and decisions are subject to the following extensions:

- a. The deadline for commencing and completing a public hearing and for decision may be extended by the Commission provided the applicant has consented to such extension(s) and that the total time of all such extension(s) is not more than sixty-five (65) days, and
- b. Where the decision of the Inland Wetland Agency on an inland wetland application is made within less than 35 days of the Planning and Zoning Commission's decision deadline, the Commission's decision deadline shall be automatically extended to thirty-five (35) days after the date of the Inland Wetland Agency's decision.

Time Requirements Where No Public Hearing is Held on a Site Plan Application

In accord with Chap 124, 8-7d of the CGS for a Site Plan application where no public hearing is held the Commission shall approve, modify and approve, or deny the Site Plan application within sixty five (65) days after the date of receipt of the application.

This decision deadline is subject to the following extension(s):

- a. The deadline for decision on the application may be extended by the Commission provided the applicant has consented to such extension(s) and that the total time of all such extension(s) is not more than sixty-five (65) days, or
- b. Where the decision of the Inland Wetland Agency on an inland wetland application is made within less than 35 days of the Planning and Zoning Commission's decision deadline, the Commission's decision deadline shall be automatically extended to thirty-five (35) days after the date of the Inland Wetland Agency's decision.

Simultaneous applications for Special Exception and Site Plan Review

Where an applicant submits a Special Exception and Site Plan application at the same time the two applications shall be deemed to be a single proposal. Such an application shall comply with the procedural requirements for a Special Exception and the Commission shall with one vote approve, approve with conditions, modify and approve or deny such as a single application.

Site Plan Modifications or Denial

Where only a Site Plan is required the application may be modified or denied only if it fails to comply with the requirements set forth in the Zoning Regulations.

Conditions of Approval

When the Commission grants a Special Exception application with conditions, each and all of said conditions shall be an integral part of the Commission's decision. Should any of the conditions on appeal from such decision be found to be void or of no legal effect, then the entire approval is likewise void. The applicant may re-file another application for review.

Reasons & Permits

The Commission shall state upon its records the reason for its decision. Upon approval of a Special Exception or Site Plan and prior to construction the applicant shall apply for a Zoning Permit from the Zoning Enforcement Officer.

### Notice of Decision

Notice of the decision of the Commission on a Special Exception or Site Plan shall be published in a newspaper having a substantial circulation in the Town of Morris and a copy of the decision shall be sent by certified mail to the applicant within fifteen (15) days after the decision. Where such notice is not published within the fifteen-day period, the applicant for such Special Exception may publish such notice within ten (10) days after the fifteen (15) day period.

### Filing Requirements and Effective Date

Special Exceptions shall become effective upon the filing of a copy thereof in the Office of the Town Clerk and the recording of a copy thereof in the land records of the Town.

The copy of the Special Exception filed in the land records shall:

- a. Contain a description of the premises
- b. Specify the nature of the Special Exception
- c. State the regulation under which the Special Exception is issued
- d. State the names of all owners of record of the premises

The applicant or record owner shall be responsible for filing and recording the Special Exception and shall pay all filing and recording fees.

### Time to Complete Project

Except as otherwise provided for in the Connecticut General Statutes (CGS), all work in connection with any site plan shall be completed within five years following the date of approval of such plan.

The Commission may grant one or more extensions of the time to complete all or part of the work in connection with such site plan, provided that the total time for completion shall not exceed ten years from the date such site plan was approved.

The Commission may condition the approval of an extension on a determination of the adequacy of the amount of the bond or other surety furnished subject to the requirements of these Regulations. The resolution of approval of a site plan shall state the date on which such approval expires. Failure to complete all work within the period of approval, including extension[s], shall result in an automatic expiration of the approval of such site plan.

### Post Bond

The Commission may require a bond provided the provisions for posting and release of such bond are in accord with the provisions of the Connecticut General Statutes, as revised.

The Commission may require, as a condition of approval, that the applicant post a bond with surety satisfactory to the Commission in order to assure conformance with physical improvements (excluding buildings) shown on the approved site plan. An itemized estimate of the cost of the specific improvements shall be prepared by the applicant and shall be submitted to the Commission. The Commission may request its staff, consulting engineer or planner for review and approval.

The bond may be in the form of cash, a certified check payable to the Town of Morris, a savings passbook with a signed withdrawal slip for a joint account in the name of the Town and the applicant or in such other form acceptable to the Commission. A surety bond may be approved provided it is issued by a certified Connecticut bonding company and is in a form acceptable to the Commission's attorney.

The bond shall be posted with the Town prior to the completion of such physical improvements with the exception of the bond for erosion and sediment control which shall be posted prior to onset of construction. The bond shall be for a minimum term of six (6) years.

All site work shall be completed within the period stated on the plan and in compliance with the requirement of the Connecticut General Statutes. Where a site plan is approved with development phases each such phase shall be treated as a separate site plan for the purpose of posting a bond.

#### Release of Bond

Upon written request of the applicant for the reduction or release of the bond, the Commission shall cause the site to be inspected by the Zoning Enforcement Officer, the Commission's consulting engineer, and/or other appropriate Town Officials to determine if all of the conditions of approval have been met and if all required site improvements have been satisfactorily completed in accordance with the approved plans.

Before release of any bond, the Commission may require the applicant to submit an "As-Built" plan, certifying that all of the required site improvements have been installed in accordance with the approved plans. Within 65 days of the date of a written request for release of a bond or portion thereof, the Commission shall act on such request. Upon finding that the work has been completed the Commission shall release such bond or portion thereof. Where the Commission determines that improvements have not been completed it shall retain such bond and provide a written explanation of the additional work required prior to such release.

## SECTION 54 - FLOOD PLAIN DISTRICT

### Flood Plain Overlay District:

The Flood Plain District is in addition to and overlapping one or more of the other zoning districts. For the purpose of these Regulations, the Flood Plain District shall include all land adjacent to water courses which is located within the SPECIAL FLOOD HAZARD AREA as shown on a map entitled "Federal Insurance Administration, TOWN OF MORRIS, CT (LITCHFIELD COUNTY) MAP INDEX FIA FLOOD INSURANCE RATE MAPS No. H 01-06, Dated March 30, 1981" which map is on file in the Town Clerk's office and as specified in the FLOOD INSURANCE STUDY, dated March 30, 1981. Said map and study and any amendments thereto are here declared to be a part of these Regulations.

### Definition of Terms:

The words shown in CAPITAL LETTERS in this section are defined in the last subsection of this Section 54.

### Flood Plain Permit Required:

In a Flood Plain District, no STRUCTURE shall be erected, expanded or structurally altered, and no land use shall be established and no fill shall be placed until the Commission has approved a plan and issued a Flood Plain Permit.

### Zoning Enforcement Officer:

The Zoning Enforcement Officer (with assistance from the Building Official) shall be responsible for the administration of these Regulations. Flood Plain Permit applications will be reviewed by the Zoning Enforcement Officer to determine whether proposed building sites will be reasonably safe from flooding. In conducting this review, the Zoning Enforcement Officer may consult with the Building Official, the Town Engineer, Town Planner, or other town official with knowledge of Flood Plain Permit requirements.

### Other Permits Required:

Applicants for a Flood Plain Permit shall be aware that additional Federal or State permits may also be required for a proposal for construction or use of a FLOOD HAZARD AREA. Applicants may be required to provide copies of such permits.

### Requirements for a Flood Plain Permit within ZONE A:

For sites within ZONE A, the Zoning Enforcement Officer shall obtain, review and reasonably utilize any BASE FLOOD elevation data available from a Federal, State, or other source (including BASE FLOOD elevation data required in accord with Flood Hazard Protection Amendments to the Subdivision Regulations of the Town of Morris) in the administration of the elevation standards of this section. In ZONE A, where BASE FLOOD elevations are not available, the flood plain limit as shown on the FLOOD INSURANCE RATE MAP shall be used to establish an elevation.

### Requirements for Flood Plain Permit within ZONE A 1-30:

For sites in Zones A 1-30, the Zoning Enforcement Officer shall require that floodway data be provided by the applicant. In these zones no NEW CONSTRUCTION, SUBSTANTIAL IMPROVEMENT, or other DEVELOPMENT (including fill) shall be permitted which will increase BASE FLOOD elevations more than one (1) foot at any point along the watercourse when all anticipated DEVELOPMENT is considered cumulatively with the proposed DEVELOPMENT.

No Flood Plain Permit shall be granted unless the applicant has submitted a plan which the Zoning Enforcement Officer determines is in compliance with the following requirements:

1. Residential: NEW CONSTRUCTION of and Substantial Improvements to STRUCTURES which are used or intended to be used for dwelling purposes, including, but not limited to hotels and motels shall meet the following requirements:
  - a. The LOWEST FLOOR (including BASEMENT) shall be elevated at least six (6) inches above the BASE FLOOD elevation.
2. Non-Residential: NEW CONSTRUCTION or Substantial Improvements to Non-Residential STRUCTURES shall meet the following requirements:
  - a. The LOWEST FLOOR (including BASEMENT) shall be elevated six (6) inches above the BASE FLOOD level or, together with attendant utility and sanitary facilities, shall be flood-proofed to six (6) inches above the BASE FLOOD elevation.
  - b. A registered professional engineer or architect shall develop and/or review structural design, plans, and specifications for the construction, and shall certify that the design includes walls substantially impermeable to the passage of water and structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy resulting from flood waters two feet above the BASE FLOOD elevation.
  - c. Once constructed, certificates which include the specific “as built” elevations (in relation to mean sea level) to which such STRUCTURES are elevated or flood-proofed shall be signed and sealed by a certified land surveyor (L.S.), submitted to the Zoning Enforcement Officer and maintained in the Town files.
3. All NEW CONSTRUCTION and Substantial Improvements shall:
  - a. Be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the STRUCTURE resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
  - b. Be constructed with materials resistant to flood damage.
  - c. Be constructed by methods and practices that minimize flood damage.
  - d. Be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

General Standards and Procedures:

1. STRUCTURES and improvements shall be designed to cause the least possible impediment to the flow of floodwater and debris.
2. No outdoor storage of such material shall be permitted which would tend to be floated by floodwater and cause obstruction downstream.

3. The Zoning Enforcement Officer shall notify adjacent communities and the State DEP, Inland Water Resources division prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the Federal Emergency Management Agency. Regular maintenance meeting the approval of the Zoning Enforcement Officer and the Building Official shall be performed by the permittee to assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

Application Procedures and Requirements:

An application for a Flood Plain Permit shall be submitted to the Commission, and it shall include the following:

1. Three black and white prints of a site plan of the premises, drawn to scale and certified by a licensed land surveyor and civil engineer, showing:
  - a. The actual shape and dimension of the lot,  
-- the size and location of all existing and proposed STRUCTURES and land uses.
  - b. The layout of parking and loading facilities, where applicable, and access thereto.
  - c. Existing and proposed grades and flood plain limits – elevation in relation to mean sea level of the proposed LOWEST FLOOR (including BASEMENT) of all STRUCTURES.
  - d. Elevation in relation to mean sea level to which any non-residential STRUCTURE will be flood-proofed.
  - e. Description of the extent to which any watercourse will be altered or relocated as a result of proposed DEVELOPMENT.
  - f. A statement as to whether or not the proposed alterations to an existing STRUCTURE meet the criteria of the SUBSTANTIAL IMPROVEMENT definition.

Decision:

The Commission shall approve, disapprove, or approve with modifications the proposed plans. One copy of the approved plan, with the approval noted thereon, shall be filed with the Commission and one copy shall be made available to the applicant.

Other Requirements:

1. Recreational Vehicles:  
A RECREATIONAL VEHICLE as defined herein may be placed on sites within ZONE A or ZONE A 1-30, provided such vehicle shall be permitted on site for no more than 180 consecutive days and provided the vehicle is fully licensed and ready for highway use. A RECREATIONAL VEHICLE is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.
2. Certificate of Zoning Compliance:  
The Zoning Enforcement Officer shall determine that all requirements of the Flood Plain Permit have been complied with prior to issuing a Certificate of Zoning Compliance.

## Definitions:

The words shown in CAPITAL LETTERS in this section shall be defined as follows:

BASEMENT “Basement” means any area of the building having its floor subgrade (below ground level) on all sides.

BASE FLOOD “Base Flood” means the flood having a one percent chance of being equaled or exceeded in any given year.

DEVELOPMENT “Development” means any man-made change to improved or unimproved real estate, including, but not limited to: buildings or other STRUCTURES, mining, dredging, filling, grading, paving, excavation, or drilling operations, or storage of equipment or materials.

FLOOD INSURANCE RATE MAP “Flood Insurance Rate Map” (FIRM) means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones. (Zones A 1-30 or numbered A Zones)

FLOOD INSURANCE STUDY “Flood Insurance Study” (FIS) means the official report from the Federal Emergency management Agency (“FEMA”) which contains examination, evaluation, and determination of flood hazards and if appropriate, corresponding water surface elevations.

LOWEST FLOOR “Lowest Floor” means the lowest floor of the lowest enclosed area (including BASEMENT).

MANUFACTURED (MOBILE) HOME: “Manufactured (Mobile) Home” means a STRUCTURE, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “RECREATIONAL VEHICLE.”

NEW CONSTRUCTION: “New Construction” means STRUCTURES for which the “START OF CONSTRUCTION” commenced on or after the effective date of the initial FIRM (September 30, 1981), and includes any subsequent improvement to such STRUCTURES.

RECREATIONAL VEHICLE “Recreational Vehicle” (aka a park trailer, travel trailers, and similar transportable STRUCTURES) means a vehicle which is:

1. built on a single chassis,
2. 400 square feet or less when measured at the longest horizontal projection,
3. designed to be self-propelled or permanently towable by a light duty truck, and
4. designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational camping, travel, or seasonal use.

SPECIAL FLOOD HAZARD AREA “Special Flood Hazard Area” is the land in the flood plain within a community subject to a one percent (1%) or greater chance of flooding in any given year. These areas may be designated as ZONE A or ZONE A1-A30 on the FLOOD INSURANCE RATE MAP.

START OF CONSTRUCTION “Start of Construction” includes SUBSTANTIAL IMPROVEMENT, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent

construction of a STRUCTURE on a site, or any work beyond the stage of excavation. For a SUBSTANTIAL IMPROVEMENT, the actual start of excavation, the actual start of construction means the first alteration of the building, whether or not that alteration affects the external dimension of the building.

STRUCTURE "STRUCTURE" means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a MANUFACTURED HOME.

SUBSTANTIAL IMPROVEMENT "Substantial Improvement" means any reconstruction, rehabilitation, addition, or other improvement of a STRUCTURE, taking place over a one (1) year period, the cost of which equals or exceeds fifty percent (50%) of the market value of the STRUCTURE using the cost approach to value method, before the START OF CONSTRUCTION of the improvement. The term includes STRUCTURES which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

1. any project for improvement of a STRUCTURE to correct an existing violation of a State or local health, sanitary, or safety code specification which has been identified by the local code enforcement official and which is the minimum necessary to assure safe living conditions, or
2. any alteration of a "historic STRUCTURE" provided that the alteration will not preclude the STRUCTURE's continued designation as a "historic STRUCTURE."

Zone A "Zone A" means the SPECIAL FLOOD HAZARD AREA shown on the FLOOD INSURANCE RATE MAP which is subject to inundation by the 100-year flood. Because detailed hydraulic analyses have not been performed, no BASE FLOOD Elevation is shown; mandatory flood insurance purchase requirements apply.

ZONES A 1-30 "Zones A 1-30" or numbered A Zones, means the special Flood Hazard Areas shown on the FLOOD INSURANCE RATE MAP which are subject to inundation by the 100-year flood determined in a FLOOD INSURANCE STUDY by detailed methods. BASE FLOOD Elevations are shown with these zones. Insurance risk level is indicated by the number. Mandatory flood insurance purchase requirements apply.

## SECTION 55 -- PLANNED DEVELOPMENT DISTRICT

Purpose: The provisions of this section are designed to permit modification of the strict application of the plan and standards of these Regulations for the following purposes:

1. To permit tracts of land of considerable size to be developed and designed as harmonious units consistent with the character of the Town and the neighborhood, the purposes of these Regulations, and any Plan of Development which may have been adopted by the Commission;
2. To permit the establishment of uses by Special Exception that are not permitted under these Regulations but which would be beneficial to and consistent with the orderly development of the Town and the neighborhood; and/or
3. To permit the design and construction of buildings, other structures and facilities that by virtue of their location, orientation, texture, materials, landscaping and other features that would be consistent with the character of the Town and the neighborhood and would show unusual design merit.

Application: Application for approval of a Planned Development District for one or more of the purposes set forth herein shall be submitted in writing to the Commission and shall be accompanied by the following:

1. Statement: A written Statement specifying in detail the particular provisions of these Regulations which are proposed to be modified and setting forth any additional standards which are proposed concerning the use of land, buildings, and other structures and the location and bulk of buildings and other structures; ten (10) copies shall be submitted.
2. General Plans: A General Plan of the proposed development including site plans, architectural plans, and other drawings as relevant, in sufficient detail to show the general nature of the Planned Development District; four (4) copies shall be submitted.
3. A stormwater management plan designed in accordance with the requirements of the Town of Morris Low Impact Sustainable Development Design Manual.
4. An application pertaining to the purposes set forth herein shall be located on a lot of land ten (10) acres or more and shall conform to the procedures, standards, and conditions of paragraph 4; Planned Development Districts. The minimum land area requirement of ten (10) acres may be reduced to a minimum of eight (8) acres where a PDD is proposed on a lot that is contiguous to an existing Commercial CA District or Commercial CB District and has direct and safe access to a State highway.
5. Planned Development Districts: Application for a Planned Development District shall be submitted to the Commission and shall be accompanied by an application fee sufficient to cover the cost of publication of all required legal notices and all professional services required to review the application. In acting on any application, the Commission shall conform to the following procedure:
  - a. The Commission shall hold a public hearing on the application and follow all the same procedures required for amendment of these Regulations and the Zoning Map. After the public hearing, the Commission may approve the application if it finds that one or more of the purposes specified herein will be accomplished and that the proposed development is consistent with the comprehensive plan and with any Plan of Development for the area.

- b. If the application is approved, the Commission shall give notice of such approval in the same manner as required for amendment of these Regulations. Upon approval and notice by the Commission, the Planned Development District shall be considered established and these Regulations and the Zoning Map shall be considered to be amended.
- c. The Planned Development District shall be shown on the Zoning Map and the Regulations relating to the District shall be incorporated into the Zoning Regulations with a reference to the records of the Commission where the approved standards are cited.
- d. All uses in a Planned Development District shall be subject to an application for a Special Exception. Approval of the Planned Development District shall authorize the submission of a Special Exception application and plans setting forth in detail the specifics of the proposed development and showing any modifications specified by the Commission.

Time Limit: Any development authorized by the Commission hereunder shall be established and any construction authorized hereby shall be completed within a period of three years after approval of the Planned Development District is given. The Commission may extend this time period for one year periods for good cause shown.

ARTICLE VI  
TOWNWIDE REQUIREMENTS

SECTION 61 -- PARKING AND LOADING

SECTION 62 -- SIGNS

SECTION 63 -- EXCAVATION AND GRADING

SECTION 64 -- TRAILERS

SECTION 65 -- ALCOHOLIC BEVERAGES

SECTION 66 -- PUBLIC GARAGES AND SERVICE STATIONS

SECTION 67 -- GROUNDWATER PROTECTION REQUIREMENTS

## SECTION 61 -- PARKING AND LOADING

General: Parking spaces and loading spaces shall be provided off the street for any use of land, buildings, or other structures, in accordance with the standards and requirements hereinafter specified.

Off-street parking and loading spaces required by this Section shall be permanently maintained and made available for occupancy in connection with and for the full duration of the use of the land, buildings, and other structures for which such spaces are herein required.

1. Existing Uses: If any existing use (conforming or non-conforming) of land, building, or other structure is changed to a use requiring additional off-street parking and loading spaces as required in this Section, the additional spaces shall be provided for the proposed use in accordance with the standards hereinafter specified.

Dimensions: For the purpose of this Section, one (1) parking space shall constitute an area with such shape, vertical clearance, access and slope as to accommodate one (1) automobile having a usable length of twenty (20) feet and an usable width of nine (9) feet containing a minimum area of 180 square feet; one (1) loading space shall constitute an area twelve (12) feet in width and fifty (50) feet in length with a vertical clearance of fifteen (15) feet with such shape, access, and slope as to accommodate one (1) truck having an overall length of thirty (30) feet.

|                                              |       |       |       |       |
|----------------------------------------------|-------|-------|-------|-------|
| Parking Angle (degrees)                      | 30    | 45    | 60    | 90    |
| Curb Length                                  | 18.0' | 12.7' | 10.4' | 9.0'  |
| Stall Depth                                  | 16.8' | 19.1' | 20.1' | 18.0' |
| Vehicle aisle width –<br>Two-way circulation | 24.0' | 24.0' | 24.0' | 24.0' |
| Vehicle aisle width –<br>One-way circulation | 12.0' | 13.0' | 16.0' | 22.0' |

Parking Spaces: Off-street parking spaces shall be provided in such number and location specified as follows:

1. Dwellings (and rented rooms): two (2) spaces for each family or dwelling unit plus one (1) space for each bed in the rented room for tourists or roomers, and located on the same lot with the dwelling.
2. Auditorium (churches, places of worship, theaters, assembly halls or stadiums): one (1) space for each five (5) seats, and located on a lot not more than 300 feet in a direct line from the building; if the building is located in a Residence District, such parking spaces shall be located on the same lot with the building.
3. Undertaker: one (1) space for each five (5) seats, and located on the same lot with the building.
4. Stores and Offices (retail stores, business and professional offices, post offices, financial institutions and medical and dental clinics): one (1) space for each 150 square feet of upper floor area, and located on a lot not more than 300 feet in a direct line from the building.
5. Restaurants (and other establishments serving food or beverages): one (1) space for each fifty (50) square feet of patron floor area, and located on the same lot with the building.

6. Bowling Alleys: four (4) spaces for each alley, and located on the same lot with the building.
7. Hospitals and Motels (and hotels, convalescent homes and sanitariums): one (1) space for each bed for patients or guests plus one (1) space for each three (3) employees, and located on the same lot with the building.
8. Service Stations (and automobile repair garages): ten (10) spaces, and located on the same lot with the building.
9. Commercial and Industrial (including warehouses, wholesale businesses, trucking terminals, research laboratories and establishments for the manufacture, processing, or assembling of goods): one (1) space for each 1.5 employees during the largest daily work shift period, and located on a lot not more than 500 feet in a direct line from the building.
10. Other Uses: sufficient off-street parking spaces, as approved by resolution of the Commission shall be provided in connection with any use not specified in Paragraphs 1 through 9 to accommodate the vehicles of all persons occupying the premises so that the purpose and intent of this Section is maintained.

Multiple Uses: Where separate parts of a building are used for purposes for which there are different numbers of parking spaces required in the preceding paragraph entitled "Parking Spaces," the number of spaces required shall be determined by adding the number of spaces required for each separate use.

Joint Use of Parking Space: The owners of two or more separate adjoining premises may establish a joint parking area to provide the total number of required parking spaces.

Loading Space: Each building or structure other than a dwelling, having a gross floor area in excess of 4,000 square feet, shall be provided with one (1) off-street loading space on the same lot with the building for each 40,000 square feet of gross floor area or fraction thereof, excluding basements.

Standards: All off-street parking and loading spaces shall be designed and constructed in accordance with the following standards:

1. Design: Except for parking spaces provided in connection with a dwelling, each parking space shall be provided with adequate area for approach, turning, and exit of an automobile having an overall length of twenty (20) feet without need to use any part of a public street right-of-way.

Points of entrance and exit for driveways onto the street shall be located to minimize hazards to pedestrian and vehicular traffic in the street. No off-street loading space and no truck loading bay, ramp, or dock shall be designed or arranged in a manner that trucks must use any part of a public street right-of-way for maneuvering, or for loading and unloading.

2. Construction: All off-street parking and loading spaces shall be suitably improved, graded, stabilized and maintained so as to cause no nuisance or danger from dust or from storm water flow onto any public street. Except for necessary driveway entrances, and except for parking spaces provided in connection with a dwelling, all off-street parking and loading spaces located within ten (10) feet of any public street right-of-way shall be separated from such right-of-way by a curb, a fence, or wall, or an embankment in such a manner that cars will not overhang the right-of-way.

3. Landscaping: Any parking area accommodating thirty (30) or more cars in connection with a use of land, buildings or other structures, for which approval of a Site Plan or Special Exception is required under these Regulations shall be provided with not less than one (1) tree, for each ten (10) cars in the parking area, and suitably located in landscaped islands within or border strips adjacent to the parking area so as to enhance the appearance of the premises. Trees shall be of a species approved by the Commission, suitably planted and maintained, and not less than two (2) inches caliper and ten (10) feet in height.

## SECTION 62 -- SIGNS

General: Unless otherwise provided in this Section, no sign shall be established, constructed, reconstructed, enlarged, extended, moved, or structurally altered until a Zoning Permit has been approved by VOTE of the Commission. It is the purpose and intent of this Section to accommodate the establishment of signs necessary for identification, direction, and reasonable commercial promotion while avoiding signs of a character, as well as proliferation and extension of signs, that would be detrimental to the public health and safety, property values, and the appearance and beauty of the community.

All signs shall conform to the provisions hereinafter specified and to any additional conditions or limitations that may be imposed by the Commission in connection with the approval of a Site Plan or Special Exception.

Definition: The term “sign” shall include every sign, billboard, illustration, insignia, lettering, picture, display, banner, pennant, flag, or other device, however made, displayed, painted, supported, or attached, intended for use for the purpose of advertisement, identification, publicity or notice, when visible from any street or from any lot other than the lot on which the sign is located and is either (1) located out-of-doors or (2) located indoors and intended to be viewed from outside the building.

The term “sign,” however, shall not include any flag, pennant, or insignia of any governmental unit or non-profit organization, any traffic or directional sign located within the right-of-way of a street when authorized by the Town of Morris or State of Connecticut nor any illustrations, insignia or lettering which are an integral and permanent part of the architecture of a building approved under a Site Plan or Special Exception.

The term “temporary roadside signage”- a sign assembly of 1 or 2 sides where each side does not exceed a maximum width at any point of 24 inches measured horizontally, and a maximum height at any point of 36 inches measured vertically from grade.

Standards -- All Districts: Signs in all Districts shall conform to the following standards:

1. Purpose: All signs, except as hereinafter provided, shall advertise, identify, or give publicity or notice only with respect to use of land, buildings or structures on the lot where the sign is located. When such use shall have been discontinued for a continuous period of twelve (12) months, all signs pertaining thereto shall be removed or otherwise eliminated.
  - a. Exception: Notwithstanding the provisions of Paragraph 1, above, an existing commercial enterprise may establish two (2) directional signs on another lot or lots, provided that such directional signs are no longer than 36 inches nor wider than eight (8) inches, are painted in black letters on white background, are located in a Commercial or Industrial District or Planned Development District and are not located within the right-of-way of any street.
2. Location: No sign shall be located within or hang over the right-of-way of any street, except that a sign attached to the wall of a building may project fifteen (15) inches into such right-of-way, provided that such projection does not occur within ten (10) feet vertical clearance of the ground.
3. Projecting and Hanging Signs: No sign shall project over or hang over any sidewalk, driveway, walkway, roadway or accessway, except that signs attached to the wall of a building may thus

project not more than fifteen (15) inches there from, provided that such projection does not occur within ten (10) feet vertical clearance of the ground.

4. Obstructions: No signs shall be located or maintained so as to be a hazard to traffic or pedestrians, to obstruct any door, window, ventilation system or fire escape or exit, or to cause any other hazard to the public health or safety.
5. Light and Motion: No flashing signs and no revolving, waving or other moving signs are permitted. Internally illuminated signs shall not be permitted. External lighting associated with sign illumination shall be downward facing.  
EXEMPTION: Digital Media Signage or Displays where associated with Municipal and Public Safety Buildings.

Standards -- Residence Districts: In addition to the standards specified in under “Standards -- All Districts,” all signs in Residential Districts shall conform to the following standards:

1. Purpose: The following signs are permitted, and no other:
  - a. On any lot, one (1) identification sign not exceeding three (3) square feet in area, giving only the name of the premises and/or of the occupant, or where announcing a permitted home occupation or professional office on the premises.
  - b. On a lot where the premises are for sale or for rent, three (3) real estate signs not exceeding twelve (12) square feet in area (total all signs) and not referring to any other premises.
  - c. On a tract of land for which a subdivision map has been approved by the Commission, one (1) real estate sign not exceeding 20 square feet in area for a period of one (1) year, subject to renewal annually and only during the development of the tract.
  - d. Building contractors’ and designers’ signs pertaining to the buildings under construction; the total area of such signs shall not exceed 32 square feet, and such sign shall be removed within 30 days after completion of the project.
  - e. Private warning and traffic signs, with no advertising thereon, each not exceeding two (2) square feet in area.

No Zoning Permit and No Certificate of Zoning Compliance are required for signs permitted under Subparagraphs 1.a, 1.b, 1.e of section “Standards -- Residential Districts.”

2. Location and Height:

- a. Signs permitted under Paragraph 1.c and 1.d of Section “Standards -- Residential Districts” shall not extend within less than ten (10) feet of any property line or street line; other signs may extend to the property line or street line.
- b. Signs attached to buildings may project into the area required for setback provided that the sign does not project more than fifteen (15) inches from the wall of the building.
- c. No sign attached to the ground shall exceed a height of ten (10) feet.

Standards -- Other Districts: Signs permitted under Paragraph “Standards -- Residential Districts” are permitted in all other Districts. In addition to the standards specified in Paragraph “Standards -- All Districts,” all other signs in the Commercial and Light Industrial District shall conform to the following standards:

1. Commercial Districts:

- a. Free Standing Sign: On a lot, one free standing sign attached to the ground is permitted, and such sign shall not exceed 20 square feet in area, except that any sign may be increased in area by 12 square feet for each full 200 feet of frontage of the lot on a State Highway in excess of 200 feet, provided that the total area of such sign shall not exceed 32 square feet.

The setback distance from the base of the sign to any property line may not be less than 10’.

- b. Free Standing Sign Height: The maximum height of a free standing sign shall be as follows:

|     |          |    |
|-----|----------|----|
| CA  | district | 8’ |
| LCD | district | 8’ |
| LRD | district | 8’ |
| CB  | district | 8’ |

- c. Signs Attached to Buildings shall not project more than fifteen (15) inches from the wall of the building, except that signs not exceeding 24 square feet in area may project up to eight (8) feet from such wall provided that there be a clearance of not less than ten (10) feet from the ground level to the sign; and
- d. Wall Signs: One wall sign, including a projecting sign, shall be permitted attached to one (1) wall of a building. The area of a wall sign shall not exceed 20% of that portion of wall area determined by measuring the length of the wall and its height up to twelve (12) feet above ground level, or twenty (20) square feet, whichever is less.
- e. Composite Directory Sign: For a commercial development in a Commercial District where there is more than one separate and distinct commercial use, the Commission may, as a Special Exception, permit a composite directory sign for all uses.

The maximum size of a composite sign shall be fifty (50) square feet. As part of the Special Exception application, the applicant shall submit a rendering of the proposed sign.

- f. Additional Freestanding Sign: Where there is more than one commercial building on a lot in a Commercial District and where such buildings are served by more than one driveway, the Commission may, as a Special Exception, permit more than one freestanding sign. In approving such Special Exception, the Commission shall determine that due to lot, building, or driveway location, or other conditions relating to the particular site, an additional sign will enhance the safety and convenience of vehicular access to the development. The second sign, where permitted, shall be clearly secondary in size to the primary freestanding sign on the lot.
- g. Temporary Roadside Signage: On a lot with frontage up to and including 200 feet, Two (2) temporary roadside signs shall be permitted to be displayed during business hours. Overnight display of temporary roadside signage will NOT be permitted. Temporary roadside signage shall be permitted on weekdays, Saturdays, and Sundays.

On lots exceeding 200 feet of frontage, one (1) additional sign shall be permitted for each additional 100 feet of frontage. The maximum number of temporary roadside signs shall not exceed five (5) on any single lot.

No illumination of temporary roadside signs shall be permitted.

As part of the Special Exception application, the applicant shall submit a rendering of the proposed sign.

### 3. Light Industrial Districts:

- a. Free Standing Sign: On any lot, one (1) sign attached to the ground is permitted, and such sign shall not exceed thirty (30) square feet in area nor a height of eight (8) feet. The minimum setback shall be ten (10) feet
- b. Wall Signs: A wall sign attached to a building shall not project more than fifteen (15) inches from the wall of the building, except that projecting wall sign not exceeding twelve (12) square feet in area may project up to four (4) feet from such wall provided that there be a clearance of not less than ten (10) feet from the ground level to the sign or twenty (20) square feet, whichever is less.

One wall sign, including a projecting sign, shall be permitted attached to one (1) wall of a building. The area of a wall sign shall not exceed 15% of that portion of wall area determined by measuring the length of the wall and its height up to twelve (12) feet above ground level.

Measurements: Any sign may be double facing, and when a sign is attached to the ground only one face shall be counted in determining conformity to sign area limitations. All dimensions for signs shall be based on measurements to the outside edge of the sign, excluding any structure necessary to support the sign. The area of any sign shall be the entire area encompassed by the perimeter of the sign and shall include any open area within the perimeter such as the open space between a series of linked signs. The perimeter shall be the polygon formed by connecting all of the outermost edges or points of the sign. For signs fashioned by a series of linked letter outlines ie-no "frame", the perimeter shall be considered the outermost points or edges of letters therefore incorporating "negative space" in the letters as counting toward total area.

Exemption: These Regulations shall not apply to signs used in conjunction with a farm related activity provided such signs shall not exceed 32 square feet in area. These Regulations shall not apply to signs erected in conjunction with events conducted and sponsored by any non-profit organization, tag-sales or garage sales, providing all such signs shall not exceed 32 square feet in area, and shall be removed within 48 hours after said event.

## SECTION 63 -- EXCAVATION AND GRADING

1. General: No earth, including loam, sand, gravel, clay, peat, or quarry stone, shall be excavated and removed from any lot, or graded, or dumped on any lot, except as authorized under Paragraph 63.2 or as authorized under an Application for a Special Exception granted by the Commission under the provisions of this Section.
2. Exemptions: The provisions of this Section and the requirements to obtain a permit shall not apply to the following cases:
  - a. Necessary excavation, grading, and earth removal in direct connection with the construction on the premises of buildings, foundations, roads, driveways, storm sewers, utility services, fences or walls, swimming pools, or any bona fide construction project, and for which any required Zoning Permit has been approved;
  - b. Necessary excavation, grading, and earth removal in connection with improvements on the premises solely for farming or landscaping purposes, such as the construction of ponds, draining of wetland, improvement of water courses, burying of stones or refuse, re-grading of difficult contours, and the excavation of gravel by a landowner on his own property for his own use and not for sale, and when written notice in advance of commencement of the operation has been given to the Zoning Enforcement Officer;
  - c. Necessary excavation, grading, and earth removal shall be deemed to permit the removal of only the quantity of material which shall be necessary to make the premises more suitable for the proposed use.
3. Application: Application for a Zoning Permit shall be submitted to the Zoning Enforcement Officer and shall be accompanied by the following:
  - a. Maps and Plans: A map, certified by the applicant to be correct, of the area for which permission to excavate is sought, drawn to a scale of not more than one hundred (100) feet to the inch, showing:
    - 1) existing and proposed land contours at a vertical contour interval of not greater than two feet  
(2) based upon aerial or field topographic survey.
    - 2) existing and proposed drainage systems, wetlands, water courses and waterbodies as delineated by a Certified Soil Scientist;
    - 3) existing ground cover and proposed landscaping;
    - 4) An accurate location of that portion of the tract to be excavated as well as the relationship of the excavated area to the boundaries of the entire parcel;
    - 5) the boundaries of the property within which the excavation is to be conducted;
    - 6) abutting property owners' names;
    - 7) streets, highways, accessways, or rights-of-way giving access to or through the property;

- 8) the location of all buildings on the property within 200 feet of its boundaries;
- 9) proposed access to the excavation and proposed location of all structures (including machinery) to be erected on the premises.
- 10) Stormwater Pollution Prevention Plan for the controlling of runoff during active excavation phase, including dewatering operations.
- 11) A stormwater management plan for post-excavation conditions designed in accordance with the requirements of the Town of Morris Low Impact Sustainable Development Design Manual.

- b. Statement: An explanation of the manner in which the operation will be conducted and a statement, signed by the applicants, that they have read the requirements of these Regulations and that they will conform to the provisions of these Regulations and to such conditions as may be imposed by the Commission under the provisions of Section 5, "Approval," in order to insure the safe and sanitary conduct of the operation.
4. Procedure: Upon receipt, the Zoning Enforcement Officer shall transmit the application and accompanying maps, plans, and documents to the Commission. The Commission shall process the application according to the procedures for a Special Exception as set forth in the Connecticut General Statutes and under the general standards and requirements for Special Exceptions as set forth in Section 52.

After the public hearing, the Commission shall approve, modify and approve, or disapprove the application. The grounds for disapproval of an application shall be stated in the records of the Commission. Failure to submit additional information requested by the Commission under Paragraph 3, "Application," within the period for action of the application, shall be grounds for disapproval of the application.

5. Approval: After the public hearing, the Commission may grant the application to permit the excavation and removal, or grading, or dumping, if it shall find that the following standards and conditions will be met:
  - a. The premises shall be excavated and graded in conformity with the approved plan.
  - b. The proposed excavation or grading shall be conducted as required by these Regulations and as approved by the Commission.
  - c. No permanently erected processing machinery shall be erected or maintained on land owned or occupied by the applicant within 200 feet of any property or street line, and such machinery shall be removed from the premises upon the completion of the excavation.
  - d. Each applicant shall obtain and maintain liability insurance with a limit of not less than \$100,000.00 as to personal injury and \$10,000.00 as to the property damage and shall furnish a certificate of insurance to the Commission. In the event of the cancellation of such insurance, any permit issued hereunder shall terminate.
  - e. At all stages of the work, proper drainage shall be provided to avoid stagnant water, erosion, excessive run-off, silting of streams, and damage to public property and public streams.

- f. Truck access to the site of work shall be so arranged as to minimize danger of traffic on adjacent public streets and nuisance to nearby residents. No excavation which is below the grade of any abutting highway or property shall occur within fifty (50) feet of the boundary line of such highway or property without the written approval of the abutting owner of private property deposited with the Commission.
  - g. Proper measures shall be taken to minimize nuisance of noise, dust, vibration, and flying debris.
  - h. The Commission, or its agents, shall at all times have reasonable access to the premises to be excavated for the purpose of inspection and determination of compliance with these Regulations and the plans and conditions of approval.
  - i. Upon completion of the work authorized, the area of excavation or disturbed ground shall be restored as follows:
    - 1) The area shall be evenly re-graded to slopes not in excess of one (1) to two (2) (vertical to horizontal) and yet with sufficient pitch to insure adequate drainage of the area, so that the dangers of erosion, flash floods, and stagnant pools of water will be avoided. Such slopes may begin at the property line.
    - 2) Runoff shall be handled in accord with the Stormwater management plan developed under Section 3.a.11 above.
    - 3) All debris and loose boulders of one (1) cubic yard or less in size shall be buried or removed from the site.
    - 4) A layer of arable soil, which shall be free from large stones, shall be spread over the entire area.
    - 5) The area shall then be seeded with a perennial grass or other suitable vegetation cover and maintained until the ground shall be completely stabilized and there exists no danger of erosion, as determined by the Commission.
    - 6) The foregoing provisions concerning grading, covering, and seeding shall not apply to areas of ledge existing prior to excavation or exposed during excavation, nor to boulders larger than one (1) cubic yard.
  - j. The applicant shall file with the Commission a cash, savings account, or surety bond, in form acceptable to the Commission, in an amount not less than two thousand (\$2,000.00) dollars for each acre or fraction thereof, for which a permit is sought to insure the faithful performance of the work in accordance with the provisions of this section.
6. Time Limit: Each permit issued under the provisions of these Regulations shall be valid for a period of two (2) years or for shorter period of time as may be requested by the applicant; and each such permit, upon application made at least fourteen days before the expiration or the prior term, shall be renewed by the Commission annually after expiration of the initial term or any annual renewal thereof.

Upon the death of the owner, or in the event of the sale of the property of the owner, the permit shall continue in effect as long as the successor permittee indicates his willingness to be bound by the terms of the application and provides a prescribed bond.

7. Existing Operations: Excavations in active operation prior to the effective date of these Regulations may be renewed in accordance with the provisions of Section 6, "Time Limit."
8. Return of Bond: Upon completion of any permitted operation which operation is determined to be in conformity with the terms set forth in such permit, an applicant may request the Commission for the release of the bond. Where the Commission determines that the operation has been completed in compliance with the provisions of such permit, said bond shall be returned to the principal named therein, otherwise said bond shall remain in full force and effect.
9. Amendment: If, during the conduct of the work or restoration of the site, special circumstances unforeseen at the time of the application approval are encountered, the applicant may file an application with the Commission, seeking to amend the conditions under which the permit was granted. In processing any application for amendment, the Commission shall follow the procedures set forth in Section 4, "Procedures." The Commission may request the submission of any data which it deems necessary in order for it to decide upon the application for amendment.

## SECTION 64 -- TRAILERS

General: The use, occupancy, parking and storage of trailers constituting camping and recreational equipment, utility trailers, commercial trailers and mobile homes on any lot shall conform to the provisions hereinafter specified.

Definitions: Certain words used in this Section are defined as follows:

1. "Trailers constituting camping and recreational equipment" are defined and described as follows:
  - a. A "travel trailer" is a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, camping, recreational and vacation uses, and when equipped for the road shall have a body width not exceeding eight (8) feet and which shall be eligible to be licensed/registered and insured for highway use.
  - b. A "pick-up coach" or "pick-up camper" is a structure designed primarily to be mounted on a pick-up or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, camping, recreational and vacation uses only, and which shall be eligible to be licensed/registered and insured for highway use.
  - c. A "motorized camper" is a portable dwelling designed and constructed as an integral part of a self-propelled vehicle to be used as a temporary dwelling for travel, camping, recreational and vacation uses, and which shall be eligible to be licensed/registered and insured for highway use.
  - d. A "tent trailer" is a canvas, folding structure, mounted on wheels, to be used as a temporary dwelling for travel, camping, recreational and vacation uses, and which is eligible to be licensed/registered and insured for highway use.
2. A "utility trailer" is a small box, boat, horse, or flat trailer designed to be towed by a vehicle using a ball and socket connection.
3. A "commercial trailer" is of a larger and heavier type trailer using a ring and pin, fifth wheel, or similar connection, and shall include mobile office trailers.
4. A "mobile home" is a moveable or portable dwelling built on a chassis, and which is, has been, or may be mounted or moved on wheels, connected to utilities, and designed without a permanent foundation for year-round occupancy and exceeding thirty (30) feet in length.

Use, Parking, and Storage: Any owner of a trailer constituting camping and recreational equipment or a utility trailer as defined in these Regulations, which trailer is thirty (30) feet or less in length, may park or store such trailer on private residential property, subject to the following conditions:

1. At no time shall such parked or stored trailers be occupied or used for living, sleeping, or housekeeping purposes. There shall be no connections to any utility service, including electrical, heat, water, and sewage disposal service.
2. If such trailer is parked or stored outside a garage, it shall be parked or stored to the rear of the principal building or other major building in a neat and orderly manner, and generally not visible from any street. It shall conform to the setback from side and rear property lines as required for buildings and other structures.

3. In Residence Districts, parking or storage of any such trailer on any lot shall be limited to one (1) such trailer per dwelling unit on the lot, except that one (1) additional utility trailer may be parked or stored for each 10,000 square feet of lot area. Said trailers shall be registered in the name of and be the legal property of an occupant of the principal building on the lot.
4. Notwithstanding the provisions of these Regulations, any such trailers may be parked anywhere on the lot for servicing, cleaning, loading or unloading purposes for a period not to exceed two (2) days.

Mobile Homes: No mobile home shall be used for any purpose on any lot, or stand unoccupied except with the approval of the Commission, and such approval shall be limited to a period of 364 days. Such approval may be granted only in cases of extenuating circumstances, such as request to live in the mobile home while the residence is being repaired or rebuilt after fire or other casualty. Where said mobile home is to be occupied, its sanitary facilities must have written approval of the Torrington Area Health District, and it may be occupied by only one (1) family, at least one (1) member of which shall be either the owner of the lot or related by blood, marriage, or legal adoption, to the owner of the lot. Additional restrictions may be made a part of the conditions of approval by the Commission.

Sales and Rentals: Where authorized as a permitted use in a District, the parking or storage of trailers constituting camping and recreational equipment for sale or rental shall conform to the requirements for outside storage areas specified in Section 61.

Commercial Trailers: Commercial trailers shall conform to the following provisions:

1. Subject to the securing of a Zoning Permit, commercial trailers used for storage or offices may be parked on any lot in connection with a bona-fide construction project on the lot. The duration of the permit shall be no more than six (6) months unless extended at the discretion of the Zoning Enforcement Officer to coincide with an additional period when the construction project is in process.
2. Commercial trailers are otherwise permitted on a lot only in conjunction with permitted commercial and industrial establishments, such as trucking terminals, building contractors' businesses and storage yards; warehousing and wholesale businesses, manufacturing, processing and assembling of goods, construction projects and marine transportation, provided that the commercial trailer is used only for transportation, that no such trailer is used as a storage building and that the storage of such trailers shall conform to all of the setback requirements for buildings and other structures.

## SECTION 65 -- ALCOHOLIC BEVERAGES

The requirements of this Section shall apply to any structure involving the sale of alcoholic beverages with the following exceptions:

- a. Structure used exclusively for wholesale purposes.
- b. Grocery stores selling canned or bottled beer.
- c. Drugstores selling alcoholic beverages.

No structure involving the sale of alcoholic beverages (as defined above) shall be used, erected, or expanded if the center point of an entrance to said structure is located:

- a. Within a 1500 foot radius of another structure involving the sale of alcoholic beverages (as defined above.)

This requirement shall not prevent the location of a “package store” within 1500 feet, as so measured, of a restaurant, hotel, or private club, or the location of a restaurant, hotel, or private club, as so measured, of a “package store.” For the purpose of this subsection, “package store” shall be as defined in the Connecticut General Statutes, as amended.

- b. Within a 500 foot radius of any other parcel of land used for a public or private school, a public park, place of worship, charitable institution, a hospital or library.

## **SECTION 66 -- PUBLIC GARAGES AND SERVICE STATIONS**

No structure shall be used, erected, or expanded as a public garage for more than five (5) motor vehicles, a gasoline filling station, or a motor vehicle service station if the center of any entrance of the portion of said structure used for any of the purposes set forth in this Section is situated within a 500 foot radius of any other parcel of land which is used for a public or private school, a public park, a place of worship, charitable institution, a hospital or library.

ARTICLE VII

ADMINISTRATION AND ENFORCEMENT

SECTION 71 -- ZONING BOARD OF APPEALS

SECTION 72 -- ADMINISTRATION

SECTION 73 -- PENALTIES AND REMEDIES

SECTION 74 -- AMENDMENTS

SECTION 75 -- VALIDITY

SECTION 76 -- EFFECTIVE DATE AND REPEAL

## **SECTION 71 -- ZONING BOARD OF APPEALS**

### Powers and Duties

The Zoning Board of Appeals shall have all of the powers and duties prescribed by these Regulations and the General Statutes of the State of Connecticut and may adopt rules and procedures necessary to exercise its authority.

The powers and duties of the Board of Appeals include the following:

1. To hear and decide appeals where it is alleged that there is an error in any order, requirement, or decision made by the Zoning Enforcement Officer.
2. To hear and decide all matters upon which it is required to pass by the specific terms of these Regulations; and
3. To determine and vary the application of these Regulations in harmony with their general purpose and intent and with due consideration for conserving the public health, safety, convenience, welfare, and property values solely with respect to a parcel of land where, owing to conditions especially affecting such parcel but not affecting generally the district in which it is situated, a literal enforcement of these Regulations would result in exceptional difficulty or unusual hardship, so that substantial justice will be done and the public safety and welfare secured.

### Variance Procedure

Before any variance is granted, the Board must make a written finding in its minutes as part of the record in the case. Said finding shall state the following:

1. A detailed description of the unusual circumstances, which apply to the subject property, which circumstance do not generally apply to other property in the neighborhood and a finding that these conditions under the Zoning Regulations constitute the hardship, which hardship is not self imposed.
2. That relief can be granted without detriment to the public welfare or impairment to the integrity of these regulations.

### General Procedures

1. The board shall hold a public hearing on all application and appeals and shall publish a notice of said hearing in a newspaper of general circulation within the Town in accordance with the Connecticut General Statutes and the procedures for the public hearing as set forth in Section 53.
2. All determinations of the Board shall be made in accordance with the comprehensive plan set forth in these Regulations and shall be in harmony with the purpose and intent expressed in Article I, Section 1.
3. Every appeal taken under this section and every application for variance shall be made on forms especially provided, which shall include all the data necessary for a clear understanding and intelligent action by the Board. Such forms shall be filed with the Board in triplicate.
4. The application fees to be paid by applicants or petitioners shall be as set by the Town "Ordinance Concerning Land Use Application Fees".

## SECTION 72 -- ADMINISTRATION

Zoning Enforcement Officer: The Commission shall appoint a Zoning Enforcement Officer who shall have the responsibility and authority to enforce the provisions of these Regulations. The Commission may appoint Deputy Zoning Enforcement Officer(s) to assist and act for him/her.

Applications: All applications for a Zoning Permit shall be submitted to the Zoning Enforcement Officer and shall be accompanied by three (3) copies of a plan, drawing, or drawings, drawn to scale, and showing the following:

1. Area of the lot, and the dimensions and angles or bearing of all lot lines;
2. The height, dimensions, use, floor area, ground coverage, and location of all buildings and other structures, whether existing or proposed;
3. The location, area, and dimensions of off-street parking and loading spaces, any construction required in connection therewith and the access to such spaces;
4. The location of any existing or proposed wells and private sewage disposal system;
5. The location, area, and dimensions of any signs, outside storage areas, site development and landscaping that are subject to the provisions of these Regulations; and
6. Such additional information as may be necessary to determine compliance with the provisions of these Regulations.

Additional Applications, Plans and Reports: Where required by these Regulations certain uses shall require a Site Plan or Special Permit application prior to issuance of a Zoning Permit. These applications may also require submission of architectural drawings, a landscape plan, a traffic plan or other specific plans as needed to determine compliance with these Regulations.

Fees: Each application for a Zoning Permit shall be accompanied by fees as specified in the Town "Ordinance Concerning Land Use Application Fees".

Staking: No application for a Zoning Permit shall be approved by the Zoning Enforcement Officer for any new construction until the applicant has accurately placed stakes or markers on the lot indicating the location of proposed construction.

The Zoning Enforcement Officer may require the applicant to place stakes or markers on the lot indicating the location of lot lines.

A-2 Survey Required for Zoning Application Where the Zoning Enforcement Officer determines it is necessary to determine compliance with the requirements of these Regulations the ZEO may require submission of an A-2 property boundary survey and/or setback distances and/or building coverage calculations certified by a Registered Land Surveyor with an application for a Zoning Permit.

Property owners in the Deer Island District, Lake Commercial District and the Lake Residential District should take notice of this provision because lots in these districts are typically small and many buildings are close to the building setback and building coverage requirements of these Regulations. Accordingly in these districts the ZEO is likely to require an A-2 survey with Zoning Permit applications for new

buildings, additions and other improvements to determine compliance with the location and dimension requirements of these Regulations.

Approval and Issuance: The Zoning Enforcement Officer shall approve an application for a Zoning Permit and shall issue a Certificate of Zoning Compliance when he/she determines that all of the requirements of these Regulations have been met.

No Zoning Permit shall be considered approved and no Certificate of Compliance shall be considered issued unless signed by the Zoning Enforcement Officer or his/her Deputy.

If deemed necessary to determine compliance with these Regulations and before issuance of a Certificate of Zoning Compliance, the Zoning Enforcement Officer may require the applicant to furnish measurements of any construction features subject to the requirements of these Regulations, including setback distances, which measurements shall be prepared and certified by a land surveyor licensed to practice in the State of Connecticut.

Within ten (10) days after notification by the applicant that the premises are ready for occupancy, or within ten (10) days after receipt of the certified measurements, if required, the Zoning Enforcement Officer shall issue or deny a Certificate of Zoning Compliance. One (1) copy of the plan drawing or drawings shall be returned by the Zoning Enforcement Officer to the applicant. The following additional requirements shall apply to the approval of the Zoning Permits and issuance of Certificates of Zoning Compliance:

1. Sanitation. Where a proposed use or a proposed building or other structure involves the installation, extension, relocation, or reconstruction of a private sewage disposal or water supply system, no Zoning Permit shall be approved until plans for such system have been approved by the Torrington Area Health District or its authorized agent; no Certificate of Zoning Compliance shall be issued until such system has been completed and approved by the Torrington Area Health District or its authorized agent or until the use of building or structure has been provided with connections to a public sanitary sewer and/or public water supply system.
2. Conditions: Any maps, plans, documents, statements, and stipulations submitted to and approved by the Commission, in connection with any action of such Commission and any conditions of approval by the Commission shall be a part of the Zoning Permit issued by the Zoning Enforcement Officer.
3. Temporary Certificate: Upon certification by the applicant that the public health and safety will not be impaired and that there will be compliance with all other laws pertaining to health and safety, the Zoning Enforcement Officer may issue a Temporary Certificate of Zoning Compliance, having a duration of not more than six (6) months and renewable only for one additional six (6) month period, for the temporary use of land, buildings and other structures in the process of improvement and completion, in accordance with an approved Zoning Permit.
4. Other Permits: Approval of a Zoning Permit or issuance of a Certificate of Zoning Compliance shall not be construed to constitute approval or compliance with any other Regulations, ordinance, or law, nor to relieve the applicant from responsibility to obtain any required permit.

Inspections: The Zoning Enforcement Officer is authorized to inspect or cause to be inspected any land, building or other structure to determine compliance with these Regulations. No Certificate of Zoning Compliance shall be issued until the Zoning Enforcement Officer has inspected the land,

building or other structure involved, to determine that the use and/or the buildings or other structures conform to these Regulations.

Orders: The Zoning Enforcement Officer is authorized to issue a Cease and Desist Order if, in the ZEO's judgment, the use of land, buildings and other structures or the construction, reconstruction, enlargement, extension, moving or structural alteration of a building or other structure are not being carried out in compliance with these Regulations. Such Order shall be withdrawn when the ZEO determines that there is compliance with these Regulations. The Zoning Enforcement Officer is authorized to order in writing the remedying of any condition found to be in violation of these Regulations.

Records: The Zoning Enforcement Officer shall keep records of all fees, all Zoning Permits and Certificates, all identifiable complaints of any violations of these Regulations, all inspections made under these Regulations and all notices of violation served by him/her and the action taken thereon.

Procedures: The Commission may, from time to time, by resolution, adopt administrative rules and procedures for the enforcement of these Regulations.

## **SECTION 73 -- PENALTIES AND REMEDIES**

Penalties: Any person, firm, or corporation who shall violate any provisions of these Regulations shall be subject to penalties in accordance with the General Statutes of the State of Connecticut pertaining to zoning.

Remedies: The proper authorities of the Town, or any person, firm, or corporation, may institute any appropriate action or proceedings to enforce the provisions of these Regulations or to prevent, restrain, enjoin, correct, or abate any violations of these Regulations, as may be authorized by law.

## SECTION 74 -- AMENDMENTS

These Regulations, including the Zoning Map, which is a part hereof, may be amended by the Commission on its own initiative or when initiated by a written petition. Any amendment may be adopted only after due notice and public hearing, as prescribed by the General Statutes of the State of Connecticut.

Any petition to amend a non-residential zoning district boundary line on the Zoning Map shall meet the following requirements: Based upon the Assessor's records, the petitioner shall prepare and submit a map showing the property lines and record owner names of all parcels located within 500 feet in all directions from the proposed zoning district boundary change, including the owners of properties located across the street.

The petitioner shall send a notice of the public hearing to be held on the proposed petition to all the record property owners as shown on the above referenced map.

This notice shall:

1. Be sent by certified, return receipt mail at least ten (10) days prior to the public hearing to be held on the petition to change the Zoning Map.
2. Be sent in the form provided by the Commission.
3. Prior to the commencement of the public hearing, the petitioner shall present the return receipts to the Commission.

## **SECTION 75 -- VALIDITY**

If any provision of these Regulations is judged by a court of competent jurisdiction to be invalid, the effect of such decision shall be limited to the provision expressly stated in the decision to be invalid, and all other provisions of these Regulations shall continue to be valid and fully effective.

If any provision of these Regulations is judged by a court of competent jurisdiction to be invalid as such provision applies to a particular building, other structure, or lot, the effect of such decision shall be limited to the particular building, other structure, or lot, and the general application of such provision to other buildings, structures, or lots shall not be affected.

## **SECTION 76 -- EFFECTIVE DATE AND REPEAL**

These Regulations, and any amendment or change hereto, shall be in full force and effect from the date established by the Commission in accordance with the General Statutes of the State of Connecticut.

APPENDIX I  
MORRIS ZONING REGULATIONS

Adopted August 6, 1997

ANTENNAS, TOWERS AND WIRELESS COMMUNICATION FACILITIES

1. Statement of Purpose: This regulation establishes standards and requirements for antennas, towers, and wireless communication facilities. It has been drafted in consideration of the Telecommunications Act of 1996.

The purpose of the regulation is to regulate the placement of antennas, towers, and other wireless facilities, to protect the Town's visual quality, and to safeguard the safety of the community, and:

- a. to require the information necessary to evaluate the proposed facility.
  - b. to establish locations least disruptive to the public health, safety and welfare of the Town of Morris and consistent with the Town Plan of Development.
  - c. to minimize adverse visual effects through proper design, siting, and vegetative screening.
  - d. to avoid potential damage to adjacent properties.
  - e. to minimize the height of towers and the number of towers, especially free standing towers.
  - f. to provide for the orderly removal of abandoned antennas and towers.
2. Definitions: When used in this section, the following words or phrases shall have the meaning defined below:

**ADEQUATE COVERAGE**: Coverage is considered to be "adequate" within that area surrounding a Base Station Tower where the predicted or measured median field strength of the transmitted signal is greater than -95 dbm. It is acceptable for there to be holds within the area of Adequate Coverage where the signal is less than -95 dbm, so long as the signal regains its strength to greater than -95 dbm further away from the Base Station tower. The boundary of the area of Adequate Coverage is that location past which the signal does not regain a strength of greater than -95 dbm.

**ANTENNA**: A device used to receive or transmit telecommunications or radio signals.

**COBBS PROTOCOL**: The testing protocol which is to be used to monitor the emission from existing and new Personal Wireless Service facilities upon adoption of this regulation.

**TOWER**: A support structure intended to support antennas and associated equipment. Examples include a monopole, lattice and roof stub structures.

**WIRELESS COMMUNICATION FACILITIES**: The equipment and structures used to receive or transmit telecommunications or radio signals and to transmit signals to another wireless site, another communications source or receiver, or to a central switching location.

**WIRELESS SERVICE PROVIDER**: An entity, licensed by the FCC to provide Personal Wireless Services to individuals or institutions.

3. Exempted Wireless Telecommunications Facilities: This regulation specifically exempts the following Wireless Telecommunications Facilities: Police, Fire, Ambulance and other Emergency Dispatch; Amateur (HAM) Radio; Citizens Band Radio; an existing Commercial Radio Tower; Radio Dispatch Services for local businesses; and roof mounted Satellite Uplink dishes, less than 1.8 meters in diameter, utilized by local businesses.

After the adoption of this regulation, any new Tower erected for the primary purpose of providing Wireless Telecommunications for any of the above listed exempt uses shall not be shared by any Personal Wireless Service Provider unless the Tower is located on a site which complies with all standards and requirements of this regulation and the Personal Wireless Provider obtains a Personal Wireless Facility Special Exception under this regulation.

4. Site Selection Policies -- Preferred Areas: The preferred location of antennas or towers and wireless facilities shall be:
  - a. Antennas -- on existing communication towers or existing buildings, water towers, or other suitable structures.
  - b. Towers -- In locations where the existing topography, vegetation, buildings or other structures provide the greatest amount of screening and have the least long range visual effect.
  - c. On town owned land or buildings where the Town has endorsed location of a wireless facility.
5. Application Requirements: All applications for antennas, towers and wireless facilities subject to local zoning authority shall be filed with the Commission and shall include:
  - a. Topographic – Location Map. The applicant shall provide a topographic location map at a scale of 1" = 2,000' showing:
  - b. The antenna or tower or location.
  - c. Existing and proposed towers in and outside the Town that would connect or be interconnected with, or "hand off" to the proposed facility.
  - d. The boundaries of the tower viewshed, i.e. the area within which the tower can be seen based upon an assessment of the topography surrounding the site.
  - e. An evaluation of the visual effect of the proposed tower location both within the Town and adjacent towns. Areas of special concern to be addressed in this evaluation shall include, but not be limited to: the areas identified as existing or proposed open space or preservation areas in the Town Plan, especially land lying within 300 feet of a sub regional watershed line as shown on maps prepared by the State DEEP Natural Resources Center and on file in the Town Hall; and areas within the Morris center area.
  - f. Documentation that the applicant qualifies as a "Wireless Service Provider."
6. Permitted Uses: Where the Commission determines that an antenna proposed on an existing structure or building meets the following criteria (a, b, or c below,) such antenna and wireless facilities shall be allowed as a permitted Exception subject to submission of Site Plan in accord with Article V.
  - a. An omnidirectional or whip antenna with a length of twenty (20) feet or less and seven (7) inches or less in diameter, provided its material matches the exterior of the structure.
  - b. A directional or panel antenna, six (6) feet or less in height and two (2) feet or less in width, provided its material matches the exterior of the structure.
  - c. A satellite and microwave dish antenna six (6) feet or less in diameter, provided the building or rooftop mount is located or screened so it is not visible from abutting public streets.
7. Special Exception Requirements: All applications not meeting the above criteria shall require a Special Exception and the application shall be subject to 4. above and the following submission requirements, standards and criteria:
  - a. A new tower shall be on a lot of not less than two (2) acres and shall be of an area and configuration such that the tower in the proposed location shall setback from all property lines by a distance equivalent to the height of the tower plus 20%.

- b. Tower Plan Proposal Report: A written report prepared by qualified expert(s) including:
- 1) A description of the service area for each communication system on the tower.
  - 2) The rationale and justification for the proposed antenna or tower in the proposed location.
  - 3) New tower applications shall demonstrate the service proposed can not be provided with equipment added to an existing or other proposed antennas or tower.
  - 4) Location of tall structures within one/quarter of a mile of the site and documentation that the owners of such structures have been contacted and asked for permission to install an antenna and denied for other than economic reasons.
  - 5) A rendering, drawn to scale, depicting the tower, showing all antenna and wireless facilities with details and dimensions, including any lighting, colors, and accessory elements.
  - 6) Documentation that the antenna height is the minimum required to function satisfactorily.
  - 7) An analysis comparing the site to alternative sites within the proposed service area.
  - 8) A soil report complying with Appendix I: Geotechnical Investigations, ANSI/EIA-222-E manual standards, as amended, verifying the design specifications of the tower foundation and anchors for the guy wires, if used.
  - 9) Applicants shall demonstrate that the entity proposing to construct and maintain the Tower has the financial capability to do so.
  - 10) A stormwater management plan designed in accordance with the requirements of the Town of Morris Low Impact Sustainable Development Design Manual for the access road to the tower location as well as any impervious area located at the base of the tower.
- c. An Environmental Impact and Evaluation of the Site Emissions Report assessing the environmental impact of the proposed tower and site construction and operation, assessing its impact on:
- 1) Areas designated as conservation or preservation areas in the Town Plan and in the State Plan of Conservation and Development.
  - 2) Sensitive Areas defined in e. below.
  - 3) Site emissions: List each proposed transmitter and identify all potential transmitters that could be located on the tower or facility. For each proposed or potential transmitter, provide the frequency limits, signal band width, and the upper limit of both peak and average power of each transmitter. List also the characteristics of any emergency or back-up power source to be situated at the site, including noise level specification if electro-mechanical.
  - 4) Prepare an analysis of the combined worst case RF power density computed using FCC Office of Science and Technology Bulletin 65 in comparison to the applicable FCC power density standards.

The Commission may require as a condition of the permit that the applicant monitor the RF emissions from the facility on a regular basis, providing both a pre and post RF assessment. The applicant shall provide a copy of such monitoring reports to the Planning and Zoning Commission in a timely manner.

- d. A Site Plan: A site plan meeting the requirements of these Regulations, showing the following:
- 1) The antenna and/or tower location and guy wires.
  - 2) Areas of construction or improvement, including the access road to the site.
  - 3) The boundaries of the tower fall zone.
  - 4) The location of any approved or proposed buildings or construction adjacent to the site.

- e. **Sensitive Areas:** The following sensitive areas on, or adjacent to the site, shall be shown either on the Site Plan or a separate Existing Conditions Map:
  - 1) Protected areas, including permanently protected lands, such as State park and forest lands and land protected by a land trust.
  - 2) All inland wetlands and watercourses.
  - 3) Critical habitats for plants and animals.
  - 4) Historic structures or sites, unusual features, buildings, monuments, or areas.

- f. **Landscape and Screening Requirements:** For a new tower, a fence with a minimum height of eight (8) feet shall be provided. Existing vegetation on and around the site shall be preserved to the greatest extent possible.

A planting plan shall be provided to screen building(s), fuel tanks, other man-made structures, and as much of the tower as possible.

The plan shall show an evergreen screen surrounding the site. The screen shall be a row of evergreen trees (planted ten (10) feet on center maximum.) The evergreens shall have a minimum height of six (6) feet at planting and be of a type that grows to a minimum of fifteen (15) feet at maturity. The Commission may accept any combination of existing vegetation, topography, walls, or other features, provided it meets or exceeds the above evergreen screen requirement.

- g. **A Construction Plan Map:** A construction plan map prepared by a Connecticut licensed engineer, showing construction and drainage details, including the access road and construction or drainage improvements, including above-ground wires, cables, ducts, utility and signal cables, guying and guy-anchor details.
- h. A statement from the applicant, indicating that, weather permitting, the applicant will raise a balloon with a diameter of at least three (3) feet, at the proposed tower site, and to the proposed tower height.

Such balloon shall be raised at least three days prior to the date of the public hearing scheduled on the application and shall remain in place as long as practical but not less than fifteen days after the date of the hearing.

- i. A list of all federal, State, regional, district, and municipal agencies, which have or will conduct a review of the proposed tower, together with a copy of any position/decision/recommendation of such agency or board with respect to the proposed facility,

8. **Other Requirements:**

- a. Commercial advertising shall not be allowed on an antenna or tower.
- b. Signal lights or illumination shall not be permitted unless required by the FCC or FAA.
- c. All other uses not clearly necessary to the operation/maintenance of the antenna or tower and associated equipment are prohibited, unless expressly approved as a condition of the permit.

A related unmanned equipment and/or storage building(s) shall be permitted, provided it contains no more than 750 square feet of gross floor area and is not more than twelve (12) feet in height.

- 9. **Removal:** A wireless facility not used for six months shall be removed by the facility owner. This removal shall occur within 90 days of the end of such six month period. Upon removal, the site shall

be restored to its previous appearance and, where appropriate, re-vegetated to blend with the surrounding area. As a condition of the approval of the Permit, the Commission may require a bond in an amount sufficient to cover the cost of completing this requirement.

## APPENDIX II

### WINVIAN FARM PDD – WF

#### WINVIAN FARM HISTORIC FARMSTEAD COUNTRY INN PLANNED DEVELOPMENT DISTRICT AMENDMENT TO THE ZONING REGULATIONS OF THE TOWN OF MORRIS, CONNECTICUT EFFECTIVE SEPTEMBER 30, 2002

1. GENERAL: This amendment, pursuant to Section 54 of the Zoning Regulations of the Town of Morris, hereinafter referred to as the “Regulations,” provides for the establishment of a Planned Development District on two (2) contiguous parcels of land now owned by Winthrop H. and Margaret D. Smith on Alain White Road. The two (2) parcels of land total 113.245 acres. The Planned Development District will be known as the “Winvian Farm Historic Farmstead Country Inn Planned Development District,” hereinafter referred to as “PDD-WF.”

Section 54 of the Regulations, as revised on May 3, 2000, permits the modification of the strict application of the plan, standards and provisions of the Regulations for the following purposes, namely:

- 1.1 “To permit tracts of land of considerable size to be developed and designed as harmonious units consistent with the character of the Town and the neighborhood, the purposes of these Regulations and any Plan of Development which may have been adopted by the Commission;”
- 1.2 “To permit the establishment of uses by Special Exception that are not permitted under these Regulations but which would be beneficial to and consistent with the orderly development of the Town and the neighborhood; and/or,”
- 1.3 “To permit the design and construction of buildings, other structures and facilities that, by virtue of their location, orientation, texture, materials, landscaping, and other features, that would be consistent with the character of the Town and the neighborhood and would show unusual design merit.”

PDD-WF meets all three (3) of these purposes.

PDD-WF is consistent with the 1992 Morris Plan of Conservation and Development (hereinafter referred to as the “Plan,”) specifically Part III.14.

For the purposes of this amendment, the Morris Planning and Zoning Commission will be referred to as the “Commission.”

2. PURPOSE: The purpose is:

- 2.1 To preserve and restore the historic 1775 Seth Bird House and Farmstead, which was entered on the Connecticut State Register of Historic Places in 1975;
- 2.2 To preserve, maintain, and promote the existing and future farm use of the property, and to economically revitalize the historic Seth Bird farmstead through its continued use as an agricultural resource and its adaptive re-use as a country inn;

- 2.3 To establish through conservation easement two (2) 180 foot wide scenic roadway greenbelt corridors along either side of Alain White Road for the entire length of the property; and
- 2.4 To preserve through conservation easement a minimum of forty (40) acres, or approximately 35.25% of the property, as open space, and to continue to use 36 acres, or approximately 32% of the property, for farm use, thereby leaving 37.245 acres, or approximately 32.75% of the property, for use as a country inn and for non-easement farmland conservation.
3. CONTENT: PDD-WF is accompanied by the following maps and plans that are incorporated by reference into this PDD-WF amendment:
- 3.1 A "Property/Boundary Map for Winthrop H. Smith, Margaret D. Smith, Alain White Road, Morris, Connecticut, scale 1" = 100', dated August 2001" prepared by Samuel P. Bertacinni, Jr., RLS #10383, Litchfield, Connecticut" Boundary Map.
- 3.2 A Site Plan based on the Boundary Map identified above in 3.1 that shows the proposed "development" of PDD-WF. The location of the buildings, structures, parking areas, and other features may be subject to change, in accordance with the requirements of the Torrington Department of Health, the Morris Conservation Commission, and other commissions, agencies, and regulatory bodies which may have jurisdiction over this project.
4. BOUNDARY: The boundary of PDD-WF consists of the boundaries of two (2) parcels of land, consisting of 59.984 acres (hereinafter referred to as "Parcel #1") and 53.265 acres (hereinafter referred to as "Parcel #2,") as shown on the "Boundary Map." Both parcels are, hereinafter, collectively referred to as the "Property."
5. GENERAL STANDARDS: Except as modified by the provisions for this PDD-WF amendment as set forth herein below, all other provisions of the Regulations applicable to the property, and/or the uses permitted thereupon will apply.
6. PERMITTED USES:
- 6.1 In accordance with Section 22 of the Regulations, "Farms," as defined in Section 9 of the Regulations, will continue as a Permitted Use in conjunction with the permitted use(s) set forth herein below. Farm uses will include viticulture, horse farming, truck farming horticulture, and other agricultural uses permitted in the Regulations. However, the construction of any buildings or structures, or the implementation of any new activities, specifically pertaining to Farm use as permitted under the Regulations, will require approval by Special Exception as set forth in Section 54 of the Regulations.
- 6.2 As defined below, a full service historic farmstead country inn, hereinafter referred to as a "Country Inn." The land, buildings and other structures constituting the Country Inn will include the following uses:
- 6.2.1 Full service transient lodging with not more than 26 double occupancy individual guest rooms or guest cottages. In addition to guest rooms in the historic Seth Bird House, the number of individual guest cottages will not exceed 24. No guest room or cottage will include provisions for cooking in said room or cottage.

- 6.2.2 Full service dining and beverage service for inn guests and their invitees, including full service dining and beverage service for permitted accessory uses as set forth herein below. As part of the dining service, kitchen facilities will include garden(s) and greenhouse(s) for the growing of herbs and vegetables for dining service use.
- 6.2.3 Country Inn administration, operation, maintenance, and service, including inn office(s), general equipment maintenance, laundry, food and beverage storage, waste, and recycling storage.
- 6.2.4 On-site Country Inn staff housing on Parcel #2, including one (1) existing single-family dwelling for use by a staff member and family, one (1) new single-family dwelling for use by a staff member and family, and one (1) new dwelling with no more than eight (8) double-occupancy bedrooms for use by individual staff members.
- 6.2.5 Country Inn guest recreation activities and related facilities and equipment including walking, hiking, horseback riding, and cross-country skiing; wagon, carriage, and sleigh rides; swimming and boating; tennis, croquet, volleyball, and golf putting green; and health and exercise activities with equipment and facilities including free-weights, weight machines, steam room, hot tub, sauna, and lap pool.

## 7. ACCESSORY USES:

- 7.1 Wedding ceremonies and wedding receptions. Such ceremonies and receptions may be held indoors or out of doors on porches, terraces, and lawns; may include the use of open and/or enclosed tents. Music is permitted, providing it does not migrate off the Property.
- 7.2 All other accessory uses customary and incidental to the foresaid permitted and accessory uses and as permitted by the Regulations.

## 8. SPECIFIC STANDARDS:

- 8.1 Lot Area, Shape, and Frontage: The Property has the minimum area, shape, and frontage required for PDD-WF.
- 8.2 Height: No building or other structure will exceed a height of 35 feet or 2½ stories, except as permitted in Section 7 of the Regulations.
- 8.3 Setbacks:
  - 8.3.1 Front Property Line Setback: For each of the two (2) parcels which comprise PDD-WF, the front property line setback for all buildings and structures, except as set forth herein below; will be 180 feet from the edge of the right-of-way of Alain White Road. No buildings or other structures, except the historic Seth Bird House on Parcel #1 and the existing single-family dwelling on Parcel #2, signs as permitted in Section 62 of the Regulations and as set forth herein below, the private driveway, pedestrian walkway, and recreational trail infrastructure for PDD-WF, and permanent screened parking and temporary parking, as set forth in Section 16 herein below, will be permitted to extend into the front yard setbacks. (The two (2) front yard setbacks, taken together, will constitute a scenic roadway greenbelt corridor along Alain White Road.)

8.3.2 Side and Rear Property Line Setbacks: The side and rear property line setbacks for all buildings and structures will be ninety (90) feet.

8.4 Lot Coverage: For all buildings and structures constituting The Country Inn:

8.4.1 The maximum floor area ratio will be 6% of the Property.

8.4.2 The maximum coverage by buildings and structures will be 5.5% of the Property.

8.5 Floor Area Requirement Per Guest Cottage: Each guest cottage will have a maximum total floor area, including porches and decks, of 1,500 square feet.

8.6 Country Inn Occupancy: The Country Inn will be permitted to have the following number of transient guests for the following lengths of stay:

8.6.1 No more than two (2) registered guests in each guest room or guest cottage for a total length of stay not to exceed three (3) months (i.e., 92 consecutive days or 91 consecutive overnights,) except as set forth in Section 8.6.2 herein below.

8.6.2 In addition to the two (2) guests permitted in Section 8.6.1 herein above, not more than two (2) additional invited guests in each guest room or guest cottage, in conjunction with a wedding ceremony and reception, sleeping on a sofa-bed or similar temporary sleeping accommodation.

8.6.3 In addition to the maximum guests permitted for twenty-six (26) guest cottages/rooms pursuant to 8.6.2 above, no more than sixty-five (65) additional non-staying guests at a wedding ceremony and reception, for a maximum of four (4) weddings per year. Wedding ceremonies and receptions will require the reservation of the entire Country Inn facility by a single party for a single event.

9. WETLANDS AND WATERCOURSES: All regulated activities involving any wetland or watercourse will be shown on a site plan to be submitted with the Special Exception Application required in Section 54, 4d, and, by reference, Section 52 of the Regulations, and will be subject to the review and approval of the Morris Conservation Commission in its capacity as the Morris Inland Wetlands Agency.

10 FIRE PONDS: Fire ponds are included as an integral part of PDD-WF and will be shown on a site plan to be submitted with the Special Exception Application required in Section 54, 4d, and, by reference, Section 52 of the Regulations. The fire ponds will be consistent with the Morris Fire Pond Plan; will be constructed in accordance with the standards and practices of the U.S.D.A. Soil Conservation Service; will have a minimum capacity as determined by the Commission after consulting with the Morris Volunteer Fire Department; and will be accessible to emergency vehicles.

11. DRAINAGE: *A stormwater management plan designed in accordance with the requirements of the Town of Morris Low Impact Sustainable Development Design Manual.*

12. EROSION AND SEDIMENT CONTROL: Erosion and sediment control will be in compliance with Section 51 of the Regulations.

13. SANITATION AND POTABLE WATER: The Property will be capable of being served by on-site waste water disposal systems and on-site wells for potable water. All waste water disposal systems will be designed by a professional engineer licensed to practice in the State of Connecticut, and will be subject to the review and approval of the Torrington Department of Health.

14. GROUND WATER PROTECTION: Ground water protection within PDD-WF will be in compliance with Section 67 of the Regulations.

15. ACCESS AND CIRCULATION:

15.1 The main access and interior circulation driveways from Alain White Road into and through PDD-WF and all individual driveways to buildings and structures, and parking and loading areas will be:

15.1.1 Privately owned and maintained by the owner(s) of the Property;

15.1.2 Laid out and designed by a professional engineer licensed to practice in the State of Connecticut.

15.1.3 Accessible to emergency vehicles; and,

15.1.4 In compliance with the Morris Street and Road Ordinance in so far as this ordinance applies to privately owned driveways.

15.2 The design and layout of the main access and interior circulation driveways from Alain White Road into and through PDD-WF will include:

15.2.1 Continued use of the two (2) existing driveways from Alain White Road into Parcel #1.

15.2.2 Two (2) new access driveways in Parcel #1 from Alain White Road, one near the north end and one near the south end of the Property, as shown on the Site Plan accompanying this amendment.

15.2.3 Continued use of the existing driveway from Alain White Road into Parcel #2.

15.2.4 One (1) new access driveway in Parcel #2 from Alain White Road near the south end of the Property, as shown on the Site Plan accompanying this amendment.

15.2.5 The construction of a pedestrian walkway and recreational trail under Alain White Road may be permitted providing it meets all applicable local, state, and federal design and construction standards, practices, and regulations, and if the construction does not adversely affect the flow and passage of vehicular traffic on Alain White Road during the time of construction.

15.3 All main access and interior circulation driveways, and all individual driveways to guest cottages, buildings, and structures, and all parking and loading areas, in order to preserve the historic and rural agricultural character of the neighborhood and the Property, will:

15.3.1 Have a design and layout which is appropriate to the use, topography, contours, and natural landscape and features of PDD-WF.

- 15.3.2 Be constructed in accordance with accepted standards and practices in use at the time of construction.
- 15.3.3 Have grades, alignments, and sight lines suitable for safe and convenient access, passage, and turn around at all times of the year and in those weather conditions typical to the area.
- 15.4 All main access and interior circulation driveways, and all individual driveways and parking and loading areas will have finished surfaces which are predominantly gravel.
- 15.5 All main access and interior circulation driveways will have a minimum clear finished surface width of ten (10) feet, a maximum clear finished surface width of eighteen (18) feet, and will have two (2) foot wide shoulders with a solid sub-base covered with topsoil and grass wherever such shoulders do not adversely impact the topography, contours, natural landscape, and other natural features immediately adjacent to said driveways.
- 15.6 Driveway and Building Identification: All main access and interior circulation driveways will be named and signed accordingly, and all buildings will be numbered and signed accordingly, in order to promote public safety and to provide easy identification for prompt response by emergency service in accordance with the Morris Street and Road Ordinance.
- 16. PARKING AND LOADING: All parking and loading spaces will be on-site, off-street, and will be in compliance with Section 61 of the Regulations, except as set forth below:
  - 16.1 Permanent Parking Spaces: Permanent parking spaces for Country Inn use will be completely screened from view by the public from Alain White Road and will include the following:
    - 16.1.1 On Parcel #1, two (2) spaces for each guest room or guest cottage; six (6) spaces for Country Inn services and operations, 24 spaces for Country Inn guests who may choose to drive to meals rather than walk, and for visitors.
    - 16.1.2 On Parcel #2, three (3) spaces for the existing single-family dwelling; three (3) spaces for the new single-family dwelling; two (2) spaces for each bedroom in the staff-housing “dwelling;” one (1) space for each non-resident Country Inn employee, not to exceed a maximum of thirty (30) spaces.
    - 16.1.3 In order to preserve the historic and rural agricultural character of the Property, permanent parking spaces will be designated on plans and reserved, but will be constructed as they are needed in conjunction with the construction of specific Country Inn buildings and/or the implementation of specific Country Inn uses.
  - 16.2 Loading Spaces: All loading and unloading for the Country Inn will take place in the “maintenance barn area” located on Parcel #2, as shown on the Site Plan. Distributions to other buildings on the Property will be by pickup truck or van from the “maintenance barn area.”
  - 16.3 Temporary Parking Spaces: Sufficient temporary parking spaces for wedding ceremonies and receptions will be provided in accordance with Section 61 of the Regulations; will be on-site, unconstructed, non-designated, non-delineated areas such as fields or interior driveway

shoulders, and will be shown on a site plan to be submitted with the Special Exception Application required in Section 54, 4d of the Regulations.

16.4 Additional Parking Spaces: Additional parking spaces for use by Country Inn guests will be provided for Country Inn buildings containing guest activities, such as the health and exercise barn, in numbers sufficient and appropriate to each building's particular use.

16.5 Accessible Parking Spaces: Accessible Parking Spaces will be designated in numbers meeting the requirements of ADA.

17. UTILITIES AND LIGHTING: Utilities and outside lighting will be shown on a site plan to be submitted with the Special Exception Permit Application required in Section 54, 4d, and Section 52 of the Regulations.

17.1 All utilities will be located underground.

17.2 No outside lighting will migrate off-site.

18. SIGNAGE: All signs within PDD-WF will be in compliance with Section 62 of the Regulations, specifically "Standards - Residential Districts," except as set forth below, and will be approved by the Commission in conjunction with the Site Development Plan to be submitted with the Special Exception Permit Application required in Section 54, 4d, and, by reference, Section 52 of the Regulations. In addition to the provisions of Section 62, "Standards - Residential Districts," of the Regulations, signs permitted within PDD-WF will include:

18.1 On Parcel #1, not more than two (2) free-standing identification signs, one (1) each at the north and south entrances to the parcel from Alain White Road; the size of each sign not to exceed 18 square feet in area with lettering, measured by a square drawn around each letter, not to exceed 12 square feet in total area; the content of each sign to be limited to the announcement of the Country Inn name, a logo phrase, historic site information, and/or non-letter artistic graphic decoration.

18.2 On Parcel #2, not more than one (1) free-standing identification sign at the south entrance to the parcel from Alain White Road; the size of the sign not to exceed 18 square feet in area with lettering, measured by a square drawn around each letter, not to exceed 12 square feet in total area; the content of the sign to be limited to the announcement of the Country Inn name and/or Farm name and/or activity, a logo phrase, and non-letter artistic graphic decoration.

18.3 On Parcel #1 and Parcel #2:

18.3.1 Free-standing directional and warning signs as required to direct guests to cottages and services, and to direct delivery vehicles to service and facility locations, and as needed to promote reasonable vehicular and pedestrian safety; the size of each sign not to exceed three and one-half (3½) square feet in area; the content of each sign to be limited to directional and warning information only.

18.3.2 Free-standing main access and interior circulation driveway and individual driveway "Driveway Name Signs," the size of each sign not to exceed three (3) square feet in area; the content of each sign to be limited to the name of the driveway only.

- 18.3.3 One (1) free-standing or building mounted “Building Number Identification Sign” on each building, the size of each sign not to exceed one and one-half (1½) square feet in area.

## 19. SITE DEVELOPMENT:

- 19.1 Buildings and Site Layout: The final plans and specifications to be submitted with the Special Exception Application required in Section 54, 4d will be substantially consistent with the Site Plan submitted with this PDD-WF amendment. The location and arrangement of all buildings and structures within, and the site development of, PDD-WF will be consistent with such final plans and specifications and this Amendment. Modifications in the final plans and specifications from the site plan submitted will be permitted for changes necessary to meet the general limitations of the site itself with regard to the PDD-WF use(s) as permitted under this amendment, the purposes or terms of this Amendment or the requirements of other commissions, agencies, or regulatory bodies, such as the Torrington Department of health or the Morris Wetlands Commission, which may have jurisdiction over this project.
- 19.2 Site Development: Site development will include all improvements necessary to implement the Country Inn project as described herein, such as: the installation of underground utilities, waste water disposal systems, wells, and all necessary infrastructures; site drainage and erosion control; and the construction of driveways, walkways, recreation trails, buildings and structures. Site development will also include, without limitation, the construction and/or reconstruction, and/or restoration, renovation, rehabilitation and/or adaptive re-use of the buildings and/or structures listed in Appendices A and B to carry out the Permitted and Accessory Uses set forth herein above. Site development may be completed in phases. For example: the twenty-four (24) guest cottages need not all be built at one time.
- 19.3 Site development will also include other buildings and structures the Commission may approve by Special Exception consistent with Farm and/or Country Inn and related inn guest food and beverage service uses.

## 20. ARCHITECTURE:

- 20.1 The exterior of the existing historic Seth Bird House and existing farm buildings will be restored to an exterior appearance appropriate to their date(s) of construction. The exterior appearance of any new additions to these buildings will be in keeping with the stylistic traditions and architectural details of additions which typically would have been historically added to such buildings, without necessarily being recreations or copies.
- 20.2 With regard to the construction of any new buildings intended for Farm use, the exterior design of these buildings will reflect the stylistic traditions and architectural details of existing farm buildings and groupings of farm buildings found in Morris in particular, and northwestern Connecticut in general.
- 20.3 With regard to the construction of any new buildings intended for Country Inn use, which are not completely screened from view by the public from Alain White Road, by existing topography and landscaping or by new landscaping, the exterior design of these buildings will reflect stylistic traditions and architectural details of existing farm buildings and groupings of farm buildings found in Morris in particular, and northwestern Connecticut in general.

20.4 In addition to the provisions set forth in Section 20.3 herein above, the exterior design of the guest cottages may include the addition of windows, doors, porches, decks, terraces, and other details and components which reflect in their design the adaptive re-use of a barn building for “dwelling” purposes.

20.5 With regard to any new buildings intended for Country Inn use which are completely screened from view by the public from Alain White Road, the exterior design of these buildings will be exempt from the provisions of Sections 20.3 and 20.4, providing their external architecture shall be harmonious with the natural surroundings in which they are sited, in color, materials, and exterior design.

20.6 With regard to small-scale Accessory Use structures, such as gazebos and shelters intended for recreational use, the design of such structures will reflect the historic architectural traditions of such structures found in Connecticut in particular, and New England, including the Adirondack style.

20.7 With regard to the barn buildings listed in Appendix B in Section 26.4 herein below, which are intended for use as maintenance and service barns for the Country Inn, the arrangement of these barn buildings will form a traditional farm barn complex, or grouping of buildings, so that such an arrangement will screen completely from view by the public from Alain White Road, either in and of themselves, or with the addition of landscaping, any parking, loading, and/or other vehicle interior circulation specifically related to and within the immediate proximity of these particular barn buildings.

21. LANDSCAPING: Except for those areas affected by site improvements, the construction of buildings and other structures, and the installation of landscaping features approved as part of PDD-WF, the intent of PDD-WF is that a substantial portion of the Property will remain in Farm use, as defined in Section 9 of the Regulations, and will be left in its natural vegetative state or as utilized for such Farm use. Landscaping will be shown on a Landscaping Site Plan to be submitted with the Special Exception Permit Application required in Section 54, 4d, and, by reference, Section 52 of the Regulations.

## 22. OPEN SPACE AND GREENBELTS:

22.1 A minimum of forty (40) acres or approximately 35.25% of the property will be set aside and permanently protected as Open Space through conservation easement or restriction. Recordable Conservation Easements or Restrictions protecting 35.25% of the property described in PDD-WF Sections 8.3.1 and 22.2.1 and 22.2.2 shall be submitted to the Commission as part of the Special Exception application for the PDD-WF. The 40 acres of Open Space will include:

22.1.1 25.184 acres of woods and fields, including stream belts, ponds, bogs, marshes, and surveyed wetlands; and

22.1.2 Two (2) 180 foot wide Scenic Roadway Greenbelt Corridors along either side of Alain White Road which extend the entire length of the Property.

22.2 General Purpose: The general purpose of this provision is to preserve:

22.2.1 Natural resources and features; potential recreation resources; views, vistas, and ridge lines; wildlife habitats, corridors, and resources.

22.2.2 Historic stone walls, tree-scapes and other man-made features that make up the surrounding environment of the historic Seth Bird House and farmstead.

22.3 Purpose of Greenbelts: The purpose of the two (2) Scenic Roadway Greenbelt Corridors is to insure that the public view from Alain White Road of the historic Seth Bird House and farmstead, and of the farmstead's surrounding agricultural landscape, remains as unchanged as possible. The establishment of these two (2) Scenic Roadway Greenbelt Corridors is consistent with a recommendation in the Plan, specifically Part II.12, "Scenic Roads."

22.4 Within said Open Space, but within the two (2) Scenic Roadway Greenbelt Corridors, the following are permitted:

22.4.1 Small scale Accessory Use buildings and structures, such as, but not limited to: docks, gazebos and shelters, which are designed and used for recreational purposes only; and,

22.4.2 Mitigation and enhancement of designated wetlands, ponds, bogs, marshes, and stream belts subject to the review and approval of the Morris Conservation Commission in its capacity as the Morris Inland Wetlands Agency.

22.5 Within the two (2) Scenic Roadway Greenbelt Corridors, the provisions set forth in Section 6.1 and Section 8.3.1 herein above will apply.

23. All PDD-WF activities shall be subject to the Torrington Area Health District Noise Control Regulations ("TAHD") providing such activities shall comply with the residential "Class A Land Use Category" rather than the commercial noise zone standards of "Class B" or "Class C" as defined in such TAHD regulations.

24. PROCEDURE AND SPECIAL EXCEPTION PERMIT REQUIREMENTS: The Approval of this PDD-WF zoning amendment will be considered a change of zone and zoning boundary with respect to the Property. All uses in the Approved PDD-WF will be subject to the issuance of a Special Exception Permit as set forth in Section 54, 4d of the Regulations. In reviewing the Special Exception application, the Commission will determine that the plans, specifications, and other required information and documentation submitted with that application are consistent with this PDD-WF amendment and in compliance with the general standards and provisions set forth in Section 52 of the Regulations. Any moratorium on applications pursuant to Section 54 of the Regulations will not apply to any Special Exception application submitted as required in Section 54, 4d of the Regulations at the time of submission of this Amendment to the Commission, provided the petition for this PDD-WF zoning amendment is submitted prior to the effective date of any such moratorium.

In accordance with Section 52 of the Regulations, Site Plans and Architectural Plans will be submitted with the Special Exception Application as required in Section 54, 4d of the Regulations at the time of this Amendment. All references to Section 54 of the Regulations shall refer to Section 54 as it existed at the time of submission of this Amendment except as modified for purposes of this Amendment.

At the Commission's request, the applicant will provide, in conjunction with its Special Exception application, a plan showing how the 24 PDD-WF cottages could be adaptively re-used based on the regulations for an existing zoning district in effect at the time of the Special Exception application.

25. APPENDIX A: In accordance with the provisions set forth in Section 19.2 herein above, the following buildings and structures are permitted on Parcel #1:

- 25.1 Existing restored, renovated, rehabilitated and adaptively re-used historic 1775 Seth Bird House and attached farm barns for use as a full service country inn which will contain two (2) guest rooms, inn reception and offices; full service kitchen; inn guest dining and beverage services; housekeeping, food, beverage, waste, and recycling storage; library, parlor(s), game room(s), and other common areas; and other utility and general service areas.
  - 25.2 Existing summer house, three-holer outhouse, and tool shed.
  - 25.3 Existing farm barn for Accessory Use for wedding ceremonies and receptions.
  - 25.4 Existing and new porches, decks, porte-cochere(s) and masonry terraces to existing house and barns.
  - 25.5 New kitchen greenhouse; antique car, carriage, and sleigh storage barn; health and exercise barn.
  - 25.6 Up to 24 new individual guest cottages, each containing a bedroom, bathroom, sitting area, utility room, housekeeping closet, porch, deck, terrace, and attached, semi-detached, or free-standing single vehicle garage, porte-cochere, or carport.
  - 25.7 New small-scale Accessory Use structures and facilities for recreation use including tennis courts, swimming and boating docks, gazebos and shelters, and recreation equipment storage buildings.
26. APPENDIX B: In accordance with the provisions set forth in Section 19.2 herein above, the following buildings and structures are permitted on Parcel #2:
- 26.1 Existing renovated single-family dwelling with new additions, and detached garage for use only as housing for Country Inn or Farm staff and their family.
  - 26.2 New single-family dwelling with attached garage(s) for use only as housing for Country Inn or Farm staff and their family.
  - 26.3 Dwelling for Country Inn staff with not more than eight (8) double-occupancy bedrooms.
  - 26.4 New barn buildings for Country Inn related facilities, including laundry, maintenance, general vehicle and equipment storage, recreation vehicle and equipment storage, waste and recycling storage, and food and beverage storage.
  - 26.5 New barns and greenhouses specifically related to supplying the agricultural needs of the Country Inn.
  - 26.6 New small-scale Accessory Use structures and facilities for recreation use, including swimming and boating docks, gazebos and shelters, and recreation equipment storage buildings.

## APPENDIX III

### AMERICAN COUNTRY BARNS PDD-ACB

#### AMERICAN COUNTRY BARNS PLANNED DEVELOPMENT DISTRICT AMENDMENT TO THE ZONING REGULATIONS OF THE TOWN OF MORRIS, CONNECTICUT EFFECTIVE DATE DECEMBER 29, 2008

**1. GENERAL:** This amendment, pursuant to Section 54 of the Zoning Regulations of the Town of Morris, hereinafter referred to as the “Regulations”, provides for the establishment of a Planned Development District on one parcel of land now owned by ACB Properties, LLC known as 198 East Street, fronting on East Street (Connecticut Route 109) and Higbie Road. The parcel of land contains 8.97± acres. The Planned Development District will be known as the “American Country Barns Planned Development District”, hereinafter referred to as “PDD-ACB”.

Section 55 of the Regulations, as revised December 5, 2007, permits the modification of the strict application of the plan, standards, and provisions of the Regulations for the following purposes:

- 1.1 To permit tracts of land of considerable size to be developed and designed as harmonious units consistent with the character of the Town and the neighborhood, the purposes of these Regulations and any Plan of Development which may have been adopted by the Commission;
- 1.2 To permit the establishment of uses by Special Exception that are not permitted under these Regulations but which would be beneficial to and consistent with the orderly development of the Town and the neighborhood; and/or,
- 1.3 To permit the design and construction of buildings, other structures and facilities that by virtue of their location, orientation, texture, materials, landscaping and other features that would be consistent with the character of the Town and the neighborhood and would show unusual design merit.

PDD-ACB meets all three of the above purposes.

PDD-ACB is consistent with the 1992 Morris Plan of Conservation and Development (hereinafter referred to as the “Plan”), specifically Part 4, Section 3.2.

For the purposes of this amendment, the Morris Planning and Zoning Commission will be referred to as the “Commission”.

**2. PURPOSE:** The purpose is to allow American Country Barns, LLC operate its business of creating timbers and other components for the assembly, on- and off-site, of barns for retail sale.

**3. CONTENT:** PDD-ACB’s petition is accompanied by the following maps and plans that are incorporated by reference into this PDD-ACB amendment: Site Development Plan, Property and Topographic Survey, Landscape Plan, and Sedimentation and Erosion Control Plan, all prepared for ACB Properties, LLC by CCA LLC, Environmental, Civil Engineering and Surveying, 33 Village Green Drive, Litchfield, Connecticut 06759.

**4. BOUNDARY:** The boundary of the property is shown on a survey entitled “Property & Boundary Survey Prepared for ACB Properties, LLC 198 East Street (CT.Route 109) & Higbie Road, Morris, Connecticut”, dated July 15, 2008, prepared by CCA LLC, 33 Village Green Drive, Litchfield, Connecticut 06759, which survey is certified substantially correct and conforming to the standards of an A-2 & T-2 survey by Ronald J. George, L.S., Conn. Lic. #20616. The property consists of 8.97± acres and is presently in the Residence R-60 district. The property is known as Lot 198 on Assessor’s Map 17, Block 380.

**5. GENERAL STANDARDS:** Except as modified by the provisions of this PDD-ACB amendment as set forth below, all other provisions of the Regulations applicable to the property, and/or the uses permitted thereon will apply.

**6. PERMITTED USES:**

6.1 In accordance with Section 22 of the Regulations, “Farming”, as defined in Section 9 of the Regulations, will be a permitted use on the property, including the housing of livestock (goats and chickens), bees and the production of honey, and the harvesting of fruit from an orchard on the property, and the production of maple syrup from Maple trees on the property.

6.2 Single family dwelling for one family.

**7. USES PERMITTED BY SPECIAL EXCEPTION:**

7.1 Manufacturing of timbers and other components for barns to be assembled both on-site and off-site for retail sale. Display of model barns. Sales may occur on-site or off-site. Manufacturing process includes the use of saws and other tools on site, along with forklifts and trucks. Wood products will be stored on site. On-site parking will be provided.

7.2 Professional office in the existing residence.

7.3 Roadside farm stand for the display and sale of farm products grown or produced on the premises.

**8. ACCESSORY USES:**

8.1 Public events to be held on site: Santa Claus at Christmas time, periodic woodworking clinics and events, barn-raising events, toys for tots, public square dances, and the like.

8.2 All other accessory uses customary and incidental to the aforesaid permitted and accessory uses and as permitted by the Regulations.

**9. SPECIFIC STANDARDS:**

9.1 Lot Area, Shape, and Frontage: The subject property has the minimum area, shape, and frontage required for PDD-ACB. Minimum lot Area shall be 8 Acres. Minimum Lot Frontage shall be 175’.

9.2 Height: No building or other structure will exceed a height of thirty-five (35) feet or two and one-half (2-1/2) stories, except as permitted in Section 7 of the Regulations.

9.3 Setbacks: The existing residence is situated partly within the 35-foot setback from East Street; all new structures constructed or placed on the property will comply with the following setbacks:

Minimum setback – principal and detached accessory buildings and structures  
From the street line: 35 feet

Minimum setback – principal and detached accessory buildings and structures  
from all other property lines: 30 feet

#### 9.4 Lot Coverage:

9.4.1 The maximum floor area ratio will be 30% of the property

9.4.2 The maximum coverage by buildings and structures will be 25% of the property.

**10. WETLANDS AND WATERCOURSES:** No activities will occur within any wetland or watercourse. The applicant proposes to place or construct three barns within a regulated area, and a portion of a fourth barn will be partially within the regulated area. A small (17 by 17 feet) gazebo will be located within a regulated wetland area. No basements will be excavated for any of these four barns. (All will be on slabs or on piers). No other regulated activities are being proposed. All regulated activities are shown on the Site Development Plan to be submitted with the Special Exception Application required in Section 54 of the Regulations.

**11. FIRE PONDS:** There is an existing pond located near the intersection of East Street and Higbie Road, into which East Morris Brook flows. No alterations to the brook or the pond are proposed.

**12. DRAINAGE:** *A stormwater management plan designed in accordance with the requirements of the Town of Morris Low Impact Sustainable Development Design Manual.*

**13. EROSION AND SEDIMENT CONTROL:** Erosion and sediment control will be in compliance with Section 51 of the Regulations. An Erosion and Sediment Control Plan will accompany the application.

**14. SANITATION AND POTABLE WATER:** The existing residence on the property is being served by an on-site septic system and an on-site well for potable water, which will continue to be available for use by ACB employees and visitors. A reserve septic system has been designed and is shown on the Site Development Plan. No additional septic system or well will be required.

**15. GROUND WATER PROTECTION:** Ground water protection within PDD-ACB will be in compliance with Section 67 of the Regulations.

**16. ACCESS AND CIRCULATION:** Access to the existing residence on the property will continue to be an existing asphalt driveway. Access to the existing large barn will continue to be an improved gravel driveway. Parking will be provided in a new gravel-surface parking area where the in-ground swimming pool is presently located. A gravel walkway will be provided for access from the main gravel driveway to the model barns.

**17. PARKING AND LOADING:** All parking and loading spaces will be on-site, off-street, and will be in compliance with Section 61 of the Regulations. Accessible parking spaces will be designated in the numbers meeting requirements of the American with Disabilities Act (ADA).

**18. UTILITIES AND LIGHTING:** Utilities and outside lighting will be shown on a site plan to be submitted with the Special Exception Application required in Sections 54, 4d, and 52 of the Regulations.

18.1 The existing residence on the property is served with overhead utility lines. All new utilities will be located underground.

18.2 No outside lighting will migrate off-site.

**19. SIGNAGE:** Signage will be in compliance with Section 62 of the Regulations.

**20. SITE DEVELOPMENT:**

20.1 Buildings and Site Layout: The final plans and specifications to be submitted with the Special Exception Application will be substantially consistent with the Site Development Plan submitted with this PDD-ACB amendment. The location and arrangement of all buildings and structures within, and the site development of, PDD-ACB will be consistent with such final plans and specifications and this Amendment. Modifications in the final plans and specifications from the Site Development Plan submitted will be permitted for changes necessary to meet the general limitations of the site itself with regard to the PDD-ACB uses as permitted under this Amendment, the purposes or terms of this Amendment, or the requirements of other commissions, agencies, or regulatory bodies, such as the Torrington Area Health District or the Morris Inland Wetlands Commission, which may have jurisdiction over this project.

20.2 Site Development: Site development will include all improvements necessary to implement the American Country Barns project described herein, such as: the installation of underground utilities, all structures, site drainage and erosion control, the construction of driveways and walkways, and signage.

**21. ARCHITECTURE:** The existing residence will remain, and the exterior will not be changed. The existing large barn will be renovated but will appear substantially the same as it presently appears. The model barns to be constructed or placed on site will resemble typical New England country barns.

**22. LANDSCAPING:** Landscaping will be in accordance with the Landscape Plan and is intended to screen the abutting properties from structures and activities on the subject property.

**23. EXISTING OPEN SPACE:** The property is bisected by East Morris Brook, which runs west to east and drains into the existing pond in the northeast corner of the property. All existing structures are situated north of this stream and the wetland corridor. No new structures will be constructed or placed on the south side of the stream; no activities will occur south of the stream.

**24. CESSATION OF PDD-ACB USE:** Should the American Country Barns Special Exception use be permanently discontinued, the following provisions will apply: The property will revert to the Residential R-60 zone, and no portion of the PDD-ACB zone, except for uses permitted within the R-60 zone, will continue

**25. PROCEDURE AND SPECIAL EXCEPTION PERMIT REQUIREMENTS:** The approval of this PDD-ACB zoning amendment will be considered a change of zone and zoning boundary with respect to the property. All uses in the PDD-ACB will be subject to issuance of a Special Exception Permit as set forth in Section 54, 4d of the Regulations. In reviewing the Special Exception application, the Commission will determine that the plans, specifications, and other required information and documentation submitted with that application are consistent with this PDD-ACB amendment and in compliance with the general standards and provisions set forth in Section 52 of the Regulations. In accordance with Section 52 of the Regulations, Site Plans and Architectural Plans will be submitted with the Special Exception application as required in Section 54 of the Regulations and shall refer to Section 54 as it existed at the time of submission of this Amendment except as modified for purposes of this Amendment.

**26. APPENDIX A:** In accordance with the provisions set forth in Section 20.2 herein, the following buildings and structures are permitted on the property:

- 26.1 Existing residence, to be renovated with offices on first and/or second floor.
- 26.2 Existing large barn, to be renovated and used for storage purposes.
- 26.3 Four model barns to be constructed on concrete slabs or on piers.
- 26.4 One gazebo (17 by 17 feet).