

academy with ten (10) or more such animals, shall be located not less than 100 feet from a property or street line.

5. 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.
- 6. 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.
7. 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.

8. 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 antiquities 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.
9. 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 two (2) 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 eight (8) 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.

10. 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).

11. 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 lot 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 site landscape plan shall be submitted demonstrating a design that will screen on-site parking from view from the street or neighboring properties.

12. 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.

The proposal should include a decommissioning plan, which at a minimum requires stabilization and revegetation of the property.

### 13. Adult Recreational Cannabis Production

This use includes the production, cultivation, micro-cultivation, food and beverage manufacturing and/or product packaging of cannabis provided the facility has a valid and current license from the State of Connecticut's Department of Consumer Protection (DCP) in accordance with an Act Regarding Cannabis.

#### Definitions:

For the purposes of this Section, all terms shall have meanings ascribed to them in Public Act 21-1, as may be amended from time to time.

Cultivator- a person that is licensed to engage in the cultivation, growing, and propagation of the cannabis plant at an establishment with not less than 15,000 square feet of grow space

Food and Beverage Manufacturer- a person that is licensed to own and operate a place of business that acquires cannabis and creates food and beverages

Micro-cultivator- a person licensed to engage in the cultivation, growing and propagation of the cannabis plant at an establishment not less than two thousand square feet (2,000 sf) and not more than ten thousand square feet (10,000 sf) of grow space, prior to any expansion authorized by the Commissioner of Consumer Protection

Producer – a person licensed as a producer pursuant to the Act regarding Cannabis (PA 22-103, as amended)

Product Manufacturer- a person that is licensed to obtain cannabis, extract and manufacture products exclusive to such license type

Product packager – a person licensed to package and label cannabis

Social Equity Applicant- means a person that has applied for a license for a cannabis establishment, where such applicant is at least sixty-five percent (65%) owned and controlled by an individual or individuals, or such applicant is an individual, who:

- (A) Had an average household income of less than three hundred percent of the state median household income over the three (3) tax years immediately preceding such individual's application;

- (B) (i) Was a resident of a disproportionately impacted area for not less than five (5) of the ten (10) years immediately preceding the date of such application; or  
(ii) Was a resident of disproportionately impacted area for not less than nine (9) years prior to attaining the age of eighteen

The above-mentioned license types provided for in the Act Regarding Cannabis may be permitted as a Special Exception in the Town of Morris, subject to the following specific standards and criteria:

- a. The Adult Recreational Cannabis Production facility is located within the R-40, R-60, R-80, C.A. C.B., or LI 80 zone.
- b. These Regulations do not provide for dispensary facilities, hybrid retailers, or retailers to operate within the Town of Morris.
- c. The cultivation of cannabis is not considered to be an Agricultural Use in accordance with Public Act 21-1.
- d. The applicant has an applicable license from the Department of Consumer Protection and complies with state standards and operating procedures as outlined in An Act Concerning Cannabis (PA 21-103), as amended.
- e. The applicant serves as or provides for a “key employee” who oversees the operation day-to-day at the subject site in the Town of Morris. The application includes this individual’s contact information including an operable cell phone number. The Land-Use office must be contacted with new information in the event that this information changes.
- f. As provided for in state legislation, any outdoor signage shall contain only the name and logo of the cannabis production establishment and shall not contain any image or visual representation of the cannabis plant as well as conform with the Town of Morris sign standards as outlined in Article VI Section 62 and in accordance with the standards of the subject zoning district.
- g. No outdoor illumination shall be incorporated into the site’s design except for minimal security lighting. The site plan must adhere to the International Dark Sky Outdoor Lighting Basic Principles, **See Section 67**.
- h. A policy of no outside visitors shall be practiced. Any violation of this policy will result in zoning enforcement action and/or Special Exception revocation. This use also does not imply a possibility of future retail sales or public visitation.
- i. The production facility operates in compliance with Public Act 21-1 as amended, and also, the production facility must operate in compliance with any regulations adopted by the CT Department of Consumer Protection (DCP).

#### Application Requirements:

In addition to providing the Planning & Zoning Commission with the information required for a Special Exception application, the applicant of an Adult Recreational Cannabis Production facility shall also provide the following information, where applicable:

1. Details regarding the license type, license number, license holder, and contact information of the point person who is to be deemed responsible for the property during its use as an Adult Recreational Cannabis Production facility
2. Anticipated number of employees that will be working on-site
3. Average number of daily vehicular trips to be anticipated arriving and departing the facility including employees, deliveries, and other trips that can be associated with the operation of the facility
4. Measures being taken by the license holder to ensure the property is secure and to ensure that there are no adverse impacts to proximal property owners
5. Indication that the sanitary systems have been reviewed and approved by the Torrington Area Health District
6. Parking plan



7. Lighting plan for all outdoor illumination
8. The site plan shall indicate a load zone if drop-offs and pick-ups are an integral part of the operations
9. Upon review of the application, the Commission shall be given the information regarding the facility's signage and its location

The Planning & Zoning Commission and/or Zoning Enforcement Officer shall have the right to request additional information and documentation of the applicant to support or clarify any information previously provided.

If a Special Exception to operate a cannabis establishment is granted, the information furnished in the application shall be updated within thirty (30) days of any material changes. Such update shall be filed with the ZEO and reported to the Planning & Zoning Commission.

Special Exception approval can be revoked by the Commission and/or ZEO for noncompliance with this regulation, any Town ordinance, State Law, or State Regulation.

## **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 -- OUTDOOR ILLUMINATION & DARK SKY PRINCIPLES

SECTION 68 -- AGRICULTURE & AGRI-TOURISM

## 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 the following trailer types shall be in accordance with the following standards:

Definitions: Trailer types referred to in this section are defined in Section 9- Definitions.

Commercial Trailers: Commercial trailers are permitted in conjunction with permitted commercial and industrial establishments (eg contractor's place of business, storage yards, warehouses, wholesale businesses, manufacturing) provided that all of the following standards are met:

- A. Commercial trailers shall occupy a pre-existing driveway and/or area designated for off-street parking. Commercial trailers shall not occupy the front or rear yard of the lot where they are parked.
- B. Immovable commercial trailers used for storage shall be subject to a zoning permit and permitted in the same manner as structures. Commercial trailers used for storage purposes shall be subject to setback requirements and their surface area shall count towards the overall lot coverage and total impervious coverage.

Construction Trailers: Construction trailers are subject to zoning permit approval and shall conform to all of the following provisions:

- A. A construction trailer may be used on a temporary basis as storage and/or as a field office if parked on a lot which is the subject site of an approved construction project.
- B. All construction trailers are subject to the prevailing setback requirements and shall not be located within flood hazard zones, wetlands soils, prime agricultural soils, and/or steep slopes.
- C. Construction trailers may not be located on the project site until approvals are secured and they must not remain on site beyond the construction phase of the project. Prior to the issuance of a zoning certificate of compliance or certificate of occupancy, the construction trailer shall be removed from the job site.

### Recreational Trailers:

A property owner may park or store a recreational trailer (See Section 9 Definitions) on residential property, subject to the following conditions by right (without a zoning permit) in accordance with the following provisions:

- A. Parked or stored trailers shall not 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 except in cases where a zoning permit has been issued by the ZEO for the temporary use of a trailer (See Trailers for Temporary Habitation).
- B. If such a trailer is parked or storage 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. If parked exteriorly (outside of a building such as a garage), a stored recreational vehicle shall occupy a pre-existing driveway and/or an area designated for off-street parking. A recreational trailer shall not be parked on a front or rear lawn and shall not be visible from adjoining properties and/or the public right-of-way to the

maximum extent possible.

- C. An inoperable, immovable, improperly parked, and/or unmaintained recreational Trailer parked may be deemed a “junkyard”, which is a prohibited use in the Town of Morris.

Temporary Non-Residential Restaurant Trailer:

As defined (See Section 9), temporary non-resident restaurant trailers are used for storage, restaurant facilities and/or food preparation, and are subject to the following provisions:

- A. All temporary non-residential restaurant trailers are subject to zoning permit approval as a permissible use on non-residential property.
- B. The placement of restaurant trailers shall adhere to the underlying zones’ setback requirements.
- C. The site plan associated with the zoning permit shall indicate proper ingress/egress from the public right-of-way, parking areas, locations for ordering/seating, and the outdoor illumination (if any).
- D. The applicant shall specify the hours of operation as well as the dates of its operation. If the temporary non-residential restaurant trailer is to operate on an intermittent and varied basis one zoning permit can authorize this use on an annual basis.

Trailers for Temporary Habitation:

A trailer (of any kind) shall not occupy a residential lot as a primary use, except in the event that a temporary use of the trailer has been approved on the subject lot for a specific, limited, and temporary period of time so that a primary structure may be established. The approval for the temporary use of a trailer for habitation shall be approved by a zoning permit and shall include a specific term or duration of time. Torrington Area Health Department approval shall also be required for the temporary use of any trailer used for habitation in the Town of Morris.

## 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.

## SECTION 67 – OUTDOOR ILLUMINATION & DARK SKY PRINCIPLES

### Statement of Purpose:

The Town of Morris Planning & Zoning Commission has pro-actively incorporated Low Impact Development (LID) measures and other best practices into its local regulatory framework. These town-wide outdoor illumination standards & criteria align with responsible outdoor lighting principles and night sky-friendly design as supported by the International Dark-Sky Association (IDA)(darksky.org).

In accordance with IDA's five (5) principles of responsible outdoor lighting:

1. All outdoor illumination shall have a clear purpose.
2. Light should be directed only to where it is needed.
3. Light should be no brighter than necessary.
4. Light should be used only when it is useful.
5. Warmer light colors shall be utilized in outdoor illumination where possible.

Incorporating responsible outdoor lighting standards into the Town of Morris Zoning Regulations will help permit reasonable uses of outdoor lighting for nighttime safety, utility, security, and enjoyment while preserving the ambiance of the night; curtail and reverse any degradation of the nighttime visual environment and the night sky; minimize the glare and obtrusive light by limiting outdoor lighting that is misdirected, excessive, or unnecessary; conserve energy and resources to the greatest extent possible; help protect the natural environment from the damaging effects of night lighting.

### Definitions:

Clutter - bright, confusing and excessive groupings of light sources

Essential Lighting – lighting used for indicating ingress and egress, security, and life safety

Glare – excessive brightness that causes visual discomfort

Light trespass – (aka spillage) light falling where it is not intended or needed

Light pollution – inappropriate or excessive use of artificial light

Skyglow – brightening of the night sky over inhabited areas

### Standards & Criteria:

The following requirements apply to all light fixtures in new and renovated construction in any zoning district that requires a Site Plan or a Special Exception. Outdoor illumination includes all light fixtures mounted on buildings, signs, structures, poles, bollards, and/or ground surfaces.

- A. All outdoor lighting shall be designed, located, installed, and directed in such a manner as to prevent objectionable light and glare;
- B. All exterior lights shall be low-level lighting, shielded to prevent glare and light trespass, and contained to the target area.
- C. All lighting for newly proposed parking and pedestrian areas shall employ full-cutoff type fixtures.
- D. Lighting used to display building, signage, and aesthetic features shall be properly aimed downward, not up-lighted, except as otherwise provided (*eg lighting for flags see J*).

E. All building lighting for security or aesthetics shall be full-cutoff or a fully shielded/recessed type, not allowing any upward distribution of light;

F. Unshielded Floodlighting is prohibited. Fully shielded wall-pack and wall mount fixtures activated by a motion detector and/or on a timer are permitted.

G. No direct light source shall be visible beyond the property lines of the lot it serves.

H. **Gasoline Service Stations.** All area lighting associated with gasoline service stations shall be full-cutoff and under-canopy lighting shall be recessed so that the lens is recessed or flush with the bottom surface of the overhead structure;

I. All Non-Essential Lighting shall be turned off after 10:00 pm. Non-Essential Lighting applies to display, aesthetic, parking, and sign lighting. Motion or infrared sensor lighting control are encouraged for all outdoor lighting.

J. Lighting designed to illuminate the U.S. flag shall be low-level and focused directly on the flag;

K. The height of luminaries, except streetlights in public rights-of-way, shall not exceed a height of eighteen (18) ft from the average ground level to the highest point on the fixture.

L. Exemptions: Traditional seasonal lighting and temporary lighting used by Police, Fire Department, and/or Emergency Services and Essential Lighting are exempt from these Regulations.

**Lighting Plan Applicability:**

For all projects subject to Site Plan review and/or a Special Exception, the applicant shall provide a lighting plan that indicates that the Standards & Criteria (A-L) are met (as applicable) and that the following five (5) principles for responsible lighting are also met:

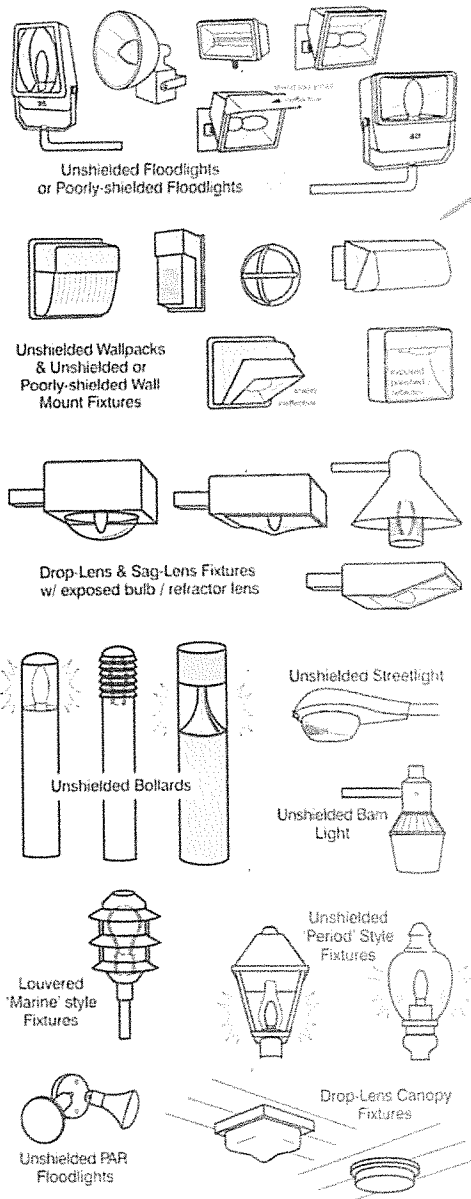
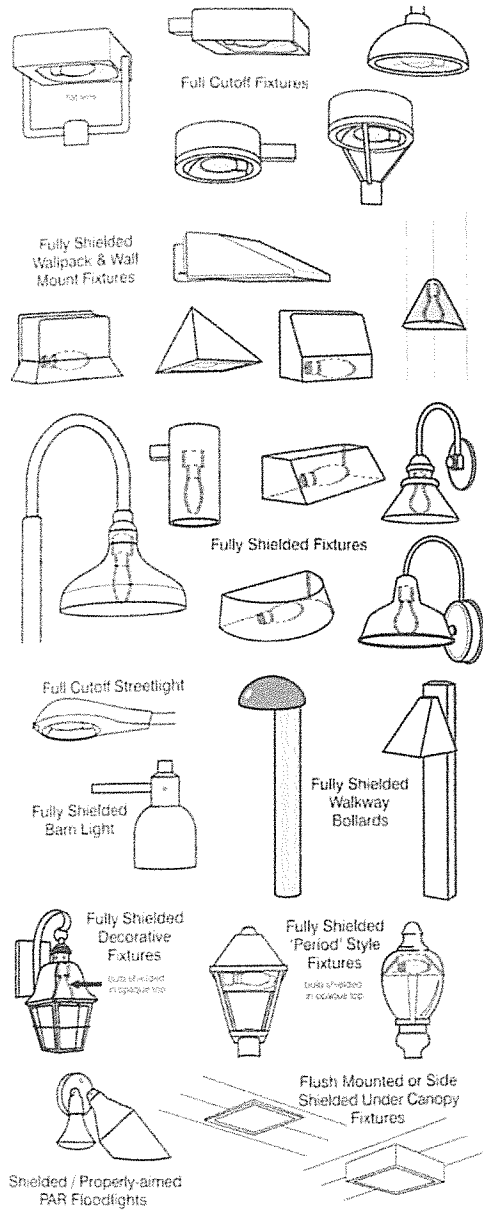
1. All outdoor illumination shall have a clear purpose.
2. Light should be directed only to where it is needed.
3. Light should be no brighter than necessary.
4. Light should be used only when it is useful.
5. Warmer light colors shall be utilized in outdoor illumination where possible.

The Commission shall retain the right to request that a third-party lighting engineer to evaluate a lighting plan. The Commission may also condition Special Exception approval by requiring specific provisions necessary to provide for public health and safety, to address topographic and/or other physical site characteristics, and/or to protect historic, scenic, cultural, and/or environmental resources.

**Recommendation:**

It is recommended that as existing lighting wears out that new fixtures and bulbs adhere to these standards and criteria.

## Graphic Examples:



Source: [mcdonaldobservatory.org/lighting](http://mcdonaldobservatory.org/lighting)

## SECTION 68 -- AGRICULTURE & AGRI-TOURISM

**Purpose.** Agriculture has always been an important part of Morris' economy, culture, and landscape. These regulations seek to support traditional agricultural practices as well as provide flexibility for innovative methods and practices in support of viable farm businesses. These regulations permit farming in all zones, allows farm activities consistent with the state statutes' definition of farming, provides opportunity for accessory agricultural uses, farm businesses, and agri-tourism. Careful consideration has been given to encourage the preservation of local farmland which includes significant open fields, prime agricultural soils, historic barns, and scenic vistas.

### **Definitions.**

**Agriculture.** As defined by CGS 1-1 (q): Cultivation of the soil, dairying, forestry, raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock, including horses, bees, poultry, fur-bearing animals and wildlife; the operation, management, conservation, improvement or maintenance of a farm and its buildings, tools and equipment.

Accessory uses shall include salvaging timber or clearing land of brush or debris left by a storm, as an incident to such farming operations; the production or harvesting of maple syrup or maple sugar, or any agricultural commodity, including lumber, as an incident to ordinary farming operations or the harvesting of mushrooms, the hatching of poultry, or the construction, operation or maintenance of ditches, canals, reservoirs or waterways used exclusively for farming purposes; handling, planting, drying, packing, packaging, processing, freezing, grading, storing or delivering to storage or to market, or to a carrier for transportation to market, or for direct sale of any agricultural or horticultural commodity as an incident to ordinary farming operations, or, in the case of fruits and vegetables, as an incident to the preparation of such fruits and vegetables for market or for direct sale.

The term "farm" includes farm buildings, and accessory buildings thereto, nurseries, orchards, greenhouses, hoop houses and other temporary structures or other structures used primarily for the raising and, as an incident to ordinary farming operations, the sale of agricultural and horticultural commodities. The terms "agriculture" and "farming" do not include the cultivation of cannabis.

**Accessory Uses to Agriculture.** These uses shall be ancillary to a primary farming operation, and may include, but are not limited, to the following: pick your own operations, hayrides, horseback riding, carriage/sleigh rides, educational farm tours, corn mazes, farmers' markets, CSA pick-ups, and/or farm demonstrations. Accessory uses to agriculture may include a combination of activities similar to those listed above. If any accessory use and/or combination of agricultural accessory uses consistently draw twenty-five (25) or more individuals to a working farm, that use shall be considered Agri-tourism.

**Agricultural Event.** An event with a defined start and end time connected to the agricultural undertakings of a working farm to promote agricultural products and practices on the farm where the event is held. The event is an accessory use to a property having a principal agricultural/farming use.

**Agri-tourism.** The combination of a farming operation with aspects of tourism which includes the generation of income and/or the attraction of visitors. Agri-tourism attracts many visitors (greater than 25 individuals) to a site at the same time so it is considered to be a more intense, impactful use than agricultural accessory uses.

**Farm Stand.** Farm stands shall be established only for the display and sale of farm products which primarily have been grown on the premises, and:



- (a) shall not exceed a maximum square footage of 400 square feet
- (b) shall observe setbacks required for buildings and other structures
- (c) shall provide at least one (1) off-street parking space for each fifty square feet (50 sf) of building area and shall provide for safe vehicular ingress/egress to and from the right-of-way.
- (d) shall provide for safe vehicular pull-off from the right of way

**Farm Business.** An establishment associated with an active farm which sells and/or serves agricultural products that may be produced on or off site. Examples of a farm business may include but are not limited to; a retail farm store, farm brewery, farm winery, a farm restaurant, an establishment offering farm stays, and a combination of the these uses.

**Approval Process.** Agriculture is permitted by right in all zones in the Town of Morris. The following table indicates the approval process for uses related to agricultural activity:

| USES                        | APPROVAL PROCESS IN<br>RESIDENTIAL ZONE | APPROVAL PROCESS IN<br>COMMERCIAL ZONE |
|-----------------------------|-----------------------------------------|----------------------------------------|
| Agriculture                 | By Right (No permit required)           | By Right (No permit required)          |
| Agricultural Accessory Uses | Zoning Permit (site plan approval)      | Zoning Permit (site plan approval)     |
| Farm Stand                  | By Right (No permit required)           | By Right (No permit required)          |
| Farm Business               | Special Exception                       | Zoning Permit (site plan approval)     |
| Agri-tourism                | Special Exception                       | Zoning Permit (site plan approval)     |

**Expansion/Modification.** Any expansion or modification of an agricultural use shall be brought to the attention of the Land-Use Office. When considered to be more impactful than the current authorized use(s), the zoning enforcement officer shall bring the proposed farm operation changes before the Commission to review for compliance.

**Multiple Uses.** More than one (1) agricultural/accessory use/and/or agri-tourism activity may be authorized on a single property. The proposed agricultural/agri-tourism uses and their potential impacts will be considered cumulatively when determining compliance.

**Specific Provisions for Farm Businesses and Agritourism Uses in Residential Zone:**

1. As referenced in the Approval Process Table above, Farm Businesses and Agri-tourism uses will require a Special Exception in any residential zone.
2. All outdoor lighting associated with the use shall not produce a glare beyond the boundaries of the subject property to the maximum extent possible and shall only be illuminated during business hours.
3. All off-site signage shall comply with **Section 62: Signs**. Signage shall be presented with the application materials for the Special Exception approval.
4. The parking standards shall be the same as restaurants (Section 61: Parking) and provide for one (1) space for each fifty (50) square feet of patron floor area and must be located on the same lot as the Farm Business and/or Agritourism activity. Parking areas shall not encroach on property setbacks.

5. All on-site water and sanitary systems shall be adequately sized and in suitable condition to serve the proposed use(s). A health official's approval shall be included with the application materials (if applicable).
6. All activities associated with the Special Exception shall comply with all local, state, and Federal regulations and statutes. Approval of plans by other regulatory agencies (building official, fire marshal, local area health district, inland wetlands commission, public safety) shall be obtained when applicable.

**Conditions of Approval:**

Additional conditions or safeguards may be necessary to alleviate adverse impacts to the surrounding residential properties. The conditions for approval may include, but are not limited to, one or more of the following:

- a. Screening and/or buffering from adjacent/adjoining properties and the public right-of-way, especially for proposals that immediately abut residential properties
- b. Limitation regarding the hours of operations, extent of the operation, and/or number of occupants
- c. Regulation of the number, type, and location of parking and/or signage
- d. Regulation of the site accessway and/or other site features
- e. Requirements for additional testing/studies, including but not limited to, traffic, testing of groundwater and/or surface water, noise and lighting analysis, periodic water usage reports, etc. In accordance with Connecticut General Statutes Section 8-1c, a municipality may require any person applying to a planning and zoning commission for approval of an application to pay the cost of reasonable fees associated with any necessary review by consultants with expertise in land use of any particular technical aspect of such application.
- f. Any other data, plans, schematic drawings or other information the Commission finds necessary to consider the application.

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).