

ZONING REGULATIONS OF THE TOWN OF MORRIS CONNECTICUT

Original Date of Adoption: December 13, 1978

Original Effective Date: January 15, 1979

Revisions: June 5, 1985

November 22, 1988

February 16, 1990

July 1, 1995

January 8, 1997

August 6, 1997

March 3, 1999

May 3, 2000

September 30, 2002

March 5, 2003

December 5, 2007

December 29, 2008

October 31, 2011

July 1, 2013

May 15, 2020

March 8, 2021

April 6, 2022

October 19, 2022 Agriculture & Agri-tourism

September 1, 2023 Outdoor Illumination & Dark Sky Principles

November 1, 2023 Group Childcare Homes, Mixed Use, & Multifamily

June 5, 2024 Solar Energy Systems & Trailers

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ARTICLE 1
GENERAL PROVISIONS

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SECTION 1 - PURPOSE

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

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

SECTION 2 - JURISDICTION

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

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

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

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

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

SECTION 3 - ZONING PERMIT AND CERTIFICATE OF ZONING COMPLIANCE

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

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

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

No Zoning Permit or Certificate of Zoning Compliance is required for Agriculture as a primary use, See **Article VI, Section 68.**

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

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

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

SECTION 4 - DISTRICTS

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

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

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

Flood Plain District

Planned Development District

SECTION 5 - ZONING MAP

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

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

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

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

SECTION 6 - PERMITTED USES

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

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

The following uses are specifically prohibited in all districts:

1. The use, occupancy, parking, or storage of a trailer (See **Section 9** for definitions) on any lot except in accordance with the provisions of **Section 64**.
2. The outdoor storage on any lot in a Residence District of more than one (1) unregistered motor vehicle, excluding operable farm vehicles.
3. Carousel, roller coaster, whirligig, merry-go-round, Ferris wheel, or similar amusement devices, unless sponsored by a local charitable or non-profit organization, and then for a period not to exceed six (6) days.

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

SECTION 7 - AREA, LOCATION, AND BULK STANDARDS

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

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

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

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

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

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

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

Height:

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

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

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

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

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

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

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

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

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

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

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

SECTION 8 - ADDITIONAL STANDARDS

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

Plan Requirements: Site plans, when required, shall conform to the following standards as well as the Provisions of **Section 51**:

1. Site Plan: A site plan shall be prepared and stamped/sealed by a CT licensed land surveyor, Professional Engineer, and/or landscape architect. A site plan shall be drawn to a scale of not less than forty (40) feet to the inch and shall show the following information (when applicable to determine compliance):
 - Properties lines and the applicable property line setbacks
 - Contours at an interval not exceeding two (2) feet or equivalents ground elevations
 - Location(s) of buildings/structures (existing and proposed), including docks wharfs, retaining walls, parking, fencing, driveways, and other property improvements
 - Signs and outdoor illumination (see **Section 67**)
 - Site access such as adjacent public right-of-ways or private drives
 - Outside storage areas
 - Sanitary systems
 - A calculation of all paved and impervious surface areas
 - Watercourses, wetlands, and/or waterbodies
 - Stormwater management systems (see **Section 51**)
 - Landscaping and landscaping features including natural terrain
2. Architectural Plans: Architectural plans may be submitted in connection with the establishment of certain uses of land, and/or the construction of buildings and other structures.
3. Stormwater Pollution Prevention Plan (SWPPP): A SWPPP, also known as an Erosion & Sedimentation Control Plan, shall be submitted with any application for development in any district when the disturbed area is cumulatively more than one-half acre (See **Section 51**).
4. Indoor Restaurants: Indoor restaurants and other food and beverage service establishments shall be located within an enclosed building and may include a food take-out service incidental to the primary permitted use but shall not include establishments where customers are served in motor vehicles.

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

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

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

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

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

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

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

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

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

Accessory Solar Energy Systems: Solar energy systems for on-site energy generation shall be permitted by zoning permit as an accessory in all zoning districts subject to the following requirements:

1. General Requirements

- A. A system is considered an accessory solar energy system only if a primary use exists or will exist on the subject-site and the solar energy system is clearly ancillary to the primary use of the property. An accessory solar energy system is only permissible if the system is to generate on-site energy.
- B. A solar energy system as a primary use is subject to a Special Exception approval (**See Section 52**) and must be installed and operated on Town-owned property. A solar energy system as a primary use is only permissible if it is to generate energy for use within the Town of Morris and/or to be purchased for use off-site.
- C. Any upgrades or modifications of an existing solar energy system shall comply with all the provisions of this section.
- D. A zoning permit for any solar energy system shall not be issued until a remediation plan has been submitted with the permit application. A remediation plan must accompany any solar energy system proposal and must specify the expected lifespan of the system as well as detail the construction sequence necessary for its removal at the end of its use. The site must be restored and stabilized to its pre-existing state.

2. Specific Requirements

- A. Accessory solar energy systems shall be designed and located to prevent off-site glare and/or minimize other adverse impacts.
- B. An accessory solar energy system shall not be located within the required setbacks. This includes the extension of the panels of any pole/ground mounted solar array.
- C. The square footage of the panels of solar energy systems shall count towards the building coverage and the impervious surface coverage.
- D. Ground or pole mounted solar energy systems shall not be installed in flood prone areas or where the soil is classified as wetlands and/or prime agricultural soils.
- E. Roof, ground, or pole mounted solar energy systems shall not exceed the maximum height allowed in any zoning district, which is thirty-five (35) feet.

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

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

- 1. No business is conducted from the home office, except by the telephone or by mail.
- 2. There are no outside persons employed. Only members of the family residing in the dwelling shall be employed in the home office use.

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

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

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

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

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

permitting owner of one lot to pass and re-pass over the common portion of the driveway located on the other lot.

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

Corner Visibility: On any corner lot, there shall be no building structure, fence, wall, or planting, located within a triangular space on the lot bounded by the two intersecting street lines and a straight line connecting a point on the street line 25 feet from the intersection with a point on the street line 25 feet from the intersection, so as to obstruct a clear line of sight anywhere across such triangle between an observer's eye at an elevation 3.5 feet above one street line and an object one (1) foot above the other street line.

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

SECTION 9 - DEFINITIONS

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

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

1. "ACCESSORY USE/ACCESSORY BUILDING" An "accessory use" or "accessory building" is a use or building subordinate to the principal building on a lot and used for purposes customarily incidental to those of the principal use or building.
2. "ACCESSORY BUILDING OR STRUCTURE, DETACHED" An accessory building or structure separated from the principal building by a distance of not less than five feet.
3. "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.

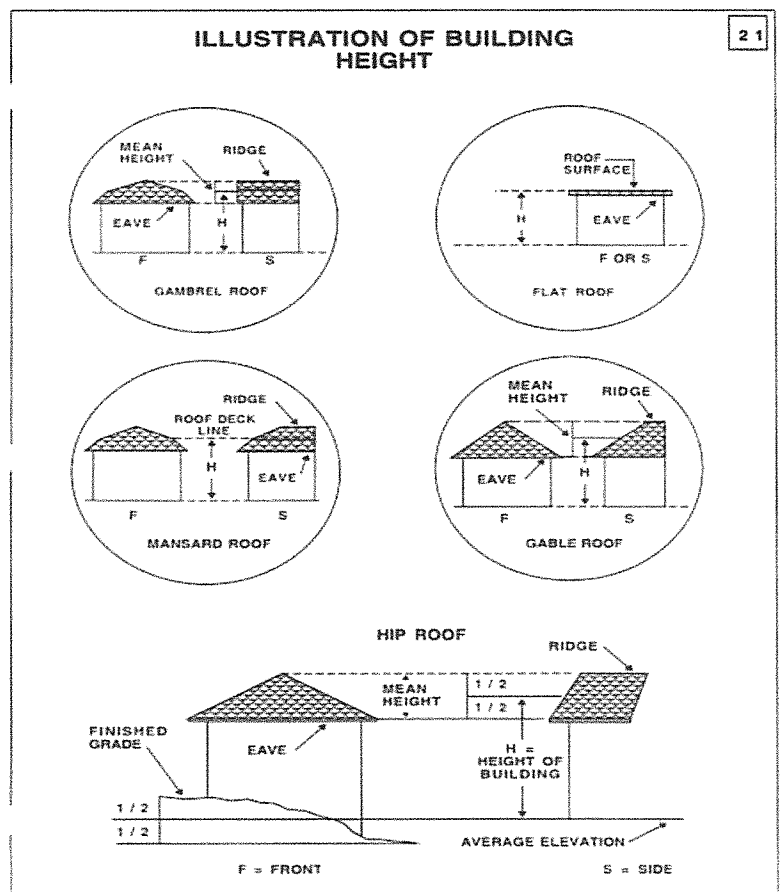
The term "farm" includes farm buildings, and accessory buildings thereto, nurseries, orchards, greenhouses, hoop houses and other temporary structures or other structures used primarily for the raising and, as an incident to ordinary farming operations, the sale of agricultural and horticultural commodities. The terms "agriculture" and "farming" do not include the cultivation of cannabis. See also **Article VI, Section 68.**

4. "ADULT RECREATIONAL CANNABIS PRODUCTION" This use includes the production, cultivation, micro-cultivation, food and beverage manufacturing, and/or product packaging of cannabis, subject to Art V, Section 52. This definition does not provide for a retailer, hybrid retailer, and/or a dispensary facility.
5. "BEST MANAGEMENT PRACTICES" Guidelines designed by a Federal, State, or other qualified public agency which describe methods of building or operating a facility or of using land so as to minimize or eliminate pollution of ground or surface water drinking supplies.

6. "BUILDING" Any structure having a roof supported by columns or walls and intended for shelter, housing, or enclosure of persons or animals.
7. 11. "BUILDING IMPERVIOUS COVERAGE" The percentage of a parcel which is covered by all buildings and structure, not including:
 - building steps, or
 - detached decks provided the deck is not connected to the principal building and is located a minimum of five (5) feet from the principal building.
8. "BUILDING, PRINCIPAL" The building where the primary use on a lot is conducted.
9. "CLUB" An organization catering exclusively to members and their guests, provided that the purpose of the club is not conducted primarily for gain and that there are not conducted any commercial activities except as required generally for the membership and purpose of the club.
10. "COMMISSION" The Planning and Zoning Commission of the Town of Morris.
11. "COMMERCIAL TRAILER" a trailer used for commercially related purposes (eg transportation, supply or equipment storage) in association with a permissible commercial use.
12. "CONSTRUCTION TRAILER" used for construction-related purposes such equipment and supply storage and/or an office as a temporary accessory structure associated with an approved construction project.
13. "CONVALESCENT HOME" Any establishment, other than a hospital, where three or more persons suffering from or afflicted with or convalescing from, any infirmity, disease, or ailment are habitually kept, boarded, or housed for remuneration.
14. "DAY CARE" (See "FAMILY CHILDCARE HOME")
15. "DOCK" An uncovered walkway, either fixed or removable, extending into a lake.
16. "DWELLING" A building or portion thereof, designed exclusively for residential occupancy, including one family, two family, and multiple dwellings, but not including hotels, motels, or boarding houses. (See also "SEASONAL DWELLING".)
17. "FAMILY" One or more persons occupying a single housekeeping unit and using a common cooking facility, provided that unless all members are related by blood or marriage, no such family shall contain more than five persons.
18. "FAMILY CHILD CARE HOME" (also "Group Child Care Home") A day care facility within a single family residential dwelling which facility meets the criteria of Public Act 23-142 of the Connecticut General Statutes and which is subject to the approval of the State of Connecticut. As provided for in the Connecticut General Statutes, a "family day care home" provides day care, for not more than six (6) children, including the day care provider's own children who are not in school full time, where the children are cared for not less than three (3) nor more than twelve (12) hours during a 24-hour period and where care is given on a regularly recurring basis. This use shall be regulated in the same manner as a single-family dwelling.

19. **"FLOOR AREA"** For the purposes of these Regulations the term "floor area" shall be defined as the sum of the horizontal area of the several floors of a dwelling(s) measured from the outside, excluding cellar floor areas, basement rooms, open attics, or unfinished rooms which are not designed or intended for use as living space and garages, unenclosed porches, or decks.
20. **"GARAGE, PRIVATE"** A detached or accessory building or portion of a main building for the parking and storage only of automobiles belonging to the occupants of the premises.
21. **"GARAGE, PUBLIC"** A building or use, other than a private garage, used for maintenance, repair, and storage of automobiles.
22. **"PERMEABLE GRAVEL DRIVEWAY"** A driveway constructed with washed crushed aggregate which contains no fines or stone dust that is constructed in accordance with the specifications found in the Town of Morris Low Impact Sustainable Development Design Manual.
23. **"GROUNDWATER"** All the water beneath the surface of the ground.
24. **"HAZARDOUS MATERIALS"** Substances or combinations of substances including waste products which present an actual or potential hazard to human health or to private or public drinking water supplies if discharged to the ground or surface waters, including:
- Substances which are toxic, flammable, corrosive, explosive, radioactive, or infectious;
 - Substances listed in the U.S. Environmental Protection Agency's "Title III List of Lists – Chemicals Subject to Reporting Under Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986" (which is on file in the Town Clerk's office) and which are used for other than normal household purposes or in quantities exceeding those identified in SARA:
 - Acids and alkaloids outside the pH range of 2 to 10;
 - Petroleum products, including fuels and waste oils;
 - Synthetic organic solvents;
 - Any solid material which, if exposed to water, will leach or dissolve to form a hazardous material as defined above.

25. **"HEIGHT OF BUILDING"** The vertical distance from the average elevation of the finished grade within 10 feet of the walls of the building to the highest point of a flat roof (including parapet), to the roof deck line for a mansard roof, or to the mean height between the eaves and ridge of the roof for a gable, hip, or gambrel roof. Average elevation of finished grade shall be



determined by measuring finished ground elevations equally spaced (maximum 10 feet apart) in a continuum around the perimeter of the building or structure, and dividing their sum by the total number of such elevations. (See Illustration of Building Height)

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

36. “LOT LINE” The property lines bounding a lot as defined herein.
37. “LOT LINE, FRONT AND MINIMUM LOT FRONTAGE” In the case of a lot abutting upon only one street, the line separating the lot from the street; in the case of any other lot, the owner shall, for the purpose of these Regulations, have the privilege of electing any street line as the front lot line.
38. “LOT LINE, REAR” The lot line which is generally opposite the front lot line; if the rear lot line is less than ten (10) feet in length, or if the lot comes to a point at the rear, the rear lot line shall be deemed to be a line parallel to the front line not less than 10 feet long, lying wholly within the lot and farthest from the front lot line.
39. “LOT LINE, SIDE” Any lot line which is not a front lot line or a rear lot line, as defined herein.
40. “LOT, REAR” A lot of which the buildable area is located generally to the rear of other lots having frontage on the same street as said lot and having access to the street via a private right-of-way.
41. “LOT WIDTH” The horizontal distance, measured at right angles and in the center of the depth of the lot. In determining the required width of a lot, any portion of the lot which is in excess of the minimum lot area need not be included.
42. “LOW IMPACT SUSTAINABLE DEVELOPMENT” An ecologically friendly approach to site development and stormwater management that aims to mitigate development impacts to land, water, and air. The approach emphasizes the integration of site design and planning techniques that converse sensitive natural systems and hydrologic functions on a site.
43. “MIXED- USE” A building or group of buildings on a lot which includes a mixture of two or more uses such as, but not limited to, residential, retail, office, manufacturing, civic, and other. The uses are functionally integrated for the shared use of parking, utilities, access, etc.
44. “MOBILE HOME” (*factory-built housing, pre-fab/modular housing*) a residential building which is either wholly or substantially manufactured at an off-site location and transported to a building site and placed on a permanent foundation. A recreational vehicle (which is presumably moveable) is not a mobile home.
45. “MOTEL” A building or group of buildings having units containing sleeping accommodations which are available for temporary occupancy by automobile transients.
46. “MULTI-FAMILY DWELLING” A building or group of building as on one lot containing three (3) or more separate livings units.
47. “PROFESSIONAL OFFICE” The office of recognized professionals, such as doctors, lawyers, dentists, architects, engineers, artists, musicians, designers, teachers, and others who, through training or experience, are qualified to perform services of a professional as distinguished from a business nature.
48. “RECREATIONAL TRAILER” (*travel trailer, camper trailer, pick-up coach, motorized camper, and/or tent trailer*) A moveable structure mounted on wheels with sufficient equipment to render it suitable for use as a temporary dwelling during the process of travel, recreation, and vacation uses.

49. "SEASONAL DWELLING" A dwelling not used for permanent dwelling and not occupied for more than six months in each year.
50. "STORY" That portion of a building which is between the surface of a floor and the surface of the next floor above, or, in its absence, the next ceiling above. A basement shall be counted as a story if the ceiling is more than five feet above the level from which the height of the building is measured or if it is used for business or residential purposes by other than a janitor or watchman.
51. "SETBACK" An open space on the same lot with a structure which lies between said structure and the nearest lot line and which is unoccupied except as may be specifically authorized in this ordinance. In measuring a setback, as hereinafter provided, the line of structure shall be deemed to mean a line parallel to the nearest lot line, drawn from a point of a structure nearest to such lot line. Such measurement shall be taken at right angle from the line of the structure, as defined herein, to the nearest lot line.
52. "SETBACK, FRONT" The open unoccupied space required across the full width of a lot from the front lot line to the nearest edge of the principal building or any covered porch, garage, or addition which extends from the principal building.
53. "SETBACK, REAR" An open unoccupied space extending across the full width of the lot and lying between the rear lot line and the nearest line of the building.
54. "SETBACK, SIDE" An open unoccupied space between the side lot line and the nearest line of the building and extending from the front setback to the rear setback, or, in the absence of either such yards, to the front or rear lot line, as the case may be.
55. "STREET" Any way which is an existing Town or State highway or any way shown on a recorded subdivision map duly approved by the Planning and Zoning Commission, recorded and approved prior to the adoption of subdivision, or certain private streets as identified and delineated on the Town Zoning Map.
56. "STREET LINE" A line separating a parcel of land from a street.
57. "STRUCTURE" Anything constructed or erected, including a building, the use of which requires location on or under the ground or attachment to something having location on the ground, specifically not including an improved or graded area located on the ground with no structural supports other than the subsurface base material and retaining walls. A terrace or patio, a paved or gravel driveway, a parking area, or similar improved surfaced area designed for parking, drainage or erosion stabilization purposes is not a structure within the meaning of these Regulations.
58. "STRUCTURE, ACCESSORY" A structure which is subordinate to the principal building or structure on a lot and used for purposes which are customarily incidental to those of the principal use or building.
59. "STRUCTURE, DETACHED ACCESSORY" An accessory structure separated from the principal building or structure by a distance of five feet or more.
60. "SOLAR ENERGY SYSTEM" a system that uses radiant light and heat from the sun to convert energy into power.

61. "TEMPORARY NON-RESIDENTIAL RESTAURANT TRAILER" (*food truck*) A wheeled trailer used for a permitted outdoor restaurant use. Temporary non-residential restaurant trailers can be used for storage, restaurant facilities, and/or food preparation.
62. "TOTAL IMPERVIOUS COVERAGE" The total percentage of a lot or parcel covered by buildings, accessory structures, pools, patios, driveways, tennis courts or any other hard surface which does not infiltrate rainfall.
63. "TOWN" The Town of Morris, Connecticut.
64. "UNDERGROUND" A structure or structure component which is below the surface of the ground or is not fully visible for inspection.
65. "UTILITY TRAILER" A small box, boat, horse, or flat trailer designed to be towed by a vehicle and considered by right in all zoning districts.
66. "WATER POLLUTION" An activity having a harmful thermal effect on, or contamination, or rendering unclean or impure any waters, including groundwaters of the State by reason of any waste or other materials discarded or deposited therein by any public or private sewer or otherwise so as directly or indirectly come in contact with any waters.
67. "WIND TURBINE" A device that converts wind energy to electricity and not regulated by the Connecticut Siting Council.

SECTION 10 - NONCONFORMING SITUATIONS

Non-Conforming Situations – Definitions:

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

1. Non-conforming lots:

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

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

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

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

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

General Rule Concerning Change from Non-Conforming to Conforming:

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

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

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

Non-Conforming Use of Structures:

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

Change in Non-Conforming Use:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Building On Vacant or Unimproved Non-Conforming Lots:

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

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

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

ARTICLE II

RESIDENTIAL DISTRICTS

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

S8CTION 21 - RESIDENCE R-40 DISTRICT

Permitted Uses:

1. Single-family dwellings.
2. Home office of convenience, subject to the provisions of **Section 8**.
3. Schools, parks, playgrounds, and open space lands of the Town of Morris.
4. Agricultural uses, subject to the provisions of **Article VI, Section 68**
5. Family child care home and group child care homes, in accordance with PA 23-142
6. Signs, as provided in **Section 62**.
7. An accessory apartment or accessory dwelling unit
8. Accessory uses customary with and incidental to any aforesaid permitted use, subject to the provisions of Section 8.

Special Exception Uses: All Special Exception uses shall be subject to the general and specific requirements of **Section 52**.

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

10. Summer day camps provided there is no furnishing of rooms.
11. The following uses when not conducted as a business or for profit: membership clubs; lodges, community houses, nature preserves and wildlife sanctuaries; golf, tennis, swimming, boating, and similar clubs.
12. Public utility substations and telephone equipment buildings provided that there is no outside service yard or outside storage of supplies.
13. Water supply reservoirs, towers, treatment facilities, and pump stations.
14. Railroad rights-of-way and passenger stations, including customary accessory services therein but not including switching, storage sidings, freight yards, or terminals.
15. Town Sponsored Multi-Family Housing and Related Community Facilities.
16. Solar Energy Systems designed to produce electric power to be used off-site only if constructed upon Town- owned property.
17. Accessory uses customary with and incidental to any aforesaid Special Exception use.
18. Adult Recreational Cannabis Production, subject to the requirements of **Art V, Section 52**

Lot Area, Shape, and Frontage:

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

Height:

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

Setbacks:

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

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

Lot Coverage:

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

SECTION 22 - RESIDENCE R-60 DISTRICT

Permitted Uses: Any permitted use in **Section 21**

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

Lot Area, Shape, and Frontage:

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

Height:

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

Setbacks:

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

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

Lot Coverage:

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

SECTION 23 - RESIDENCE R-80 DISTRICT

Permitted Uses: Any Permitted Use in **Section 21**

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

Lot Area, Shape, and Frontage:

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

Height:

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

Setbacks:

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

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

Lot Coverage:

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

SECTION 24 - RESIDENCE R-160 DISTRICT

Permitted Uses:

1. Single-family dwellings
2. Home office of convenience, subject to the provisions of **Section 8**.
3. Family childcare home and group childcare homes in accordance with PA 23-142
4. Parks, playgrounds and open space lands of the Town of Morris.
5. Agricultural uses, subject to the provisions of **Article VI, Section 68**
6. Signs as provided in **Section 62**.
7. Accessory apartments or accessory dwelling units
8. Accessory uses customary with and incidental to any aforesaid permitted use, subject to the provisions of **Section 8**.

Special Exception Uses: All Special Exception uses shall be subject to the general and specific requirements of **Section 52**.

1. Home occupation.
2. Bed and Breakfast.

Lot, Area, Shape and Frontage:

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

Height:

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

Setbacks:

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

b. from all other property lines

20 feet

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

Lot Coverage:

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

SECTION 25 - LAKE RESIDENTIAL DISTRICT L.R.

Permitted Uses:

1. Single-family dwellings
2. Home office of convenience in a dwelling unit, subject to the provisions of **Section 8**.
3. Schools, parks, playgrounds, and open space lands of the Town of Morris.
4. Family childcare home and group childcare homes in accordance with PA 23-142
5. Signs as provided in **Section 62**.
6. An Accessory Apartment or an accessory dwelling unit
7. Accessory uses customary with and incidental to any aforesaid permitted use, subject to the provisions of Section 8.

Special Exception Uses: All Special Exception uses shall be subject to the general and specific requirements of **Section 52**.

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

Lot Area, Shape, and Frontage:

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

Height:

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

Setbacks:

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

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

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

Lot Coverage:

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

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

Permitted Uses:

1. Single-family dwellings
2. Family childcare home and group child care homes in accordance with PA 23-142
3. Private bath houses, lockers, and dressing areas.
4. Swimming facilities.
5. Boat houses, boat docks, and boat launching facilities.
6. Accessory Apartment or Accessory Dwelling Unit
7. Accessory uses customary with and incidental to any aforesaid permitted use.
8. Home office of convenience, subject to **Section 8**.

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

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

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

Prohibited Uses:

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

Lot Area, Shape, and Frontage:

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

Height:

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

Setbacks:

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

Lot Coverage:

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

ARTICLE III
COMMERCIAL DISTRICTS

SECTION 31 - COMMERCIAL DISTRICT CA

SECTION 32 - COMMERCIAL DISTRICT CB

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

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

SECTION 31 - COMMERCIAL DISTRICT CA

Permitted Uses:

1. Any Permitted Use in a Residential District.
2. A hotel or attached tourist unit or motel providing that the lot area is equal to not less than two-thousand (2,000) square feet for each guest sleeping accommodation, but not less than forty-thousand (40,000) square feet total area.
3. Indoor restaurants and other indoor food and beverage service establishments, with take-out service and outdoor dining as an accessory and incidental use subject to the provisions of **Art. I, Section 8**.
4. A retail business or retail service occupation.
5. Business and professional offices, banks and other financial institutions, medical and dental clinics.
6. Theaters for indoor motion picture projection or dramatic or musical productions.
7. Business, commercial, or vocational schools, whether operated for profit or not.
8. Family childcare home and group child care homes in accordance with PA 23-142.
9. A newspaper office or job printing plant.
10. Mortuary.
11. Off-street parking facilities, whether accessory to a permitted use or not.
12. Signs as provided in **Section 62**.
13. Accessory uses customary with and incidental to any aforesaid permitted use

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

1. Bed and Breakfast use.
2. Mixed-Use
3. Self-Storage Facility subject to the requirements of **Art. V, Section 52**.
4. Adult Recreational Cannabis Production, subject to the requirements of **Art V, Section 52**.

5. Multi-family dwellings

Lot Area, Shape, and Frontage:

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

Height:

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

Setbacks:

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

Lot Coverage:

1. Maximum Coverage by Buildings and Structures 25%
2. Total Impervious Coverage 50%
3. Minimum for First Floor Area:
 - 1 story 1,000 square feet
 - 1½ stories 700 square feet
 - 2 or more stories 600 square feet

Site Plan: Prior to approval of any application for a Zoning Permit (other than single dwelling for one family) for a use permitted under this section, a Site Plan shall be submitted and approved in accordance with the provisions of **Section 51**.

Any Site Plan submitted hereunder shall show thereon a strip of land not less than thirty (30) feet wide in all side and rear yards where adjacent to a residence district which strip of land shall be suitably landscaped and not used for parking or for any use prohibited in such adjacent Residential District.

SECTION 32 - COMMERCIAL DISTRICT CB

Permitted Uses:

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

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

1. Bed and Breakfast use.
2. Mixed-Use
3. Adult Recreational Cannabis Production, subject to the requirements of **Art V, Section 52**.
4. Multi-family dwellings

Lot Area, Shape, and Frontage:

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

Height:

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

Setbacks:

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

Building and Bulk Coverage:

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

Site Plan: Prior to approval of any application for a Zoning Permit (other than single dwelling for one family) for a use permitted under this section, a Site Plan shall be submitted and approved in accordance with the provisions of **Section 51**.

Any Site Plan submitted hereunder shall show thereon a strip of land not less than thirty (30) feet wide in all side and rear yards where adjacent to a Residential District, which strip of land shall be suitably landscaped and not used for parking or for any use prohibited in such adjacent Residential District.

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

Permitted Uses:

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

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

1. Bed and Breakfast
2. Mixed Use
3. Multi-family Dwellings

Lot Area, Shape, and Frontage:

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

Height:

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

Setbacks:

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

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

Building bulk and coverage:

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

Site Plan: Prior to approval of any application for a Zoning Permit (other than single dwelling for one family) for a use permitted under this Section, a Site Plan shall be submitted and approved in accordance with the provisions of **Section 51**.

Any Site Plan submitted hereunder shall show a strip of land not less than 30 feet wide in all side and rear yards where adjacent to a Residential District which strip of land shall be suitably landscaped and not used for parking or for any use prohibited in such adjacent Residential District.

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

Permitted Uses:

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

Special Exception Uses: All Special Exception uses shall be subject to the general and specific requirements of **Section 52**.

- 1. Home Occupation
- 2. Bed and Breakfast
- 3. Multi-Family Dwellings

Lot Area, Shape, and Frontage:

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

Height:

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

Setbacks:

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

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

Building Bulk and Coverage:

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

Site Plan: Prior to approval of any application for a Zoning Permit (other than single dwelling for one family) for a use permitted under this Section, a Site Plan shall be submitted and approved in accordance with the provisions of **Section 51**.

Any Site Plan submitted hereunder shall show a strip of land not less than 30 feet wide in all side and rear yards where adjacent to a Residential District which strip of land shall be suitably landscaped and not used for parking or for any use prohibited in such adjacent Residential District.

ARTICLE IV
LIGHT INDUSTRIAL DISTRICT

SECTION 41 - LI-80 DISTRICT

SECTION 41 - LIGHT INDUSTRIAL - 80 DISTRICT

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

Special Exception Uses:

1. Only Special Exception uses as permitted in any Residential District or any permitted use or Special Exception use permitted in any previously listed Commercial District, including Mixed Uses and Multi-family Dwellings, with the exception of a job printing plant or mortuary.
2. Storage warehouses.
3. Wholesale and distributing establishments.
4. Lumber and building material yards, contractor equipment storage.
5. Public utility buildings, including storage yards.
6. Manufacture of pottery and ceramic products.
7. Assembly of articles made of wood or metal.
8. The manufacture and assembly of electronic components and circuit boards including cable assemblies, wiring harnesses, mechanical assemblies, electro-mechanical systems, and similar electronic parts.
9. Paint, woodwork, sheet metal, blacksmith, or machine shop, excluding the use of a drop hammer.
10. Signs as provided in **Section 62** and parking as provided in **Section 61**.
11. Accessory uses which are customary and incidental to any of the aforesaid uses, including, but not limited to: administrative, sales and marketing offices, research and development and testing, shipping, receiving, and storage.
12. Adult Recreational Cannabis Production, subject to the requirements of **Art V, Section 52**

Lot Area, Shape, and Frontage:

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

Height:

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

2. Maximum Height 35 feet

Setbacks:

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

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

Building Bulk and Coverage:

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

Site Plan: The Special Exception application shall be accompanied by a Site Plan prepared in accordance with the provisions of **Section 51**.

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

ARTICLE V

SITE PLANS, SPECIAL EXCEPTIONS, AND SPECIAL DISTRICTS

SECTION 51 – STANDARDS AND REQUIREMENTS FOR SITE PLANS

SECTION 52 – STANDARDS AND REQUIREMENTS FOR SPECIAL EXCEPTIONS

SECTION 53 – PROCEDURES FOR SITE PLAN AND SPECIAL EXCEPTION APPLICATIONS

SECTION 54 - FLOOD PLAIN DISTRICT

SECTION 55 - PLANNED DEVELOPMENT DISTRICT

SECTION 51 - STANDARDS AND REQUIREMENTS FOR SITE PLANS

General: The following regulations (**Section 51**) shall apply to the submission and administrative review of Site Plans for the establishment of certain uses of land, buildings, and other structures as specified in these regulations.

All applications for a Zoning Permit shall require submission of a Site Plan in accordance with the requirements of **Section 8: Additional Standards**.

Site Plans- Submission Requirements:

1. Application: The Site Plan shall be submitted to the Zoning Enforcement Officer with an application and a fee.
 2. Site Plans: In accordance with **Section 8**, a site plan shall be prepared and stamped/sealed by a CT licensed land surveyor, Professional Engineer and/or landscape architect. A site plan shall be drawn to a scale of not less than forty (40) feet to the inch and shall show the following information (when applicable to determine compliance):
 - Properties lines and the applicable property line setbacks
 - Contours at an interval not exceeding two (2) feet or equivalents ground elevations
 - Location(s) of buildings/structures (existing and proposed), including docks wharfs, retaining walls, parking, fencing, driveways, and other property improvements
 - Signs and outdoor illumination (see **Section 67**)
 - Site access such as adjacent public right-of-way's or private drives
 - Outside storage areas
 - Sanitary systems
 - A calculation of all paved and impervious surface areas
 - Watercourses, wetlands, and/or waterbodies
 - Stormwater management systems (see **Section 51**)
 - Landscaping and landscaping features including natural terrain
 3. Architectural Plans: Where required to determine compliance, architectural plans shall be submitted in accordance with the establishment of certain uses of land and may be requested by the Commission to determine compliance.
 4. A Stormwater Management Plan (SWPPP): An Erosion & Sedimentation Control Plan shall be submitted with any application for development in any District when the disturbed area of such development is cumulatively more than one/half (1/2) acre. A single- family dwelling that is not a part of a subdivision of land shall be exempt from these erosion and sediment control regulations. The SWPPP shall be designed in accordance with the requirements of the Town of Morris Low Impact Sustainable Development Design Manual.
- The applicant shall indicate (in mapped and narrative form) the measures to be taken to control erosion and sedimentation both during and after construction. The plan and its specific measures shall be in accordance with the principles and the minimum standards of the 2004 Connecticut DEEP Guidelines for Erosion and Sediment Control (as may be amended from time to time).
- A. A narrative describing the -
1. Development project

2. Phasing Plan and schedule for –
 - a) All major construction activities indicating the anticipated start and completion of development,
 - b) Creating and stabilizing disturbed areas,
 - c) Grading operations, and
 - d) Applying erosion and sediment control measures and facilities to the land.

3. Design criteria, construction details, detailed installation/application procedures and maintenance programs.

B. A Site Plan map to show –

1. Existing and proposed topography
2. Within disturbed areas, topographic contours shall be shown at no less than two (2) foot intervals based upon field survey.
3. Proposed site alterations and disturbed areas, including cleared, excavated, filled, or graded areas.
4. Location of and other detailed information concerning erosion and sediment measures and facilities.
5. Provisions to handle runoff from active construction areas and prevent the discharge of runoff to the maximum extent practical to off-site areas.

Site Plans- Approval Criteria: In acting upon an application, the Commission shall consider the following:

1. All required or necessary information has been provided by the applicant so that compliance can be determined.
2. The proposal complies with all other applicable sections of the Zoning Regulations including, but not limited to, dimensional requirements, permitted uses, parking, signs, lighting, and any special regulations applying to the subject use and/or zoning district as well as compliance with the requirements of the Town of Morris Low Impact Sustainable Development Design Manual, where applicable.
3. The applicant has considered all other applicable local, state, and Federal requirements including subdivision approvals and necessary permits from other agencies, such as the Inland Wetlands & Watercourse Agency.
4. Careful consideration has been given to the site access, its internal circulation, as well as egress from the site to the public right-of-way.
5. Location and type of signage and lighting as well as landscaping, parking, and loading areas and overall site grading to prevent the degradation of the natural environment.
6. The proposal has adequately addressed potential public adverse effects and will not diminish the health, safety, and welfare within the Town of Morris.

Approval: The Commission may approve or deny a Site Plan as well as allow an applicant to modify a submission for additional review.

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

SECTION 52 - STANDARDS AND REQUIREMENTS FOR SPECIAL EXCEPTIONS

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

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

Special Permit – Submission Requirements-

1. Application: An application and the required fee for a Special Exception shall be submitted in advance of a regularly scheduled Commission meeting in order to be received. :
2. Statement of Use: A written statement describing the proposed use in sufficient detail shall accompany the required application form & fee.
3. Site Plan: Four (4) full-sized copies of Site Plan (in accordance with the provisions of **Section 8** and **Section 51**).

Waiver: The Commission, upon written request by the applicant, may by 2/3 vote waive the required submission an element of a site plan (**See Section 8**); if the Commission finds that the information is not necessary in order to decide on the Application.

4. Architectural Plans: Architectural plans, which may be in preliminary form, in accordance with the provisions of **Section 51**, where applicable to determine compliance.

5. Stormwater Pollution Prevention Plan (SWPP): In accordance with **Section 51**, where applicable.

Approval Criteria- General Standards: The Commission shall determine whether the Special Permit use satisfies the relevant standards and regulations and whether any conditions are necessary to protect the public health, safety, and welfare.

All Special Exceptions are subject to the following General Standards:

1. All required and necessary information has been provided by the applicant so that compliance can be determined.
2. The proposed use is a permissible use as set forth in the Town of Morris Zoning Regulations and the proposed use is compatible with the Town's Plan of Conservation and Development.
3. The location, size, and specifics of the proposed use and the nature and the intensity of the use in relation to the size of the lot and its surroundings will be in harmony with the orderly development of the Town and compatible with other existing uses.

4. Proper consideration has been given to the environmental quality of the proposal, including SWPPP, proposed grading and other features as well as proper use and preservation of the site's natural features. The size, location, height of the structures, and the nature and extent of the site work, and the nature and the intensity of the use shall not hinder or discourage the use of neighboring properties.

Approval: The Commission may grant, grant subject to specific conditions, or deny the Special Exception application.

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

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

1. Convalescent Homes and Hospitals: Convalescent homes, private hospitals, and sanatoria shall be licensed by the State of Connecticut and shall conform to the following Special Standards:
 - a. The use shall be located on a lot with a minimum area of ten (10) acres, and there shall be no more than one (1) patient bed for each 10,000 (ten thousand) square feet of lot area.
 - b. No building or other structure established in connection with such use shall extend within less than one-hundred (100) feet of any property or street line.
 - c. The use shall be served by adequate water supply and sewer.
 - d. The use shall comply in all respects to applicable laws and regulations of the State of Connecticut.
 - e. The application shall be accompanied by a report from the Torrington Area Health District attesting to the adequacy of the proposed utilities, location, Site Plan, buildings and facilities for its intended use.
 - f. The application shall be accompanied by a report from the Fire Marshal attesting as to the safety of the proposed location, buildings and facilities.
2. Clubs: Golf, tennis, swimming, or other similar clubs shall be located on a lot of not less than 5 acres and no building, structure, or recreation facility established in connection with such use shall extend within less than one hundred (100) feet of any property or street line.
3. Public Utility Substations: Public utility substations and telephone equipment buildings shall conform to the following Special Standards:
 - a. Any equipment or utility facilities not located in a building shall be enclosed on all sides by evergreen shrubs or trees or by buildings, fences, walls, or embankments, so as to be screened from view from any other lot or from the street.
4. Commercial Kennels and Stables: Commercial kennels, livery, and boarding stables, and riding academies shall be located on a lot of not less than ten (10) acres. Dogs shall be kept in buildings, enclosures, or runs located not less than two hundred (200) feet from any property or street line. Any building in which horses, ponies, or donkeys are kept, as part of a commercial stable or riding

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

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 of the building containing the self-storage use must be submitted with the application and must demonstrate that the exterior of the building will be consistent with the architectural character of the area of the commercial district where the self-storage use will be located
 - ii. If requested by the Commission, a 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: