

SECTION 8 – ADDITIONAL STANDARDS

8.1 General:

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

8.2 Plans:

Site plans and architectural plans, when required to be submitted under these Regulations in connection with an APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE, shall conform to the following standards:

8.2.1 Site Plan:

A site plan drawn to scale of not less than 1" = 50', showing the dimensions and acreage of each lot or tract to be built upon or otherwise used; water courses and wetlands; the size, shape and location of existing and proposed buildings and other structures; historic features and major trees, building coverage data; the location and layout of parking areas, all parking spaces, curb cuts, driveways and sight distances; outside loading zones and storage areas; existing and proposed grades and drainage, erosion control plans; proposed sewer (or other waste disposal system) and water facilities and connections; a landscaping plan showing locations of proposed plantings and screenings and natural areas to be left undisturbed; proposed location of outdoor illumination, fences, signs, and advertising features; a soil map, soil symbols and written interpretation of same showing soil conditions on the lot or tract, and a key map showing the entire project, and its relationship to surrounding properties and the existing buildings thereon; four (4) copies shall be submitted.

8.2.2 Architectural Plans:

Preliminary architectural plans and rendering showing, as a minimum, the first floor plan and/or other outside access plan and all elevations, with indication of proposed material and color of all proposed principal buildings and structures and all accessory buildings and structures; four (4) copies shall be submitted.

8.2.3 Other:

The Commission may also request the submission of such additional information as the Commission may deem necessary in order to decide on the application or may waive submission of any of the foregoing data.

8.3 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 also conform to the following additional standards and conditions:

- 8.3.1 The accessory use shall be located on the same lot with the use to which it is accessory.
- 8.3.2 Accessory uses may include off-street parking spaces and provide 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 or street and such vehicle shall not exceed 1 ½ tons capacity.
- 8.3.3 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.

8.4 Professional Office in a Dwelling Unit:

A professional office in a dwelling unit located in a Residence District is an additional use for which a CERTIFICATE OF ZONING COMPLIANCE is required. Such office shall be used only for the office of persons engaged in a recognized profession, such as physicians, dentists, lawyers, engineers, architects, land surveyors, teachers and clergymen, who through training and experience are qualified to perform services of a professional as distinguished from a business nature. The person conducting the office shall reside in the dwelling unit, and there shall be no more than two (2) non-resident persons employed in connection with such office. The floor area used for the office shall not exceed one third of the floor area of the dwelling unit.

8.5 Home Occupation in a Dwelling Unit:

- 8.5.1 A permit shall be required and be issued for a home occupation as an accessory use to a residence as provided in Section 21. The following criteria shall be met, in addition to the other applicable criteria and standards set forth in the Regulations.
 - A. Such accessory uses shall be restricted to the residential owner, except as otherwise provided in these Regulations.
 - B. Adequate off-street parking shall be provided on the premises consistent with the standards established for the relevant type of use under Section 62 of the Regulations.

- C. The Commission may condition the issuance of a permit under this section on the provision of reasonable screening, time limits, hours of use, and other factors related to the operation of such use.

8.5.2

The following standards shall be applied to all home occupations permitted under Section 21 of these Regulations:

- A. The use must be clearly incidental and secondary to the use of the building as the principal residence of the owner in fee thereof.
- B. Only one home occupation is permitted per dwelling unit.
- C. The use must not change the residential character of the dwelling in any visible manner.
- D. The use must not create objectionable noise, odor, vibrations, or unsightly conditions noticeable off the premises.
- E. The use must not create interference with radio and television reception in the vicinity.
- F. The use must not create a health or safety hazard.
- G. No more than one (1) non-resident may be employed.
- H. No external alterations or construction features not customarily found in a home may be made to the dwelling.
- I. No more than one (1) commercial-type vehicle, not to exceed 11,000 pounds gross vehicle weight (GVW), may be parked on the site.
- J. Except for fruits, vegetables, and other produce grown on the premises, no merchandise may be displayed so as to be visible from the street.
- K. Only those articles that are made, raised, or grown on the premises may be sold.
- L. The home occupation must be confined to the first floor of the dwelling unit and must not occupy more than twenty percent (20%) of the floor area of the first floor or five hundred (500) square feet, whichever is less (for purposes of this subsection, no addition made to the floor area within the two years prior to the Commission's receipt of an application for a home occupation permit shall be considered in the calculation of the floor area to be allowed for the home occupation).

M. All parking shall be appropriately screened from all abutting residential properties.

N. Lawfully commenced home occupations shall not be permitted to become more intensive than these Regulations would otherwise allow, and any change to a home occupation that results in such a level of intensity shall be deemed to be a change in character of the use.

8.5.3 Any permit issued by the Commission for a home occupation under these Regulations shall be limited to the specific use described in the application and shall be contingent upon continuous satisfaction of the standards and criteria set forth in this Section 8 and all other relevant provisions of these Regulations. The permit shall expire and become null and void upon any substantial or material change in the nature of the permitted use or upon the failure of the permittee to comply with any applicable provision of these Regulations. Each permit shall be valid for a period of two (2) years or for such lesser period fixed by the Commission. Upon application, the Commission may extend the time period for periods of not more than one (1) year, provided that there exists no violation of the terms of the original permit.

8.6 Renting of Rooms:

When a portion of a dwelling unit is rented or leased, the renting of rooms in the dwelling unit is an additional use for which a CERTIFICATE OF ZONING COMPLIANCE is required. The person renting the rooms shall reside in the dwelling unit. This section shall not apply to the renting or leasing of an entire dwelling unit.

8.7 Farms:

Farms, including truck gardens, nurseries, greenhouses, forestry and the keeping of livestock, shall conform to the following additional standards and conditions:

8.7.1 Farms shall not include commercial piggeries, and there shall be no commercial slaughtering, fertilizer manufacturing or any commercial reduction of animal matter.

8.7.2 No livestock shall be kept on a lot less than five (5) acres and any building in which livestock or poultry are kept shall not extend within less than one hundred (100) feet of any property or street line, except as follows:

- A. The term “livestock” as used above shall not include domestic animals, sheep, goats or other animals being raised as part of a 4-H project, and the term ”lot” as used in subparagraph (b) below may include leased land adjacent to or directly across the street from a lot owned, and
- B. horses or ponies may be kept on a lot less than five (5) acres, provided the lot contains an area not less than 40,000 square feet owned and/or leased for each such horse or pony and any building in which such horses or ponies are kept shall not extend within less than fifty (50) feet of any property or street line and, in the case of new buildings hereafter constructed, shall not extend within less than one hundred (100) feet from an existing dwelling on another lot, and
- C. an aggregate of not more than twenty (20) chickens or other poultry may be kept on any lot less than five (5) acres if kept in a building or enclosure conforming to the setback requirements for buildings and other structures; and
- D. provided that none of the foregoing uses on lots less than five (5) acres shall create offensive odors, noise or unsightly appearance noticeable off the owned and/or leased premises.

8.7.3 No commercial greenhouse shall extend within less than 150 feet of any property or street line.

8.8 Minimum Access:

Lots which lack the width measurement of the street line may be approved if the lots conform to the area requirement for that particular zone. Each interior lot must have a frontage effective for access purposes of not less than fifty (50) feet on a public street or on a street approved as part of a subdivision plan and maintain this minimum fifty (50) foot width from the street to the interior lot line. The area of the access strip shall not be included in determining the area of the interior lot. A separate access strip shall not be included in determining the area of the interior lot. A separate access strip is required for each lot. Each access strip must be owned in fee simple by the owner of the lot. No more than one (1) single family dwelling is permitted per lot. Each lot shall be capable of accommodating automobile access from such street to a parking space or spaces on the lot by means of a driveway. Proof of capable access requires the necessary permits from any Commissions or Departments to include but not limited to the Middlebury Conservation Commission and the Board of Selectmen (for access to Town roads.)

8.9 Corner Visibility:

No wall, fence, shrubbery, or trees shall be erected, maintained, or planted on any lot which unreasonable or dangerously obstructs or interferes with visibility of drivers of vehicles on a curve or at any street intersection. Any fence, wall or plantings which so obstructs such line of sight shall not be considered a nonconformity authorized to continue under the provisions of Section 10, titled Nonconformity.

8.10 Construction on Unaccepted Streets or Highways:

No CERTIFICATE OF ZONING COMPLIANCE shall be issued for the erection of a Building, other than an accessory building, located on a lot abutting an unaccepted street or highway unless, (a) plans for a street to be accepted by the Town upon completion have been approved by the Commission and by the Board of Selectmen, (b) a bond complying with Subsection 8.1 of the Subdivision Regulations for completion of said street has been posted in an amount which in judgment of the Commission is sufficient to insure completion of the street in conformity with the plans and specifications and which meets Town standards and (c) the Board of Selectmen have by official vote determined that construction of building on said unaccepted street may proceed prior to completion and acceptance of the street without detriment to the Town. The Zoning Enforcement Officer may issue a Stop Work Order on any such building in accordance with Section 72 if at any time he/she determines that the completion of the street or highway in accordance with Town standards is not likely.

8.11 Outside Lighting:

Outside lighting in all districts shall be directed so that the source of illumination is not visible beyond the property or street line. In residential districts no light shall be transmitted outside of the lot where it originates so as to endanger the public health or safety on any street or highway nor to impair the value or reasonable use of any lot.

8.12 Performance Standards:

In addition to the requirements of Section 61, all use of land, buildings and other structures in Industrial Districts shall conform to the following standards:

- 8.12.1 No offensive odors, noxious fumes or gases shall be emitted into the air from any lot.
- 8.12.2 No noise from manufacturing, processing or assembly of goods or material shall be transmitted to a residential district or PO-40 District outside the lot where it originates; but noise up to 60 decibels may be transmitted within the Industrial District

8.13 Areas adjacent to Regional Water System Interconnection:

Only previously developed parcels and those developed through a simple division in accordance with R-40 and R-80 zoning districts will be eligible to receive public water service in areas where the extension of public water service is not compatible with the State of Connecticut Conservation and Development Policies Plan. (Conservation areas, Preservation areas, Existing preserved open spaces and Rural Lands). This restriction applies to properties located along the region's water supply interconnection (water main) installed in Route 188 (Whittemore Road) and Tucker Hill Road between their respective intersection with Bronson Drive and Chase Road.