

# Town of Union, Connecticut

## Zoning Regulations



Effective June 1, 2014

# ZONING REGULATIONS TOWN OF UNION, CONNECTICUT

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## ARTICLE I PREAMBLE

### SECTION 1.01 PURPOSE AND AUTHORITY

These zoning regulations for the Town of Union are and have been adopted in accordance with, and for the purposes set forth in, Chapter 124 of the Connecticut General Statutes, and more specifically for the following purposes:

To protect and promote the public health, safety, welfare, convenience and property values; to lessen congestion in the streets; to secure safety from fire, panic, flood, environmental damage and other dangers; to provide adequate light, air and water; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate adequate provisions for transportation, water, sewerage, schools, parks and other public requirements; to preserve and protect the unique character of the Town of Union; to protect sites and features of historic and archaeological significance; to conserve and protect existing and potential surface-water and groundwater drinking supplies and other valuable natural resources; to prevent unnecessary soil erosion and sedimentation; and to provide adequate housing opportunities for all citizens of Union consistent with soil types, terrain, infrastructure capacity, and the rural character of the Town.

### SECTION 1.02 COMPREHENSIVE PLAN

The zoning regulations established hereunder, including the official Zoning Map, are in accordance with, and are hereby declared to embody, the comprehensive zoning plan of the Town of Union.

## ARTICLE II GENERAL PROVISIONS

### SECTION 2.01 CONSTRUCTION OF LANGUAGE

When not inconsistent with the context, words used in the present tense include the future, and the singular includes the plural. The word “shall” is intended to be mandatory, and the word “may” is permissive. In case of any difference of meaning or implication between the text of these regulations and any caption, illustration, summary, table, or illustrative table, the text shall control. The terms “used” and “occupied” include the meanings “designed to be used (or occupied)” and “intended to be used (or occupied)”.

### SECTION 2.02 DEFINITIONS

For the purposes of these regulations, the terms, phrases and words listed below have the meanings thereafter stated:

**Accessory building or structure:** A supplemental building or structure, the use of which is subordinate or incidental to that of the principal building or structure and which is located on the same lot as the principal use or on a contiguous lot under the same ownership.

**Accessory use:** A use of land, or of all or a portion of a building or structure, which is subordinate or incidental to the principal use of the land, building or structure and which is located on the same lot as the principal use or on a contiguous lot under the same ownership.

**Accessway:** That portion of an interior lot through which access is provided from a town-approved or state-approved road. For purposes of these regulations the accessway shall be deemed to include the entire portion of the lot located between the street line and the line at which the lot width first equals the length of the lot frontage requirement for the zone in which the interior lot is located. An example: if the lot frontage requirement in a zone is 200 feet, the accessway would include all that portion of the lot beginning at the street line and have a width less than 200 feet.

**Agricultural buildings and structures:** Buildings or structures used in connection with agriculture, including shelter for farm animals and storage for farm machinery, equipment and supplies.

**Agriculture:** The cultivation of land, including planting and harvesting of crops, tillage, horticulture and forestry; and the raising and management of livestock, including cattle, sheep, goats, pigs, rabbits, and poultry.

**Alteration:** Any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as walls, partitions, columns, beams, girders; or any change which may be referred to herein as “altered” or “reconstructed”.

**Antenna:** Any object or device, including but not limited to panels, microwave dishes, and single pole devices known as whips, used as part of a telecommunications network to transmit or receive electromagnetic signals directly through or from the air.

**Aquifer:** A geological formation, such as bedrock, sand and gravel, or glacial till, capable of yielding usable amounts of groundwater.

**Assemble:** To build up a complete unit from parts manufactured elsewhere.

**Base flood:** The flood having one (1) percent chance of being equaled or exceeded in any given year.

**Bloom:** The lighting from below of dust particles or moisture in the atmosphere causing a ‘glow’ in the sky when viewed from a distance.

**Boarding, rooming, lodging, or tourist quarters:** A portion or portions of a dwelling that is occupied by the owner and in which overnight accommodations are offered or provided. The term does not include a hotel or motel.

**Boundary line:** A lot line or property line. The line legally separating two (2) adjoining lots or parcels of land.

**Brewery:** A producer of beer, malt or ale over 5,000 barrels per year. 1 barrel = 31 gallons

**Buffer area:** A strip or strips of land densely planted (or having equal natural growth) with shrubs and/or trees at least four (4) feet high at time of planting, of a type that will form year-round dense screening. Such area must be without buildings, structures or other accessory uses.

**Buildable land:** Dry land meeting the standards set forth in Section 2.08 of these regulations.

**Building:** Any structure having a roof supported by columns or walls and intended for shelter, housing, or enclosures of persons, animals or materials. When any portion of a building is completely separated from every other portion by masonry or a fire wall without any window, which wall extends from the ground to the roof, then such portion shall be deemed to be a separate building.

**Building Code:** The provisions of Chapter 354 of the Connecticut General Statutes and any state and local regulations adopted pursuant thereto and in force in the Town, as the same may be amended from time to time.

**Building height:** The vertical distance measured from the mean level of the ground (finished grade) surrounding the building to the highest point of the roof.

**Building line:** A line parallel to the street at a distance equal to the required front yard or at a greater distance when otherwise legally established by the Town or by private agreement.

**Building permit:** A permit that must be obtained from the Building Official before construction starts.

**Camp:** A cabin or structure having a design or character suitable for seasonal or temporary living purposes.

**Camper trailer:** See “Trailer”.

**Certificate of Occupancy/Use:** A certificate granting the right to occupy or use a building, structure or land and attesting to the applicant’s having met all the requirements of these regulations and other applicable laws. Such certificate may be issued only after a final inspection by the Building Official.

**Commission:** The Union Planning and Zoning Commission.

**Communications Tower:** A structure that is intended to support equipment used to transmit and/or receive telecommunications signals. Examples include monopoles and lattice construction steel structure.

**Conditions:** Necessary requirements or stipulations to ensure compliance with the objectives of these zoning regulations.

**Conn. Gen. Stat.:** The Connecticut General Statutes, as amended.

**Development:** Growth or expansion of uses in the district and town.

**Direct Light:** Light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminaire.

**District:** See “Zone”.

**Driveway:** A private way that affords, or is intended to afford, vehicular access from a public or private street to a principal structure on a lot.

**Dwelling:** A building or portion thereof designed or used exclusively as living quarters and containing one or more dwelling units.

**Dwelling unit:** One or more rooms in a residential building which are arranged, designed, used or intended for use by one or more persons living together and maintaining a common household, and which include lawful cooking space and lawful sanitary facilities reserved for the occupants thereof.

**Earth removal:** Removal of any kind of soil or earth matter, including topsoil, sand, gravel, clay, rock or similar material, or combinations thereof.

**Earthen berm:** A mound of earth placed in such a manner that its height and width will serve to reduce the transmission of noise and light to the surrounding area.

**Eating and drinking establishment:** A building principally used for the preparation and service of food or beverages for on-premises consumption.

**Erected:** Built, constructed, reconstructed, or placed. In addition, any physical operations on the premises required for any structure, including excavation, fill, drainage, paving and the like, shall be considered a part of erection.



**Family:** One or more persons living together as a single non-profit housekeeping unit, including domestic servants.

**Farm:** A tract of land used, whether as a principal use or an accessory use, for producing agricultural, aquaculture, horticultural, floricultural, vegetable, tree, or fruit products, and also including the keeping of horses and other farm animals, as further defined by Connecticut General Statutes Section 1-1(q).

**Flood or Spot Light:** Any light fixture that incorporates a reflector or refractor to concentrate the light output into a directed beam in a particular direction.

**Floodway:** The channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

**Floor area:** The sum of the gross horizontal areas of each floor of a building or structure, measured from the exterior faces of exterior walls or from the centerline of walls separating two buildings or structures. "Floor area" shall include the area of basements when used for residential, commercial, retail trade, or industrial purposes but need not include the area of a basement or portion of a basement used for storage or housing of mechanical or central heating equipment. "Livable floor area" is the sum of the gross horizontal area of those portions of each floor of a dwelling, excluding any basement, which have structural head room of seven (7) feet or more, are provided with heat, and are suitable for year-round occupancy.

**Frontage:** See "Lot frontage".

**Fully-shielded Lights:** Outdoor light fixtures shielded or constructed so that no light rays are emitted by the installed fixture at angles above the horizontal plane as certified by a photometric test report.

**Garage, private:** An accessory building or portion of a building used or designed primarily for the storage of motor vehicles and used only by the owners or occupants of the lot on which such building is located.

**Generally permitted use:** A building, structure or use of land which is permitted within a zone upon the issuance of a zoning permit pursuant to these regulations.

**Glare:** Light emitting from a luminaire with an intensity great enough to reduce a viewer's ability to see, and in extreme cases causing momentary blindness.

**Grandfathered Luminaires:** Luminaires not conforming to these regulations that were in place at the time this regulation was voted into effect.

**Groundwater:** All water beneath the surface of the ground.

**Guesthouse:** A residential accessory building located on the same lot as the principal building and used to house only domestic servants or non-paying guests of the family occupying the principal dwelling on the lot.

**Hazardous materials or wastes:** Any substance or combination of substances which, because of quantity, concentration, or physical, chemical, or infectious characteristics, poses a significant present or potential hazard to water supplies or to human health if disposed of, into or on any land or water in the Town of Union. “Hazardous materials or wastes” include, but are not limited to, the following: (i) any chemical, substance or material identified as a “hazardous waste” in Conn. Gen. Stat. Section 22a-448 through 22a-457; (ii) any chemical, substance or material identified as a “hazardous chemical” in Conn. Gen. Stat. Section 29-336 or any regulations promulgated under Conn. Gen. Stat. Sections 29-336 through 29-341; (iii) any chemical, substance or material identified as a “hazardous waste” in 42 United States Code Section 6903 or in any regulations (including, but not limited to, 40 Code of Federal Regulations, Part 261) promulgated under the federal Resource Conservation and Recovery Act of 1976 (42 United States Code Section 6901 *et seq.*), as amended.

**Home Occupation:** Any use, not otherwise permitted in the residential zone, which is customarily conducted entirely within a dwelling unit or in an accessory building of that dwelling unit, is carried on by the inhabitants thereof, and is incidental and secondary to the residential use of the dwelling unit.

**Height of Luminaire:** The height of a luminaire shall be the vertical distance from the ground directly below the centerline of the luminaire to the lowest direct-light-emitting part of the luminaire.

**Impervious surface:** A surface which cannot be substantially penetrated by water.

**Indirect Light:** Direct light that has been reflected or has scattered off of other surfaces.

**Interior Lot:** A lot that does not meet the minimum lot frontage requirements set forth in Article IV of these regulations, but otherwise satisfies the standards and criteria set forth in these regulations.

**Junkyard:** A lot, land or structure, or part thereof, used primarily for the collecting, storage and sale of waste paper, rags, scrap metal or discarded materials, or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition or discarded solid materials including garbage, scrap metal, junk, and refuse materials including inert matter and landscape refuse.

**Kennel:** An establishment for the breeding of dogs or cats and/or for the boarding of five (5) or more dogs or cats.

**Lamp:** The component of a luminaire that produces the actual light.

**Land:** Ground, soil or earth, including wetlands and watercourses.

**Light Fixture:** The assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens.

**Light Trespass:** The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

**Livestock:** Grazing animals, poultry and pigs.

**Loading area, off-street:** An area off the street, on the same lot with a building, for temporary parking of trucks or other motor vehicles while materials or merchandise are loaded or unloaded, to be taken to or from the building.

**Lot:** A plot or parcel of land occupied or capable of being occupied by one principal building and the accessory buildings or uses customarily incidental to it, including such yards, open spaces and buffer areas as are required by these regulations.

**Lot, corner:** A lot located at the intersection of two roads, or a lot bounded by a curving road, any two chords of which form an angle of 120 degrees or less.

**Lot coverage:** The part or percentage of the lot occupied by buildings, structures, and parking lots.

**Lot depth:** The mean horizontal distance from the front lot line to the rear lot line.

**Lot frontage:** The distance between side lines of a lot as measured along the street line.

**Lot line:** The established division line between lots, or between a lot and a road.

**Lot line, front:** The line separating the lot from the street. In the case of a corner lot, the owner shall have the privilege of electing the lot line on either street as the front lot line, providing that the choice, in the opinion of the Commission, will not be injurious to the existing use or possible future use of adjacent lots.

**Lot line, rear:** Any lot line bounding the lot at the rear and approximately parallel to and at a maximum distance from the front lot line shall be considered a rear lot line.

**Lot line, side:** Any lot line not a front or rear lot line shall be considered a side lot line. Where two lot lines extending from the front lot line intersect, both such lot lines shall be considered side lot lines. In the case of a corner lot, all lot lines extending from the front lot line shall be considered side lot lines.

**Lot of record:** A lot which exists on the land records of the Town Clerk, Town of Union.

**Lot width:** The distance between the side lot lines, measured at right angles to the side lot lines. Where the side lot lines are not parallel, the lot width shall be deemed to be the average width between the side lot lines, measured in the direction parallel to the straight line connecting the two points of intersection of the side lot lines with the front lot line.

**Lot, zoning:** A lot or series of contiguous lots forming a single tract of contiguous land which, at the time of filing for a zoning permit or special permit, is designated by its owner or developer as a tract to be used, developed or built upon as a unit, under single control or ownership, and having its principal frontage upon a street.

**Lumen:** A unit of luminous flux. One-foot candle is one lumen per square foot. For the purposes of this regulation, the lumen-output values shall be the initial lumen output ratings of a lamp.

**Luminaire:** This is a complete lighting system, and includes a lamp or lamps and a fixture.

**Manufactured home:** A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term includes park trailers, travel trailers, mobile homes, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

**Micro-brewery:** Producer of beer, malt or ale less than 5,000 barrels per year.

**Mobile home:** See "Trailer".

**New construction:** Structures for which the start of construction commenced on or after the effective date of these regulations.

**Non-conforming building:** A building which does not conform to all of the applicable requirements of these regulations and which is legally and actually in existence on the effective date of these regulations or any amendments thereof.

**Non-conforming lot:** Any lot that was separately described in the latest deed of record immediately prior to November 1971, or that was lawfully created after that date in accordance with all then-applicable zoning and subdivision regulations, and that does not meet the requirements of the current Zoning Regulations.

**Non-conforming use:** A use of any land, building or structure which does not conform to all of the applicable requirements of these regulations and which was legally and actually in existence on the effective date of these regulations or any amendments thereof.

**Open space:** Undeveloped land.

**Outdoor Lighting:** The night-time illumination of an outside area or object by any man-made device located outdoors that produces light by any means.

**Park:** An area of land and/or water primarily in its natural state, except for man-made recreation facilities, and dedicated and used for non-profit recreation, scenic, leisure, conservation, historic, or ornamental purposes. A park, as used here, does not include an “amusement park” or any type of park with mechanical rides, games, arcades or the like, for profit or gain, either directly or indirectly.

**Parking area, off -street:** An off-street area having direct usable access to a street and providing for the temporary parking of motor vehicles on the same lot as the building, structure or use to which the occupants of the vehicle seek access.

**Person:** Any legal entity, including, but not limited to, a natural person, partnership, corporation, organization, association, or syndicate.

**Principal building or structure:** The building or structure in which the principal use of a lot is carried out.

**Principal use:** The primary purpose of which land or a building or structure is designed, arranged, intended, or occupied.

**Processing:** Treatment or any method of changing a product. The term does not include the manufacturing of a product.

**Resubdivision:** A change in a map of an approved or recorded subdivision or resubdivision if such change (a) affects any street layout shown on such map, (b) affects any area reserved thereon for public use, or (c) diminishes the size of any lot shown thereon and creates an additional building lot if any of the lots shown on the map have been conveyed after the map approved or recorded.

**Road:** Same as Street.

**Road or Street-Public:** A street currently maintained and accepted for public vehicular travel by the Town of Union or the State of Connecticut.

**Road or Street-Private:** A street not currently maintained or accepted for public vehicular travel by the Town of Union or the State of Connecticut.

**Screening:** Natural or man-made materials used to prevent a structure or land use from being visible from a road or from adjacent property.

**Seasonal:** When referring to the use or occupancy of structures, “seasonal” means occurring only during the period of April 1 to October 31 of each calendar year. When referring to vegetation coverage, watercourse levels or other natural phenomena, the term refers to conditions that do not last throughout the year but may be expected to occur at one or more times during the year.

**Seasonal high water level:** The highest level to which surface water or groundwater may be expected to rise during any year, usually during the season of spring after snow-melt runoff.

**Setbacks:** Minimum distances from property lines to buildings, structures or uses, as established under these regulations.

**Sign:** Any device for visual communication used to announce, advertise, identify or attract attention to any object, project, place, person, activity, institution, organization or business. The term “sign” includes any structure or natural object such as a tree or rock that is utilized as a visual communication device. For the purposes of these regulations, the term “sign” shall also include interior signs, if located on a window or within three (3) feet from a window and if obviously intended for viewing from the exterior, but shall not include the flag, pennant or insignia of any nation, state, city or other political unit, or official traffic signs, or notices required by law.

**Site Plan:** A map or drawing by which proposed or existing uses or dimensions of land or any building or structure are graphically illustrated.

**Specially permitted use:** A building, structure or use of land that may be permitted in a zone upon the issuance of a special permit pursuant to these regulations.

**Start of construction:** For the purposes of any use to be established in the Flood prone Areas Zone, “start of construction” means the date the zoning permit or special permit required for construction was issued, provided the actual start of construction, repair, reconstruction, placement or improvement was within 180 days of the permit date.

**Story:** That portion of a building, other than a cellar or mezzanine, included between the surface of any floor and the floor next above it, or if there be no floor above it then the space between the floor and the ceiling next above it.

**Street:** A way, other than a driveway, intended for vehicular travel.

**Street line:** The line separating a street from adjacent lots.

**Structure:** Anything constructed, erected, or assembled which requires a location on or within the ground, or attachment to something having a location on the ground. The term “structure” includes, but is not limited to, buildings, manufactured homes, paved areas, storage tanks, signs and other man-made utilities and infrastructures.

**Subdivision:** The division of a tract of land into three or more parts or lots for the purpose, whether immediate or future, of sale or building development, expressly excluding development for municipal, conservation or agricultural purposes. The term includes “resubdivision”.

**Surface water:** Water on or above the surface of the ground.

**Telecommunications Facility:** Communication tower, antennae, telecommunications equipment and/or other support equipment used together in connection with the provision of wireless communication service

**Temporary:** A period of time not exceeding twelve (12) months unless otherwise specified in these regulations.

**Temporary Outdoor Lighting:** The specific illumination of an outside area or object by any man-made device located outdoors that produces light by any means for a period of less than 7 days, with at least 180 days passing before being used again.

**Town:** The Town of Union, Connecticut.

**Tract:** A parcel or plot of land under one ownership on the records of the Town.

**Trailer:** Any vehicle or similar movable structure which is or can be used for sleeping, living or working quarters and which is, has been or can be mounted on wheels, whether or not resting upon a temporary or permanent foundation. As used in these regulations, the term includes, but is not limited to, park trailers, travel trailers, camper-trailers, and mobile homes.

**Travelway:** A private way, other than a driveway, that provides, or is intended to provide, vehicular access to a lot or parcel of land.

**Use:** Any purpose for which land or a building or other structure may be designed, arranged, intended, maintained, or occupied, and any activity, occupation, business, or operation carried on in a building or other structure or on a tract of land. The establishment or existence of a building or other structure on a tract of land is a “use” of that land under these regulations.

**Variance:** A modification of the requirements of these zoning regulations which may be granted by the Zoning Board of Appeals in individual cases in accordance with Article VI of these regulations and with the Connecticut General Statutes.

**Watercourse:** Any river, stream, brook, waterway, lake, pond, marsh, swamp, bog or other body of water, natural or artificial, public or private, vernal or intermittent.

**Water table:** The upper level to which the ground is saturated with water. The elevation of the water table generally varies on a seasonal basis.

**Wetland:** Land, including submerged land, which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial and flood plain by the National Cooperative Soils Survey, as may be amended from time to time, of the Natural Resources Conservation Service of the United States Department of Agriculture.

**Wind Energy System (Windmills):** A wind energy conversion system consisting of a wind turbine(s), tower(s), and associated control or conversion electronics.

**Yard:** An undeveloped area on the same lot as a building or structure, or group of buildings or structures, which lies between the buildings or structures and the nearest lot line, and which must remain unobstructed and unoccupied, except as these regulations may provide otherwise.

**Yard, front:** A yard extending across the full width of the lot and lying between the front lot line and the nearest line of any building or structure.

**Yard, rear:** A yard extending across the full width of the lot and lying between the rear lot line and the nearest line of any building or structure.

**Yard, side:** A yard extending across the full length of the lot and lying between a side lot line and the nearest line of any building or structure.

**Zone:** One of the different districts into which the Town of Union has been divided for the purposes set forth in Section 1.01 of these regulations.

## **SECTION 2.03            APPLICATION OF REGULATIONS**

### **Section 2.03.01            General Statement**

No land, building, structure or premises shall be used and no building, structure or part thereof shall be erected, altered, enlarged, or moved except in conformity with these regulations. No lot shall be less in area, depth or width nor have smaller yards, and no buildings or structures shall occupy in the aggregate a greater percentage of the lot area, accommodate a greater number of families, contain less livable floor area nor be greater in height, than as prescribed by the regulations applicable to the zone in which such lot, building or structure is situated. No lot or parcel of land shall be subdivided, resubdivided or otherwise diminished in area, width or length, nor any yard or required open space be reduced, except in conformity with these regulations.

### **Section 2.03.02            Use of Non-conforming Lots**

Any lot which was separately described in the latest deed of record immediately prior to November 1971, or which was lawfully created after that date in accordance with all then applicable zoning and subdivision regulations, and which does not meet the requirements of the current zoning regulations as to lot area and/or lot frontage may be utilized for any use permitted in the zone in which such lot is located, provided (i) that all other provisions and requirements of these regulations are or have been complied with as to such lot, (ii) that all applicable subdivision regulations of the Town of Union are or have been complied with as to such lot, and (iii) if the lot was part of a subdivision or resubdivision previously approved by the Commission, that the plan for such subdivision or resubdivision was properly filed in the office of the Union Town Clerk and that the approval of such subdivision or resubdivision has not expired or become void or invalid by lapse of time or operation of law.

### **Section 2.03.03            Change of Use**

No change shall be made in the use of any building, structure or land unless the Commission, upon proper application, issues a permit for such change in accordance with these regulations.

### **Section 2.03.04            Lot Frontage**

Every principal use, building or structure shall be conducted or located on a lot that abuts a public street and complies with the minimum lot frontage requirements stated in Article IV of these regulations, except as otherwise allowed under these regulations. The minimum lot frontage requirements of these regulations may only be met by continuous (i.e. not cumulative) lot frontage.

**Section 2.03.05            Floor Area**

Every building or structure shall meet the applicable floor area requirements prescribed in Article IV of these regulations. Only those portions of the building or structure, which are soundly and permanently constructed and finished in accordance with applicable state and local Building Codes, shall be included in the computation of floor area. Where these regulations refer to the floor area of living quarters, such living quarters may include customary rooms, private halls and closets, but shall not include rooms for heating equipment, garages, open or closed outside vestibules, porches or verandas, stairways, basement spaces or public halls.

**Section 2.03.06            Limitations on Principal Buildings or Structures**

In all residential zones only one principal building or structure shall be placed on a lot, except that a principal building or structure associated with a Rural Industry under Section 3.09 of these regulations may be placed on the same lot as a dwelling. In non-residential zones, the Commission may approve a plan for more than one principal building or structure on a lot (but not more than one principal residential building) if the building or structures and land otherwise comply with all other requirements of the zone in which they are located.

**Section 2.03.07            Dwelling in Other than Principal Buildings**

No accessory building or structure, other than an approved guest house, shall be used as a dwelling.

**Section 2.03.08            Accessory Buildings**

If any accessory building is attached to a main building, including attachment by means of a breezeway or a roofed passageway with open or latticed sides, it shall comply in all respects to the requirements of these regulations applicable to the main building.

**Section 2.03.09            Building Grades**

Any building or structure requiring yard space shall be located at such an elevation that a sloping grade shall be maintained to cause surface water to flow away from the walls of the buildings.

**Section 2.03.10            Building Restoration**

Nothing in these regulations shall prevent the strengthening or restoring to a safe condition of any part of a building or structure declared unsafe by the Building Official or where required by any lawful order.

**Section 2.03.11            Lot Acreage**

The required minimum acreage of a lot as established by these regulations must be in contiguous acres.

**Section 2.03.12            Corner Lots**

On a corner lot in any district there shall be provided a yard on each street equal in depth to the required front yard. The owner shall have the privilege of choosing which street line is the front lot line. No sign, fence, wall, hedge, or other structure or planting more than three (3) feet in height (at maturity) shall be erected, placed or maintained on any corner lot in a manner that obstructs visibility of either street at the intersection.



### **Section 2.03.13 Porches, Terraces and Decks**

No porch, deck or terrace shall be allowed to project into yards unless it is considered a part of the building in determining the size of the yard.

### **Section 2.03.14 Projecting Architectural Features**

The space in any required minimum yard shall be free of buildings and structures, except for the ordinary projection of window sills, cornices, eaves, chimneys and other architectural features, provided, however, that such features shall not project more than two feet into any required minimum yard.

### **Section 2.03.15 Yard Requirements**

The yard requirements of these regulations shall not apply to the following types of structures:

- a. Fences and walls eight (8) feet or less in height, provided that no such fence or wall shall be created that would, in the opinion of the Commission, unreasonably obstruct the vision of drivers on any existing or approved road. Fences shall be constructed at least three feet from the property line and erected so that the finished side (i.e., the side from which the supporting posts are not visible) be facing the neighboring property.
- b. Posts for mailboxes and newspaper boxes.
- c. Bus stop shelters twenty-four (24) square feet or less in area, provided that no such shelter may be located closer than twenty (20) feet to any street line and further provided that no such shelter shall be created that would, in the opinion of the Commission, unreasonably obstruct the vision of drivers on any existing or approved road.
- d. Roadside stands, subject to the requirements of Section 2.10.03(b) of these regulations.
- e. Signs, subject to the requirements of Tables 3.01A and 3.01B.

### **Section 2.03.16 Storage and Display of Goods and Merchandise**

In all zones, if any goods or merchandise are stored or displayed, such goods or merchandise shall be stored or displayed behind the established building line, except that a permitted temporary roadside stand may be located behind the established street line.

### **Section 2.03.17 Sewage Disposal**

All sewage disposal areas shall include a reserve disposal area for future use. All sewage disposal areas, including reserve areas, shall be located at least forty (40) feet from any side and rear property lines and twenty-five (25) feet from the street line and 80' from any well including adjoining property.

### **Section 2.03.18 Wells**

All wells shall be located at least forty (40) feet from any side and rear property line, twenty-five (25) feet from the street line, and eighty (80) feet from any existing sewage disposal area or reserve area including those on adjoining properties.

### **Section 2.03.19- Interior Lots**

No interior lot may be created after June 1, 1996. No building or structure may be erected, constructed, altered or placed on any interior lot without a special permit which the Commission may issue only if (i) the building or structure is or will be used for residential purposes, (ii) the lot was lawfully created and separately described in a deed of record on or before June 1, 1996 (iii) the Commission determines that the following criteria will be met:

- a. Public utilities must be installed underground unless the Commission finds that underground installation would require disturbance of inland wetlands or watercourses, steep or erosive soils, bedrock or important natural resources.
- b. The principal access way must have a width of at least 25 feet along its entire length for lots of 4 acres or less and at least 50 feet along its entire length for lots of more than 4 acres.
- c. The driveway or travelway must comply with Section 2.03.21 of these regulations.
- d. In addition to other conditions allowed under these regulations, the Commission may issue a permit for the use of an interior lot on a fixed designation of specific areas in which the building, structure, septic system, driveway or travelway will be located and on the prior construction of the driveway or travelway. The Commission must also determine that the use is consistent with Section 5.03.07 of these regulations.

### **Section 2.03.20 Streets and Roads**

All streets, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting such streets. Where the centerline of a street serves as a zone boundary, the zoning of such street shall be deemed the same as that of abutting property up to such centerline unless otherwise specifically designated. As of May 10, 1995 no private roads may be created in the Town of Union, Connecticut.

### **Section 2.03.21 Driveways/Travelways**

Each lot must have a private way within the lot that affords vehicular access from a public or private street. The driveway or travelway and any resulting excavation or filling must be 10 or more feet from the side and rear lot lines along its entire length. The driveway or travelway must be designed and constructed so as to provide suitable access to emergency vehicles, including, but not limited to fire trucks, and must conform to the Town of Union Driveway Ordinance.

## **SECTION 2.04 ESTABLISHMENT OF ZONING DISTRICTS (ZONES)**

For the purposes of these regulations, The Town of Union is hereby divided into the following zones:

- a. Rural Residence (RR)
- b. Retail Trade (RT)
- c. Commercial/Industrial (CI)
- d. Union Lands (UL)
- e. Floodprone Areas (FP)

**Section 2.04.01            Zoning Map**

The boundaries of the zones established hereunder are indicated on the most current map entitled “Zoning Map, Town of Union” on file in the office of the Union Town Clerk. The Zoning Map and any amendments thereto are hereby made a part of these regulations.

**Section 2.04.02            Zone Boundaries**

Unless otherwise indicated on the Zoning Map, the zone boundary lines are the centerlines of streets; or the middle of the channels of waterways; or the centerlines of utility rights-of-way; or the boundary lines of state forests and/or reservations. Where a zone boundary is shown parallel to a street, such a boundary shall be interpreted as running parallel to the nearest street line and at such a distance there from as indicated on the Zoning Map. If the appropriate distance is not indicated, such a distance shall be 350 feet for the Rural Residence and 450 feet for the Retail Trade, Commercial/Industrial Zones. In case of uncertainty as to the location of any zone boundary line, the determination thereof shall be made by the Commission.

**Section 2.04.03            Lots in More than One Zone**

Where a lot of record falls into two or more zones, any use allowed in either zone shall be permitted on the lot, but in no case shall uses allowed in one zone but prohibited in the other be extended more than one hundred (100) feet into the zone prohibiting such uses.

**SECTION 2.05            NON-CONFORMING USES, BUILDINGS OR STRUCTURES**

**Section 2.05.01            Non-conforming Uses**

Except as provided in Section 2.05.07 of these regulations, any non-conforming use, including non-conforming buildings and structures, lawfully existing as of the effective date of these regulations or any amendment thereof shall be permitted to continue notwithstanding any other provision of these regulations or any amendment thereof.

**Section 2.05.02            Change**

No use that conforms to these regulations may be changed to a non-conforming use. A non-conforming use may be changed only to a conforming use. Whenever a non-conforming use has been changed to a conforming use, it shall not thereafter be changed to a use that does not conform to these regulations.

**Section 2.05.03            Extension Enlargement or Additional Structures**

No non-conforming use shall be extended or enlarged inside or outside any building or structure except as otherwise provided herein. No extension or enlargement of any non-conforming building or structure shall be made which increases the non-conformity of such building or structure, except that a non-conforming building or structure containing a permitted use may be extended or enlarged within the applicable yard requirements or within a line which is not nearer to the lot lines than the existing building, provided such extension or enlargement provides for a permitted use containing no more dwelling units than the existing building. Notwithstanding the foregoing exception, no extension or enlargement of any building shall be permitted in the Floodprone Areas Zone.

**Section 2.05.04            Moving**

No non-conforming use may be moved to any other part of the lot or parcel of land upon which the use was conducted.

**Section 2.05.05            Alterations and Repairs**

A building or structure containing a non-conforming use may be altered or improved, but not extended or enlarged, and may be repaired or reconstructed as made necessary by wear and tear or deterioration. Substantial improvements to buildings or manufactured homes in the Floodprone Areas Zone shall not be permitted.

**Section 2.05.06            Restoration**

Any building or structure which contains a non-conforming use and which has been destroyed or damaged by fire, explosion, act of God or public enemy may be restored to the same dimensions, floor area and cubic volume existing immediately prior to such damage or destruction, provided such restoration is commenced within six (6) months after such damage or destruction. Any non-conforming building or structure which has been destroyed or damaged by fire, explosion, act of God or public enemy may be restored to the same dimensions, floor area, cubic volume, density, bulk and site location existing immediately prior to such damage or destruction, provided such restoration is commenced within six (6) months after such damage or destruction. Any such restoration within the Floodprone Areas Zone must meet the standards and conditions set forth in Section 4.07 of these regulations.

**Section 2.05.07            Discontinuance or Abandonment**

Any non-conforming use that has ceased by voluntary discontinuance or abandonment for a period of six (6) months shall thereafter conform to the provisions of these regulations.

**Section 2.05.08            Illegal Use**

Nothing in these regulations shall be interpreted as authorization for or approval of the continuation of the use of land, buildings, structures or premises in violation of the zoning regulations in effect up to the effective date of these regulations or any amendment thereof.

**Section 2.05.09            Safety**

Nothing in these regulations shall prevent the strengthening or restoring to a healthful and safe condition of any portion of a building or structure declared unsafe by a proper authority.

**Section 2.05.10            Construction begun and/or permits or variances issued prior to adoption or amendment of regulations or zone change**

Nothing in these regulations or any amendment thereof or in any subsequent change in zoning classification shall be deemed to require any alteration in the plans, construction or designated use of a building, structure or premises for which (i) a zoning permit and building permit have been issued before the effective date of the relevant regulations, amendment or change in zoning classification, and (ii) substantial construction has been commenced, provided the entire building or structure is completed within two (2) years from such effective date. If any of the foregoing provisions are not complied with, such zoning permit shall become null and void.

Nothing in these regulations or any amendment thereof or in any subsequent change in zoning classification shall be deemed to require any change in the plans, construction or designated use of a building, structure or premises for which a special permit or variance has been issued prior to the effective date of the relevant regulations, amendment or change in zoning classification, provided (i) a building permit is obtained from the Building Official within one (1) year from such effective date; (ii) substantial construction is commenced within one (1) year of the date of issuance of such

building permit; and (iii) the entire building or structure is completed according to the approved plans within two (2) years from the date of issuance of the building permit. If any of the foregoing provisions are not complied with, such special permit or variance shall become null and void.

Notwithstanding the foregoing provisions, no improvements or proposed improvements shown on a site plan for residential property which has been approved prior to the effective date of a change in the zoning regulations or zoning classification and filed or recorded with the Union Town Clerk shall be required to conform to such change.

## **SECTION 2.06 PERFORMANCE AND ENVIRONMENTAL STANDARDS**

### **Section 2.06.01 Statement of Purpose**

In accordance with the purposes described in Section 1.01 of these regulations, and more specifically to promote and protect the public health, safety and welfare by minimizing noise, glare, odors, heat and vibrations, and by minimizing the discharge of toxic substances and other pollutants into the air, surface water, soil and groundwater, the following Performance and Environmental Standards are hereby established to apply to all buildings, structures and uses in all zones within the town of Union. No permit shall be issued for a building, structure or use under these regulations unless the Commission determines that such building, structure or use would comply with these standards. If the Commission determines that any building, structure or use established after the effective date of these regulations is or has been in violation of these standards, the Commission may issue any order or seek any remedy or penalty provided by state or municipal law for the violation of zoning regulations.

### **Section 2.06.02 General Standards**

- a. No building, structure or use shall be allowed which creates an unreasonable risk of fire or explosion, or which emits or causes to be emitted into the air dust, dirt, fly ash, smoke, particulates, fumes, noxious gases, waste or refuse materials, heat or glare, or offensive odors, except to the extent such emissions are related to and are the normal result of processes customary for the provision of heat to a building, structure or use.
- b. No treated or untreated sewage, hazardous or industrial materials or wastes, or other waste or refuse shall be discharged into any watercourse or wetland, or onto the soil. All methods of sewage and waste treatment and disposal shall comply with regulations of the State of Connecticut and the Town of Union for maximum protection of groundwater. No effluent shall contain acids, oils, dust, toxic metals, corrosive or other toxic substances, grease or phosphates, in solution or suspension, which would create odors, or which would discolor, poison, or otherwise pollute a watercourse, wetland or groundwater.
- c. No operation or activity shall be carried on which would produce heat perceptible from any property line of the lot on which the operation is located.
- d. No vibration shall be transmitted outside the property where it originates, except for vibration associated with permitted activities such as; site construction, grading, blasting, or other site preparation activities.
- e. No exterior lighting shall be used in a manner which produces a bloom or a direct glare on neighboring property, or which produces an objectionable visual disturbance to obstruct scenic views.
- f. No operations or business shall use nuclear fuel.
- g. No mining, extracting, filling or soil-stripping operations shall be allowed except as provided in Section 3.03.

- h. No construction, excavation or other use of land shall be allowed which is unreasonably or unnecessarily destructive to sites having historical or archaeological significance.
- i. No use of a building, structure or land shall cause unreasonable interference with radio or television reception in the vicinity of the use.

**Section 2.06.03          Noise Standards**

**Section 2.06.03(a)      Definitions**

The following definitions are applicable to the Noise Standards set forth in Section 2.06.03:

Background noise: Noise which exists at a point as a result of the combination of distant sources, individually indistinguishable.

Construction: The assembly, erection, substantial repair, alteration, demolition, or site preparation for or of public or private rights-of-way, buildings or other structures, utilities, or property.

Daytime hours: The hours between 7:00 a.m. and 9:00 p.m., Monday through Saturday, and the hours between 9:00 a.m. and 9:00 p.m. on Sunday.

Decibel: A unit of measurement of the sound level.

Emergency: Any occurrence or set of circumstances which involves actual or imminent physical trauma or property damage and which demands immediate action.

Emitter: The location, from which the sound is created or sent, or the person or thing creating the sound.

Excessive noise: Any sound, the intensity of which exceeds the standards set forth in Section 2.06.03(b) of these regulations.

Impulse noise: Sound of short duration, usually less than one second, with an abrupt onset and rapid decay.

Mobile source: Non-stationary sources of sound, including, but not limited to, moving aircraft, automobiles, trucks, and boats.

Motor vehicle: A vehicle as defined in subdivision (30) of Section 14-1, Connecticut General Statutes, as amended.

Nighttime hours: All hours not listed as being “daytime hours”.

Receptor: The location, at which sound is received, or the person or thing receiving the sound.

Sound: A transmission of energy through solid, liquid, or gaseous media in the form of vibrations which cause alterations in pressure or position of the particles in the medium and which, in air, evoke physiological sensations, including, but not limited to, an auditory response when impinging on the ear.

Sound level: A frequency-weighted sound pressure level as measured with a sound level meter using the A-weighting network. The level so read is designated dBA.

Sound level meter: An instrument used to measure sound levels. A sound level meter shall conform, at a minimum, to the American National Standards Institute’s operational specifications for Sound Level Meters S1.4-1971 (Type S2A).

Sound pressure level: A number equal to twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of a sound to the reference pressure of twenty micro Newtons per square meter (20x10<sup>-6</sup> Newtons 1m<sup>2</sup>). The number is expressed in decibels (dB).

**Section 2.06.03(b) Standards**

No sound shall be emitted beyond the boundaries of the lot or parcel on which such sound originates, which exceeds the sound levels specified below.

EMITTER	RECEPTOR			
	Commercial/ Industrial	Retail Trade	Residential & all other zones: daytime	Residential & all other zones: nighttime
Commercial/ Industrial	70 dBA	66 dBA	61 dBA	51 dBA
Retail Trade	62 dBA	62 dBA	55 dBA	45 dBA
Residential & all other zones	62 dBA	55 dBA	55 dBA	45 dBA

Measurements shall be taken at a point which is located beyond the boundary of the emitter’s lot or parcel and approximately one (1) foot within the receptor’s lot or parcel.

**Section 2.06.03(c) High Background Noise Levels and Impulse Noise**

- a. In those individual cases where the background noise caused by sources not subject to these regulations exceeds the standards contained herein, a source shall be considered to cause excessive noise only if the sound emitted by such source exceeds the background noise levels by 5 dBA, provided that no source subject to the provisions of these regulations shall emit sound in excess of 80 dBA at any time: and provided that this Section does not decrease the permissible levels of other sections of this ordinance.
- b. No impulse noise shall be caused or allowed in excess of 80 dB peak sound pressure level during nighttime hours in any Residential Zone.
- c. The emission of impulse noise shall not be caused or allowed in excess of 100 dB peak sound pressure level at any time in any zone.

**Section 2.06.03(d) Exclusions**

These standards shall not apply to un-amplified sounds emitted by or related to the human voice, natural phenomena, or wild or domestic animals; bells or chimes from a clock in any building or from a school or church; a public emergency sound signal; and the sounds created by farming equipment or farming activity, any emergency, snow removal, and mobile sources.

**Section 2.06.03(e) Exemptions**

The following shall be exempt from the provisions of Section 2.06.03 subject to the special conditions noted:

- a. Noise created by the operation of property maintenance equipment during daytime hours.
- b. Noise generated by any construction equipment operated during daytime hours.
- c. Noise created by any recreational activities which are sanctioned by the Town, including, but not limited to, parades, sporting events, concerts, fireworks displays, and local public celebrations.
- d. Noise created by blasting, provided that the blasting is conducted between 8:00 a.m. and 5:00 p.m. local time and provided that a permit for such blasting has been obtained from appropriate state or local authorities.
- e. Noise created by refuse and solid waste collection and disposal, provided that such activity is conducted between 6:00 a.m. and 10:00 p.m.
- f. Noise created by a fire alarm or intrusion alarm.
- g. Noise created by public facility maintenance during daytime hours and snow plowing whenever necessary.

**Section 2.06.03(f) Noise Level Measurement Procedures**

For the purpose of determining sound levels as set forth in these standards, the following guidelines shall be applicable:

- a. A person conducting sound measurements shall have been trained in the techniques and principles of sound measuring equipment and instrumentation.
- b. Instruments used to determine sound level measurements shall be sound level meters as defined under Section 2.06.03(a).
- c. The following steps shall be taken when preparing to take sound level measurements:
  - 1. The instrument manufacturer’s specific instructions for the preparation and use of the instrument shall be followed.
  - 2. Measurements to determine compliance with these standards shall be taken at a point that is located about one foot beyond the boundary line of the lot or parcel on which the sound is emitted and within the lot or parcel on which the sound is emitted and within the lot or parcel on which the sound is received.

**SECTION 2.07 PROTECTION OF SITES HAVING HISTORICAL OR ARCHAEOLOGICAL SIGNIFICANCE**

If during the course of any construction, excavation, removal or filling activities any sites or materials are discovered which appear to have been made, used or handled by persons, or which otherwise suggest the past use or habitation of the site, and which may reasonably be suspected of having historical or archaeological significance, such discovery shall be immediately reported to the Commission. The Commission may order a suspension of all or any portion of the activities for a period not to exceed four months for the purpose of allowing further investigation of any such discovery.

If within such four-month period the Commission determines that the site has historical or archaeological significance, the Commission may revoke any existing permit or site plan pertaining to the property. If the Commission does revoke any permit or site plan pursuant to this section, it shall issue an amended permit and, if a site plan was involved, approve a modified site plan which will allow the work specified in the original permit and/or site plan to proceed subject only to such restrictions or conditions as the Commission may reasonably deem necessary to protect the historical or archaeological value of the site.



## **SECTION 2.08 BUILDABLE LAND CRITERIA**

### **Section 2.08.01 Statement of Purpose**

The following standards and limitations are intended to promote the purposes described in Section 1.01 of these regulations and, more specifically, to facilitate development and to preclude post-development problems, such as septic system failures, by assuring that each lot approved for development contains an adequate area of dry, usable land.

### **Section 2.08.02 Standards for Conforming Lots**

No proposed new lot shall be approved in any zone unless the following standards are met:

- a. Each lot must contain a square or rectangular land area (the “Critical Area:”) having (i) no side less than 125 feet in length; (ii) unless a different area is specifically prescribed elsewhere in these regulations, an area equal to the greater of (A) 21,780 square feet, or (B) twice the area to be covered by buildings, structures, parking lots, or other impervious surfaces; (iii) existing slopes not exceeding twenty percent (20%); (iv) no wetland areas or watercourses; and (v) approved driveway access.
- b. The applicant must submit a statement signed by the Town’s Director of Health or his designee, or by an appropriate employee or official of the Connecticut Department of Public Health or Department of Environmental Protection, stating that the Critical Area is suitable for the installation of a subsurface sewage disposal system meeting at least the minimum standards set by state and local regulations applicable at the time the statement is submitted.

## **SECTION 2.09 PROHIBITED USES**

The following buildings, structures and uses are prohibited in all zoning districts:

- a. The production, use, storage or disposal of hazardous materials or wastes, except as these regulations may specifically allow. The use or storage of minor amounts of such materials, when clearly incidental to the principal use of a building, structure or land shall be exempt from this regulation.
- b. The following uses involving commercial processing or incineration of animal and vegetable products: slaughterhouses; stock yards; fat rendering; soap manufacturing; glue manufacturing; tanneries; paper manufacturing; wool scouring and cleaning; cotton textile sizing, scouring, bleaching, dyeing and similar operations; paint and varnish manufacturing; and creosote and creosote products manufacturing.
- c. Facilities for metal heat treatment, annealing, descaling or plating processes.
- d. Trailer parks.
- e. Penal institutions.
- f. Junk yards.
- g. Race tracks.
- h. Amusement parks.
- i. Drop forges.
- j. Nuclear power plants.
- k. Tattoo and body piercing parlors

**SECTION 2.10            ACCESSORY USES**

**Section 2.10.01            Accessory Uses Permitted**

Except as otherwise provided in these regulations, an accessory building, structure or use shall be deemed to be a generally permitted use on any lot on which the principal use is listed as a generally permitted use under these regulations. An accessory building, structure or use shall be deemed to be a specially permitted use on any lot on which the principal use is listed as a specially permitted use under these regulations. Except as otherwise provided, all provisions of these regulations relating to principal buildings, structure or uses, including the necessity for permits and site plans, shall apply to accessory buildings, structures and uses.

**Section 2.10.02            General Limitations on Accessory Buildings and Structures**

- a. Yards. Minimum yard requirements for accessory buildings, structures and uses shall be the same as the minimum yard requirements specified in Article IV of these regulations for principal buildings, structures or uses. Accessory buildings or structures may not be located directly in front of the principal building or structure. No accessory building or structure shall be located as close to the front lot line as any principal building or structure on the same lot unless both the accessory building or structure and the principal building or structure are located at least seventy-five (75) feet from the lot line. School bus stop shelters, not exceeding twenty-four (24) square feet are excluded from this paragraph.
- b. Height. No accessory building or structure, other than an agricultural barn or a garage, shall be greater than twenty-five (25) feet in height.

**Section 2.10.03            Special Regulations for Certain Accessory Uses**

**Section 2.10.03(a)        Keeping of Animals**

All animals, including, but not limited to, dogs, cats and horses and other livestock, kept on any lot shall be provided with appropriate covered shelter. No building or structure for the housing or shelter of animals shall exceed 50,000 square feet. All such buildings or structures for housing of livestock shall be located within the setbacks of the zone and 80 feet from the seasonal high water level of any watercourse. Cleanings from any building or structure housing animals shall comply with 2.10.03(e). Kennels may be allowed by special permit.

**Section 2.10.03(b)        Roadside Stands**

Temporary or seasonal roadside stands for the sale of fruits, vegetables or other products grown or raised on the same lot shall be permitted as accessory uses, provided that (i) at least three parking spaces are provided for off-street parking; (ii) the stand is located at least twenty (20) feet from any street line and one hundred (100) feet from any street intersection; and (iii) the stand complies with the minimum side yard requirements for a principle building in the zone in which it is located. Each stand shall be removed within ten (10) days after its use has been discontinued for that calendar year. Temporary or seasonal roadside stands having an area of thirty-two (32) square feet or less shall not require a zoning permit, however only one roadside stand per lot is permitted.

Permanent roadside stands greater than thirty-two (32) square feet and/or which is to be used more than six months per calendar year shall require a zoning permit. No roadside stand shall exceed one-hundred-sixty (160) square feet. Permanent roadside stands must feature products grown or raised on the same lot but may also be accompanied by other related produced agricultural or food products.

**Section 2.10.03(c) Boarding, Rooming or Lodging Quarters**

Temporary room, lodging and/or board for no more than two (2) persons shall be generally permitted as an accessory use in any dwelling. A special permit may be issued for the provision of temporary room, lodging or board for more than two (2) persons in any dwelling.

Bed-and-Breakfast operations subject to the following requirements:

- a. Length of stay for a lodger shall not exceed 14 consecutive days.
- b. Number of guest rooms is limited to one less than the total number of bedrooms in the dwelling unit.
- c. A single identification sign not to exceed two square feet may be erected. Such sign shall be non-illuminated and shall be attached against the front wall of the building it identifies. In the event that the building cannot be seen from the street right-of-way, the Planning and Zoning Commission may permit the erection of the sign at least 15 feet from the front property line and no higher than four feet.
- d. No parking spaces for the bed-and-breakfast operation shall be in the required front yard setback. One parking space shall be provided for each guest room. Two additional parking spaces shall be provided for the principal resident(s) of the bed-and-breakfast as well as an additional parking space for each employee in excess of those parking spaces required for the operator/owner.
- e. The dwelling in which the bed-and-breakfast operates shall be the principal residence of the operator/owner who shall live on the premises where the bed-and-breakfast is active.

**Section 2.10.03(d) Home Occupations**

No home occupation shall be permitted unless the following standards, in addition to all other pertinent standards set forth in these regulations, are met:

- a. The home occupation must be carried on entirely within a dwelling or within an accessory building to a dwelling and must be clearly incidental and secondary to the use of the premises for dwelling purposes.
- b. The home occupation must be carried on by one or more of the residential occupants of the dwelling.
- c. The home occupation shall be confined to a combined floor area not exceeding seven hundred fifty (750) square feet.

**Section 2.10.03(e) Farm and Agricultural Uses**

Accessory uses associated with a principal farming or other agricultural use shall include, but shall not be limited to, storing, processing and manufacturing of agricultural (including forest) products produced on the farm; storage and maintenance of motor vehicles and equipment necessary to the agricultural use; and raising and keeping of farm animals. Buildings and structures necessary for the foregoing accessory uses and for farm maintenance purposes shall be allowed as accessory uses. Fertilizers, pesticides and herbicides may be used under the following conditions: (i) all fertilizers, pesticides and herbicides shall be stored in appropriate buildings and structures; (ii) no fertilizer, pesticide or herbicide, manures and nitrates shall be stored within 150 feet from any property line or from the seasonal high water level of any watercourse; and (iii) Best Management Practices as prescribed or recommended by the Soil and Water Conservation District for the

application of pesticides, herbicides and fertilizer shall be followed to prevent deleterious effects on surface water and groundwater.

On-Farm slaughtering of livestock and/or poultry raised or finished on the farm is permitted. Finishing is defined as that period of an animal's life from weaning to slaughter. For poultry this period is from pullets/cockerel to hen/rooster. All refuse from slaughtering operations will be commercially disposed of or composted in accordance with State and Federal guidelines.

**Section 2.10.03(f) Guesthouses**

Guesthouses shall be allowed only on lots used principally for residential purposes and only under a special permit. No more than one guesthouse shall be permitted on any lot. The guesthouse must meet the floor area requirements for a principal building in the zone in which it is to be located, and the lot must have twice the area which would be required for the principal building alone.

**Section 2.10.03(g) Accessory Apartments**

In any zone where residential uses are permitted the Commission may allow for the construction and use of one accessory apartment associated with a single-family dwelling: provided that the following requirements and conditions are met.

- a. The applicant shall provide a site plan, floor plan, and building elevations in sufficient detail as required by the Commission to evaluate the request.
- b. The design of the accessory apartment shall maintain the architectural character, style, size, and scale of a single family residential dwelling.
- c. The architectural features of the accessory apartment shall be consistent with the principal residence to which it is attached.
- d. Only one accessory apartment with a maximum of two bedrooms shall be allowed on any lot.
- e. The occupants of the accessory apartment shall be either: (1) family members of the occupants of the principal residence (i.e., related by blood, marriage, civil union, adoption, or other legally recognized familial relationship); or (2) employees of the occupants of the principal residence.
- f. The accessory apartment should not exceed 40% of the floor area of the remaining portion of the residence that is at or above ground level.
- g. The applicant shall be required to file a copy of the Certificate of Occupancy of the accessory apartment on the town land records.
- h. The design and use of accessory apartment shall clearly be secondary and subordinate to the primary dwelling. The entire structure shall continue to be metered by one common electrical service.
- i. The water and sewer/septic system serving the residence and/or the accessory apartment are approved by the Health Department.
- j. Adequate off-street parking is provided for all dwelling units.

## ARTICLE III SPECIAL REGULATIONS

### SECTION 3.01 SIGNS AND LIGHTING

#### Section 3.01.01 Sign Area

The area of a sign shall be considered to be that of the entire communication device exclusive of supports, unless the supports are also used to advertise. Signs having two faces (sides) are entitled to have up to the maximum permitted area on each face (side).

#### Section 3.01.02 General Provisions

- a. All non-residential signs must be located on the same lot as the business location.
- b. A sign may be illuminated by top-mounted fixtures only providing lighting fixtures illuminating signs are carefully aimed and shielded so that light is directed onto the sign façade and shall not be aimed toward adjacent streets, roads or properties.
- c. No flashing, rotating or intermittent signs or illumination shall be permitted.
- d. No sign or any part thereof shall be permitted to be mechanically rotated or moved.
- e. No floodlights of the magnitude typically used as searchlights or airport beacons shall be permitted.
- f. Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated from within do not require shielding. Dark backgrounds with light lettering or symbols are preferred, to minimize detrimental effects. Unless conforming to the above dark background preference, total lamp wattage shall not be less than 41 watts.
- g. No sign or lighting shall be higher than the surrounding tree line so as to obstruct or interfere with a scenic view from afar.
- h. A sign which is permitted in the Retail Trade, Commercial or Industrial Zone but which would be prohibited in any residential zone shall be displayed only on a side of a structure or lot facing a street which may legally provide access to the property. No sign shall obstruct the view of persons in vehicles entering or exiting a driveway, and no sign shall obstruct the view of an exiting vehicle to vehicles traveling along a street.
- i. Ground signs, including supports, shall not exceed a height of fifteen (15) feet in a residential zone, or twenty (20) feet in the Retail Trade, Commercial or Industrial Zone, above the surface of the ground where located.
- j. No sign attached to a structure shall project more than two (2) feet over the top of the exterior wall of such structure at the location of the sign, except that in the Industrial Zone a sign may project up to four (4) feet over the top of the exterior wall of such structure, provided the sign is not within two hundred (200) feet of the boundary of a residential zone.
- k. All signs shall be properly maintained and shall not be allowed to fall into disrepair.
- l. Signs may be located in accordance with Tables 3.01A and 3.01B. The minimum yard requirements for buildings and structures shall not be applicable to signs. Any sign now or hereafter existing which no longer advertises a bona fide business or product shall be removed by the owner, or changed to reflect current occupancy of the site.
- m. Compliance limit: Existing outdoor advertising structures shall be brought into conformance with these regulations within 5 years from the date of adoption of this provision.

**Section 3.01.03 Signs in Residential Zones**

Signs shall be permitted in residential zones only as indicated in Table 3.01A. All other signs are prohibited in such zones.

**Section 3.01.04 Signs in the Retail Trade, Commercial and Industrial Zones**

- a. All signs permitted in residential zones are also permitted in the Retail Trade, Commercial and Industrial Zones.
- b. In addition to the signs permitted under Section 3.01.04(a), signs shall be permitted in the Retail Trade, Commercial and Industrial Zones as indicated in Table 3.01B.

**Section 3.01.05 Nonconforming Signs; Modifications**

Signs existing at the time of the adoption of these regulations must be maintained in their existing size, shape and illumination and cannot be altered, enlarged, expanded or moved, and no lights may be added thereto, except as such changes may keep or bring the signs into conformance with these regulations.

**Section 3.01.06 Permits**

Application for any signs requiring a permit shall be made to the Planning and Zoning Commission on a form to be provided by the Commission. The application shall be accompanied by a sketch showing the shape and dimensions of the lot, the location of the proposed sign on the lot, distances from roads and property lines, and distances from buildings and structures on the lot

**Section 3.01.07 Outdoor Lighting**

These regulations are intended to reduce the problems created by improperly designed and installed outdoor lighting. All business, residential, and community driveway, sidewalk and property luminaires should be installed with the idea of being a “good neighbor”, with attempts to keep unnecessary direct light from shining onto abutting properties or streets. All public and private outdoor lighting installed in the Town of Union shall be in conformance with the requirements established by these regulations.

- a. Control of Glare: Any luminaire with a lamp or lamps rated at a total of MORE than 1800 lumens and all flood or spot luminaries with a lamp or lamps rated at a total of MORE than 900 lumens, shall not emit any direct light above a horizontal plane through the lowest direct-light emitting part of the luminaire and shall be mounted at a height equal to or less than the value  $3 + (D/3)$ , where D is the distance in feet to the nearest property boundary. The maximum height of the luminaire may not exceed 25 feet.
- b. Luminaires used for public roadway illumination may be installed at a maximum height of 25 feet and may be positioned at that height up to the edge of any bordering property.
- c. Any light source permitted by these regulations may be used for lighting of outdoor recreational facilities (public or private), such as, but not limited to; football fields, soccer fields, baseball fields, softball fields, tennis courts or show areas providing all of the following conditions are met:
  - i. All fixtures used for the event lighting shall be fully shielded as per section 3.01.07.a or be designed or provided with sharp cut-off capability, so as to minimize up-light, spill-light and glare.

- ii. All events shall be scheduled so as to complete all activity before or as near to 10:30 PM as practical but under no circumstances shall any illumination of the event be permitted after 11:00 PM except to conclude a scheduled event that was in progress before 11:00 PM
- d. The use of laser light source light or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal is prohibited.
- e. Nonconforming temporary outdoor lighting may be permitted by the P & Z Commission after considering: (1) the public and/or private benefits that will result from the temporary lighting; (2) any annoyance or safety problems that may result from the use of the temporary lighting; and (3) the duration of the temporary nonconforming lighting. The applicant shall submit a detailed description of the proposed temporary nonconforming lighting to the Commission who shall consider the request at a duly called meeting of the Commission. The Commission shall render its decision within two weeks of the date of the meeting. A failure by the Commission to act on a request within the time allowed shall constitute a denial of the request.
- f. All luminaries lawfully in place prior to the date of these regulations shall be grandfathered. However, any luminaire that replaces a grandfathered luminaire, or any grandfathered luminaire that is moved, must meet the standards of these regulations. Grandfathered luminaries that direct light towards streets or parking lots that cause glare should be either shielded or redirected within 90 days of notification by the Commission or the Zoning Enforcement Officer.

## **SECTION 3.02 OFF-STREET PARKING AND LOADING**

### **Section 3.02.01 Parking: General Statement**

All buildings, structures and uses of land shall be provided with a sufficient number of off-street motor vehicle parking spaces to meet the needs of persons who may reasonably be expected to use such buildings or structures or to make such uses of land. Sufficient provisions must also be made for access to the buildings, structures or uses by emergency vehicles, such as police, fire and medical vehicles.

### **Section 3.02.02 Residential Parking**

Residential buildings shall be provided with a minimum of two off-street parking spaces per dwelling unit.

### **Section 3.02.03 Non-Residential Parking**

- a. Plan required. Any applicant for a zoning permit or special permit for any nonresidential building, structure or use of land shall submit to the Commission at the time of making such application a written statement of the number of persons who may reasonably be expected to visit or occupy such building, structure or land at peak times, including, but not limited to, employees, customers, patrons, suppliers, maintenance workers and visitors. The applicant shall also submit with the application a plan showing the location of a sufficient number of off-street parking spaces to accommodate the peak occupancy.
- b. Size of Spaces. Each parking space shall be a minimum of 10 feet by 20 feet. Spaces necessary to accommodate any trucks reasonably to be expected on the premises shall be sufficiently sized to accommodate such trucks. Adequate space must also be provided to allow all vehicles to maneuver into and out of the parking spaces provided for them.
- c. Pedestrian Safety. All parking areas shall be designed to protect the safety of pedestrians walking to and from the parking areas and to and from the building, structure or use.

- d. Runoff. In order to prevent polluting of groundwater by deicing salts and additives or other chemicals, infiltration of runoff from paved parking areas associated with nonresidential uses in any zone shall be kept to a minimum. Appropriate measures shall be taken to collect and discharge such runoff in a manner that will minimize the risk, of groundwater contamination.
- e. Existing Uses. Structures and land uses existing and approved prior to the effective date of these regulations which are subsequently enlarged by twenty-five (25) percent or more of their gross floor areas shall provide off-street parking spaces as required in this section.

**Section 3.02.04            Loading: General Statement**

For all nonresidential uses in the Retail Trade, Commercial and Industrial Zones there shall be provided adequate space in suitable locations for the loading and unloading of goods and materials. In determining the adequacy and suitability of such space, the Commission shall be guided by the nature and intensity of the use, the volume of traffic expected to use such space, and the location of buildings and structures in relation to the street.

**Section 3.02.05            Plan Required for Non-Residential Uses**

Any parking plan submitted by an applicant for a zoning permit or special permit for any nonresidential building, structure or use shall show the location of off-street loading and unloading areas of sufficient size to allow for the maximum number and size of motor vehicles which may reasonably be anticipated to require the use of such space at peak times. Adequate provision shall also be shown for the access and circulation of such vehicles.

**Section 3.02.06            Combined Parking and Loading Areas**

Joint use of certain areas for both off-street parking and loading may be permitted at the discretion of the Commission provided the total area and number of parking spaces is adequate for the combined uses.

**SECTION 3.03            EARTH REMOVAL AND FILLING**

**Section 3.03.01            General Provisions: Special Permit Required**

No excavation or removal of sand, gravel, clay, soil, humus, rock, stone or other earth materials, and no filling of land shall be allowed in any zone without a special permit, except as hereafter provided.

**Section 3.03.02            Exemptions**

A special permit shall not be required for the necessary and incidental excavation or removal of one thousand (1,000) cubic yards or less of material on or from a lot or parcel, or for any filling activity, only if such activity occurs in connection with one of the following:

- a. The bona fide construction or alteration of a structure for which a zoning permit or special permit has been issued and the amount of material to be removed or filled has been approved by the Commission.
- b. The landscaping of a lot having one or more existing structures.
- c. Normal agricultural operations.



- d. The construction of ponds for agricultural or conservation purposes, provided (i) that the material removed is left on the site, (ii) that the excavation or construction does not affect any watercourse or wetland drainage or flow and will not cause soil erosion or sedimentation problems, and (iii) that any other state or municipal permits required for such activity have been issued.

### **Section 3.03.03 Additional Site Plan Requirements**

In addition to any other requirements for site plans under these regulations, the site plan for an excavation, removal or filling activity shall include the following information:

- a. Location of area to be excavated or filled and proposed commencement and completion dates.
- b. A detailed statement of the nature, extent, timing and purpose of the operation.
- c. Depth of existing topsoil at various points.
- d. Depths to water table before and after the operation.
- e. Proposed truck routes and access to and from the property.
- f. Truck routes within the property.
- g. Existing and proposed drainage on the premises.
- h. Proposed measures for control of runoff, soil erosion and sedimentation.
- i. Existing topographic contour lines on the premises and proposed final contour lines resulting from the intended excavation, removal or riling, shown on a map drawn to a scale of not more than forty (40) feet to the inch and with contour intervals of no greater than five (5) feet. Contour lines must be shown for all areas within, and within one hundred (100) feet of, the site of the proposed excavation, removal or filling.
- j. All existing buildings or structures on the site and any buildings, structures or uses being applied for.

### **Section 3.03.04 Special Conditions**

No special permit shall be issued pursuant to Section 3.03 unless the following conditions are met:

- a. The activity shall not result in the creation of any sharp declivities, pits or depressions, soil erosion, soil fertility problems or permanently depressed land values, or create any drainage or sewage problems or other conditions which would impair the use of reuse of the property or neighboring property in accordance with these zoning regulations or which would create a nuisance.
- b. The activity shall be in harmony with the general purpose and intent of these regulations and shall not have any adverse effect on any existing or potential surface-water or groundwater supplies.
- c. Barricades and/or fences shall be erected as necessary for the protection of pedestrians and vehicles.
- d. No heavy equipment other than for digging, leveling, loading and carting away excavated material shall be used on the site, and no material shall be processed on the site, except as the special permit may specifically provide.

- e. At all stages of the operation, proper drainage will be provided to avoid the occurrence of stagnant water and to prevent interference with and contamination for surface water and groundwater.
- f. During and after the excavation, removal or filling, the site shall be cleared of debris.
- g. Sediment shall not be permitted to run off the site. Settlement basins shall be used as necessary to control sedimentation.
- h. No excavation or removal shall be made nearer than one hundred (100) feet to any property line or, if the final grade will be below the established elevation of a street, any street line.
- i. Proper measures shall be taken to minimize the generation of dust on access roads to driveways, and to minimize the nuisance of noise, flying dust and rocks both on and off the premises, including any nuisance created by trucks hauling away or delivering material. If considered necessary by the Commission, a limitation may be placed upon the stockpiling of excavated or fill material.
- j. The final grades in any area excavated or filled shall not be steeper than 3:1 (horizontal: vertical) or whatever lesser slope is necessary to maintain stability under particular soil conditions, and the disturbed area shall be covered with not less than three inches of loam and permanently seeded so as to preclude erosion.
- k. Blasting for the removal of earth products shall not be permitted unless approval is granted by the Commission and any other local or state agency having jurisdiction over blasting operations. An applicant for any activities involving blasting shall be required to show that the blasting will not cause a nuisance or damage to nearby property.
- l. At no time shall more than one undivided area, which area shall not exceed three (3) acres in size, be opened within the lot, it being the intent of these regulations that the remainder of the lot either shall be undisturbed land or shall have been restored or stabilized in accordance with these regulations.
- m. No excavation or filling shall be permitted within twenty-five (25) feet of a wetland or watercourse unless the applicant demonstrates that such excavation or filling will not adversely affect the water quality of such wetland or watercourse or cause erosion of or sedimentation into such wetland or watercourse.
- n. No activity connected with any excavation, removal or filling operation may be undertaken (i) on any Sunday or any legal holiday recognized by the State of Connecticut; or (ii) earlier than 6:00 a.m. or later than 5:30 p.m. Monday through Saturday.
- o. All arable soils from any excavation or fill area shall be set aside and retained on the premises, and shall be re-spread over the affected area and permanently seeded upon completion of the entire operation of any part thereof.
- p. Filling operations shall be carried on in such a manner as to prevent the breeding or harboring of insects, rats or other vermin, and to prevent the transport of fill or excavated material, or any waste or debris, off the premises by wind, water or other causes.
- q. Written permission must be given for the inspection of the site at any reasonable time by a duly authorized representative of the Commission.

### **Section 3.03.05 Issuance of a Special Permit: Conditions**

In issuing any special permit under Section 3.03 of these regulations, the Commission may place conditions on the depth, area, extent and timing of excavation, removal or filling activities; on the truck routes to be used to and from the area to be affected by such activities; and on the restorative measures to be undertaken, in order to carry out the intent of Section 3.03.04. The Commission may divide a project into stages and require that the Commission or its authorized agent give approval before each stage is undertaken. The Commission may also condition the special permit on the posting of a bond, or other security, in an amount and with surety satisfactory to the Commission, to secure the completion of any site restoration measures in accordance with the terms of the permit. No excavation, removal or filling shall be allowed except in strict accordance with the terms of the special permit.

### **Section 3.03.06 Expiration of Permit**

The Commission shall establish an expiration date for any special permit issued pursuant to Section 3.03 of these regulations. No such permit shall remain in force for more than one year following the date of issuance. The Commission may renew the special permit if it determines that the operation as carried on is in compliance with these regulations and with any and all conditions set forth in the permit. No permit shall be renewed until the Commission or its authorized agent has inspected the work under the previous permit.

### **Section 3.03.07 Transfer of Permit Prohibited**

No special permit issued in accordance with Section 3.03 of these regulations shall be transferable or assignable to any other person, corporation or legal entity. Any alienation of title to the premises concerning which a permit has been issued, whether by sale, lease, gift, devise or other means, shall operate as a revocation of the permit, and any subsequent owner, lessee or sublessee must apply for a new permit before any excavation, removal or filling operations may be conducted upon the premises. No such permit shall be issued unless all conditions stated in these regulations and in any previous permit have been met.

### **Section 3.03.08 Revocation of Permit**

If it appears to the Commission or its authorized agent at any time after the issuance of a special permit under the provisions of Section 3.03 of these regulations, and prior to the completion of the work there under, that any of the work is not in accordance with these regulations or the terms of the special permit, the Commission or its authorized agent may serve a notice on the violator stating the nature of the violation and giving not more than thirty (30) days for the violation to be corrected. If the violation is not corrected within the time specified in the notice, the Commission or its authorized agent may revoke the permit and take such other action as it or he may reasonably deem necessary to bring the work into compliance with these regulations and the terms of the special permit. These provisions are in addition to, and not in lieu of, the provisions of Section 5.09 of these regulations.

### **Section 3.03.09 Existing Operations**

Existing excavation, removal or filling operations may continue as nonconforming uses but the operator must file with the Commission a statement setting forth the area included in the operation and the nature, extent and purpose of the operation now being carried on. After such a statement is filed with and approved by the Commission, any extension or change in the operation shall be considered a new operation and shall require compliance with these regulations.

**Section 3.04 TRAILERS AND MOBILE HOMES**

Trailers are permitted in the Town of Union subject to the following conditions:

- a. No trailers may be used for human habitation or commercial purposes when parked upon a public highway.
- b. No trailer shall be parked, placed or stationed within four hundred (400) feet of a church, school, library or other place of public assembly except temporary construction trailers.
- c. Trailer occupancy for residential purposes is restricted to temporary living quarters on a lot owned by the occupant while a permanent dwelling (other than a manufactured home) is being constructed on the premises. Trailer occupancy for nonresidential purposes is restricted to temporary field-office uses. A permit must be obtained from the Commission to allow the trailer to be used for any such residential or nonresidential occupancy. The permit shall be valid for a one-year period and may be renewed or extended only as deemed necessary by the Commission.
- d. No such permit may be issued unless and until the Town Health Director or his authorized agent certifies in writing that the water supply and sewage disposal system comply with applicable state and local regulations. The permit shall at all times be posted in a conspicuous place on the premises at which the trailer is operated.
- e. With the exception of a trailer that is clearly designed or intended for use as a temporary field office, each trailer shall be considered as a temporary dwelling occupying a lot and shall be subject to the same lot area, yard, and setback requirements applicable to dwellings in the zone in which such trailer is located.
- f. Each application for a trailer occupancy permit shall be filed with the Commission on a form provided by it, and shall be accompanied with a fee of one hundred dollars (\$100.00) payable to the "Treasurer, Town of Union, Connecticut".

**Section 3.05 RESTRICTIONS ON USES NEAR WATERCOURSES**

**Section 3.05.01 Statement of Purpose**

The following regulations are intended to further the purposes set forth in Section 1.01 of these regulations and, more specifically, to promote the health, safety and welfare of residents of the Town of Union by protecting watercourses from unnecessary destruction or pollution.

**Section 3.05.02 General Provisions**

- a. Except as hereafter provided, no septic system, septic tank, leach field, dry well, chemical waste disposal system, manure storage area, or any other potential source of chemical or biological contamination (all hereinafter referred to as "system") shall be constructed or maintained in such a way that the closest point of any such system is nearer than one hundred fifty (150) feet to the nearest edge of the seasonal high water level of any watercourse. No system, at any distance from such watercourse, shall be constructed or maintained in such a manner as to drain into any such watercourse.
- b. The one hundred fifty (150) foot separation required under subsection (a) may be reduced to eighty (80) feet for a septic tank and leaching system limited to the disposal of only residential waste water, provided that
  - i. the provisions of all applicable state and local health and building codes are or have been met;
  - ii. a qualified professional engineer registered in the State of Connecticut submits to the Commission a plan for the septic tank and leaching system approved by the

Town Director of Health or his authorized agent, and certifies in writing that the requested reduction in separation distance from the watercourse will not result in drainage reaching the watercourse, or that such effluent, if reaching the watercourse, will meet State Department of Environmental Protection regulations and standards for quality of discharge into the watercourse. The engineer shall submit to the Commission for review and approval a soil erosion and sediment control plan designed to protect the watercourse during construction and following development until permanent vegetation is established.

- c. No building used for the purpose of raising or sheltering animals shall be located within eighty (80) feet of the seasonal high water level of any watercourse. No other building shall be located within eighty (80) feet of the seasonal high water level of any watercourse.
- d. A soil erosion and sediment control plan shall be submitted to the Commission for its review and approval where any building or structure is to be constructed, expanded, removed, or otherwise altered within one hundred (100) feet of a watercourse. Erosion control measures shall be implemented and maintained until permanent vegetation cover is established.
- e. No fertilizers, pesticides or herbicides shall be stored within one hundred fifty (150) feet of the seasonal high water level of any watercourse.
- f. No excavation or filling shall be permitted within twenty-five (25) feet of a watercourse unless the applicant demonstrates that such excavation or filling will not adversely affect the water quality of such watercourse or cause erosion of or sedimentation into such watercourse.

### **Section 3.06**

### **SOIL EROSION AND SEDIMENT CONTROL REGULATIONS**

#### **Section 3.06.01 Definitions**

For the purposes of Section 3.06, the following terms, phrases and words have the meanings thereafter stated:

- a. "Certification" means a signed, written approval by the Commission, its designated agent or the Tolland County Soil and Water Conservation District that a soil erosion and sediment control plan complies with the applicable requirements of these regulations.
- b. "Development area" means any construction or grading activities to improved or unimproved real estate.
- c. "Disturbed area" means an area where the ground cover is altered, destroyed or removed leaving the land subject to accelerated erosion.
- d. "Erosion" means the detachment and movement of soil or rock fragments by water, wind, ice or gravity.
- e. "Grading" means any excavating, grubbing, filling (including hydraulic fill) or stockpiling of earth materials or any combination thereof, including the land in its excavated or filled condition.
- f. "Inspection" means the periodic review of sediment and erosion control measures shown on the certified plan.
- g. "Sediment" means solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.
- h. "Soil" means any unconsolidated mineral or organic material of any origin.

- i. "Soil erosion and sediment control plan" means a scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.

### **Section 3.06.02            Activities Requiring a Soil Erosion and Sediment Control Plan**

A soil erosion and sediment control plan shall be submitted (i) with any application for development when the disturbed area of such development is cumulatively more than one-half acre; and (ii) whenever any other provision within these regulations specifically requires the submission of such a plan.

### **Section 3.06.03            Exemptions**

A single family dwelling that is not part of a subdivision of land shall be exempt from the provisions of Section 3.06, except as these regulations may specifically provide otherwise.

### **Section 3.06.04            Contents of Plan**

To be eligible for certification, a soil erosion and sediment control plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from storm water runoff on the proposed site based on the best available technology. For methods and practices necessary for certification refer to the "Connecticut Guidelines for Soil Erosion and Sediment Control (1985)", as amended, published by the Connecticut Council on Soil and Water Conservation. Alternative principles, methods and practices may be used with prior approval of the Commission. A professional engineer, licensed to practice in the State of Connecticut, shall prepare the soil erosion and sediment control plan.

The plan shall contain, but shall not be limited to:

- a. A narrative describing:
  - i. the development
  - ii. the schedule for grading and construction activities including:
    - a. start and completion dates
    - b. sequence of grading and construction activities
    - c. sequence for installation and/or application of soil erosion and sediment control measures
    - d. sequence for final stabilization of the project site
  - iii. the design criteria for proposed soil erosion and sediment control measures and storm water management facilities
  - iv. the construction details for proposed soil erosion and sediment control measures and storm water management facilities
  - v. the installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities
  - vi. the operations and maintenance program for proposed soil erosion and sediment control measures and storm water management
- b. A site plan at a scale of one inch equal to no more than forty (40) feet on sheets either 18" by 24" or 24" by 36" in size. The site plan must show:
  - i. the location of the proposed development and adjacent properties
  - ii. the existing and proposed topography including soil types, wetlands, water courses and water bodies

- iii. the proposed area alterations including cleared, excavated, filled or graded areas and proposed structures, utilities, roads and, if applicable, new property lines
  - iv. the existing structures on the project site, if any
  - v. the location and details for all proposed soil erosion and sediment control measures and storm water management facilities
  - vi. The sequence of grading and construction activities
  - vii. The sequence and installation and/or application of soil erosion and sediment control measures
  - viii. The sequence for final stabilization of the development site.
- c. A certification that the soil erosion and sediment control plan is in conformance with the provisions of these regulations, which certification shall be signed, sealed and dated by the professional engineer responsible for preparing the plan.
  - d. Any other information deemed necessary and appropriate by the applicant or requested by the Commission or its designated agent.

**Section 3.06.05 Minimum Standards for Soil Erosion and Sediment Control**

- a. Plans for soil erosion and sediment control shall be developed in accordance with these regulations using the principles outlined in Chapters 3 and 4 of the “Connecticut Guidelines for Soil Erosion and Sediment Control” (1985), as amended. Soil erosion and sediment control plans shall result in a development that minimizes erosion and sedimentation during construction is stabilized and protected from erosion when completed and does not cause off-site erosion and/or sedimentation.
- b. The minimum standards for individual measures are those in the “Connecticut Guidelines for Soil Erosion and Sediment Control” (1985), as amended. The Commission or its authorized agent may grant exceptions when requested by the applicant if technically sound reasons are presented.
- c. The appropriate method from Chapter 9 of the “Connecticut Guidelines for Soil Erosion and Sediment Control” (1985), as amended, shall be used in determining the peak flow rates and volumes of runoff unless the Commission approves an alternate method.

**Section 3.06.06 Issuance or Denial of Certification**

- a. The Commission or its authorized agent shall either certify that the soil erosion and sediment control plan, as filed, complies with the requirements and objectives of these regulations or shall deny certification when the development proposal does not comply with these regulations.
- b. Nothing in these regulations shall be construed as extending the time limits for the approval of any application under Chapters 124, 124a or 126 of the General Statutes of the State of Connecticut.
- c. Prior to certification, any plan submitted to the Commission may be reviewed by the Soil and Water Conservation District, which may make recommendations concerning such plan, provided such review shall be completed within thirty days of the receipt of such plan. When determined by the Commission to be necessary or desirable, the Commission may require that the soil erosion and sediment control plan be certified by the Soil and Water Conservation District. Any costs related to such certification by the District shall be borne by the applicant.
- d. The Commission may forward a copy of the development proposal to other agencies and/or advisors for review and comment.

**Section 3.06.07            Application of Controls; Bond or Other Security**

- a. The estimated costs of measures required to control soil erosion and sedimentation, as specified in the certified plan, shall be covered by a bond or other security acceptable to the Commission for the completion and maintenance of the required soil erosion and sediment control measures. A cost breakdown forming the basis of the amount of the bond or other security to be posted may be prepared by and submitted to the Commission by the applicant with the application for a soil erosion and sediment control development proposal.
- b. Site development shall not begin unless the soil erosion and sediment control plan is certified and those control measures and facilities in the plan scheduled for installation prior to site development are installed and functional and/or a bond or other security assuring completion and maintenance of such measures and facilities has been posted in a form and in an amount acceptable to and approved by the Commission.
- c. Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan.
- d. All control measures and facilities shall be maintained in effective condition to ensure compliance with the certified plan.

**Section 3.06.08            Inspection**

Inspections may be made by the Commission or its authorized agent during the development to ensure compliance with the certified plan and that control measures and facilities are properly performed or installed and maintained. The Commission may require the permittee to verify through progress reports that soil erosion and sediment control measures and facilities have been performed or installed according to the certified plan and are being operated and maintained.

**Section 3.06.09            Release of Bond or Security**

Upon completion of all work specified in the certified plan the applicant shall notify the Commission thereof and submit a report, including maps as necessary, certifying that the soil erosion and sediment control measures have been completed as approved by the Commission. Upon receipt of the report and inspection of the site by the Commission or its designated agent, the Commission may release the portion of the bond or other security posted for the installation of the required measures upon the finding that the provisions of the certified plan have been complied with. The portion of the bond or other security posted for assurance that the installed measures shall be adequately maintained may be released, subject to the above inspection and reporting requirements, upon termination of the maintenance period, normally eighteen (18) months.

**Section 3.07                    MOTOR VEHICLE SERVICE AND REPAIR STATIONS**

The following standards and limitations shall apply to any motor vehicle service or repair station, including any motor vehicle dealership which maintains service or repair facilities.

- a. No floor drains shall be permitted. All floor sweepings, motor vehicle wash water, automotive fluids (including, but not limited to, oil, gasoline, diesel fuel, anti-freeze, brake fluid, transmission fluid, steering fluid and windshield washing fluid), cleaning compounds, solvents and other chemicals used in the course of operation of the service station must be disposed of off the premises in accordance with any and all applicable federal, state and local laws and regulations.



- b. No automotive fluids, cleaning compounds, solvents or other chemicals, and no hazardous materials or wastes of any kind, shall be discharged onto or into the ground or any wetland or watercourse.
- c. No more than one (1) motor vehicle for every one thousand (1,000) square feet of lot area shall be stored outside at any time, and there shall be no outdoor storage of partially dismantled or wrecked motor vehicles.
- d. Vending machines or other dispensing machines shall be located within the principal or accessory buildings on the lot.
- e. No more than 12 fuel nozzles shall be permitted
- f. Above-ground and partially above-ground and underground fuel storage tanks may be allowed by special permit.
- g. All fuel storage tanks shall comply with applicable federal and state regulations and standards, including, but not limited to, any regulations promulgated by the Connecticut Department of Environmental Protection pursuant to Section 22a-449 of the Connecticut General Statutes, as amended. No permit or site plan for a motor vehicle service or repair station shall be approved unless the applicant provides the Commission with a certification from a licensed tank-installation contractor or other qualified person that the tanks as described and specified in the application comply with such regulations and standards.

**Section 3.08                    EATING AND DRINKING ESTABLISHMENTS**

The following standards and limitations shall apply to any eating and drinking establishment:

- a. All eating and drinking establishments shall provide table or counter service within a closed building that contains a health department approved commercial kitchen. Drive-through or other take-out service may be allowed under a special permit if the Commission determines that such service would be appropriate in the location requested. In making this determination, the Commission may consider existing traffic patterns, the character of uses near the proposed location, the impacts upon nearby residential properties, and other relevant factors.
- b. Grease shall be disposed of in a manner that will prevent clogging and other interference with the normal operation of sewage disposal systems. The Commission may require that grease be collected and disposed of separately from other kitchen wastes.
- c. Separate subsurface sewage disposal systems shall be provided for (i) toilet and other restroom wastes, and (ii) all other wastes permitted to be disposed of by means of such systems.

**Section 3.09                    RURAL INDUSTRIES**

**Section 3.09.01                Purpose of Rural Industries Regulations**

The purpose of these regulations is to provide economic opportunities in rural areas by permitting the operation of small businesses and industries which, because of their limited size, large setbacks, sidelines and open space requirements, will be capable of existing in otherwise residentially zoned areas without any adverse effects on the quality of life, environment, aesthetic values and property values in such areas.

### **Section 3.09.02 Permitted Rural Industries**

Only the following uses shall be permitted as rural industries under these regulations:

Antique restoration  
Auto restoration  
Artist studio or gallery  
Bakery  
Boat making  
Bookbinding  
Canning and freezing of food grown upon the premises  
Craft making  
Computer repair  
Seamstress/tailor shop  
Electrical appliance repair  
Flower shops  
Gunsmith and repair shop  
Herb shop  
Meat cutting and freezing (not including slaughtering)  
Office machine repair  
Printing  
Schools (private)  
Sheet metal shop  
Sign shop  
Small engine repair  
Taxidermy  
Vintage crafts or trades  
Welding  
Woodworking

### **Section 3.09.03 Standards for Rural Industries**

Rural industries shall comply with the following standards and conditions in addition to all other applicable standards and conditions set forth throughout these regulations:

- a. Minimum Acreage. Rural industries may not be located on lots of less than five (5) contiguous acres. At least two (2) acres of the lot must remain undeveloped. No more than one rural industry shall be permitted on any lot.
- b. Building Dimensions. The maximum cumulative floor area of all buildings and structures associated with the rural industry shall be five thousand (5,000) square feet. The minimum floor area for any one building shall be five hundred (500) square feet. The maximum height of any building or structure shall be thirty-five (35) feet.
- c. Front Yard. The minimum front yard for any rural industry shall be one hundred and fifty (150) feet, all of which must be appropriately screened so as to be consistent and compatible with residential uses.
- d. Side Yards. The minimum side yard for any rural industry shall be one hundred twenty (120) feet. Areas developed in connection with the rural industry shall be appropriately screened from adjacent properties so as to be consistent and compatible with residential uses.
- e. Rear Yards. The minimum rear yard for any rural industry shall be one hundred twenty (120) feet, at least fifty (50) feet of which must be appropriately screened from adjacent properties so as to be consistent and compatible with residential uses.

- f. Parking. Off-street parking areas shall be provided in accordance with Section 3.02 of these regulations and shall be screened from adjacent residential properties.
- g. Hours of Operation. Except as noted below, no rural industry shall be open to the public more than twelve (12) hours per day or more than six (6) days per week. These limits shall not apply to the following uses: bakeries and private schools. The Commission may limit the actual hours of operation of any rural industry

**Section 3.10 OTHER SPECIAL USES**

**Section 3.10.01 Permanent Public Uses**

The commission may permit the following uses in any zone if it finds such use to be essential to the public convenience and welfare:

- a. Town, state or federal government buildings, including post offices and public schools
- b. Public utility lines, substations and buildings
- c. Firehouses
- d. Libraries
- e. Cemeteries
- f. Churches open to the public
- g. Town parks and playgrounds.

**Section 3.10.02 Temporary Uses**

Any church, school, civic association, volunteer fire department or other non-profit organization may hold a fair, carnival, circus, athletic meet, sporting event or similar event on its own premises for a period not exceeding seven (7) days if the profits are to be used for civic, religious or philanthropic purposes. A permit may be issued by the Commission to any such organization to hold an event as described and limited above on premises not owned by that organization.

**Section 3.11 Telecommunications Facilities**

The purposes of this section are as follows:

- a. To accommodate the need for telecommunications facilities, while regulating their location and numbers.
- b. To minimize adverse visual effects of these facilities through proper design, siting and screening.
- c. To avoid potential damage to adjacent properties from these facilities.
- d. To encourage shared or collocated use of towers and facilities.
- e. To reduce the number of towers and sites needed in the future.

**Section 3.11.01 Specially Permitted Use**

Public and private telecommunications facilities shall be permitted uses in all zones by special permit subject to the requirements of Section 5.03 of these regulations and the following specific criteria:

- a. To minimize the number of telecommunications towers, in the future all proposed support structures with the exception of structures used solely for amateur radio communications shall be required to accommodate at least two additional users, including other communications companies and public emergency service providers.

- b. For all new telecommunications facilities, the Commission may require the applicant to take reasonable steps to mitigate any adverse visual impacts. Such steps may include landscaping, fencing, painting or similar measures as appropriate.
- c. No lighting of any telecommunications facility will be permitted except as required by the Federal Communications Commission, Federal Aviation Administration or the Connecticut Siting Council.
- d. No advertising or signs shall be permitted on any communications towers.
- e. No tower or other telecommunications facility shall exceed the height required to satisfy the technical requirements of the telecommunications facility. This shall include the requirements of collocated or shared users.
- f. A proposed telecommunications tower shall be setback from all abutting property boundaries a minimum distance equal to the height of the tower plus twenty-five (25) feet. The Commission may require a greater setback if it determines that such setback will better satisfy the criteria of Section 5.03.06 and this Section 3.11.01.
- g. Telecommunications facilities shall be enclosed with a security fence, a minimum of six (6) feet in height.

**Section 3.11.02 Additional Requirements**

In addition to the requirements and criteria of Section 3.11.01 and Section 5.03 of these regulations, the Commission may condition, restrict or limit any special permit issued for a telecommunications facility, communication tower or antennae in any manner the Commission finds to be necessary or appropriate to prevent unreasonable disturbance, nuisance or harm to the use or enjoyment of nearby properties or to protect important scenic vistas or the visual character of the Town of Union. In reviewing any application for a permit or special permit under Section 3.11, the Commission may require the applicant to present such information as the Commission finds necessary or beneficial to allow the Commission to assess the potential impacts of a telecommunications facility including, but not limited to photographs, sketches or other visual or graphical documentation. The Commission may also require the applicant to fly a balloon at the proposed location to allow the Commission to determine how visible any proposed facility will be from other locations within the town.

**SECTION 3.12 WIND ENERGY SYSTEMS – GREATER THAN 100KW**

The purposes of this section are as follows:

- a. To promote the safe, effective and efficient use of wind energy systems to reduce our dependence on non-renewable energy and decrease pollution to our environment.
- b. To minimize the adverse effects of these facilities through proper design, siting and screening.
- c. To avoid potential damage to adjacent properties.

**Section 3.12.01 Specially Permitted Uses**

The proposal or application for a Wind Energy System must conform to the following requirements and standards:

- a. The wind system must comply with all applicable state and federal regulations.
- b. The wind system including, guy wires and anchors, shall not be located closer to a property line than the height of the tower and blades plus the required property line setback of the zone.

- c. The wind system shall not be located any closer than the height of the tower and blades plus the setbacks from any abutting property line.
- d. Except during short-term events including utility outages and severe wind storms, the wind system shall be designed, installed and operated so that noise generated by the system shall not exceed forty five (45) decibels (dBA) as measured at the closest abutting property line.
- e. Landscaping to buffer the ground level equipment and structures from the adjoining property may be required.
- f. The height of the tower and blades shall not exceed four hundred fifty (450) feet.
- g. Safety lighting shall comply with FAA requirements. All other lighting must comply with Section 3.01 of these regulations.

**Section 3.12.02 Site Plan Requirements**

The proposal or application for a Wind Energy System must conform to the following requirements and standards:

- a. Outline of all existing and proposed structures on the site and adjacent properties within one thousand (1000) feet of the site boundaries.
- b. The location of all towers, guy wires and anchors.
- c. The location of all roads and driveways.
- d. Any existing and proposed overhead utility wires.
- e. Operation and maintenance plan of all access roads and storm water control.
- f. Proposed changes to the landscape, grading and the removal and planting of any vegetation.
- g. A location map consisting of a USGS Quadrangle map showing the proposed site and the area within two miles of the site.

**Section 3.12.03 Abandonment or Decommissioning**

Any wind energy system that has reached the end of its useful life or has been abandoned shall be removed. The owner/operator shall physically remove the facility no more than 6 months after the date of discontinued operation. The owner/operator shall notify the Town of Union by certified mail of the proposed date of discontinued operation and plans for removal. Decommissioning shall consist of the following:

- a. The Commission may require that the applicant, prior to constructing any approved wind energy system, post a bond to cover the reasonable costs of decommissioning the facility in the event the system ceases to operate and the landowner fails to decommission the facility as required by this section. The Commission may require that the amount of the bond be reviewed and possibly increased on an annual basis.
- b. Physical removal of all wind turbines, structures, equipment, security barriers and transmission lines from the site.
- c. Disposal of all solid and hazardous waste in accordance with local, state and federal waste disposal requirements.

- d. Stabilization or re-vegetation of the site to minimize erosion. The wind system must comply with all applicable state and federal regulations.

### **SECTION 3.13 WIND ENERGY SYSTEMS – LESS THAN 100KW**

The purposes of this section are as follows:

- a. To promote the safe, effective and efficient use of wind energy systems to reduce our dependence on non-renewable energy and decrease pollution to our environment.
- b. To minimize the adverse effects of these facilities through proper design, siting and screening.
- c. To avoid potential damage to adjacent properties.

#### **Section 3.13.01 Specially Permitted Uses**

The proposal or application for a Wind Energy System must conform to the following requirements and standards:

- a. The wind system must comply with all applicable state and federal regulations.
- b. The wind system including, guy wires and anchors, shall not be located closer to a property line than the height of the tower and blades plus the required property line setback of the zone.
- c. The height above average ground level of the permanent structure shall not exceed sixty-five (65) feet on a parcel less than five (5) acres and eighty (80) feet on parcels five (5) acres or more, provided that, in all cases the wind system shall comply with all applicable Federal Aviation Administration (FAA) requirements.

Except during short-term events including utility outages and severe wind storms, the wind system shall be designed, installed and operated so that noise generated by the system shall not exceed forty five (45) decibels (dBA) as measured at the closest abutting property line.

### **SECTION 3.14 ADULT ORIENTED BUSINESS OR ESTABLISHMENT**

The purpose of these regulations is to protect, preserve and promote the health, safety and welfare of the patrons of such businesses as well as the health, safety and welfare of the Town's residents, other businesses and taxpayers. Further, to protect order and morality, preserve the character and prevent the deterioration of the Town's neighborhoods and business areas, promoting commercial trade and activity, maintain property values, and ensure sanitary and safe places. The Commission also finds that reasonable and uniform regulation of adult oriented businesses is necessary to reduce or eliminate the adverse secondary effects of such businesses.

- a. Such establishments must be in a standalone building in a retail trade or commercial/industrial zone and not part of a commercial plaza or complex.
- b. Such establishments shall be a minimum of seven hundred fifty (750) feet from schools, churches, public and private parks, licensed day care facilities, municipal boundary lines and other adult-oriented establishments.
- c. Such establishments shall be subject to special permit and site plan review by the Planning and Zoning Commission. The following specific site plan criteria shall apply to any adult-oriented establishment:
  - i. No residential use shall be established in any building of which any part is used as an adult-oriented business.

- ii. No exterior sign shall contain any photographic or artistic representation of specified anatomical areas and must conform to section 3.01.01 of these regulations.
  - iii. All building openings, entries, windows, doors shall be located, covered or screened in such a manner as to prevent view of the interior of the building from any public right-of-way or adjacent property.
  - iv. Stairways, sloping or rising paths and building entrances and exits shall be illuminated and must conform to Section 3.01.01 of these regulations.
  - v. All parking must be provided solely on site and must be provided at a rate consistent and comparable to the underlying activity and must conform to Section 3.02 of these regulations.
- d. Definitions related to adult uses may be found in Supplement B of these regulations.
- e. Exceptions. Notwithstanding any provisions to the contrary, the prohibitions set forth in these regulations shall not be deemed to apply to the following:
- i. Motion pictures that have been reviewed by the Motion Picture Association of America and have been given a rating by that organization of G< PG< PG-13, or R.
  - ii. Medical publications or films.
  - iii. Films, motion pictures, videocassettes, slides or other photographic reproductions shown at schools or other bona fide educational institutions for educational purposes.
  - iv. Art or photography publications that devote at least 25% of the lineage of each issue to articles and advertisements dealing with subjects of art or photography not related to or depicting specified anatomical areas or specified sexual activities.
  - v. News periodicals that report or describe current events and that from time to time publish photographs of nude or seminude persons in connection with the dissemination of the news.
  - vi. Publications or films that describe and report different cultures and that, from time to time, publish or show photographs or depictions of nude or seminude persons when describing cultures in which nudity or semi nudity is indigenous to the population.

## **ARTICLE IV ZONING DISTRICTS**

### **SECTION 4.01 RURAL RESIDENCE ZONE**

#### **Section 4.01.01 Generally Permitted Uses**

The following uses are generally permitted in the Rural Residence Zone:

- a. Single-family detached dwellings.
- b. Two-family dwellings, provided that (I) any such dwelling must be sited on no less than one and one-half (1 ½) acres of buildable land (see Section 2.08 of these regulations); and (II) each single-family unit must have its own subsurface sewage disposal system and septic system reserve area.
- c. Farms.
- d. Forestry practices, logging operations and sawmills, provided that permanent sawmills must be located no less than five hundred (500) feet from any property line.

- e. Nurseries and greenhouses provided that Best Management Practices as prescribed or recommended by the Soil and Water Conservation District for the application of pesticides, herbicides and fertilizer shall be followed to prevent deleterious effects on groundwater and surface water.
- f. Child and adult day-care centers, provided that any required state or municipal licenses have been obtained by the operator(s) of the centers.
- g. Open space.
- h. Signs, in accordance with Section 3.01 of these regulations.
- i. Accessory buildings, structures and uses, in accordance with Section 2.10 of these regulations.

#### **Section 4.01.02 Specially Permitted Uses**

A special permit may be issued for the following uses in the Rural Residence Zone pursuant to Section 5.03 of these regulations:

- a. Outdoor recreational areas, such as ski areas and golf courses, but not including campgrounds, provided that (I) the vehicular entrance and exit from the area must be at least sixty (60) feet from any side or rear lot line; (II) no building or structure shall be located within seventy-five (75) feet of any lot line; (III) Best Management Practices prescribed or recommended by the Soil and Water Conservation District and applicable to the development and maintenance of the recreation area shall be followed to prevent unnecessary erosion, sedimentation or contamination of surface water of groundwater.
- b. Educational, religious or philanthropic buildings, structures or uses, including hospitals, healthcare facilities and excluding correctional institutions, provided that (I) the minimum lot size for such building, structure or use shall be five (5) acres; (II) parking areas shall be adequately screened from surrounding property; and (III) vehicular entrances and exits shall be located no less than twenty-five (25) feet from any lot lines.
- c. Riding stables.
- d. Hair dressing salons.
- e. Kennels.
- f. Indoor/Outdoor shooting range.
- g. Rural industries, in accordance with Section 3.09 of these regulations.
- h. Accessory buildings, structures or uses, in accordance with Section 2.10 of these regulations.

#### **Section 4.01.03 General Standards for the Rural Residence Zone**

The following general standards shall apply to all buildings, structures and uses in the Rural Residence Zone except as these regulations may specifically provide otherwise.

- a. Lot area. The minimum lot area for all permitted uses shall be three (3) acres. The minimum lot area for two-family dwellings shall be six (6) acres.
- b. Lot frontage. The minimum lot frontage for all other permitted uses shall be two hundred and fifty (250) feet. The minimum lot frontage for two-family dwellings shall be four hundred (400) feet.
- c. Lot coverage. The maximum lot coverage shall be ten (10) percent.



- d. Height of any building and structures. The maximum height of any building or structure shall be thirty-five (35) feet.
- e. Minimum floor area. The minimum floor area of any principal building shall be one thousand (1,000) square feet. The minimum livable floor area for any single-family dwelling shall be one thousand (1,000) square feet. The minimum livable floor area of any single-family dwelling unit within a two-family dwelling shall be nine hundred and fifty (950) square feet.
- f. Maximum floor area. No more than five thousand (5,000) square feet of combined building floor area shall be allowed on any lot under a zoning permit. A special permit may be issued pursuant to Section 5.03 of these regulations for additional building floor area, provided that (I) for each additional increment of twenty-five hundred (2,500) square feet of floor area, or portion of such increment, above the first seventy-five hundred (7,500) square feet, the minimum lot-area requirement provided under these regulations shall be increased by one acre; and (II) no single building shall have more than fifty thousand (50,000) square feet of floor area. The provisions of this subsection (f) shall not apply to any building principally used as a residence.
- g. Front yard. The minimum front yard for any lot shall be seventy-five (75) feet.
- h. Side Yards. The minimum side yard shall be forty (40) feet.
- i. Rear Yard. The minimum rear yard shall be forty (40) feet.
- i. Design Guidelines. The town of Union land use guidelines are intended to provide guidance in designing buildings consistent with the rural characteristics of the town of Union. (See Supplement A)

## **SECTION 4.02            RETAIL TRADE ZONE**

### **Section 4.02.01            Generally Permitted Uses**

The following uses are generally permitted in the Retail Trade Zone:

- a. Any use generally permitted in the Rural Residence Zone, provided, however, that the standards set forth in Section 4.03.03 of these regulations shall apply to such uses.
- b. Antique shops
- c. Art galleries
- d. The following retail trade stores:
  - i. Book stores
  - ii. Clothing, shoe and fabric stores
  - iii. Computer stores
  - iv. Florist shops
  - v. Furniture and furnishing stores
  - vi. Grocerette or convenience stores
  - vii. Hardware stores
  - viii. Jewelry stores
  - ix. Laundry
  - x. Optician's stores
  - xi. Sporting goods stores
  - xii. Stationery and gift shops

- xiii. Tailor shops
- xiv. Television and audio equipment sales stores
- xv. Video rental and sales stores
- e. The following business and professional offices
  - i. Advertising agencies
  - ii. Consulting firms
  - iii. Data processing firms
  - iv. Financial institutions
  - v. Insurance and real estate offices
  - vi. Professional offices
  - vii. Telephone answering services
- f. Fish hatcheries

**Section 4.02.02 Specially Permitted Uses**

A special permit may be issued for the following uses in the Retail Trade Zone pursuant to Section 5.03 of these regulations:

- a. Any use that may be allowed by special permit in the Rural Residence Zone, provided, however, that the standards set forth in Section 4.03.03 of these regulations shall apply to such uses.
- b. Eating and drinking establishments, subject to the provisions set forth in Section 3.08 of these regulations.
- c. Spirit shops
- d. Laboratory facilities
- e. Grocerette or convenience stores, with motor vehicle fuel or heating fuel sales

**Section 4.02.03 General Standards for the Retail Trade Zone**

The following general standards shall apply to all buildings, structures and uses in the Retail Trade Zone, except as these regulations may specifically provide otherwise:

- a. Lot area. The minimum lot area for all other uses shall be three (3) acres. The minimum lot area for two-family dwellings shall be six (6) acres.
- b. Lot frontage. The minimum lot frontage for all other uses shall be two hundred and fifty (250) feet. The minimum lot frontage for two-family dwellings shall be four hundred (400) feet.
- c. Lot coverage. The maximum lot coverage shall be twenty-five (25) percent. A special permit may be issued for an additional twelve (12) percent for parking lot purposes only for total lot coverage of thirty-seven (37) percent.
- d. Front yard. The minimum front yard shall be seventy-five (75) feet.
- e. Side yards. The minimum side yard shall be forty (40) feet.
- f. Rear yard. The minimum rear yard shall be forty (40) feet.
- g. Screening. A buffer area extending at least forty (40) feet from each lot line shall be provided for all uses other than those that are generally permitted in the Rural Residence

Zone. The Commission may require additional screening where it deems it necessary to protect neighboring properties from noise, light or other nuisance. Such additional screening may include the erection of a fence or the installation of an earthen berm. The Commission may permit existing vegetation, lawns or other buffer area if it finds that such alternate cover would satisfactorily protect neighboring properties from noise, light and other nuisance and would be consistent with the character of surrounding land uses.

- h. Height of buildings and structures. The maximum height of any building or structure shall be thirty-five (35) feet.
- i. Stories. No more than three (3) stories above grade shall be permitted.
- j. Minimum floor area. The minimum floor area requirements in the Retail Trade zone shall be the same as the minimum floor area requirements in the Rural Residence Zone.
- k. Maximum floor area. No more than five thousand (5,000) square feet of combined building floor area shall be allowed on any lot under a zoning permit. A special permit may be issued pursuant to Section 5.03 of these regulations for additional building floor area, provided that (I) for each additional increment of twenty-five hundred (2,500) square feet of floor area, or portion of such increment, above the first five thousand (5,000) square feet, the minimum lot area requirement provided under these regulations shall be increased by one acre; and (II) no single building shall have more than fifty thousand (50,000) square feet of floor area. The provisions of this subsection (k) shall not apply to any building principally used as a residence.
- l. Rubbish disposal. Rubbish and waste disposal areas shall be fenced or otherwise screened, and rubbish and waste shall at all times be kept in appropriate closed containers in order to prevent dispersal of refuse materials within or outside of the lot.

## **SECTION 4.03            COMMERCIAL/INDUSTRIAL ZONE**

### **Section 4.03.01            Generally Permitted Uses**

The following uses are generally permitted in the Commercial/Industrial Zone:

- a. Any use generally permitted in the Retail Trade zone, provided, however, that the standards set forth in Section 4.04.03 of these regulations shall apply to such uses.
- b. Bowling alleys
- c. Exercise centers
- d. Farm equipment and garden shops
- e. Lumber yards
- f. Racquetball and tennis courts
- g. Indoor theaters (stage or film)

### **Section 4.03.02            Specially Permitted Uses**

A special permit may be issued for the following uses in the Commercial/Industrial zone pursuant to Section 5.03 of these regulations:

- a. Any use for which a special permit may be issued in the Retail Trade Zone, provided, however, that the standards set forth in Section 4.04.03 of these regulations shall apply to such uses.
- b. Bakeries

- c. Pharmacies
- d. Television, audio and appliance stores, with or without repair facilities
- e. Tire sales stores without tire manufacturing or retread facilities
- f. Motor vehicle service stations, subject to the provisions set forth in Section 3.07 of these regulations
- g. Motor vehicle dealerships, subject to the provisions set forth in Section 3.07 of these regulations
- h. Beauty salons/Barber shops
- i. Hotel, motel and country inns
- j. Warehouses
- k. Facilities for manufacturing and assembling components or other goods.
- l. Brewery and micro-brewery.

**Section 4.03.03            General Standards for the Commercial/Industrial Zone**

- a. Lot area. The minimum lot area for all other uses shall be three (3) acres. The minimum lot area for two-family dwellings shall be six (6) acres.
- b. Lot frontage. The minimum lot frontage all other uses shall be two hundred and fifty (250) feet. The minimum lot frontage for two-family dwellings shall be four hundred (400) feet.
- c. Lot coverage. The maximum lot coverage shall be twenty-five (25) percent. A special permit may be issued for an additional twelve (12) percent for parking lot purposes only for total lot coverage of thirty-seven (37) percent.
- d. Front yard. The minimum front yard shall be seventy-five (75) feet.
- e. Side yards. The minimum side yard shall be forty (40) feet.
- f. Rear yard. The minimum rear yard shall be forty (40) feet.
- g. Screening. A buffer area extending at least forty (40) feet from each lot line shall be provided for all uses other than those that are generally permitted in the Rural Residence Zone. The Commission may require additional screening where it deems it necessary to protect neighboring properties from noise, light or other nuisance. Such additional screening may include the erection of a fence or the installation of an earthen berm. The Commission may permit existing vegetation, lawns, or other, less dense landscaping to remain or be planted in place of a buffer area if it finds that such alternate cover would satisfactorily protect neighboring properties from noise, light or other nuisance and would be consistent with the character of surrounding land uses.
- h. Height of buildings and structures. The maximum height of any building or structure shall be thirty-five (35) feet.
- i. Stories. No more than three (3) stories above grade shall be permitted.
- j. Minimum floor area. The minimum floor area of any principal building or structure shall be one thousand (1,000) square feet. All single-family dwellings shall have a minimum livable floor area of one thousand (1,000) square feet. Each dwelling unit within a two-family dwelling shall have a minimum livable floor area of nine hundred and fifty (950) square feet.

- k. Maximum floor area. No more than ten thousand (10,000) square feet of combined building floor area shall be allowed on any lot under a zoning permit. A special permit may be issued pursuant to Section 5.03 of these regulations for additional building floor area, provided that (I) for each additional increment of five thousand (5,000) square feet of floor area, or portion of such increment, above the first ten thousand (10,000) square feet, the minimum lot area requirement provided under these regulations shall be increased by one acre; and (II) no single building shall have more than fifty thousand (50,000) square feet of floor area. The provisions of this subsection (k) shall not apply to any building principally used as a residence.
- l. Rubbish disposal. Rubbish and waste disposal areas shall be fenced or otherwise screened, and rubbish and waste shall at all times be kept in appropriate closed containers, in order to prevent dispersal of refuse materials within or outside of the lot.

## **SECTION 4.04                      UNION LANDS ZONE**

### **Section 4.04.01                      Purposes of Union Lands Zone**

The Union Lands Zone and the regulations established in Section 4.05 are intended to promote and protect the health, safety and general welfare of the residents of the Town of Union and, more specifically, to achieve the following specific purposes:

- a. To provide and retain sufficient open space in appropriate locations to maintain aesthetic, scenic and historic values, conserve and protect natural resources, serve as a natural buffer zone between incompatible land uses, and serve as a “land bank” where open land remains as a reserve for future development.
- b. To provide sufficient space in appropriate locations to meet future Town needs for active and passive recreational areas, including playgrounds and play fields, and neighborhood and Town parks.
- c. To provide sufficient space in appropriate locations to meet future Town needs for the expansion and addition of educational facilities.
- d. To provide a place for the preservation of historic values for future generations.

### **Section 4.04.02                      Generally Permitted Uses**

Lots and parcels within the Union Lands may be developed so as to provide natural, active or passive recreation, or historical or educational facilities to meet the needs of the residents of the Town of Union. All plans and specifications for development within the Union Lands Zone shall be subject to the approval of the Commission pursuant to these regulations.

## **SECTION 4.05                      FLOODPRONE AREAS ZONE**

### **Section 4.05.01                      Location of Floodprone Areas Zone**

The Floodprone Areas Zone is hereby specifically defined to be the area designated as Zone A (areas of the 100-year flood), including any Zone designated by the letter “A” followed by another letter or a number, on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs) for the Town of Union, Connecticut (Community No. 090190), effective date December 4, 1985, as they may be amended from time to time. If the FIRMs are amended after the effective date of these regulations, the Floodprone Areas Zone shall conform to the delineation on the amended FIRMs of all areas subject to flooding during the 100-year flood. If there are any differences between the 100-year flood areas delineated on the FIRMs and the Floodprone Areas

Zone as delineated on the Zoning Map promulgated under these regulations, the delineation on the FIRMs shall control.

#### **Section 4.05.02 Purposes of Zone**

It is the purpose of these regulations and of the establishment of the Floodprone Areas Zone to promote and protect the public health, safety and welfare by minimizing the risks due to periodic flooding of land, buildings and structures, including the risk of (I) public and private losses of life and property, (II) health and safety hazards, (III) disruption of commerce and governmental services, (IV) extraordinary public expenditures for flood protection and relief, (V) damage to public facilities and utilities and (VI) impairment of the tax base. Such risks are found to be caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities and by the occupancy of flood-hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated or flood-proofed or otherwise unprotected from flood damages.

#### **Section 4.05.03 Buildings and Manufactured Homes Prohibited**

No principal or accessory buildings and no manufactured homes shall be permitted in the Floodprone Areas Zone. Substantial improvements shall not be permitted for buildings or manufactured homes located in the Floodprone Areas Zone as of the effective date of these regulations.

#### **Section 4.05.04 Other Prohibited Uses**

The following uses are also specifically prohibited in the Floodprone Areas Zone:

- a. Subsurface sewage disposal systems
- b. Filling of land
- c. Alterations or modifications of watercourses

#### **Section 4.05.05 Generally Permitted Uses**

Agricultural, forestry and recreation uses not requiring the construction, erection or alteration of any structures are permitted in the Floodprone Areas Zone subject to the applicable standards and conditions set forth throughout these regulations.

#### **Section 4.05.06 Specially Permitted Uses**

A special permit may be issued for agricultural, forestry or recreational uses requiring the construction, erection or alteration of structures other than buildings pursuant to Section 5.03 of these regulations.

#### **Section 4.05.07 Warning and Disclaimer of Liability**

The degree of flood protection required by and provided under these regulations is considered reasonable for regulatory purposes and is based upon scientific and engineering considerations and the standards and procedures established and recommended by federal and state authorities. Flooding may from time to time occur outside the designated Floodprone Areas Zone. Flood heights and the extent of areas flooded may be increased by man-made or natural causes. These regulations are not meant to imply, and do not imply, that land, buildings or structures outside of the designated Floodprone Areas Zone will be free from flooding or flood damages. These regulations shall not create any liability on the part of the Commission, the Town of Union or any other agency, commission or official of the Town of Union for any flood damages that may occur as a result of reliance on these regulations or on any administrative decision lawfully made thereunder.

**Section 4.05.08 Standards for Review of Uses in the Floodprone Areas Zone**

**Section 4.05.08(a) General Standards**

The following standards and limitations shall apply to any structure or use permitted in the Floodprone Areas Zone:

- a. All structures shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- b. All structures shall be constructed with materials and utility equipment resistant to flood damage.
- c. All structures shall be constructed by methods and practices that minimize flood damage.
- d. Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding
- e. All uses shall be consistent with the need to minimize flood damage.
- f. All public utilities and facilities, such as sewer, gas, electrical and water systems, shall be located, elevated and constructed to minimize or eliminate flood damage.
- g. Adequate drainage shall be provided to reduce exposure to flood hazards.
- h. Sanitary sewage systems, and other on-site waste disposal systems, shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and to avoid impairment or contamination of the systems during flooding.
- i. Water-supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems.
- j. All necessary state and federal permits for any use must be obtained before a zoning permit or special permit may be issued by the Commission.
- k. Subdivision proposals and other proposed new developments greater than fifty (50) lots or five (5) acres, whichever is the lesser, shall include base flood elevation data within such proposals.
- l. Non-conforming manufactured homes are permitted to be restored pursuant to Section 2.05.06 of these regulations shall be installed using methods and practices that minimize flood damage, and must be elevated and anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

**Section 4.05.08(b) Additional Standards Where Flood Elevation or Floodway Data Are Available**

The following standards shall apply, in addition to the standards set forth above, to all structures or uses for which base flood elevation data or floodway data are available to the Commission:

- a. Non-conforming residential structures that are permitted to be restored pursuant to Section 2.05.06 of these regulations shall have the lowest floor (including basement) elevated to or above the base flood level.
- b. Non-residential structures shall (I) have the lowest floor (including basement) elevated to or above the base flood level, or (II) together with attendant utility or sanitary facilities,

be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Where a non-residential structure is intended to be made watertight below the base flood level, a registered professional engineer or architect shall develop and/or review structural design, specifications and plans for the construction and shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of these regulations.

- c. For all structures, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- d. Non-conforming manufactured homes allowed to be restored pursuant to Section 2.05.06 of these regulations shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and shall be securely anchored to an adequately anchored foundation system in accordance with Section 4.07.08(a)(1) of these regulations.
- e. No encroachments, including fill, structures and other development, shall be permitted within any floodway if such encroachment or development would result in any increase in flood levels within the Town of Union during the occurrence of the base flood discharge.

#### **Section 4.05.08(c) Engineer's or Architect's Certificate**

The Commission may require as a condition of issuing any zoning permit or special permit that a registered professional engineer or architect develop or review the design, specifications and plans for any structure, including consideration of the depth, velocity and duration of flooding and the type and permeability of soils at the structure's site, and certify that the design and methods of construction proposed are in accordance with accepted standards of practice for meeting the provisions of Section 4.07.08 of these regulations.

### **SECTION 4.06 SPECIAL DEVELOPMENT ZONE**

#### **Section 4.06.01 Purpose**

The purpose of the Special Development Zone is to allow modification of the standards and provisions set forth elsewhere in these regulations in order to allow large tracts of land to be developed in a manner that will achieve the following objectives and conditions:

- a. Compatibility with the comprehensive zoning plan as embodied in these regulations.
- b. Compatibility with the character, density and existing uses of the neighborhood or area in which the zone would be located.
- c. Creation of a substantial benefit to the Town.
- d. Compatibility with the existing natural resource base, including topographic and geological features, soils, surface water and groundwater, and plant and animal life, and



protection of environmental quality and natural diversity within the town and the neighborhood.

#### **Section 4.06.02 Permitted Uses**

Any lawful use not specifically prohibited pursuant to Section 2.09 of these regulations may be permitted in a Special Development Zone. A special permit shall be required for all uses in any Special Development Zone.

#### **Section 4.06.03 General Standards**

The following general standards shall apply to all buildings, structures and uses established in any Special Development Zone:

- a. Area of zone. Any tract of land that is proposed for the establishment of a Special Development Zone must contain an area of not less than ten (10) contiguous acres.
- b. Height of buildings and structures. The maximum height of any building or structure shall be thirty-five (35) feet.
- c. Lot coverage. The maximum lot coverage shall be fifty (50) percent.
- d. Setbacks. The minimum setback from any property line shall be forty (40) feet.
- e. Minimum floor area. The minimum floor area of any principal building or structure shall be one thousand (1,000) square feet. All single-family dwellings shall have a minimum livable floor area of one thousand (1,000) square feet. Each dwelling unit within a multi-family dwelling shall have a minimum livable floor area of nine hundred and fifty (950) square feet.
- f. Rubbish disposal. Rubbish and waste disposal areas shall be fenced or otherwise screened, and rubbish and waste shall at all times be kept in appropriate closed containers, in order to prevent dispersal of refuse materials within or outside of the lot.

#### **Section 4.06.04 Procedure for Establishing a Special Development Zone**

##### **Section 4.06.04(a) Submission of Petition**

A petition for the establishment of a Special Development Zone shall be submitted to the Commission in writing, shall be signed by the owner or owners of all parcels or lots within the proposed Zone, and shall be accompanied by three (3) copies of the following:

- a. A written statement specifying in detail the particular provisions of these regulations that are proposed to be modified and the special or additional provisions that are proposed to be applicable to the use of land, buildings and other structures, the location and size of buildings and other structures, and the area, shape and frontage of lots within the proposed zone.
- b. A boundary map in ink at a scale of one inch equal to not more than two hundred (200) feet showing the precise boundaries of the proposed Zone as well as the existing zoning boundaries.
- c. Detailed plans for development within the proposed Special Development Zone, including all of the information and materials that would be required to be provided in connection with an application for a special permit pursuant to Section 5.03.03 of these regulations. The Commission may waive the receipt of such information or materials in accordance with the terms and conditions set forth in Section 5.03.04 of these regulations.

- d. Any additional information, including but not limited to the types of information listed in Section 5.03.05 of these regulations, which the Commission may reasonably require or the applicant may wish to submit.

**Section 4.06.04(b)      Hearing and Notice**

Following the submission of a complete petition for the establishment of a Special Development Zone, including all required information and materials, the Commission shall schedule and hold a public hearing and shall publish notices in accordance with the procedures set forth in Chapter 124 of the Connecticut General Statutes for the amendment of zoning regulations.

**Section 4.06.04(c)      Decision**

The Commission may adopt the proposed Special Development Zone, thereby amending these regulations and the Zoning Map, only if it finds that the objectives and conditions set forth in Section 4.08.01 of these regulations, as well as all other conditions necessary for the amendment of the regulations have been met.

**Section 4.06.04(d)      Special Permit Requirements**

The adoption of a Special Development Zone shall not, in and of itself, constitute the required special permit for the buildings, structures or other uses proposed in the petition. A separate application for a special permit must be filed and a special permit issued before such uses may be established. The petitioner(s) may submit such application at the same time as the petition is submitted. The Commission shall follow the procedures set forth in Section 5.03 of these regulations for making a decision on the special permit application.

No special permit may be issued for any buildings, structures or other uses in a Special Development Zone unless the buildings, structures and uses substantially conform to the original plans and specifications submitted with the petition for establishment of the Zone, except to the extent the Commission may require modifications in those original plans and specifications.

**ARTICLE V            ADMINISTRATION AND ENFORCEMENT**

**SECTION 5.01            AUTHORITY OF COMMISSION**

The provisions of these regulations shall be administered and enforced by the Union Planning and Zoning Commission or its duly appointed agent as provided under these regulations. In the event the Commission has not appointed or is otherwise without an agent, the Chairman, or in his/her absence the acting Chairman, of the Commission shall serve as the enforcement agent.

**SECTION 5.02            ZONING PERMITS**

**Section 5.02.01            Permit Required**

No land use shall be established or changed and no building or structure shall be used, erected, constructed, enlarged or altered, in whole or in part, until a Zoning Permit has been issued by the Commission or its authorized agent. Structures not occupying more than twenty-four (24) square feet of land are excluded from the permit process but must comply with setback requirements.

## **Section 5.02.02 Applications**

Applications for zoning permits shall be filed with the Commission or its authorized agent on a form provided by the Commission. If the applicant is not the owner of the property on which the activity is proposed, the relationship of the applicant to the owner shall be described on the application form. The application shall contain a written statement by the owner of the property or his/her authorized agent giving consent for the Commission or its agent to inspect the property. Two (2) copies of each application shall be submitted, accompanied by two (2) copies of a site plan in ink at a scale of one (1) inch equal to no more than forty (40) feet and showing:

- a. The direction of true north
- b. The actual shape and dimensions of the lot to be used; provided, however, that if the lot is substantially larger than the area to be developed the Commission may allow the applicant to submit a site plan showing the lot in an inset map at a different scale from the scale of the remainder of the site plan.
- c. The exact size and location on the lot of existing buildings, structures and parking and loading areas.
- d. The location of any required setback or yard lines
- e. A computation of lot coverage.
- f. The names of all owners of record of any land abutting the lot to which the zoning permit would apply.
- g. The location and name of any Town or State street, road or highway that passes through or adjoins the lot or, if no such street, road or highway passes through or adjoins the lot, the entire route of vehicular access to the lot from such a street, road or highway.
- h. The locations and numbers of any utility poles within one hundred (100) feet of the lot or, if there are no such utility poles, the location and number of the utility pole nearest to the lot.
- i. The location of any existing or proposed driveway. (A Driveway Permit is required before any driveway may be constructed or altered.)
- j. The location of any existing or proposed wells and sewage disposal facilities (including principal and reserve leaching areas) showing precise minimum distances among the wells, sewage disposal facilities, buildings, structures, driveways and parking areas.
- k. The location of any required Critical Area under Section 2.08.02 of these regulations. Applications must also be accompanied by any statements or reports required under Section 2.08 of these regulations
- l. The location of all watercourses and wetlands on the lot.

## **Section 5.02.03 Waiver of Certain Requirements for Applications**

The Commission may waive any of the requirements relating to the submission of the site plan specified in Section 5.02.02 if, and only if, the following conditions exist or are met:

- a. The proposed activity does not involve the construction, erection, alteration, enlargement, removal or other modification of a principal building or structure;
- b. The proposed activity will not require the use of wells or sewage disposal facilities; and
- c. The commission determines that the requirements sought to be waived are not reasonably necessary to a proper disposition of the application.

No waiver under this section shall be granted unless the applicant submits to the Commission, in writing, at the time of and together with the submission of its application, a request for a waiver specifying the requirements that the applicant seeks to have waived and the reasons why the applicant believes those requirements should be waived. The Commission shall act on such request no later than thirty-five (35) days after the submission of the application, and written notice of any decision shall be mailed or delivered to the applicant. The failure of the Commission to act on any request for a waiver within such time shall be deemed to be a denial of the request.

#### **Section 5.02.04 Additional Application Requirements**

The Commission may, within thirty-five (35) days after the day of receipt of any application, require the applicant to submit additional information if the Commission finds that such information is necessary or would be helpful in determining whether the proposed building, structure or use conforms to these regulations. For the purposes of this Section, the day of receipt of an application shall be deemed to be the earlier of (I) the day of the next regularly scheduled meeting of the Commission immediately following the submission of the application to the Commission or its authorized agent, or (II) thirty-five (35) days after such submission. Such additional information may include, but is not limited to, the following:

- a. Existing and proposed (finished grade) contour lines at an interval of no less than two (2) feet and no more than ten (10) feet over the entire site plan or so much thereof as the Commission may prescribe.
- b. The nature and amount of any hazardous materials or wastes to be produced, used, stored or disposed of on the lot, and the manner in which such production, use, storage or disposal will be carried out.
- c. The nature of existing land uses on abutting properties.
- d. An analysis of the ability of the proposed building, structure or use to meet the Performance and Environmental Standards set forth in Section 2.06 of these regulations.
- e. The location of natural features including, but not limited to, rock outcroppings, slopes in excess of fifteen (15) percent, soil types, forested areas and vegetation types.
- f. A description of any measures to be used to prevent soil erosion and sedimentation.
- g. The location and a description of any proposed surface or subsurface drainage improvements, facilities or structures.
- h. The location of soil test pits and test borings and a description of the soils encountered in such pits or borings.
- i. Outside lighting for nonresidential and multifamily uses will require a lighting plan showing:
  - i. The location, height and type of any outdoor lighting luminaries, including building mounted luminaries;
  - i. The luminaire manufacturer's specification data, including lumen output and photometric data showing cutoff angles;
  - ii. The type of lamp: metal halide, compact fluorescent, high pressure sodium;
  - iii. The Commission may require an isolux plan showing the intensity of illumination expressed in foot candles at ground level.
  - iv. Must conform to Section 3.01.07.

If the applicant elects to furnish the additional information required by the Commission, the applicant shall file with the Commission a written consent to the extension of the time within which

the Commission would otherwise be required to act upon the application. The extension shall be sufficiently long to provide the Commission with sixty-five (65) days following the receipt of the additional information within which to act upon the application. If the applicant declines or fails to provide the additional information, the Commission shall proceed to act upon the application pursuant to these regulations.

**Section 5.02.05 Procedure for Zoning Permits**

**Section 5.02.05(a) Rendering the Decision**

The Commission shall render a decision on any application for a zoning permit within sixty-five (65) days after the receipt of any required site plan, or, if no site plan is required, within sixty-five (65) days after the receipt of a completed application. The applicant may consent to one or more extensions of such period, provided the total period of any such extension or extensions shall not exceed two further sixty-five (65) day periods. No site plan will be accepted unless it is accompanied by the proper application form or those forms have previously been filed with the Commission. For the purposes of this Section, the day of receipt of an application or site plan shall be deemed to be the day of the Commission's next regularly scheduled meeting immediately following the day of submission of such application or site plan to the Commission or its authorized agent, or thirty-five (35) days after such submission, whichever is sooner.

The Commission may either deny or approve the application as submitted, and may either deny the site plan as submitted, modify and approve the site plan, or approve the site plan as submitted. A decision to deny or modify a site plan shall set forth the reasons for such denial or modification. The Commission may, as a condition of approval of any modified site plan, require a bond in an amount and with surety and conditions satisfactory to it, securing that any modifications of such site plan are made.

**Section 5.02.05(b) Notice of Decisions Involving Site Plans**

A copy of any decision on a site plan shall be sent by the Commission by certified mail to the applicant within fifteen (15) days after such decision is rendered. The Commission shall publish notice of the approval or denial of site plans in a newspaper having a general circulation in the Town of Union.

**Final Site Plan**

Any site plan approved by the Commission without modifications or conditions shall become the final site plan. If the Commission approves a site plan with modifications or conditions, a final site plan that incorporates such modifications or conditions must be submitted to the Commission by the applicant within sixty-five (65) days of the date of approval. For good cause shown, the Commission may extend the time for filing the final site plan. If a final site plan is not filed within such sixty-five (65) day period or within any period of extension, the approval of the site plan and application for a zoning permit shall be void.

The Commission shall certify its approval of any final site plan submitted in accordance with these regulations. The certificate of approval shall state that the approval will automatically expire five (5) years from the date of approval and shall specify such expiration date. The Commission shall issue no zoning permit until the final site plan has been approved by the Commission. The applicant shall file the final site plan and certificate of approval in the office of the Union Town Clerk and shall pay all required filing fees. No site plan and no zoning permit issued in connection with a site plan shall be effective until the Commission has certified its approval of the final site plan and the final site plan and certificate of approval have been filed in the office of the Union Town Clerk.

## **SECTION 5.03            SPECIAL PERMITS**

### **Section 5.03.01            Statement of Purpose**

The purpose of the special permit regulations is to provide a comprehensive review of the proposed plan for the layout of the building(s), structure(s) or use(s) in relationship to the topographical, geological and other natural features of the land, and of the impact of the use(s) upon environment, health, safety, welfare and convenience of the members of the community. It is intended to insure that the design and layout of the site and the proposed use(s) will constitute suitable and appropriate development in character with the neighborhood and will not result in a decrease in property values or a detriment to the present and potential use of the area in which it is to be located. Special permit procedures are also intended to assure that proposed buildings, structures and uses will provide for the maintenance of air, surface-water and groundwater quality and will not be detrimental to existing sources of potable water or other natural or historic resources.

### **Section 5.03.02            When Required**

A special permit must be issued by the Commission before any person may establish or change any land use, or use, erect, construct, move, enlarge, or alter any building or structure, in whole or in part, if the use, structure or building resulting from such activity is listed as a Specially Permitted Use under Article IV of these regulations for the zone in which it would be located. The issuance of a special permit under Section 5.03 of these regulations fulfills the requirement for the issuance of a zoning permit under Section 5.02.

### **Section 5.03.03            Applications**

Applications for special permits shall be filed with the Commission on a form provided by the Commission. Five copies of each application shall be submitted, accompanied by three (3) copies of a site plan in ink at a scale of one inch equal to no more than forty (40) feet and showing:

- a. All the information specified for a site plan under Section 5.02.02 of these regulations.
- b. The nature and amount of any hazardous materials or wastes to be produced, used, stored or disposed of on the lot, and the manner in which such production, use, storage or disposal will be carried out.
- c. The nature of existing land uses on abutting properties.
- d. The names of all owners of record of property abutting or within one hundred (100) feet of the lot to which the special permit would apply.
- e. The location of rock outcroppings slopes in excess of fifteen (15) percent, soil types and forested areas on the lot.
- f. The location and description of any measures to be used to prevent soil erosion and sedimentation.
- g. The location and a description of any proposed surface or subsurface drainage improvements, facilities or structures.
- h. The location of soil test pits and test borings and a description of the soils encountered in such pits or borings.
- i. The location of any areas subject to flooding during a 100-year flood, as shown on the most recent Flood Insurance Rate Map prepared by the Federal Emergency Management Agency.
- j. The location and nature of any proposed landscaping, buffer areas or screening, and any existing or proposed fences or walls.

Each application for a special permit shall also be accompanied by three (3) copies of:

- a. A written analysis of the ability of the proposed building, structure or use to meet the Performance and Environmental Standards set forth in Section 2.06 of these regulations.
- b. A traffic report indicating existing traffic conditions at normal and peak travel times for, at a minimum, any road abutting or passing through the lot affected by the application and any road within three miles of such lot, and also indicating the projected impact of the proposed use on such traffic conditions.
- c. The schedule for any construction or other development activities, including, but not limited to, erection of or other work on any buildings or structures, grading, removal of vegetation, landscaping and drainage improvements.

#### **Section 5.03.04 Waiver of Certain Requirements for Special Permits**

The Commission may waive any of the requirements for site plans under Section 5.03.03 of these regulations if, and only if, the following conditions are met:

- a. The proposed activity does not involve the construction, erection, alteration, enlargement, removal or other modification of a principal building or structure.
- b. The proposed activity will not require the use of wells or sewage disposal facilities; and
- c. The Commission determines that the requirements sought to be waived are not reasonably necessary to a proper disposition of the application.

The Commission may waive any of the requirements of subsections 5.03.03(a), (b) and (c) of these regulations if and only if, the Commission determines that the requirements to be waived are not reasonably necessary to a proper disposition of the application.

No waiver under this section shall be granted unless the applicant submits to the Commission, in writing, at the time of and together with the submission of the application, a request for a waiver specifying the requirements that the applicant seeks to have waived and the reasons why the applicant believes those requirements should be waived. The Commission shall act on such requests no later than thirty-five (35) days after the submission of the application, and written notice of any decision shall be mailed or delivered to the applicant. The failure of the Commission to act on any request for a waiver within such time shall be deemed to be a denial of the request.

#### **Section 5.03.05 Additional Requirements for Applications**

The Commission may, within thirty-five (35) days after the submission of an application for a special permit, require the applicant to submit additional information if the Commission finds that such information is necessary or would be helpful in determining whether the proposed buildings, structures or uses conform to these regulations. Such information may include, but is not limited to, the following:

- a. Chemical analyses of existing surface water and groundwater
- b. Hydrological analyses of runoff and peak flows, both before and after development
- c. Analyses of local air quality, both before and after development
- d. Depths to seasonal high groundwater levels and bedrock
- e. Analyses of wildlife habitats on and near the site and the impact of the proposed use on such habitats

- f. A description of vegetation types, including any rare or endangered species, on the lot to be used under the application
- g. A list of other federal, state or municipal permits or licenses that the applicant will need to implement the uses applied for and the status of any applications for such permits or licenses
- h. Architectural drawings of any proposed buildings or structures.
- i. Existing and proposed (finished grade) contours at intervals of no less than two (2) feet over the entire area of the lot that would be built upon, graded, altered or otherwise affected by the proposed use, and within one hundred (100) feet of that area, and existing contours at intervals of no less than ten (10) feet over the remaining area of the lot.

If the applicant elects to furnish the additional information required by the Commission, the applicant shall file with the Commission a written consent to the extension, for an additional period of thirty-five (35) days, of the time within which the Commission would otherwise be required by law to commence a public hearing. If the applicant declines or fails to furnish the additional information, the Commission shall proceed to act upon the application pursuant to these regulations.

#### **Section 5.03.06                      Criteria for Evaluation**

In deciding upon any application for a special permit, the Commission shall consider the following criteria in addition to the other applicable criteria set forth in other sections of these regulations:

- a. The size and intensity of the proposed use and the impact of such use on neighboring property.
- b. The potential for creation of a nuisance to neighboring properties, whether by noise, air or water pollution, offensive odors, smoke, dust, vibrations or other effects of the proposed use.
- c. The convenience and safety of vehicular and pedestrian movement on the site, and the impact of the proposed uses on existing local traffic.
- d. Accessibility of emergency vehicles, e.g. police, fire and emergency transportation vehicles.
- e. The adequacy of proposed methods for disposal of wastes, particularly with regards to any materials that could cause an adverse effect on groundwater or wetlands.
- f. The potential for, and the adequacy of measures for the prevention of surface water and groundwater pollution, soil erosion and sedimentation, increased runoff, and changes in groundwater levels.
- g. Measures for dealing with runoff and surface pollutants from driveway and parking areas.
- h. The compatibility of the design, layout and operation of the proposed buildings, structures or uses with nearby properties and the impacts on the enjoyment, usefulness and value of nearby property.
- i. The degree of population concentration and building density resulting from the proposed uses and the availability and adequacy of existing fire and police protection, transportation, water, sewage facilities, schools or other public facilities to meet the needs of the uses.
- j. The impact of the proposed uses on existing or potential local water supplies and recharge areas.
- k. The existence and protection of important natural and historic resources.



1. The impact of the proposed uses on wildlife and plant habitats.

### **Section 5.03.07            Conditions**

The Commission may place on any special permit whatever conditions the Commission may reasonably deem necessary to assure that any proposed building, structure or use (i) will conform to the standards and limitations set forth in these regulations, including, but not limited to, the Performance and Environmental Standards in Section 2.06; (ii) will protect the rights of individuals and the health, safety, welfare and convenience of local residents and the community; (iii) will protect local property values; and (iv) will meet the specific standards set forth in Section 5.03.08 of these regulations. The conditions may relate to, without limitation, the architectural and spatial design and layout of buildings, structures and uses; provisions for lighting, parking, loading, surface and subsurface drainage, sanitary facilities, waste disposal, vehicle and pedestrian circulation, landscaping, screening, and protection of the environment and of natural and historic resources; construction or other development schedules; and hours of operation of the proposed building, structure or use. The Commission may also condition the issuance of any special permit on the posting of a bond or other security, in an amount and with surety satisfactory to the Commission, to secure the performance of all conditions and the completion of all improvements required under such special permit.

### **Section 5.03.08            Standards for Special Permits**

All buildings, structures and uses for which a special permit is required under these regulations must meet the applicable standards set forth throughout these regulations (including, but not limited to, the Performance and Environmental Standards set forth in Section 2.06) and, in addition, the following standards:

- a. Preservation of landscape. The landscape shall be preserved in its natural state insofar as practicable by minimizing grading and the removal of vegetation and soil. Where vegetative cover does not exist, or has been removed, new plantings may be required. Finished site contours shall depart only minimally from the character of the natural site and the surrounding properties.
- b. Relation of Buildings to Environment. The proposed project or development shall be related harmoniously to the terrain and to the use, scale and siting of existing buildings in the vicinity of the site. All buildings and other structures shall be sited to minimize disruption of the topography. Strict attention shall be given to the proper functional, visual and spatial relationships of all structures, buildings, landscaped elements and paved areas.
- c. Buffer Areas. All buffered and /or screened areas, including setback areas (landscaped and usable), shall be so designed as to be consistent and compatible with any residential uses in the vicinity.
- d. Circulation. With respect to vehicular and pedestrian circulation, including entrances, ramps, walkways, drives and parking, special attention shall be given to the location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, access to community or public facilities, and arrangement of parking areas that are safe and convenient and, insofar as practicable, do not detract from the use and enjoyment of proposed buildings and structures and the neighboring properties.
- e. Surface Water Drainage. Special attention shall be given to proper surface drainage so that surface waters will not adversely affect neighboring properties or public storm drainage facilities, will not obstruct the flow of vehicular or pedestrian traffic, and will not create standing water in paved or pedestrian areas. All surface water drained from

roofs, streets, parking lots and other site features shall be disposed of in a safe and efficient manner that will not create problems of water runoff or erosion on the site or on neighboring sites or pollution of surface water or groundwater. Insofar as possible natural drainage courses and swales shall be properly stabilized and drainage-impounding areas shall be utilized to dispose of water on the site through natural percolation to a degree equivalent to that prior to development. Also, appropriate erosion control measures shall be employed, including slope stabilization measures and the seeding of exposed areas to replace vegetative cover.

- f. Ground Water Recharge and Quality Preservation. Ground water recharge shall be maximized and ground water quality shall be protected. Various techniques may be required to maximize recharge, such as perforated drainpipes, pervious pavement, reduction of structure area, or reduction of lot coverage. Where groundwater elevations are close to the surface, extra site grading precautions may be required to maintain the protective function of the overburden.
- g. Utilities. The placement of electric, telephone, or other utility lines and equipment shall be underground where possible, so located as to provide no adverse impact on groundwater levels, and coordinated with other utilities.
- h. Other Site Features. Exposed storage or utility areas, exposed machinery installations, and service areas shall be designed with screen plantings, fencing or other screening methods to be compatible with the environment and the surrounding properties.
- i. Safety. All open and enclosed spaces shall be designed to facilitate evacuation and maximize accessibility by fire, police and other emergency personnel and equipment.
- j. Neighboring Properties. The proposed uses shall not adversely affect the enjoyment, usefulness and value of the properties in the general vicinity thereof, or cause undue concentration of population or structures.
- k. Natural and Historic Resources. The proposed uses shall not unreasonably destroy, damage or threaten locally significant natural or historical resources.

#### **Section 5.03.09 Special Permit Procedure**

##### **Section 5.03.09(a) Public Hearing**

Within sixty-five (65) days after its receipt of an application for a special permit, the Commission shall commence a public hearing on the application. For the purposes of this Section, the day of receipt of an application shall be deemed to be the day of the next regularly scheduled meeting of the Commission immediately following the day of submission of the application to the Commission or its authorized agent, or thirty-five (35) days after such submission, whichever is sooner. The applicant shall not less than 10 days prior to the date of the public hearing send notice to all property owners within five hundred (500) feet in all directions by USPS Return Receipt Request. Receipts shall be delivered to the Planning and Zoning Commission one week prior to the hearing. The hearing may be continued one or more times, but it must be concluded no later than thirty-five (35) days after the date of commencement.

##### **Section 5.03.09(b) Notice of Public Hearing**

Notice of the time and place of the commencement of the public hearing shall be published at least twice in the form of a legal advertisement in a newspaper having a substantial circulation in the Town of Union, at intervals of not less than two (2) days, the first notice to be published not more than fifteen (15) days nor less than ten (10) days, and the last not less than two (2) days, before the date of commencement of the hearing.

**Section 5.03.09(c) Decision**

Within sixty-five (65) days after the completion of the public hearing, the Commission shall either: (i) approve the special permit and the site plan as submitted; (ii) approve the special permit and site plan with conditions or modifications, as provided under these regulations; or (iii) deny the special permit and site plan. The Commission shall state the reasons for its decision on its records. Notice of the decision shall be published in the form of a legal advertisement in a newspaper having a substantial circulation in the Town of Union, and addressed by certified mail to the applicant, under the signature of the clerk or secretary of the Commission in any written, printed, typewritten or stamped form, within fifteen (15) days after the decision has been rendered.

**Section 5.03.09(d) Extensions of Time**

The applicant may consent to extensions of the time periods for (i) commencing a public hearing after the receipt of an application, (ii) concluding a public hearing, and (iii) rendering the decision. The total extension of any such period shall be no longer than the original period as specified in these regulations.

**Section 5.03.09(e) Final Site Plan**

The provisions of Section 5.02.05(c) of these regulations shall apply to any site plans approved in connection with a special permit.

**Section 5.03.09(f) Filing and Recording of Special Permits**

Any special permit issued under these regulations shall not become effective until copies of the permit are: (i) filed in the office of the Union Town Clerk, and (ii) recorded in the Union Land Records. The copy of the special permit to be filed and recorded in the Union Land Records shall be certified by the Commission and shall (i) contain a description of the premises to which it relates, (ii) specify the nature of the special permit, (iii) state the regulation under which the special permit is issued, and (iv) 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 permit and shall pay all filing and recording fees.

**Section 5.03.10 Reapplication**

No special permit shall be granted to any applicant for a building, structure or use if a previous application by the same applicant, or by a different applicant on behalf of the same party in interest, for substantially the same building, structure or use on the same property has previously been denied by the Commission on its merits within two (2) years prior to the submission of the new application to the Commission.

**Section 5.04 CERTIFICATE OF OCCUPANCY/USE**

No permanent certificate of occupancy/use shall be issued for a building, structure or use subject to these regulations until the Commission or its authorized agent certifies in writing that the building, structure or use is in conformity with these regulations and with any required zoning permit, special permit and/or final site plan, or is a valid nonconforming use under these regulations. Before issuing such certification, the Commission or its authorized agent may require a written certification, certified as-built, or other appropriate documentation from an architect, engineer, and/or surveyor properly licensed by the State of Connecticut, demonstrating that the building, structure or use as developed or established fully conforms to the provisions of any zoning permit, special permit, or final site plan.

The following provides general standards for all as-builts required by the Planning and Zoning Commission. Maps that do not meet the standards of this section will not be accepted.

- a. The final as-built plan submitted for approval shall be paper copies at a scale of not less than 1"=40'. Final as-builts shall be submitted as required by the Commission and approved before a "Certificate of Occupancy" is issued.
- b. All existing improvements (building, structures, fences, walls, driveways, walks, etc.) will be shown.
- c. All buildings shall include exterior wall dimensions, first floor elevations and garage elevations.
- d. All underground utilities, well and septic system locations shall be shown.
- e. Minimum zoning setbacks shall be shown and the distance of all buildings/structures to property lines shall be shown (nearest tenth of a foot).
- f. Elevations, in the form of "spot elevations," taken as part of the final actual field survey.
- g. Any easements and/or right-of-ways shall be shown.
- h. Plan shall show lot dimensions, bearings or angles, and lot area.
- i. All as-built plans shall meet the standards set forth in the "Standards For Surveys and Maps in the State of Connecticut," prepared and adopted by the Connecticut Association of Land Surveyors, Inc. September 26, 1996, as amended.

A temporary certificate of occupancy/use may be issued for a period of no more than one year if all work under the zoning permit, special permit or final site plan has been completed with the exception of one or more plantings. No such temporary certificate shall be valid after the one-year period. Failure to obtain a permanent certificate of occupancy/use within the one-year period shall result in the expiration of all existing permits and approvals.

No permanent certificate of occupancy/use shall be issued until all documents required under the zoning permit or special permit that grant easements or other rights to the Town of Union have been recorded in the Union Land Records and/or filed with the appropriate agencies and proof thereof has been submitted to the Commission.

#### **Section 5.05                    EXPIRATION OF PERMITS AND APPROVALS**

A zoning permit or special permit shall expire one year, or 180 days in The Floodprone Area Zone, following its issuance if the construction, development or other activity allowed under such permit has not been actually commenced. A zoning permit or special permit shall expire two years following its issuance if the construction or development allowed there under has not been completed. The Commission, upon written request and for good cause shown, may extend either or both of these periods one or more times, but the total period of such extension or extensions shall not exceed one additional year. Site preparation alone shall not be deemed to be the actual commencement of the construction, development or activity under this Section.

A special permit shall also expire (i) upon the abandonment of the building, structure or use allowed by such permit, or (ii) if the building or structure has ceased to be used in accordance with such special permit, or (iii) if the use allowed by such special permit has ceased for a continuous period of one year.

#### **Section 5.06                    AMENDMENT OF PERMITS AND SITE PLANS**

Following the issuance of a zoning permit or a special permit or the approval of a final site plan by the Commission, no changes or alterations may be made in such permit or site plan except by approval of the Commission upon written applications as provided in this section.

**Section 5.06.01            Minor Amendments**

If the Commission determines that the requested change or alteration is minor, it may issue an amended permit or approve an amended final site plan without the need for further procedures under Sections 5.02 or 5.03 of these regulations. For the purposes of this section, “minor changes or alterations” shall not include any change or alteration that would result in an increase or decrease in the dimensions of any building or a change in the location of any building on a lot.

**Section 5.06.02            Other Amendments**

If the Commission determines that the requested change or alteration is not minor, it shall direct the applicant to file a new application under Section 5.02 or Section 5.03 of these regulations, whichever is appropriate, and shall follow the procedures specified under such section for making a decision on such application.

**SECTION 5.07                            EXEMPTIONS**

The following structures shall not require the issuance of any permit under these regulations:

- a. Fences, or walls used as fences, that are no more than six (6) feet in height.
- b. Mailboxes.

**SECTION 5.08                            FEES**

The fees set in accordance with the Fee Ordinance adopted by the Town of Union dated May 30, 2007 as amended (Appendix A) shall be paid by the applicant.

- a. Driveway Permit. The fee for a driveway permit application shall be twenty-five dollars (\$25.00).

**SECTION 5.09                            ENFORCEMENT**

If any building or structure has been erected, constructed, altered, converted or maintained, or any building, structure or land has been used, in violation of any provision of these regulations or of Chapter 124 of the Connecticut General Statutes, the Commission or its authorized agent may take any action or seek any remedy or penalty provided under Section 8-12 of the Connecticut General Statutes, as it may be amended from time to time.

**ARTICLE VI            ZONING BOARD OF APPEALS**

**SECTION 6.01                            AUTHORITY OF ZONING BOARD OF APPEALS**

The Zoning Board of Appeals shall have the powers and duties prescribed in Section 8-6 of the Connecticut General Statutes, as amended.

**SECTION 6.02                            APPEALS TO THE ZONING BOARD OF APPEALS**

Any person aggrieved by any of the following types of actions or decisions may appeal such action(s) or decision(s) to the Zoning Board of Appeals in accordance with Section 8-7 of the Connecticut General Statutes, as amended:

- a. Any action or decision by an authorized agent of the Commission.

- b. Any enforcement order issued by the Commission. For purposes of this subsection b, the term “enforcement order” shall be deemed to exclude any decision rendered by the Commission on any application for a zoning permit, special permit, or site plan approval.

**SECTION 6.03 FEES**

Each appeal submitted to the Zoning Board of Appeals shall be accompanied by the appropriate fee and shall be payable to “Treasurer, Town of Union, Connecticut”.

**ARTICLE VII AMENDMENT OF REGULATIONS**

**SECTION 7.01 PROCEDURE FOR AMENDMENTS**

Any person may file a petition for a change in the official Zoning Map in accordance with the applicable provisions of state law.

**SECTION 7.02 APPLICATIONS**

Applications for a change in these zoning regulations or the Zoning Map shall be filed with the Commission on a form provided by it. For a change in the regulations the application form shall be accompanied by the exact wording of the change applied for, including reference to the appropriate section numbers, and by the exact wording of any parts to be added or deleted. For a change in a zoning district boundary line, the application shall be accompanied by two (2) prints of the Zoning Map indicating in color the area for which the change is proposed, the proposed boundary line, and the proposed zoning district designation.

**ARTICLE VIII VALIDITY AND EFFECTIVE DATE**

**SECTION 8.01 VALIDITY**

If any section, paragraph, subdivision, clause or provision of these regulations shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged, and the remainder of these regulations shall be deemed valid and effective.

**SECTION 8.02 EFFECTIVE DATE**

The effective date of these zoning regulations, as amended, shall be June 1, 2014.

TABLE 3.01A Signs permitted in Rural Residence Zone

	Type of sign	Maximum Sign Area	Maximum number of signs	Location	Permit Required
a.	Signs giving name and address of the property and/or the occupant	4 square feet	1 per lot	Back of street line	No
b.	Signs pertaining to a profession or occupation permitted as an accessory use of a lot	32 square feet	1 per lot	Back of street line	Yes
c.	Signs giving the name of a farm on a wall of an accessory building	No larger than 3 square feet for every running foot of wall on which it is displayed	1 per farm		Yes
d.	Temporary signs pertaining to the sale, lease or rental of property on which they are located	8 square feet aggregate for all signs	2 per lot	Back of street line	No
e.	Temporary signs pertaining to and during the construction or repair of property on which they are located	25 square feet aggregate for all signs	2 per lot	At least 15 feet back of street line	Yes
f.	Temporary signs on the premises offering lots and/or homes for sale within approved subdivisions.	25 square feet per sign	2 per subdivision	At least 15 feet back of street line	Yes
g.	Signs of civic and non-profit organizations on the premises for not more than 90 days within any 12 month period	32 square feet	2 per lot	At least 15 feet back of street line	No
h.	Holiday decorations without commercial advertising	N/A	N/A	Back of street line	No
i.	Private directional signs	2 square feet	N/A	Back of street line	No
j.	Temporary signs for tag sales (to be removed within 48 hours after sale)	6 square feet	N/A	Back of street line	No

TABLE 3.01B Signs permitted in Retail Trade, Commercial/Industrial Zones

	<b>Type of sign</b>	<b>Maximum Sign Area</b>	<b>Maximum number of signs</b>	<b>Location</b>	<b>Permit Required</b>
a.	Any sign permitted in a residential zone	Same as residential zones	Same as residential zones	Same as residential zones	Same as residential zones
b.	Common signs for the various non-residential occupants of a lot to advertise their identities and the nature of the non-residential enterprise	8 square feet per unit of occupancy; 32 square feet total	1 common sign per lot	At least 15 feet back of street line	Yes
c.	Individual signs for each non-residential occupant of a lot to advertise its identity and the nature of the non-residential enterprise	8 square feet	1 per unit of occupancy per lot	At or within 10 feet of an entrance to a building	Yes