

TOWN OF SHARON, CONNECTICUT

**ZONING
REGULATIONS**

EFFECTIVE AS OF JUNE 17, 2023

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ARTICLE I - GENERAL REQUIREMENTS

1. Authority and Purposes

The Sharon Zoning Regulations (hereinafter “these Regulations”) are adopted under the authority granted by Chapter 124 of the Connecticut General Statutes, as amended. The basic purposes of these Regulations shall include the following:

To protect public health, safety, convenience and property values.

To be made in accordance with the comprehensive plan and in adopting these Regulations, consider the plan of conservation and development.

To be designed to lessen congestion in the streets; to secure safety from fire, panic, flood and other dangers; to promote health and general welfare; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population and to facilitate the adequate provision for transportation, water, sewage, schools, parks and other requirements.

To be made with reasonable consideration as to the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Town.

To encourage the development of housing opportunities consistent with soil types, terrain and infrastructure capacity.

To be made with reasonable consideration for their impact on agriculture.

To be made with reasonable consideration for the protection of historic factors and for the protection of existing and potential public surface and ground drinking water supplies.

To provide for the proper provision to be made for soil erosion and sediment control, pursuant to CGS Section 22a-329.

For these purposes, the Town is divided into districts and within such districts regulates the erection, construction, reconstruction, alteration or use of buildings or structures and the use of land.

2. Administration, Interpretation and Application

2.1. These Regulations are the minimum requirements for the protection of public health, safety and welfare. Where these Regulations impose a greater restriction on the use of buildings or land or impose higher standards than by provision of any other law, regulation or private agreement; these Regulations shall control. Where greater restrictions or standards are imposed by any law, regulation or private agreement than required by these Regulations such greater restriction shall not be affected by these Regulations.

2.2. These Regulations shall be administered by the Planning and Zoning Commission (hereinafter "the Commission") or by its authorized agent. The Zoning Enforcement Officer

(hereinafter "the ZEO"). The Commission or the ZEO shall receive applications, issue zoning permits and certificates of compliance and collect fees as established by these Regulations or by Town Ordinance.

2.3. Zoning Permits. No land shall be occupied or used, no building shall be erected, moved, enlarged or changed to another use, no use shall be authorized to be established or changed and no building permit shall be issued for a building, use or structure subject to the zoning regulations of the Town of Sharon until the Commission or the ZEO has issued a Zoning Permit or a certification in writing that such building, use or structure is in conformity with such regulations or is a valid nonconforming use under such regulations.

2.4 Foundation, Setback and Location Verification

After foundation, footings or piers are poured and before any further construction, the ZEO may require an "As-Built" Class A-2 survey wherein the ZEO's judgment it is needed to determine compliance with these Regulations or permit approval. This survey shall provide information and measurements necessary to certify compliance with the requirements in question.

2.5 A. Certificate of Zoning Compliance

No building or structure or structural addition hereafter erected shall be occupied or used, in whole or in part, for any purpose until a Zoning Certificate of Compliance has been issued by the ZEO stating that the premises or building complies with these Regulations and permit approval.

B. As-Built Plan. The Commission or the ZEO shall have the authority to require the applicant to submit, prior to issuance of a Certificate of Zoning Compliance, an "As-Built" survey prepared by a Registered Land Surveyor where it is determined such a survey is needed to certify compliance with the Zoning Regulations and permit approval.

2.6. Site Plan. A site plan shall be required for all special exception uses and may be required by the Commission for a permitted use to aid in determining the conformity of a proposed building, use or structure within the regulations.

2.7. Erosion and Sediment Control Plan. An erosion and sediment control plan shall be required for any application for development when the cumulative disturbed area is more than one-half acre. A single-family dwelling that is not part of a subdivision of land shall be exempt from the requirement for an erosion and sediment control plan.

2.8. Non-Conforming Use. No non-conforming use shall be changed or extended without a zoning permit first being issued by the Commission or ZEO.

2.9. Expiration and Renewal. Any Zoning permit issued under these Regulations shall expire twelve (12) months from the date of issuance unless (a) a valid building permit is in effect or otherwise (b) the ZEO renews the Zoning Permit for one period not to exceed twelve months when it is determined that the use, building and/or site development authorized by the Zoning Permit is in conformity with these Regulations.

When a change is adopted in the Zoning Regulations or boundaries of zoning districts no improvements or proposed improvements shown on a site plan for residential property which has been approved by the Zoning Commission prior to the effective date of such change, either pursuant to an application for a Special Exception or otherwise, and filed or recorded with the Town Clerk, shall be required to conform to such change.

In the case of a site plan approved on or after October 1, 1984, all work in connection with such site plan shall be completed within five years after the approval of the plan. The certificate of approval of such site plan shall state the date on which such five-year plan expires. Failure to complete all work within such five-year period shall result in automatic expiration of the approval of such site plan, except in the case of any site plan approved on or after October 1, 1989, the Commission may grant one or more extensions of the time to complete all or part of the work in connection with the site plan provided the total extension or extensions shall not exceed ten years from the date such site plan is approved. "Work" for purposes of this subsection means all physical improvements required by the approved plan.

2.10 Records. The ZEO shall maintain a record of all zoning permits and Certificates of Compliance and a copy shall be furnished to any person having a proprietary or tenancy interest in the building or use affected.

3. Enforcement

3.1. These Regulations shall be enforced by the Commission through its authorized agent, the Zoning Enforcement Officer, (ZEO).

3.2. The ZEO is hereby authorized to cause any building, or use of land to be inspected and to order in writing the remedying of any condition found to exist in violation of these Regulations.

3.3. The Commission, the ZEO or other official having jurisdiction may institute legal action to prevent the unlawful construction, alteration or use of any building or to prevent the illegal occupation of buildings or land or to prevent any violation of these Regulations.

The penalties for violation of these Regulations shall be as provided for in Chapter 124, Section 8-12, of the Connecticut General Statutes.

4. PROCEDURES—BOUNDARY CHANGES/FIRST CUTS

To ensure that new and/or modified lots conform to the Subdivision and Planning & Zoning Regulations of the Town of Sharon, any proposed changes in the boundaries of any lot, including first cuts, lot line revisions, mergers or other acts that result in an alteration of any existing boundary or lot line, must be reviewed by the Town of Sharon Planning & Zoning Commission for compliance with the Town regulations.

The Commission may require that a title search be performed to aid in the determination whether the proposed first cut and/or boundary line change constitutes a subdivision or re-subdivision of land.

The Town Clerk of the Town of Sharon will refer all proposed first cuts and boundary line changes to the Town of Sharon Planning & Zoning Commission before a parcel or plot is recorded and before any permits are issued for such parcel or plot. Approval of all first cuts and property line revisions by the Town of Sharon Planning & Zoning is required before filing with the Town Clerk.

The Town of Sharon Town Clerk is still required by Connecticut General Statutes to accept whatever document/documents a person wishes to file. However, Section 8-25 of the Connecticut General Statutes imposes a fine of \$500 for each illegally created lot.

The Town of Sharon Planning & Zoning Commission may file on the Town of Sharon land records a notice that a lot is not a legal building lot.

Approved by the Town of Sharon Planning and Zoning Commission on _____.

Approved for Filing by the Chair of the Sharon Planning and Zoning Commission or his/her Designee.-----

ARTICLE II: ZONING DISTRICTS AND ZONING MAP

1. Designation of Zoning Districts and Zoning Map.

1.1. Districts. The Town of Sharon is hereby divided into the following zoning districts.

- R R Rural Residence District
- G R -1 General Residence District
- G R-2 General Residence District
- C 1 Commercial District
- C 2 Sharon Valley Four Corners - Neighborhood Commercial District
- L E Local Enterprise District
- W Watershed Overlay District
- H R Housatonic River Corridor Overlay District
- A P Aquifer Protection Overlay District
- F H Flood Hazard Area Overlay District
- S H Sharon Housing District
- M O Municipal -- Office District

1.2. Zoning Map. The boundaries of the zoning districts are shown on the map titled "Zoning Map of the Town of Sharon" dated January 10, 1972, as amended, which together with all the explanatory matter therein shall be considered a part of these Regulations.

1.3. When a zone district boundary is changed such change shall be made on the Zoning Map immediately after approval by the Commission. Such a change shall be noted with an entry on the Zoning Map as follows: "Amended to (date)", such date to be the effective date of said amendment.

2. Boundaries of Zoning Districts

2.1. Property Lines. If the District Boundary is a property line, the boundary shall follow such property line as described in the Tax Assessor's Records at the effective date of these Regulations.

2.2. Measured Lines. Unless otherwise indicated, if a District Boundary is stated by a measured distance from a street, such distance shall be measured perpendicularly from the boundary of such street which is on the same side as the District.

2.3. Street, Rivers, Brooks. If opposite sides of a street, river or brook are in different Districts, the centerline of the street, river or brook shall be the District Boundary.

2.4. Lots Lying in More Than One District. In the case of a lot lying in more than one district, the provisions of the less restrictive district may be applied for a distance of not over 50 feet into a more restrictive district, provided that such lot has frontage on a street in the less restrictive district.

3. Watershed Overlay District.

3.1. Boundaries. The boundaries of the Watershed Overlay District comprises the land that drains into Beardsley Pond and Calkinstown Reservoir. These watershed boundaries are presumed to be as shown on the Zoning Map and a map titled "Sharon Watershed Overlay District Map", scale 1"=2000', which is on file in the Town Office and is hereby made a part of these Regulations, as amended in 1995 (See Figure 1 in Article X.). This presumption may be rebutted by an applicant or intervener based upon a detailed survey made by a qualified engineer or surveyor at the applicant's or intervener's expense.

3.2. Within the boundaries of the Watershed Overlay District the requirements of the overlay district shall apply in addition to the requirements of the underlying zone. In the event of a conflict of land use requirements the more restrictive shall apply.

4. Housatonic River Overlay Zone.

4.1. Boundaries. The Housatonic River Overlay Zone comprises an inner corridor and an outer corridor with boundaries as shown on the Zoning Map and on a map on file at the Town Office, entitled "Housatonic River Overlay Zone Map - Town of Sharon".

4.2. Within the boundaries of the Housatonic River Overlay District the requirements of the overlay zone shall apply in addition to the requirements of the underlying zones. In the event of a conflict of land use requirements, the more restrictive requirements shall apply.

4.3. The Inner Corridor represents the combined area of the 100-year flood hazard area zone and of the streambelt as determined by the Litchfield County Soil Conservation Service on the basis of soil type criteria.

5. Aquifer Protection Overlay District

5.1. Boundaries. The boundaries of the Aquifer Protection Overlay District as shown on the Zoning Map and on a map titled "Aquifer Protection Overlay District Map" dated July 22, 1980 at a scale of 1"=2000' on file in the Town Office. These boundaries are based upon studies completed by the U.S. Geological Survey and other water quality protection programs.

5.2. Within the boundaries of the Aquifer Protection Overlay District the requirements of the overlay district shall apply in addition to the requirements of the underlying district. In the event of a conflict of land use requirements the more restrictive shall apply.

6. Flood Hazard Area Overlay District

6.1. Boundaries. The boundaries of the flood hazard area overlay district are shown on the "Flood Hazard Boundary Map (FHBM)" for Sharon or as shown on the officially published revision of this map which is on file in the Town Office.

6.2. Within the boundaries of the Flood Hazard Area Overlay District the requirements of the overlay zone shall apply in addition to the requirements of the underlying zone. In the event of a conflict of land use requirements the more restrictive shall apply.

7. Incentive Housing Overlay Zone

7.1 Boundaries. Two Incentive Housing Zone (IHZ) Overlay Districts have been established and are superimposed over the underlying zoning districts on the Zoning Map as set forth on the map entitled "Proposed IHZ Districts", dated February 4, 2010, prepared by Concord Square Planning & Development. This map is hereby made a part of the Zoning Regulations and is on file in the Office of the Town Clerk.

- a) Sharon Housing Authority Incentive Housing Zone (SHA IHZ). The SHA IHZ Overlay District has a land area of approximately 17.4 acres in size and is located on Sharon Ridge Road.
- b) 110 N. Main Street Incentive Housing Zone (MS IHZ). The MS IHZ Overlay District has a land area of approximately 5.3 acres in size and is located at 110 North Main Street.

7.2 The IHZ is an overlay district superimposed on all underlying zoning districts. The regulations for use, dimension and all other provisions of the Zoning Ordinance governing the underlying zoning district(s) shall remain in full force, except for those Incentive Housing Developments developed pursuant to Article X Section 4 (Incentive Housing Overlay Zone). Within the boundaries of the IHZ, a developer may elect either to develop an Incentive Housing Development in accordance with the requirements of the IHZ as described in this regulation, or to develop a project in accordance with requirements of the regulations for use, dimension and all other provisions of the Zoning Regulations governing the underlying zoning district(s).

ARTICLE III - USE REGULATIONS - PERMITTED USES AND SPECIAL EXCEPTION USES FOR EACH ZONING DISTRICT

1. General. This Article lists the uses which are permitted as of right and by special exception in each of the various zoning districts.

1.1. Except as may otherwise be allowed under these Regulations, all uses are subject to the requirements for a minimum size lot and setback or other dimensional requirements as set forth in Article IV or the overlay districts.

1.2. Special Exception uses all require a public hearing, submission of a site plan and are subject to the general and specific requirements of Article VIII.

1.3. Where a site plan is required, it must be prepared according to the requirements of Article VI.

1.4. For certain uses, the supplemental requirements set forth in Article V will apply.

1.5. Uses of land, building or structures not clearly allowed in the various zoning districts by these Regulations are prohibited.

2. Permitted Uses in Any District

2.1. Farms, provided the (total) [minimum] lot area is 3 acres (or more) and that no manure or animal refuse or offensive material be stored less than 100 feet from any property line. Commercial slaughtering, except animals raised on the premises, is prohibited.

2.2. Forestry. Tree farms and wood lots.

2.3. Construction trailers. Trailers used for business office, and storage purposes in connection with a bona fide construction operation within the Town may be used for such purposes in any district for a period of time not to exceed the duration of the construction contract.

2.4. Use of residence for personal business purposes. Use of a residence by the occupant for business purposes shall be allowed without issuance of a zoning permit where all of the following conditions exist:

- A.** no business is conducted on the premises except by phone or mail; and
- B.** no persons other than members of the family are employed and;
- C.** no external evidence of the business is visible and;
- D.** no business signs are erected and;
- E.** no pedestrian or vehicular traffic other than normally generated by a residence is permitted.

2.5 Private Not-for-Profit, Non-Commercial Kennels: Private Not-for-Profit, Non-Commercial dog kennels, as an accessory use to a residence, which is Not-for-Profit, Non-Commercial dog kennels may include the casual or occasional breeding of said dogs, but shall not include commercial, breeding, boarding and/or training kennels operated for business or profit purposes.

2.6 Solar Energy

Purpose and Intent

This section of the regulations is intended to establish standards for the siting of solar systems as well as a carefully managed employment of solar energy in the Town of Sharon. It is designed to promote the use of solar energy while protecting property values and without impairing the appearance and character of neighborhoods and the Town.

Ground-Mounted Systems and Other Types of Mounts

No solar energy system shall be located in a front yard. Solar energy systems shall comply with all standard setback requirements.

- a. Solar energy systems shall be screened from view from a public right-of-way unless the Commission chooses to waive this requirement due to circumstances. The Commission may require screening with any method determined appropriate for the location in the neighborhood.
- b. No ground-mounted solar energy system shall be affixed to a fence or attached to the front façade of any structure or building.
- c. No solar energy system shall be more than the maximum of eighteen (18) feet in height from grade.

Roof-Mounted Systems

- a. Roof-mounted solar systems are permitted via a zoning permit in all districts provided they are no higher than two feet above the roof on sloped residential roofs.
- b. The above requirement is exempt for solar systems on flat roofs.
- c. Roof-mounted systems or any portion thereof shall not extend or protrude further than any eaves, edges, or outermost element.
- d. The Commission reserves the right to waive or make adjustments to Sections a. and c. depending on the circumstances of the application.

Elimination of Public Nuisance

- a. Glare generated by a solar system that creates a nuisance or safety hazard must be prevented (e.g. through installation of matte-surfaced panels) or directed away from an adjoining property or adjacent road.
- b. All obsolete or unused systems shall be removed within twelve (12) months of cessation of operations without cost to the Town. System components should be reused or recycled whenever possible.

3. Special Exception Uses In Any District

A. Town buildings;

B. Steam Plant, gas plant, gas tank or holder, water tank, electric substation, antenna, tower or earth station receiver of any public service company not subject to the jurisdiction of the Connecticut Siting Council, provided that in no event shall the height of any of the foregoing exceed thirty-five (35') feet from ground level.

C. Firehouses and libraries.

D. Cemeteries and churches.

E. Town parks and playgrounds.

F. Outdoor recreational uses, clubs and other private recreational facilities when not operated for a profit.

G. Educational, instructional, religious, philanthropic and charitable institutions.

H. Wireless Telecommunication Facilities and Sites. See Article VIII - Section 10 provides regulations for wireless facilities that are not subject to the approval of the Planning and Zoning Commission and not subject to the jurisdiction of the Connecticut Siting Council, for example, antennas on existing buildings. Article VIII Section 11 also establishes regulations that shall be used to provide guidance to the Connecticut Siting Council for those Wireless Telecommunication Facilities and Sites that are subject to the jurisdiction of the Connecticut Siting Council.

I. Accessory uses and structures related to a Special Exception use.

J. Conversion of Old Barn Buildings. To encourage the economic viability of maintaining, restoring and reusing old barns which no longer are associated with farming or agriculture. Existing old barn buildings may be converted to other uses subject to the following conditions. A special exception is required.

- A. The owner of the parcel on which the old barn building is located shall occupy either the principal dwelling on the parcel or a principal dwelling on a parcel abutting the old barn building parcel.
- B. The applicant shall present documentation to prove the building proposed for conversion was constructed no less than 10 years prior to the date of application.
- C. Any use of an old barn shall not significantly alter the exterior appearance of the building, provided that its foundation and structural elements may be rebuilt or reinforced, and the building may be modified to increase safety and to comply with application laws, codes, regulations, and insurance underwriting requirements.
- D. In the event that the historic barn is destroyed by fire, explosions, or acts of God, the barn may be reconstructed and the adaptive reuse re-established with the approval of the Planning and Zoning Commission providing the Commission shall determine that the replacement structure closely replicates the historic structure in architectural style, form, massing, scale, building materials, windows, and doors.
- E. The parcel shall be located on a State highway or an approved Town road or approved subdivision roads.

CONVERSION OF OLD BARN BUILDINGS USES (OTHER THAN RESIDENT)

The proposed use must be clearly outlined and include, but not limited to, the following:

Number of Employees

Traffic

Days and Hours of Operation

Lighting

Noise

The proposed use must be compatible with the surrounding area/environment.

4. Rural Residence District (RR) The rural residence district is intended to cover those generally undeveloped areas of Town devoted primarily to agricultural, national, estate and large residential lot usage.

4.1. Permitted uses in the RR District

A. One family dwellings and related accessory buildings and structures;

B. Signs and parking areas subject to Article IX;

C. Farm stands provided the setback is not less than 25 feet nor more than that for the principal building; the maximum floor area is 200 square feet; the minimum off-street parking is five spaces.

D. Non-commercial stables provided there is one-half acre of land for each horse in addition to the minimum lot required.

E. Solar Energy

4.2. Special Exception Uses in the RR District. All special exception uses are subject to a public hearing and must meet the general and specific requirements of Article VIII.

A. Accessory apartments

B. Residential conversion of older homes or structures

C. Home occupations

D. Commercial greenhouse or nursery

E. Shop or storage use for local contractors

F. Multiple dwelling buildings

G. Boarding and/or Commercial Kennels

H. Facilities for the practice of veterinary medicine

I. Riding stables

J. Rest or convalescent homes

K. Boarding schools or camps

L. Permanent sawmill provided it is located 1,500 feet from any property line

M. Motels and Country Inns

N. Bed and Breakfasts

O. Golf Courses, Riding Clubs and Recreational Clubs

- P. Accessory uses and structures related to a Special Exception Use
- Q. Town or Non-Profit Sponsored Affordable Housing

5A. General Residence District (GR-1). The General Residence (GR-1) District encompasses the more highly developed section of the Town, and provides the transitional area between the outlying Rural Residence District and the more densely developed Commercial and Local Enterprise Districts at the core. The area is characterized by smaller lots, less open space and more concentrated and diversified land uses than in the Rural Residence District.

5.A1. Permitted Uses in the GR-1 District:

- A. Single family dwelling and related accessory buildings and structures;
- B. Signs and parking are subject to Article IX;
- C. Non-commercial stables provided there is one-half acre of land for each horse in addition to the minimum lot required.
- D. Solar Energy

5.A2. Special Exception Uses in the GR-1 District. All special exception uses are subject to a public hearing and must meet the general and specific requirements of Article VIII.

- A. Accessory apartments
- B. Home occupations
- C. Residential conversion of old homes or structures
- D. Offices - professional or general
- E. Commercial greenhouse or nursery
- F. Shop or storage use of local contractor as an accessory use to a primary residential use
- G. Multiple dwelling buildings
- H. Assisted living facilities, as defined in these Regulations, and hospitals, chronic and convalescent nursing homes and rest homes with nursing supervision as defined in the Connecticut Public Health Code
- I. Bed and Breakfasts
- J. Accessory uses and structures related to a Special Exception
- K. Town or Non-Profit Sponsored Affordable Housing
- L. Village Center Residential Housing

5B. General Residence District (GR-2). The General Residence District (GR-2) encompasses areas adjacent to the GR-1 district and services generally the same purposes as described under the General Residential District (GR-1) but does not permit certain Special Exception uses allowed in the GR-1 district.

5B.1. Permitted Uses in the GR-2 District.

- A. Single family dwellings and related accessory buildings and structures;
- B. Signs and parking subject to Article IX;
- C. Non-commercial stables provided there is one-half acre of land for each horse in addition to the minimum lot required.
- D. Farm Stands provided the setback is not less than 25 feet nor more than that of the principal building; the maximum floor area is 200 square feet; the minimum off street parking is five spaces.
- E. Solar Energy

5B.2. Special Exception Uses in the GR-2 District. All Special Exception uses are subject to a public hearing and must meet the general and specific requirements of Article VIII.

- A. Accessory apartments
- B. Home Occupations
- C. Residential conversion of old homes or structures
- D. Commercial greenhouse or nursery
- E. Shop and storage use of local contractor as an accessory use to a primary residential use
- F. Multiple dwelling buildings
- G. Bed and Breakfasts
- H. Accessory uses and structures related to a Special Exception
- I. Town or Non-Profit sponsored Affordable Housing
- J. Village Center Residential Housing

6. Municipal -- Office District (MO) The purpose of this district is to permit the continued use of the Sharon Town Hall to service the town's needs and to permit other office uses in a manner that is compatible with the existing streetscape and the development pattern in the core of Sharon's compact and historic village center.

6.1 Permitted Uses in the MO District

- A. Municipal offices.
- B. Offices - professional and general.
- C. Signs and parking.
- D. Accessory uses and structures related to permitted uses.
- E. Solar Energy

6.2 Special Exception Uses in the MO District All special exception uses are subject to a public hearing and must meet the general and specific requirements of Article VIII.

- A. Accessory Apartment in a business building.
- B. Accessory uses and structures related to a Special Exception Use.

6.3 Dimensional and Parking Requirements in the MO District.

A. Minimum setback of buildings from the front lot line and side lot lines. In order to preserve the streetscape and provide for continued productive use of existing buildings, these building setback requirements shall be established individually for each lot in the district based upon existing building setbacks.

The minimum front lot line and side lot line building setback shall be not less than the minimum setback from the lot line to the principle building on each lot as it exists on the effective date of this regulation, February 26, 1992.

B. Minimum setback of buildings to the rear lot line. Twenty (20) feet.

C. The number of parking spaces and other parking lot requirements set forth in Article IX may be reduced or modified subject to the approval of a Special Exception and a detailed parking lot site plan which meets the following criteria:

- provides for on-site parking to the rear of the principal buildings.
- demonstrates that the proposed parking will be adequate based upon an analysis of the parking demands of proposed uses, and
- provides for a visual buffer and screening of the parking area from residential buildings in the surrounding residential zone.

7. Commercial District (C-1). The Commercial District (C-1) in Sharon is the hub of the community and it encompasses the Town's most intense and greatest mixture of development.

7.1. Permitted Uses in the C-1 District

- A. Any use permitted as of right in the General Residences District
- B. Retail business establishments
- C. Restaurants, (excluding drive-in or curbside service restaurants), bakery, confectionery shops
- D. Personal service shop or service establishments
- E. Bank, financial institutions, office professional or general offices
- F. Signs and parking subject to Article IX
- G. Accessory uses and structures related to permitted use
- H. Solar Energy

7.2. Special Exception Uses in the C-1 District. All special exception uses are subject to a public hearing and must meet the general and specific requirements of Article VIII.

- A. Accessory apartment in a business building
- B. Accessory apartment (in a residence)
- C. Residential conversion of older home or structures
- D. Light manufacturing, fabricating or finishing incidental to a business use where articles are sold at retail on the premises and provided that no more than five operators are employed in such manufacturing
- E. Motel or country inns
- F. Gasoline service stations
- G. Bed and Breakfasts
- H. Accessory uses and structures related to a Special Exception use

8. Sharon Valley Four Corners - Neighborhood Commercial District (C-2). The purpose of this district is to provide an opportunity for shops and offices and other uses of a commercial nature in a manner that will be compatible with the residential and historic nature of the surrounding neighborhood.

8.1. The following are permitted uses in this district;

- A. Any use permitted as of right in the General Residence District;
- B. Office - professional or general, personal service shop, or retail shop, provided such use is located in a structure that does not require the alteration of the facade or an addition in excess of 200 square feet to the structure or any alteration to the front yard of the lot.

8.2. Special exceptions in the C-2 District;

- A. A proposed office - professional or general, personal service shop or retail store, that involves the conversion of a structure but does not meet the above stated criteria or the construction of a new commercial building shall be a special exception use.
- B. Accessory apartment in a business building.
- C. Accessory apartment in a residence.
- D. Accessory uses and structures related to a Special Exception use.

9. Local Enterprise District (LE). The Local Enterprise District is located close the developed core of the Town, with access to a State highway and Sharon Valley Road. The purpose of this district is to allow for a range of business, storage, office, health care, light industrial and other enterprise uses that can be located close to Sharon's village center in a manner that will retain the scenic quality of the Rt. 343 - Amenia Road entryway to the Town and protect residences on Sharon Valley Road.

9.1 Permitted uses in the Local Enterprise District

- A. Farm or Nursery, or Greenhouse Operations
- B. Day Care Center.
- C. Farmers' Market.
- D. Solar Energy

9.2 Special Exceptions in the Local Enterprise District - General Requirements. All Special Exception uses are subject to a public hearing and must meet the general and specific requirements of Article VIII and the following performance standards:

- A. No dust, dirt, fly ash or offensive smoke shall be emitted into the air.
- B. No offensive odor, or noxious, toxic, corrosive fumes or gases shall be emitted into the air.
- C. No noise which is objectionable due to volume, intermittence beat frequency or shrillness shall be transmitted outside the property where it originates.
- D. No offensive or harmful wastes shall be discharged to the property, to any stream or water course or on to any adjoining property.
- E. No activity shall be conducted which is hazardous or dangerous to persons or property outside of the lot on which the activity is conducted.

9.3 Special Exception Uses in the Local Enterprise District.

- A. Animal hospitals
- B. Assisted living facilities, as defined in these Regulations, hospitals, chronic and convalescent nursing homes and rest homes with nursing supervision as defined in the Public Health Code
- C. Agricultural equipment or supplies
- D. Artist's studio
- E. Business and professional offices
- F. Carpentry or woodworking
- G. Contractors' building, garage and storage yard, public utility garages
- H. Lumber or building materials storage or sales and storage yards
- I. Equipment and vehicle repair

- J. Funeral homes
- K. Indoor recreation facilities
- L. Light industrial uses such as machine shops, sheet metal shops, metal fabrication shops, manufacture and processing of millwork and other wood products
- M. Municipal land uses
- N. Publishing, printing.
- O. Research and development facilities limited to uses that meet the above stated performance standards and that pose no water or air pollution risk.
- P. Restaurant, including outdoor café service (excluding drive-in or curbside service restaurants), bakery or confectionary shops
- Q. Retail sales outlet as accessory to the primary use of product production or warehousing on the same site
- R. Warehousing (not including self storage facilities), wholesaling, and distribution facilities
- S. Signs and parking subject to Article IX
- T. Accessory uses and structures related to the above uses, including a caretaker apartment or accessory apartment on a lot and associated with a principal use

9.4 Requirements for Outdoor Storage in the Local Enterprise District.

- A. Outdoor material storage shall be permitted only in areas of a site as shown on an approved Site Plan,
- B. Outdoor parking of commercial vehicles or equipment shall be located behind buildings and shall not be visible from surrounding roads or residences.
- C. Material, vehicle and equipment storage areas shall be screened from abutting properties and Amenia Road (Route 343). Based on site conditions, the Commission may require year-round screening for outside storage of commercial vehicles, equipment and materials from abutting properties and Amenia Road (Route 343).

9.5 Local Enterprise District – State Route 343 Highway Landscape Buffer

Requirements. A landscaping plan shall be required for a lot with a property line on State Highway 343 (Amenia Road) or Sharon Valley Road. The landscape plan prepared by a qualified Landscape Architect or landscape designer and shall meet the following standards and requirements:

- A. A green belt buffer area at least 50 feet in depth shall be provided along the lot property line on the State Highway or Sharon Valley Road. Such buffer shall be maintained by the owner of the property.
- B. The green belt buffer area shall not be used for storage of materials or parking.
- C. A landscape screen consistent with the Town's rural landscape shall be provided at a minimum depth of 25 feet bounding the highway or road property line. The dominant feature of the landscape screen shall be trees at least 6 feet in height and a minimum of 30% of all new tree plantings shall be evergreen trees. Other landscape elements may be used as a part of the landscape plan including fences, walls and landscaped berms. Where there is suitable existing vegetation for the landscape screen it may be preserved and if necessary enhanced with new plantings consisting of hardy indigenous plant materials.
- D. The rest of the depth of the 50-foot buffer strip may be planted and maintained as lawn of acceptable permanent grasses, planted with proposed trees or shrubs and/or

consist of existing natural vegetation as proposed on the landscape plan and approved by the Commission.

- F. **Completion of Landscaping.** For new construction, all landscaping shown on the approved plan shall be completed before a Certificate of Occupancy can be issued or a bond in a form and amount satisfactory to the Commission assuring completion within a specific time period (not to exceed one year) shall be filed with the Commission. Such bond shall be forfeited if the work is not completed within the specified time period.

10. Sharon Housing District (SH). The purpose of this district is to provide for Sharon Housing Authority sponsored housing to serve the housing needs of the community especially for safe and sanitary housing available to families of low - moderate income and for other purposes incidental thereto as may be determined by the Sharon Housing Authority.

Special Exception Uses Within the Sharon Housing District.

Sharon Housing Authority sponsored multiple family housing and related accessory buildings and structures subject to submission of a site plan in accordance with Article IV and subject to the general standards of Article VIII and the following specific requirements:

1. The maximum density of dwelling units shall be 3 per acre.
2. The minimum floor area of dwelling units shall comply with standards required by the State of Connecticut Department of Housing for the design and construction of rental housing. (One bedroom dwelling unit - 540 square feet, two-bedroom dwelling unit - 800 square feet and three-bedroom dwelling unit -1,050 square feet.)
3. Maximum number of dwelling units in a building shall be six.
4. Minimum number of parking spaces shall be 2 per dwelling unit.
5. Minimum requirements for the design and construction for the access road shall be as established by the Board of Selectmen.
6. The site plan and arrangement of buildings including landscaping, grading, storm drainage, sanitary sewers, outdoor illumination, vehicular access and parking areas shall be of such a character as to harmonize with the neighborhood, and to maintain the appearance and beauty of the community.
7. The (minimum) lot area and other dimensional requirements shall be as set forth in Article IV.

11. Watershed Overlay District (W). The purpose of this district is to protect the water quality of the Town's drinking water supplies. For this purpose, the land within the watersheds of the Town's two water supply reservoirs must comply with these Regulations. Within the boundaries of the Watershed Overlay District the requirements of the overlay district shall apply in addition

to the requirements of the underlying district. In the event of a conflict of land use requirements the more restrictive shall apply.

11.1. Permitted uses within the Watershed Overlay District.

A. Single family dwellings and related accessory building and structures on a minimum lot based upon soil types according to the provisions set forth in Article X - Special Regulations. All other dimensional requirements shall conform to the requirements of the underlying zone or district as set forth in Article IV and setback requirements from a wetlands or water course as set forth in Article X.

B. All other permitted uses allowed in the underlying zoning district are permitted uses in the Watershed Overlay District subject to Article X requirements.

11.2. Special exception uses in the Watershed Overlay District;

A. Accessory apartments

B. Timber harvesting. Subject to the requirements of Article X

C. Accessory uses and structures related to a Special Exception use

11.3. Prohibited Uses.

A. The installation and use of new underground fuel tanks unless constructed of fiberglass or cathodically protected steel and the design and installation of the tank is approved by the Health Officer or the Fire Marshall

B. Road salt storage and loading facilities

C. Sanitary landfill or dump

D. Septage lagoon

E. Use and/or storage of hazardous wastes that are subject to regulation by the State of Connecticut, Department of Environmental Department, Hazardous Waste Regulations

12. Aquifer Protection Overlay District (AP). Within the boundaries of the Aquifer Protection Overlay District, no land shall be used and no structures erected, constructed, reconstructed, altered or used except in compliance with the provision of these regulations. The Aquifer Protection Overlay District shall be superimposed on existing land use zones. In the event of a conflict between any provision of this ordinance and any other regulations, the more restrictive requirements shall apply.

12.1. Permitted Uses and Special Exception Uses. All permitted uses and special exception uses which are allowed in the underlying district are also allowed in the Aquifer Protection Overlay District with the following exceptions, restrictions and requirements.

A. Sanitary waste water discharge to on-site septic systems shall not average more than the equivalent of one single-family dwelling unit per two acres.

B. New and enlarged manure storage sites, waste water lagoons and holding ponds shall be approved by the Department of Environmental Protection.

12.2. Prohibited Uses.

- A.** The use and installation of new underground fuel storage tanks unless constructed of fiberglass or cathodically protected steel and the design and installation of the tank is approved by the Health Officer or Fire Marshal
- B.** Road salt storage and loading facilities
- C.** Sanitary landfill and dump
- D.** Septage lagoons
- E.** Use and/or storage of hazardous wastes as determined by DEP

13. Housatonic River Corridor Overlay District (HR). Within the boundaries of the Housatonic River Corridor Overlay District no land shall be used except in compliance with the provisions of these Regulations. The Housatonic River Overlay District as defined in the Housatonic River Management Plan shall be superimposed on underlying zoning districts. If there is a conflict between the provisions listed below and the underlying district or other regulations, the more restrictive provisions shall apply.

13.1. Statement of Purpose. To require appropriate standards for zoning permits in order to protect a carefully defined corridor of land along the Housatonic River which is flood prone, environmentally sensitive and possesses many valuable natural resources.

13.2. The following shall be permitted uses in the Housatonic River Corridor Overlay District.

- A.** Open space uses which do not require moving, removing or otherwise altering the position of earth, stone, sand, gravel or water except for flood control or erosion control measures.
- B.** Game management, fishing, hunting where permitted, camping and picnicking in specified areas and other recreational activities compatible with the objectives of the Housatonic River Management Plan and which do not trespass on private property.
- C.** Maintenance or reconstruction of existing public ways and bridges.

13.3. Except for uses stated in 13.2., all uses allowed in these zoning regulations within the underlying Zoning District of the Housatonic River Corridor shall be allowed only as a Special Exception by the Planning and Zoning Commission. In deciding upon a Special Exception application, the Commission shall evaluate the application based upon the following general requirements and criteria. It shall be the responsibility of the applicant to demonstrate that the proposed use shall meet these requirements and criteria, as well as the criteria set forth in Article VIII Section 1 General Standards.

- A. General Requirements - the proposed use shall:**
 - 1)** not create water pollution or any adverse environmental impact including severe erosion mass soil movement whether during or after construction;
 - 2)** not create a danger of flood damage, increase flood hazard nor obstruct flood flows;

3) not adversely affect air quality through the release of noxious fumes, gases, or other emissions or through creation of significant amounts of dust or other particulate matter.

B. Criteria. In determining the above, the following criteria shall apply:

1) **Water Pollution Control.** No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature, that could run off, seep, percolate, or wash into surface stream or ground waters so as to contaminate, pollute, or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant or aquatic life.

2) **Erosion and Sedimentation Control.** Filling, grading, lagooning, dredging, road construction and other earth moving activities associated with an allowed activity shall be conducted in such manner to prevent erosion and sedimentation damage to surface stream waters. To this end, the requirements of Article VII shall apply.

3) **Flood Control.** The 100-year flood area shall be as shown on the applicable federal flood map. Within this area all new construction or substantial improvement of residential structures shall be elevated to or above the level of the 100-year flood or together with attendant utility and sanitary facilities, shall be flood-proofed up to the level of the 100-year flood.

4) **Signs.** In addition to the requirements of Article IX the following requirements shall apply to signs in the HR District. Signs relating to goods and services sold on the premises shall be permitted, provided such signs shall not exceed six (6) square feet in area, and shall not exceed two (2) signs per premises. Signs relating to goods and services not rendered on the premises shall be prohibited.

14. Flood Hazard Area Overlay District (FH). The purpose of this District is to avoid an increase in flood hazard due to any change or alteration of a land use or structure in the Town and to assure that property in the Town will maintain its eligibility for flood insurance under the National Flood Insurance program as administered by the Federal Emergency Management Agency (FEMA).

14.1. Uses Permitted or Special Exception Uses in Flood Hazard Overlay District. Any permitted use or special exception uses in the underlying Zoning district shall be an allowable use in the Flood Hazard Overlay District. All uses in this district shall be subject to submission of a site plan according to Article VI. Said site plan shall include references to any base flood elevation data available from a federal, state or other source until such data is provided by FEMA. Based upon flood elevation criteria all building and structures shall be subject to the following requirements:

A. Residential and non-residential buildings shall have the lowest floor (including basement) elevated to or above the base flood level or,

B. Non-residential structures shall have the lowest floor level flood-proofed to or above the base floor level.

C. New and replacement water supply systems shall be designed to eliminate infiltration of flood waters into the systems.

D. New and replacement on-site septic systems shall be located to avoid impairment during flooding and all utilities shall be located to avoid flood damage.

15. Planned Conservation Zone. A Planned Conservation Zone may be authorized in accordance with the procedures, standards and conditions hereinafter specified and only for the following purposes.

15.1 Purpose. To permit creative subdivision development of a tract(s) or parcel(s) of land in a Rural Residential Zone or General Residential Zone for detached single family homes in a manner that will conserve active and potential farmland, natural, scenic, and historic areas of the Town of Sharon and its rural character, including views and vistas observed from public streets and natural resource and environmentally sensitive areas identified in the Town Plan of Development.

15.2 Submission Requirements. Requests for approval of a Planned Conservation Zone for the purposes specified in 15.1 shall be submitted in writing and shall be accompanied by the following:

A. Report. A written report explaining how the proposed Zone will meet the purposes stated in 15.1 above and will be consistent with the Town Plan of Development.

B. Regulation and supporting documentation. A written regulation to be applicable within the proposed Planned Conservation Zone in a form suitable for adoption as an amendment to these Regulations, containing no less than the following:

1. A suitable boundary description and A - 2 survey map of the proposed Zone boundaries. A delineation of the land use areas within the proposed Zone which are to be reserved for building and areas reserved for "open space" as defined and required herein.

2. A precise statement of the use of land, buildings and other structures for which a permit (s) is sought.

3. Standards for the area, location and bulk of buildings and other structures, and the area, shape and frontage of lots.

4. Statement of the procedures for review and approval of detailed plans meeting the specifications stated in 15.5 below and citing other additional detailed plans which shall be required for approval of building or development with the subdivision.

5. Any other regulatory provisions necessary to carry out the purpose as stated in 15.1 above.

C. Fee. An application fee for a petition for a change of zone as specified in Town Ordinance on fees.

15.3 Procedure. A request for a Planned Conservation Zone constitutes a petition for legislative action to amend these Regulations and the Zoning Map. The petition shall be submitted to the Commission and shall be signed by the owner(s) of all the land within the proposed Zone. Upon receipt of the petition the Commission shall hold a public hearing and act on the petition in the same manner as required for amendment to these Regulations and as specified in the Connecticut General Statutes.

A. Findings. A Planned Conservation Zone may be adopted by the Commission only upon finding that the proposed Zone will meet the applicable purposes and standards of this Section of the Zoning Regulations and is in accordance with the Town Plan of Development.

15.4 Adoption. A Planned Conservation Zone may be adopted by the Commission to maintain the purposes of these Regulations. Notice of adoption shall be given in the same manner as required for the adoption of an amendment to these Regulations and the Zoning Map. Upon adoption of a change of zone under this regulation the area so affected shall be clearly labeled on the Zoning Map as "Planned Conservation Zone 1", subsequent changes of zone shall be labeled "Planned Conservation Zone 2" and so forth.

15.5 Detailed Plans. After approval of a Planned Conservation Zone and prior to the issuance of any zoning and/or building permits for building or development within the zone the applicant shall submit a Site Development Plan prepared in accordance with the specifications for a Topographic and Existing Conditions Maps as stated in the Subdivision Regulations showing the location of all buildings and improvements. The applicant shall also provide documentation that the number of proposed building lots does not exceed the maximum number of lots allowed as specified in 15.6.A below. Site Development Plans shall be at a scale of 1" = 40' and shall provide sufficient detail and information necessary to assure that the proposed lot(s) can be developed in compliance with the standards and requirements of the adopted Planned Conservation Zone regulation, the standards set forth in this regulation and the applicable standards of the Subdivision Regulations. The Commission may require that house site, driveway, septic system and other improvements be in locations as shown on the Site Development Plan.

15.6 Special Standards. In reviewing and deciding upon a petition to establish a Planned Conservation Zone and a Site Development Plan and/or Subdivision Application within a Planned Conservation Zone the Commission shall apply the following special requirements:

A. Maximum Number of Single-Family Dwellings. The maximum number of building lots and single family dwellings allowed in a Planned Conservation Zone shall not exceed the total number of building lots that could be established for detached single family dwellings in the underlying existing Rural Residential Zone or General Residential Zone according to the area, dimensional and other requirements of the Regulations for each Zone which are in effect at the time of the receipt of the petition to establish the Planned Conservation Zone, except as may be allowed by the Commission in accordance with section 15.6.B below.

B. Bonus for Preservation of Farmland. The Commission may approve a proposed Planned Conservation zoning regulation which authorizes an increase in the number of allowed single family dwellings not to exceed 20% more than the maximum number of single family dwellings allowed according to 15.6.A above, where as part of the application to establish a Planned Conservation Zone, the applicant demonstrates to the satisfaction of the Commission that the proposed permanent open space will consist primarily of active farmland and prime and important farmland soils as shown on the Town Plan map of Agricultural Lands as prepared by the Litchfield County Conservation District for the Sharon Planning and Zoning Commission and will further the purposes of protection of active farmland in the Town of Sharon.

C. Location and Minimum Land Area. A petition to establish a Planned Conservation Zone shall qualify for submission only if the land area of the proposed zone is located in the Rural Residential Zone or the General Residential Zone and the total area of the proposed zone is more than 10 acres in area not including the area of all inland wetland and watercourses as shown on the Sharon Inland Wetlands and Watercourses Map.

D. Minimum Open Space Land Required. The minimum total area of open space provided in the Planned Conservation Zone shall be as defined herein and shall be not less than fifty (50) percent of the "buildable" land within the Zone. For the purpose of the definition of "open space" land in a Planned Conservation Zone the following areas shall be defined "not buildable" and all other land shall be defined as "buildable":

1. all 100-year flood hazard areas (Flood Zone A) as defined by FEMA and as shown on maps on file in the Sharon Town Hall and all existing ponds, lakes or other standing water bodies, and

2. outside of the 100-year flood hazard area and standing water bodies, 65% of all inland wetland and watercourses as defined on the Sharon Inland Wetlands and Watercourses Map, and

3. 50% of all land with a slope in excess of 25% as shown on the USGS topographic map for Sharon.

4. 50% of all land consisting of soils classified as "shallow to bedrock" by the USDA, Soil Conservation Service and as shown on the USDA, SCS, Soil Survey Litchfield Co.

E. Standards for protection of open space. The regulation establishing a Planned Conservation Zone shall provide for the permanent protection of open space in accordance with the following standards and requirements.

1. The provisions for protection and maintenance of open space will be binding on all future owners of the open space land.

2. Said provisions will not be affected by any change in zoning or land use.

3. Said provisions may be enforced by adjoining land owners or the Town by appropriate action for damages or equitable relief and will be perpetual.

4. Said provisions will assure appropriate maintenance of the open space land to the satisfaction of the Commission.

5. Said provision shall provide that the legal instrument (trust, easement or covenant) providing for all of the above may not be modified, altered or amended or changed without written approval of the Town Meeting, or such municipal officers or agencies as may be successors and with the unanimous approval of the property owners in the Planned Residential Zone.

6. Said provision shall also provide that if maintenance, preservation and/or use of the open space area no longer complies with the provisions of the trust, easement or covenant, the Town may take all necessary action to assure compliance and assess the association all costs incurred by the Town for such purposes.

F. Standards for Design and Construction of Roads. The standards, procedural and inspection requirements for a private street as set forth in the Subdivision Regulations shall apply to a proposed private street in a Planned Conservation Zone with the following exceptions.

1. Where in the opinion of the Commission the applicant clearly demonstrates that design and location of a proposed private street in a Planned Conservation Zone will clearly benefit the purpose of conservation of active farmland land, scenic ridgelines or other valuable open space land, especially as defined in the Town Plan of Development, the Commission may permit more than 8 lots on a private street.

ARTICLE IV - MINIMUM LOT AREA AND OTHER DIMENSIONAL REQUIREMENTS

<u>Requirement:</u>	RR	GR-1/GR-2	C1	C2	LE	SH
Min. Lot Area (acres) [1]	2	3/4	3/4	3/4	1	5
Minimum Lot Frontage (feet) [2]	200	150	100	100	200	200
Minimum Setback from Front Lot Line (feet) [3]	50	40	30	30	75	75
Minimum Setback from All Other Lot Lines (feet) [3]	30	20	15	15	30	50
Maximum Building Height	35	35	35	35	35	35
Maximum Percent of Impervious Surface on Lot [4]	20	NA	NA	NA	20	20
Minimum Percent of Green Space on Lot [4]	NA	10	10	10	NA	NA
Maximum Percent of Building Coverage on Lot [5]	NA	20	20	20	NA	NA

NA – Not Applicable

[Footnotes]: References and Requirements:

[1]. See Article XI definitions of Lot Area and Min. Lot Area in RR Zone. Within the Watershed Overlay Zone, the minimum lot area requirement is determined based upon soil types (See Article X).

[2]. The minimum lot frontage requirement may be measured either at the front lot line or at the minimum setback from the front lot line.

[3]. Setback

- Setback is the open space required between any building or structure and the front lot line and other lot lines.
- The depth of the setback shall be measured from the lot line to the nearest part of the building or structure.
- Exception: An accessory building for storage or utility purposes with a maximum floor area of 200 square feet and maximum height of 8 feet to the eave line shall be setback a minimum of 10 feet from a side or rear lot line, but shall not be located within the minimum setback from the front lot line. A school bus stop shelter not exceeding 4 feet by 6 feet may be located within the minimum setback from the front lot line.
- When a main building is within 50 feet of a front lot line, an accessory building shall be located only to the rear of the front façade of main building.

[4]. See Article XI for definition of Impervious Surface and Green Space

[5]. The maximum percent of building coverage on a lot shall be the percentage that the aggregate ground floor area of all buildings to the total area of lot.

ARTICLE V - SUPPLEMENTARY REGULATIONS

- 1. Purpose.** This article sets forth the regulations that apply to a specific class of uses or a use which is allowed in more than one zone.
- 2. Minimum Floor Area Requirements for Apartments.** All accessory apartment dwelling units or dwelling units in multiple family dwellings shall have a minimum floor area of 500 square feet for a one bedroom or studio unit, plus 150 square feet for each additional bedroom.
- 3. One Building or Use on a Lot.** Except as may be specifically otherwise allowed in these Regulations only one principal building or use is permitted on one lot.
- 4. Mixed Uses.** The Commission may permit more than one nonresidential use on a lot in a commercial or industrial district.
- 5. Access to Lots.** Pedestrian or vehicular access to an allowed use located in a less restricted district through property situated in a more restricted district shall not be approved or allowed except over streets which have been accepted and are maintained by the Town of Sharon or the State of Connecticut.
- 6. Existing Non-conforming lots.** These Regulations shall not be deemed to prevent the issuance of a Zoning Permit for the erection of an allowed structure(s) and/or the establishment of an allowed use(s) on a lawful lot existing in any Zoning District as of the effective date of adoption of these Regulations or any pertinent amendment hereto, even though such lot does not conform in whole or in part, to the minimum lot area, dimensional and/or access requirements contained in these Regulations for the Zoning District in which such lot is located, provided that:
 - A.** Such lot was described in any instrument of conveyance recorded in the land records of the Town of Sharon prior to the adoption of these Regulations or the pertinent amendment hereto and has remained a separate lot or parcel at all times thereafter; or
 - B.** Such lot is shown on a plan or subdivision map approved by the Sharon Planning and Zoning Commission and recorded in the Office of the Town Clerk of the Town of Sharon and has remained a separate lot or parcel at all times thereafter and provided such subdivision plan approval has not expired; and
 - C.** The proposed use(s) and structure(s) have received all required approvals from the Sharon Director of Health or his/her agent and, unless a variance has been granted by the Zoning Board of Appeals, comply with the required side yard, front yard and rear yard setback requirements for the Zoning District in which such lot is located.
 - D.** The foregoing paragraphs A, B, and C notwithstanding, where specific acreage, access and/or setback requirements is/are imposed by these Regulations for a particular use(s) and/or structure(s), which acreage, access and/or setback requirements exceed the minimum required for the Zoning District in which the existing non-conforming lot is located, the proposed use(s) and structure(s) shall be

required to comply with all such greater acreage, access and/or setback requirements, unless a variance has been granted by the Zoning Board of Appeals.

7. Non-Conforming Uses and Conditions. A non-conforming use or condition is any lot, building or structure or use of land, building or structure which is not in compliance with or allowable under the use or dimension requirements or other requirement of these Regulations but which was legally and actually existing at the effective date of these Regulations or any pertinent amendment thereto. Any such non-conforming use or condition may be continued subject to all the following requirements:

- A. A non-conforming use or condition may be changed by permit to a conforming use or condition, but may not then be changed back to a non-conforming use or condition with the following exception. In the C-1 zone a non-conforming use that has been changed to a conforming use may change back to the immediate previous non-conforming use subject to approval of a special exception according to the standards set forth in Article VIII.
- B. In all zones, other than the C-1 zone, a non-conforming use may be enlarged or extended or changed to a less non-conforming use subject to approval by the Planning and Zoning Commission of a Special Exception according to the standards set forth in Article VIII. In the C-1 zone, subject to a Special Exception, a non-conforming use may be enlarged or extended or changed to another non-conforming use that the Commission determines is appropriate for the location in consideration of the proposal in comparison to the existing use in terms of projected level of traffic, number of employees. It is the intent of this Section that the substitution of a conforming use for a non-conforming use in the C-1 zone does not automatically constitute intent by the property owner to abandon the immediate previous non-conforming use.
- C. When a building in which there is a non-conforming use is damaged or destroyed by fire, explosion, act of God, or act of the public enemy, it may be restored and the non-conforming use or condition continued, provided that it covers no more land area and has no greater cubicle content or height.
- D. Nothing in these Regulations shall prevent the strengthening or restoration to a safe or lawful condition of any part of a building or structure declared unsafe by any duly authorized official or representative of the Town.
- E. A building that does not conform to yard setback requirements may be expanded within the required building setback from the front, side or rear property lines provided such expansion or addition is no greater than the existing distance between the lot line and the nearest part of the building and such expansion is a minimum of ten (10) feet from any property line.

8. Rear Lot. A rear lot is defined as a lot which does not meet the minimum lot frontage requirement as set forth in Article IV of these Regulations. A rear lot may be allowed in a Zoning District only by the Commission subject to the following conditions:

- A. The rear lot must meet all other area and dimensional requirements in Article IV.
- B. The rear lot must have an average minimum width equal to or greater than the minimum lot frontage requirement.

C. The lot shall be served by an accessway which may be a deeded right-of-way. Where an accessway serves a rear lot with a (total) lot area which is more than twice the minimum lot area requirement, the accessway shall be a minimum of 66 feet in width at all points along its entire length from the point of intersection with the street to the rear lot it serves. Where there is a rear lot with a lot area which is less than twice the minimum lot area requirement the accessway width may be no less than 25 feet. The site plan for the rear lot shall show a driveway corridor to the house site. The maximum grade of the driveway travel way shall be 15%. Where the grade exceeds 12% the Commission may require that the applicant submit a detailed plan and profile of the driveway at a scale of 1" = 40' prepared by a Connecticut Professional Civil Engineer.

D. The area of the accessway shall not be included in the computation of the minimum lot area requirement.

E. The rear lot accessway shall intersect with and provide access to a Town maintained street or a State maintained highway.

9. Lot Area on a Private Street Subdivision. The minimum lot area for all lots in a subdivision of more than five (5) lots served by a private street shall be not less than twice the minimum lot area of the zone in which the subdivision is located

10. Private Water Companies. No proposal for development using water supplied by a company incorporated on or after October 1, 1984 shall be approved by the Commission unless such company has been issued a certificate pursuant to Section 16-262 m. of the C.G.S.

11. Driveway Standards. A driveway shall not serve or provide access to more than two (2) lots or parcels. All driveways shall be constructed to maintain adequate drainage, to the satisfaction of the Commission, and as shown on the plans for construction. The maximum grade of the driveway travelway shall be 15%. Where the grade exceeds 12% the Commission may require that the applicant submit a detailed plan and profile of the driveway at a scale of 1" = 40' prepared by a Connecticut Professional Civil Engineer. Driveway entrances shall be paved in accordance with Town Ordinance "Schedule C." Paving of entrances is not required if the frontage road is unpaved.

ARTICLE VI -- SITE PLANS

1. Applicability. A site plan, as prescribed in this section, shall accompany the application for any special exception. A site plan may also be required for any other permitted use at the discretion of the Commission or its authorized agent. The site plan shall be approved by the Commission or its authorized agent prior to the issuance of a zoning permit or special exception permit.

2. Decision Time Limit. If site plan approval is the only or last requirement to be met, a decision by the Commission on a site plan shall be rendered within 65 days after the “day of receipt” of the application.

The day of receipt is the earlier of:

- the day of the next regularly scheduled meeting of the Commission after the day the application is submitted, or
- 35 days after the application is submitted.

Decision Deadline Extensions. Upon consent of the applicant the deadline for making a decision on a Site Plan may be extended to an additional 65 days.

No decision may be made until after the Inland Wetlands Commission has submitted a report to the Commission with its final decision. The time limit for making a decision is automatically extended to 35 days after the Inland Wetlands Commission’s decision.

3. Expiration and Renewal of a Site Plan (See Art. I - 2.8)

4. Purpose of Site Plan The site plan is intended to provide the Commission with information that will enable it to determine that the proposed building, use or structure is consistent with the specific requirements of these Regulations. A site plan may be modified or denied only if it fails to comply with the specific requirements of these Regulations.

5. Bond 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 its securing that any modification of such plans are made. The bond shall be held by the Commission. The Commission shall not release the bond until it has certified that all of the requirements of the zoning permit have been met.

6. Site Plan Requirements The site plan shall be prepared by a registered land surveyor. Where the plan proposes grading or new improvements the plan shall be prepared, signed and sealed by a Connecticut registered professional engineer, or architect. The plan shall be drawn at a scale not smaller than one-inch equals forty feet or at such other appropriate scale as may be approved by the Commission. The plan shall contain the following, as applicable:

6.1. Name of applicant and owner of property.

6.2. Scale and north arrow.

6.3. Property boundary, dimensions, angles, area and zoning classification prepared by a registered land surveyor.

6.4. Names of record owners of abutting properties.

6.5. Locations and dimensions of all existing and proposed buildings, driveways, parking and loading areas, walkways, storage areas, drainage features, fences and walls, natural and artificial water features, wetlands, and exposed ledge rock.

6.6. A rendering of any proposed sign and its location, dimensions, and means of illumination.

6.7. Locations and methods of water supply and sewage disposal facilities and stormwater management.

6.8. Landscaped areas, including types of trees and shrubs to remain or to be planted.

6.9. Certification by the Director of Health concerning satisfactory conditions for water supply and sewage disposal, consistent with the State Health Code.

6.10. Where grading is required or where site improvements are proposed, existing and proposed contours shall be shown as prepared by a registered land surveyor at two-foot intervals, unless the Commission agrees that ground surface conditions can be adequately represented by contours with larger intervals or by spot indication of elevations. Sufficient information shall be required to clearly show existing and post-construction surface drainage patterns.

6.11. The site plan shall include an approval block which shall include a space for the date of approval of the site plan and the date of expiration of the site plan which shall be five (5) years from the date of approval (see Art. I, Section 2.8).

7. Historic and Archaeological Features Preservation

7.1. A written archaeological and/or historical assessment, by a qualified archaeologist or historian recommended by the Office of State Archaeology, may be required by the Commission, as part of an application for site plan approval, when there is a likelihood that significant cultural resources or undetected human burials will be adversely impacted by construction activities associated with the proposed development. Determination of the need for an archaeological and/or historical assessment for site plan approval shall be based upon the following factors:

- A. Proximity to identified cemeteries, human burials, archaeological sites or historic sites.
- B. Natural terrain features such as proximity to wetlands or watercourses, soils, slopes or rock shelters, where these features indicate scientifically documented settlement patterns preferred by Native Americans or European Colonists.
- C. Review of archaeological sensitivity by the Office of State Archaeology. A request for evaluation by the Office of State Archaeology may be requested by the applicant or the Commission.

- D. Discovery of an archaeologically or historically sensitive site during excavation of an area. In the event of such a discovery, the Town shall be notified by the applicant or the Commission and the State Archaeologist shall be contacted by the applicant or the Commission for his/her advice.

7.2 The assessment by the applicant shall include the following:

- A. Identification of any historical, archaeological, or other unusual features.
- B. An evaluation of the impact of the development on the subject sites or features.
- C. A description of measures to be taken to mitigate any adverse impact of the development on the site and to protect and preserve an archaeological site or features.

7.3 Where it is found that the project will adversely effect an historically or archaeologically sensitive area or feature, the Commission shall not approve the site plan unless:

- A. Provision has been made by the applicant for a more intensive site investigation to be conducted by qualified professionals, such as a professional archaeologist or historian recommended by the Office of State Archaeology, and/or
- B. The proposed project has been otherwise revised or modified to protect the historic and archaeological sites and to mitigate adverse impacts upon such sites.

The Commission, upon written request by the applicant, may waive the required submission of any part of the information specified in Article VI which it determines is not needed to adequately evaluate the application.

ARTICLE VII -- EROSION AND SEDIMENT CONTROL PLAN

1. Erosion and Sediment Control Plan Requirements.

A soil erosion and sediment control plan shall be submitted for certification by the Commission with any application for development when the cumulative disturbed area is more than one-half acre. A single-family dwelling that is not part of a subdivision of land shall be exempt from these soil erosion and sediment control regulations. A lot in a subdivision shall be subject to the requirement for an erosion and sedimentation control plan both as part of the subdivision plan and as part of this application for a zoning permit.

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

Mapped information as required below shall be shown separately or as part of the site plan and/or construction plan. Said plan shall contain but not be limited to the following:

1.1. A narrative describing the:

A. development project

B. time schedule for:

- all major construction activities indicating the anticipated start and completion of development.
- creating and stabilizing disturbed areas.

- grading operations.

- applying erosion and sediment control measures and facilities onto the land.

C. design criteria, construction details, detailed installation/application procedures and maintenance program.

D. soil erosion and sediment control measures.

1.2. A site plan map to reveal:

A. existing and proposed topography;

B. within the disturbed areas, topographic contours shall be shown at no less than two-foot contour intervals based upon field survey;

C. proposed site alterations and disturbed areas, including cleared, excavated, filled or graded areas;

D. location of and other detailed information concerning erosion and sediment control measures and facilities.

2. Issuance or Denial of Certification.

The Commission shall either certify that the soil erosion and sediment control plan complies with the requirements and objectives of this Regulation or deny certification when the development proposal does not comply with these Regulations.

Nothing in these Regulations shall be construed as extending the time limits for the approval of any application under Chapters 124, 125A or 126 of the General Statutes.

Prior to certification, any plan submitted to the Commission may be reviewed by the Litchfield County Soil and Water Conservation District or a qualified person designated by the Commission which may make recommendations concerning such plan, provided such review shall be completed within thirty (30) days of the receipt of such plan.

3. Conditions Relating to Soil Erosion and Sediment Control

Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan. The Commission may require a performance bond or other acceptable assurance to guarantee completion of the proposed erosion and sediment control measure.

All control measures and facilities shall be maintained in effective condition to ensure the compliance of the certified plan.

4. Erosion and Sediment Control Plan Definitions.

"Certification" means approval by the Sharon Planning and Zoning Commission (hereinafter the Commission) or its designated agent that a soil erosion and sediment plan complies with the applicable requirements of these Regulations.

"Disturbed area" means an area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.

"Erosion" means the detachment and movement of soil or rock fragments by water, wind, ice or gravity.

"Inspection" means the periodic review of sediment and erosion control measures shown on the certified plan.

"Regulations" means any regulation adopted by a municipality pursuant to Sections 8-2, 8-13d and 8-25 of the CGS.

"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.

"Soil" means any unconsolidated mineral or organic material of any origin.

"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.

ARTICLE VIII - SPECIAL EXCEPTIONS

I. General Standards

After the public hearing, the Planning and Zoning Commission may approve an application to permit the establishment of one or more of the uses listed in this Section for which a Special Exception must be secured if it shall find that the proposed use and the proposed buildings and structures will conform to the following General Standards in addition to any special requirements for particular uses that may be hereafter specified. Whenever the Commission grants or denies a Special Exception, it shall state on the record the reason for its decision. The following general standards shall be considered:

- A.** That the location, types, character and size of the use and of any building or other structure in connection therewith shall be in harmony with and conform to appropriate and orderly development of the Town and the neighborhood and not hinder or discourage the appropriate development and use of adjacent property or substantially or permanently impair the value thereof;
- B.** That the nature and location of the use and of any building or other structure in connection therewith shall be such that there will be adequate access to it for fire protection purposes;
- C.** That the streets serving the proposed use are adequate to carry prospective traffic, that provision is made for entering and leaving the property in such a manner that no undue hazard to traffic or undue traffic congestion is created and that adequate off-street parking and loading facilities are provided;
- D.** That the lot on which the use is to be established is of sufficient size and adequate shape and dimension to permit conduct of the use and placement of buildings, other structures and facilities in such a manner that will not be detrimental to the neighborhood or adjacent property;
- E.** That the property will be suitably landscaped to protect the neighborhood and adjacent property.
- F.** In the evaluation of the proposed activities potential impact upon groundwater quality and quantity the Commission's concerns shall include but not be limited to the following:

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

Where Hazardous Materials may be used or generated or where the activity may otherwise threaten groundwater, the applicant must comply with the provisions of Article X, Section 3, Groundwater Protection Requirements, and the Commission may not approve any Special Exception for such activity unless it makes a finding that the groundwater protection plan as required in Article X, Section 3 will adequately protect groundwater.

Land uses normally associated with the use of Hazardous Material and which may pose a high-risk to groundwater quality include but are not limited to institutional uses such as schools, colleges, trade schools, hospitals, nursing homes, and prisons; high density housing (more than one dwelling unit per 1/2 acre); large scale retail or commercial development; medical, veterinary and similar professional offices; furniture strippers; dry cleaners; photo processors; beauty shops; appliance repair shops; auto body and service stations; machine shops; junkyards; industrial, manufacturing, research and storage facilities.

The Commission may also require as a condition of the grant of any special exception that the applicant post a cash bond or a letter of credit with the Commission to assure the satisfactory completion of all improvements, excluding buildings shown on any site plan where required. The applicant shall provide an estimate of improvements to be bonded together with a description of the basis of the estimate.

2. Home Occupation. A home occupation use shall be clearly secondary in nature to the primary residential use of a residential dwelling and lot in a residential zone. A home occupation use may be allowed after receipt of a special exception in accordance with Article VIII and the following standards and requirements.

A. A residence or other structure on a residential lot where there is a home occupation shall not be altered in appearance or used in a manner that would cause the premises to differ from its residential character or to conflict with the character of the surrounding neighborhood by use of materials, construction, lighting, noises or the emission of sounds, vibrations or odors or electrical interference which carry beyond the premises.

B. No Goods offered for sale or other evidence of the home occupation (except a sign in accordance with subparagraph E below) shall be visible from a street.

C. Where off street parking or an accessory building associated with the home occupation use is visible from the street or a neighboring residence, the Commission may require a landscape buffer to screen such use from view.

D. Home occupations shall consist of two categories, as follows:

1. Home occupations that are primarily committed to computer or internet related activities, telecommunications, data processing, or other activities that require computing or similar processing or communications equipment of various levels of sophistication which may be generally described under the category of the electronic workplace and where there is no traffic, noise or electrical interference that exceeds that normally associated with a

residence. This type of home occupation shall employ no more than four (4) persons on the premises at any one time, not including members of the household.

2. All other home occupations not meeting the criteria set forth in subparagraph 2.D.1 above shall employ no more than two (2) persons on the premises at any one time, not including members of the household.

E. One sign no greater than 4 square feet identifying the occupation may be placed on the premises.

F. Adequate off-street parking space shall be provided for the home occupation use. In addition to the off-street parking required for the residential use, there shall be a minimum of one off-street parking space for each non- resident employee.

G. The home occupation use may be conducted in the residence and/or in an accessory building.

H. All storage of materials or equipment shall be inside the dwelling or inside an accessory building.

I. The total floor area devoted to home occupation use, including floor area for storage use whether conducted in a residence and/or in an accessory building, shall not exceed one third of the total floor area of the primary residential dwelling. The application shall include building layout plans clearly drawn to scale showing the floor area and layout of the residence and/or accessory building and the floor area (in square feet) devoted to the home occupation use.

J. As a condition to the special permit, the Commission may establish limits on the permit pertaining to hours of operation, number and type of vehicles, outside storage, and such other conditions as may be necessary to minimize the impact of the proposed activity on the surrounding residential areas.

K. Inspection of the home occupation by the Zoning Enforcement Officer to occur at any time to determine the provisions of the Special Exception.

3. Motels or Country Inns.

In addition to such other uses and improvements as are otherwise allowed in Commercial and Rural Residence Districts under these Regulations there shall also be allowed Motels or Country Inns (which may be the conversion of a large private residence to offer sleeping and dining facilities), as a Special Exception granted by the Planning and Zoning Commission, subject to the following specific requirements:

A. **Site Plan.** The applicant must submit a site plan in accordance with Article VI showing the boundaries of the site, the location of the occupancy units and office space, proposed parking spaces and driveways, and service areas, proposed advertising signs and accessory facilities and any other factors affecting construction and operation of the facility, such as satisfactory contours, drainage, water supply and sewage disposal facilities.

B. Site Requirements. In addition to the minimum required lot area, 2500 square feet of lot area shall be provided per occupancy unit.

C. Building Requirements. Units, except the office and managers apartment, shall be designed solely for the use of automobile transients and no cooking facilities shall be allowed. No unit shall contain less than 180 square feet of floor area, including closet space, and no unit shall have sleeping accommodations for more than four persons.

D. Office and Managers Apartment. Each motel or inn shall have one office and manager's apartment which office and apartment shall have a combined total area of at least 500 square feet.

4. Bed and Breakfast. The provision of rooms for transient visitor in a residential structure may be allowed by Special Exception by the Commission, subject to the General Standards of this Article and the following conditions:

A. The owner of the property shall reside on the property housing the bed and breakfast use.

B. The application shall show that the building and lot is of an adequate size to accommodate the bed and breakfast use and that the proposed use maintains the character and scale of the residence and blending into the existing neighborhood.

C. No more than three guest rooms rated for double occupancy shall be allowed.

D. Complete bathrooms shall be provided at the rate of one for each two guest rooms.

E. Any additions or changes to the structure housing the bed and breakfast, shall be in keeping with residential character and scale of the structure.

F. Off-street parking shall be provided at the rate of one space per guest room in addition to the parking requirements for the single-family residential use. Off-street parking shall be screened from public view and preferably located on the rear portion of the lot.

G. The Town Health Officer shall certify that the existing or proposed modified subsurface sewage disposal system is adequate to serve the proposed use. A new subsurface sewage disposal system may be required if there is insufficient data concerning the capacity and operation of the existing system.

5. Golf Courses, Riding Clubs and Recreational Clubs.

In addition to such other uses and improvements as are otherwise allowed in the Rural Residence District under these Regulations there shall also be allowed golf courses, riding clubs or recreational clubs as a Special Exception granted by the Planning and Zoning Commission, subject to the general standards set forth herein and further subject to the following specific requirements:

A. For the purposes of these Regulations, a recreational club shall mean an association whose chief activities are recreational in character (not a service carried on as a business) and whose activities are confined to members and their guests and are not extended to the general public.

B. A site plan subject to Article VI for the proposed development shall be submitted with an application for a Special Exception and such plan shall show the location and size of all buildings, parking areas, traffic access and circulation drives, outdoor lighting, signs, existing and proposed contours, and any other pertinent information that may be necessary to determine if the proposed special use meets the requirements of this Section of the Regulations.

C. In considering an application, the Planning and Zoning Commission shall take into consideration the size and location of the area; the nature and intensity of the operations involved; the size of the site, with respect to existing or future streets giving access to it; the ability to maintain harmony with the orderly development of the area; and the location, nature and height of the buildings, walls and fences to determine that they will not discourage the appropriate development of adjacent land and buildings or impair the value thereof. In reviewing site plans presented hereunder, the Planning and Zoning Commission may refer the same, for recommendations and comment, to the Board of Selectmen with respect to the traffic consideration contained therein effect on local streets and to the Town Director of Health for compliance with local and state laws and with standards of the respective departments for drainage of storm water and sewerage facilities.

D. No building permit shall be issued for any structures in any area covered by a site plan except in conformity to such approved site plan. No Certificate of Occupancy shall be issued for any structure unless the same conforms in all respects to such site plan and unless all automobile parking space and all other features included in such site plan have been installed in accordance therewith.

6. Gasoline Service Stations.

No Special Exception shall be granted for the erection or enlargement of a garage for more than five motor vehicles, or a motor vehicle service station or gas filling station, or for the conversion of any premises not so used to be used for such purposes, or for a public parking space in any Commercial District if any part of the lot or plot in question is situated within a distance of two hundred (200) feet, as measured along the public streets, from any of the following:

- A public school or duly organized school other than a public school.
- A hospital.
- A church.
- A theatre.
- A public library.

A. No entrance or exit for motor vehicles, for such garage or service station, or parking space shall be within 100 feet measured along a highway, from any part of the residential property of another person located on the same highway.

B. No existing garage for more than five motor vehicles, a motor vehicle service station, gas

filling station or public parking space conforming to this provision at the time of the passage of these Regulations shall be deemed to become a nonconforming use through the subsequent erection of such a school, hospital, church, theatre or library as defined, within the aforesaid prescribed area.

C. Approval of Gasoline Station Location. In accordance with CGS Chapter 250 Section 14.321 – 14.322, a certificate of approval shall be obtained from the Planning and Zoning Commission for the sale of gasoline. A hearing on the suitability of the location for the sale of gasoline or any other product under the provisions of CGS Chapter 250 Section 14.319 shall be held within 65 days of receipt. No certificate of approval shall be issued unless the Commission finds that the location is suitable for the sale of gasoline after giving due consideration to the proximity of schools, churches, theaters, or playhouses or other places of public gatherings, intersecting streets, traffic conditions, width of highway and effect of public travel and that such use of the proposed location will not imperil the safety of the public.

D. Approval of Motor Vehicle Repair Location. In accordance with CGS Chapter 246 Section 14-54 – 14.55, a certificate of approval shall be obtained from the Zoning Board of Appeals for any person who desires to sell or repair motor vehicles. A hearing on the suitability of the location for the dealing or repairing motor vehicles under the provisions of 246 Section 14-54 – 14.55 shall be held within 65 days of receipt. No certificate of approval shall be issued unless the Zoning Board of Appeals finds that the location is suitable after giving due consideration to the proximity of schools, churches, theaters, or playhouses or other places of public gatherings, intersecting streets, traffic conditions, width of highway and effect of public travel and that such use of the proposed location will not imperil the safety of the public.

7. Multiple Dwelling Building (one structure).

An individual multiple dwelling building (new construction - not a conversion) is allowed in a Rural Residence District and General Residence District as a Special Exception granted by the Planning and Zoning Commission subject to the General Standards set forth herein and further provided that it be located on 2 acres of land plus any additional land in order to meet the Public Health Code and the multiple dwelling building shall contain no more than six (6) dwelling units. Such a building may not be located on a lot adjacent to another multiple dwelling building.

8. Residential Conversion of Older Homes or Structures

Subject to the General Standards of this article and the following conditions, the orderly and regulated conversion of older, larger, residential homes or structures may be allowed by Special Exception by the Commission:

A. Purpose. The purpose of the special exception is to provide suitable, compatible alternative residential uses for larger, older residences or structures in the Village Center area. The appropriate conversion of older residences or structures into smaller residential dwelling units, by virtue of energy inefficiency, contemporary demographic conditions and economic circumstances, is in the public interest and beneficial to the health and welfare of the community. Any conversion shall be accomplished in a manner that maintains the integrity of an existing

residence and its relationship to its accessory structures. A proposed conversion shall also blend with the character and scale of the adjoining residences and the existing neighborhood.

B. Specific Requirements and Criteria. To be eligible for consideration for conversion, a residence or structure shall meet the following criteria and requirements:

1) The applicant shall show that the residence or structure was constructed prior to 1930.

2) The residence or structure shall be either located within the General Residential District (GR-1 and GR-2) or Commercial District, or connected to or approved for connection to the Town Sewer System or connected to or approved for connection to the Town Water System as certified by the Town Sewer and Water Commission.

3) No more than one residence or structure on an individual lot shall be allowed to be converted.

4) Each dwelling unit shall contain a minimum of 500 square feet for a one bedroom or studio apartment, plus 150 square feet per additional bedroom, and shall include complete kitchen and bath facilities.

5) In addition to the requirements for parking for a single-family residence or other use, parking space shall be provided on the premises for two cars for the first proposed new dwelling unit and a minimum of one car each additional dwelling unit. Parking shall be behind the front line of the residence or converted structure and hidden from public view wherever feasible. The Commission may require the construction of fences and/or hedges to screen the parking area from public view.

6) Fire escapes and outside stairways shall be located on the rear of the residence or structures where practicable and shall not be located on any building wall facing a street.

7) The Health Officer or his agent shall certify that the existing or proposed modified subsurface sewage disposal system is adequate to serve the proposed use. Where a connection is proposed to either the water or sewer systems, the applicant shall provide evidence of certification approving such connection as issued by the Town Sewer and Water Commission.

9. Accessory Apartments

In a building used for residential purposes and located in a residential district or a commercial district an accessory apartment may be allowed by Special Exception by the Commission, subject to the General Standards of this article and the following conditions:

A. For the purpose of this section, an accessory apartment is defined as a separate living unit, containing both a bathroom with sink, toilet and tub or shower and a kitchen unit with stove, sink and refrigerator, created within a single-family residential structure, but subordinate to it in terms of size and appearance.

Accessory apartments may also be units, as detailed above, created in barns, garages, or other out-buildings on a residential property.

B. The intent of the special exception is to provide for housing in an efficient size for the purpose of providing cost-effective housing in Sharon. Any accessory apartment shall be constructed in a manner that maintains the character and scale of the adjoining residences and blends into the existing neighborhood.

C. The owner of the property subject to the special exception permit shall reside on the property throughout the duration of the permit.

D. An accessory apartment shall contain at least 500 square feet for one bedroom or studio apartment, plus 150 square feet per additional bedroom and shall include complete kitchen and bath facilities.

E. The apartment shall be equipped with utility service and have its own kitchen and bath facilities. The apartment may utilize the existing sanitary system on the lot if approved by the Director of Health or his agent, but a completely new system may be required if the existing system is found by the Director of Health to be inadequate for the proposed use.

F. The apartment shall have its own outside access convenient to the parking area, and vehicular and pedestrian access to the lot.

G. Sufficient off-street parking but no less than three off-street parking spaces shall be provided for the use of the principal residence and accessory apartment.

H. Fire escapes and outside stairways shall be located on the rear of the building where practicable and shall not be located on any building wall facing a street.

I. The special exception permit for an accessory apartment shall be valid for the time period of the occupancy of the applicant/owner, subject to the following requirements:

1) The permit may be revoked by vote of the Commission after a public hearing for cause which may include failure to comply with the above stated conditions or any special condition attached to an individual permit or for reasons as cited by the Zoning Enforcement Officer.

2) Reinspection of the apartment by the Zoning Enforcement Officer is required at the time of the application for transfer upon change of ownership.

3) Permits shall be reviewed yearly, with inspection as deemed necessary by the Zoning Enforcement Officer.

J. No more than one accessory apartment shall be allowed on any single residential property.

10. Village Center Residential Housing

Subject to the General Standards of this article and the following standards and requirements Village Center Residential Housing may be allowed as a Special Exception by the Commission in the GR-1 and GR-2 districts.

A. Statement of Purpose. The purposes of this regulation are:

- to provide a variety of housing opportunities to meet the needs of a diverse population.
- to provide a housing alternative for Sharon residents who wish to remain in Sharon in a smaller dwelling with reduced property upkeep requirements and in proximity to village center services,
- to encourage well designed and compact new development preferably in areas served by existing town utilities and other infrastructure,
- to provide for the most efficient use of the land in the village center,
- to permit development design that enhances and supports the historic character and architectural styles of the town center, and
- to provide residential housing clusters near village center businesses.

B. Application. Village Center Residential Housing shall require a Special Exception application and site plan prepared by a qualified professional(s) registered in the State of Connecticut, such as a Registered Professional Engineer, a Registered Architect, and a Registered Landscape Architect, that meets the requirements set forth herein.

C. Lot Area and Dimensional Requirements

Minimum Lot Area: 80,000 square feet

Minimum Lot Frontage: 50 feet

Maximum Ratio of the area of buildings and other impervious surfaces to total lot area: 35%

Minimum setback from Street (feet): 40 feet

Minimum setback from all other Lot Lines (feet): 25 feet

New residential buildings shall setback a minimum of 50 feet from existing residential dwelling units on an adjacent lot.

A lot for Village Center Residential Housing shall not be considered a Rear Lot as defined in these regulations.

D. Parking

1) Dwelling Unit and Visitor Parking. One parking space shall be required per dwelling unit with one bedroom. Two parking spaces shall be required per dwelling unit with two or more bedrooms. A minimum of one parking space serving each dwelling unit shall be in a garage attached to the dwelling unit.

A minimum of one parking space shall be required for every three (3) dwelling units for visitor parking. Visitor and other parking spaces required for dwelling units shall be in parking areas located off the access road serving the development and shall be in reasonable proximity to the dwellings it serves and no such parking area shall have more than 6 parking spaces

2) Other Parking. Parking areas located off the access road shall be required in proximity to and meeting the projected parking needs of any facility serving Homeowner Association residents and visitors.

3) Landscape and Screening. With the exception of parking in a dwelling unit driveway, all parking areas shall be landscaped and adequately screened from view from Town streets, State highways and neighboring residences.

E. Signs

An Identification Sign shall be permitted in accordance with Article IX.

F. Site Plan Review. All development shall be subject to the site plan review requirements of Article VI of these regulations and in addition shall meet the following building, lighting and landscape design standards.

G. Building Design Standards. The applicant shall submit an architectural rendering of each typical building unit type meeting the following design standards.

1) Buildings shall be designed with an architectural character that fits the village center and should contain details such as cornices, brackets, lintels, window shutters, and columns. Variations in architectural elements from building to building are encouraged to add visual interest. Sloped roofs are required.

2) Exterior building materials shall reflect the residential character of the village center; wood or fiber cement clapboards or shingles, stone, brick, and other such materials are encouraged. Vinyl is discouraged.

3) Where more than one material is used, traditionally heavier materials (stone, brick, concrete, etc.) should be located below lighter materials (wood, shingle, clapboards, etc). The change in material should occur along a horizontal line, preferably at the floor level.

4) Building designs incorporating differing heights and roof lines within different areas of the building are encouraged, to reduce the appearance of a single large building.

5) Buildings with facades that are greater than 40 feet wide should be broken into smaller elements to add visual character. Such elements may be delineated with varying materials, colors, and architectural projections or recesses.

6) Porches, decks and balconies are encouraged, provided the overall appearance of the building maintains a character compatible with the neighborhood.

7) Windows shall be placed on all sides of the building. The shape and proportion of windows shall be in line with the shape and size of the house. In general, all windows should be taller than they are wide.

H. Lighting. All site lighting shall be full cut-off fixtures that follow “dark skies” principles as stated below. No glare shall be permitted to impact adjacent properties. Exterior lighting fixtures shall not exceed fourteen feet in height. The Commission may require submission of a lighting plan indicating the type, placement and design of the lighting fixtures and their anticipated projections.

Dark Sky Principles:

Outdoor lights shall be proposed only where needed for safety and security purposes.

Outdoor lighting shall be designed with timers, motion sensors, and advanced controls to permit use only when needed.

All outdoor lighting shall be shielded so that all light is directed downward, below the horizon.

Lamps with warmer colors shall be preferred; cool-white lights shall be avoided. Lighting specifications shall be the minimum amount of light necessary for the task.

I. Landscaping. A landscape plan meeting the following standards prepared by a licensed landscape architect shall be submitted with the application:

- 1) In addition to new plantings, existing mature trees should be preserved to the maximum extent practicable.
- 2) The site design shall include a variety of landscape elements including street trees, evergreens, shrubs, and perennials and annuals.
- 3) Plant materials shall be chosen to withstand seasonal weather cycles in New England and for compatibility with existing plantings in the surrounding neighborhood, with consideration for resistance to infestations, resilience to climate exposure, water availability and drainage conditions. Native species are encouraged and invasive plant species as classified by the State of Connecticut are prohibited. Plants located near streets, driveways or parking lots must be salt-tolerant.
- 4) Trees proposed for planting shall be a minimum of 3” caliper measured at a point four (4) feet above grade at time of planting.

J. Stormwater management. The application shall comply with the stormwater management regulations of these regulations.

K. Buildings and Density: The maximum density of dwelling units under a Village Center Residential Housing plan shall be 4 dwelling units per acre. The maximum number of dwelling units in a single development shall be 26 units, however a higher number of dwelling units may be considered on a parcel of 50 acres or more.

L. Sewer Service.

Village Center Residential Housing shall be served by public sewer with the following exception. A development proposing not more than 6 dwelling units or not more than 18 total bedrooms may be served by on site sewer service where public sewer is not available and the applicant documents that the site is suitable for development of an on- site sewage treatment system meeting all code requirements.

M. Outside Storage and Refuse. No outside storage shall be permitted. Refuse containers shall be screened from view and provided in sufficient numbers to accommodate refuse from all residents in a sanitary and odorless manner.

N. Private Road Access. The dwelling units shall be served by a private road with a minimum width of 20 feet plus 2-foot shoulders however subject to the approval of the Commission’s engineer the minimum private road width may be reduced where the total number of dwelling units is 6 or less. Private access roads shall be constructed to the standards of the Town Road Ordinance. There shall be adequate provision of emergency vehicle access and turn around as certified by the Fire Marshal.

The intersection of the access road with a Town Street shall meet the requirements of the Town and be subject to the approval of the Board of Selectmen. All driveways, access roads, parking areas, and interior circulation roads shall be privately owned and maintained.

O. Sidewalks. Sidewalks may be required on any access road, or interior circulation road or within the development site, unless the Commission finds that sidewalks would not be of significant value or that they would detract from the character of the proposed development. All sidewalks, outside of a public right-of-way, shall be privately owned and maintained.

P. Open Space. The Commission may require a maximum of fifteen percent (15%) of the total lot area to be set aside for permanent open space and/or recreation areas. Required building setback or yard areas may not be counted as open space. The Commission may require that unusable areas, such as wetlands and floodplains, be excluded from the total lot area set aside for open space or recreation purposes.

Q. Utilities. Power, cable and other such utilities shall be placed underground. The Commission may approve overhead utility service where ledge or wetlands make it impractical for underground installation.

R. Fire Protection. Fire hydrants shall be installed where required by the Fire Marshall. Where fire hydrants are not feasible alternative fire protection facilities shall be provided at the applicant's expense for applications with four or dwelling units. Fire protection facilities shall be sized and constructed in accordance with National Fire Protection Association (NFPA) Standard 1142, 2007 Edition -Standard on Water Supplies for Suburban and Rural Firefighting, as amended. In general, such facilities shall contain at least 1,000 gallons of water supply per dwelling unit and no less than 10,000 gallons of capacity. Such alternative facilities shall comply with the requirements for "Fire Protection" in the Sharon Subdivision Regulations.

S. Homeowner's Association. The applicant shall establish a homeowner's association for the Village Center Residential Housing development. The homeowner's association shall operate in accordance with a Homeowner's Association Agreement meeting the requirements set forth in the Sharon Subdivision Regulations (Section 4.07.8). The proposed Homeowner's Association Agreement shall be submitted with the application and shall be subject to review by the Commission's attorney.

The homeowner's association documents shall provide for the maintenance in perpetuity of the common area lands and Common Open Space, the drainage system of the development including any detention or retention basins, common sewage facilities, common leaching areas, common wells, access roads and circulation roads, sidewalks, paths, common recreation and maintenance facilities, common parking structures and parking lots, other common use areas and facilities and the exterior of dwellings and maintenance of lawns. Snow-plowing within the project limits and rubbish disposal will be, and shall also remain in perpetuity, the responsibility of the project owner/developer or subsequent homeowner's association, and not the Town. The Homeowner's Association must be legally established prior to the issuance of a Zoning Permit.

11. Wireless Telecommunication Facilities and Sites

A. Statement of Purpose: These regulations apply to the wireless facilities and sites that are under the jurisdiction of the Planning and Zoning Commission as set forth in the Connecticut General Statutes facilities and sites. This includes for example, jurisdiction over placement of antennas on existing buildings.

These regulations may be used to provide guidance to the Connecticut Siting Council on all other telecommunication facilities and sites which are under the exclusive jurisdiction of the Connecticut Siting Council.

This regulation establishes standards and requirements for antennas, towers and wireless communication facilities and sites. It was created in consideration of the Telecommunications Act of 1996.

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

- to require the information necessary to evaluate the proposed facility;
- to establish locations least disruptive to the public health, safety and welfare of the Town of Sharon and consistent with the Town Plan of Development;
- to minimize adverse visual effects through proper design, siting and vegetative screening;
- to avoid potential damage to adjacent properties;
- to minimize the height and number of towers, especially free-standing towers; and
- to provide for the orderly removal of abandoned antennas and towers.

B. Definitions: When used in this section, the following words or phrases shall have the meaning defined below:

Antenna - A device used to receive or transmit electromagnetic waves. Examples include, but are not limited to whip antennas, panel antennas and dish antennas.

Wireless Telecommunication Facilities - The equipment and structures used to receive or transmit telecommunications or radio signals and to transmit signals to another wireless site, another communications source or receiver, or to a central switching location.

Wireless Telecommunication Services - Licensed wireless telecommunication services including, but not necessarily limited to, cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (EMSR), paging and similar services that are marketed to the general public.

Wireless Telecommunication Site - A location with the equipment and structures involved in receiving or transmitting electromagnetic waves associated with wireless telecommunication services which is operated by a licensed wireless telecommunication service provider.

Wireless Service Provider - An entity licensed by the FCC to provide Personal Wireless Services to individuals or institutions.

Height of Tower - The vertical distance measured in feet from the average existing level of the ground surrounding the tower and within ten feet thereof to the topmost point of the

tower including any antenna or other appurtenances. The existing elevation shall mean the actual or approved elevations of the property at the time of application.

Tower - A structure that is intended to support the equipment involved in receiving or transmitting electromagnetic waves. Design examples of towers include (a) self supporting, (b) guyed and (c) monopole.

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

COBBS Protocol - The testing protocol which is to be used to monitor the emission from existing and new Personal Wireless Service Facilities upon adoption of this regulation.

C. Exempted Wireless Telecommunications Facilities: This regulation specifically exempts the following Wireless Telecommunications Facilities: Police, Fire, Ambulance and other Emergency Dispatch; Amateur (HAM) Radio; Citizens Band Radio; an existing Commercial Radio Tower; Radio Dispatch Services for local businesses; and roof mounted Satellite Uplink dishes less than 1.8 meters in diameter, utilized by local businesses. After the adoption of this regulation, any new Tower erected for the primary purpose of providing Wireless Telecommunications for any of the above listed exempt uses shall not be shared by any Wireless Services Provider unless the Tower is located on a site which complies with all standards and requirements of these regulations and the Wireless Service Provider obtains a Wireless Service Provider Special Exception under this regulation.

D. Site Selection Policies - Preferred Areas: The preferred location of antennas or towers and wireless facilities shall be:

- 1). Antennas - on existing communication towers or existing buildings, water towers or other suitable structures.
- 2). Towers - for new towers preference is for a tower of less than 60 feet in height in locations where the existing topography, vegetation, buildings or other structures provide the greatest amount of screening and have the least long-range visual effect.
- 3). On Town owned land or buildings where the Town has endorsed location of a wireless facility.

E. Application Requirements: All applications for antennas, towers and wireless facilities subject to local zoning authority shall be filed with the Commission and shall include:

- 1). Topographic Location Map. The applicant shall provide a topographic location map at a scale of 1' = 2,000' which shall be included on the Site Plan. The topographic map shall show:
 - a. the antenna or tower location,
 - b. existing and proposed towers in and outside of the Town that would connect or be interconnected with, or "hand off" to the proposed facility, and

- c. the boundaries of the tower viewshed, i.e., the area within which the tower can be seen based upon an assessment of the topography surrounding the site.
- 2). An evaluation of the visual effect of the proposed tower location both within the Town and adjacent towns. Areas of special concern to be addressed in this evaluation shall include, but not be limited to:
 - areas identified as existing or proposed open space or preservation areas in the Town Plan of Development, especially land lying within 300 feet of a subregional watershed line as shown on maps prepared by the State DEP Natural Resources Center and on file in Town Hall;
 - areas within the Town center area;
 - 3). Documentation that the applicant qualifies as a "Wireless Service Provider".

F. Permitted Uses: Where the Commission determines that an antenna proposed on an existing structure or building meets the following criteria [1), 2) or 3) below], such antenna and wireless facilities shall be allowed as a permitted use subject to submission of a Site Plan in accord with Article VI.

- 1). An omnidirectional or whip antenna with a length of 20 feet or less and 7 inches or less in diameter, provided its material matches the exterior of the structure.
- 2). A directional or panel antenna, 6 feet or less in height and 2 feet or less in width, provided its material matches the exterior of the structure.
- 3). A satellite or microwave dish antenna 6 feet or less in diameter, provided the building or rooftop mount is located or screened so it is not visible from abutting public streets.

G. Special Permit Requirements: All applications not meeting the above criteria shall require a Special Permit and the application shall be subject to D above and the following submission requirements, standards and criteria:

- 1). A new tower shall be on a lot of not less than 2 acres and shall be of an area and configuration such that the tower in the proposed location shall be setback from all property lines by a distance equivalent to the height of the tower plus 20%.
- 2). The Tower Plan Proposal Report: A written report prepared by a qualified expert(s) including:
 - A description of the service area for each communication system on the tower. The rationale and justification for the proposed antenna or tower in the proposed location.
 - New tower applications shall demonstrate that the service proposed can not be provided with equipment added to an existing or other proposed antenna or tower.
 - Identify the location of all structures suitable for placement of antennas within one quarter mile of the site and document that the owners of such structures have been contacted and asked for permission to install an antenna.
 - A rendering drawn to scale depicting the tower showing all antenna and wireless facilities with details and dimensions, including any lighting, colors and accessory

elements. Documentation that the antenna height is the minimum required to function satisfactorily

- An analysis comparing the site to alternative sites within the proposed service area.
 - A soil report complying with Appendix I: Geotechnical Investigations, ANSI/EIA-222-E manual standards, as amended, verifying the design specifications of the tower foundation and anchors for the guy wires, if used.
 - Applicants shall demonstrate that the entity proposing to construct and maintain the tower has the financial capability to do so.
- 3). An Environmental Impact and Evaluation of the Site Emissions Report assessing the environmental impact of the proposed tower and site construction and operation, including:
- Areas designated as conservation or preservation areas in the Town Plan of Development and in the State Plan of Conservation and Development.
 - Sensitive Areas defined in 5) below.
 - Site emissions: List each proposed transmitter and identify all potential transmitters that could be located on the tower or facility. For each proposed or potential transmitter provide the frequency limits, signal bandwidth, and the upper limit of both peak and average power of each transmitter. List also the characteristics of any emergency or back-up power source to be situated at the site, including noise level specifications if electro-mechanical.
 - Document that the emissions from the site and facilities will meet FCC emission standards by preparing an analysis of the combined worst case RF power density computed using FCC Office of Science and Technology Bulletin 65 in comparison to the applicable FCC power density standards.

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

4). A Site Plan: A site plan meeting the requirements of Article VI of these Regulations shall be submitted and it shall also show the following additional information:

- The antenna and / or tower location and guy-wires.
- Areas of construction or improvement, including the access road to the site.
- The boundaries of the tower fall zone.
- The location of any approved or proposed buildings or construction adjacent to the site.

5). Sensitive Areas: The following sensitive areas on or adjacent to the site, shall be shown on the Site Plan. Protected areas, including permanently protected lands, such as State Park and forest lands and land protected by a land trust.

- All inland wetlands and watercourses.
- Critical habitats for plants and animals.
- Historic structures or sites, unusual features, buildings, monuments or areas.
- Designated scenic roadways.

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

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

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

7). A Construction Plan Map: A construction plan map prepared by a Connecticut licensed engineer showing construction and drainage details, including the access road and construction of drainage improvements, including above ground wires, cables, ducts, utility and signal cables, guying and guy-anchor details.

8). A statement from the applicant indicating that, weather permitting, the applicant will raise a balloon with a diameter of at least three feet, at the proposed tower site and to the proposed tower height.

Such balloon shall be raised at least three days prior to the date of the public hearing scheduled for the application and shall remain in place as long as practical.

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

H. Other Requirements.

1). Commercial advertising shall not be allowed on an antenna or tower.

2). Signal lights or illumination shall not be allowed unless required by the FCC or FAA.

3). All other uses not clearly necessary to the operation / maintenance of the antenna or tower and associated equipment are prohibited, unless expressly approved as a condition of the permit.

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

I. Removal. A wireless facility not used for six months shall be removed by the facility owner. This removal shall occur within 90 days of the end of such six-month period. Upon removal, the site shall be restored to its previous appearance and, where appropriate, re-vegetated to blend with the surrounding area. As a condition of the approval of the Permit, the Commission may require a bond in an amount sufficient to cover the cost of completing this requirement.

12. Boarding And/Or Commercial Kennels

Boarding and/or Commercial Kennels operated for breeding, boarding and/or training dogs may be allowed by Special Exception in accordance with the provisions of ARTICLE VIII and the following standards:

- (a) The minimum lot size shall be three (3) acres.
- (b) That no dogs shall be kept in any building(s) or enclosure(s) within 200 feet of any property line of the property which is the subject of the application for the kennel permit.
- (c) In addition to all other applicable site plan requirements as may be required by the Zoning Regulations, an application for a Special Exception for any such kennel shall be accompanied by a site plan, drawn to scale, showing the exact location of all structures, including but not limited to, kennel buildings, runs, and other fenced in areas. Such site plan shall also show suitable landscaping and effective screening from neighboring properties. Said application shall also set forth in detail the precautions to be taken to provide protection against unintended release of animals and against nuisance caused by noise and odor.
- (d) In consideration of the type and/or number of animals and/or the proximity of the animal enclosures to neighboring property(s), the Commission may require submission of a noise abatement plan and may also require the applicant to provide construction plans for all animal enclosures showing the measures to be taken to contain noise on the premises.

13. Town or Non-Profit Sponsored Affordable Housing

1. Purpose and Basic Requirements. The purpose of this Special Exception is to permit flexibility in site design for affordable housing construction sponsored by the Town, an agency of the Town or a nonprofit organization in suitable locations compatible with the rural character of the Town and the natural features of the land subject to the following basic requirements:

A. Eligible applicants for the Special Exception shall be the Town of Sharon or an agency of the Town, a Community Housing Development Corporation meeting the requirements of the Connecticut General Statutes, Section 8-217, as amended, or a local nonprofit housing organization that has qualified for tax exempt status as a charitable organization by the IRS pursuant to the federal tax code.

B. The eligible applicant(s) shall show that all dwelling units constructed or rehabilitated on the lot shall be subject to covenants or other legally binding measures which will permanently restrict and limit the resale of the house for affordable housing purposes.

C. Town or Non-Profit Sponsored Affordable Housing may be established in the RR and GR-1 and GR-2 Residential Zones subject to the requirements of "Article IV, Minimum Lot Area, Open Space and other Dimensional Requirements" with the exception of the Minimum Lot Area requirement which shall be determined in accordance with the following:

- Where the dwelling(s) are located in the GR-1 or GR-2 Residential Zones and are served by public water and sewer systems the Commission shall find that the proposed lot has an area, shape and terrain that are adequate to accommodate the proposed buildings, dwelling units, parking and other accessory structures and meets general standard A.1 under Article VIII.

- Where the dwelling(s) are located in the GR-1, GR-2 or the RR Residential Zones and are served by on site septic and/or water systems the Commission shall find that the proposed lot has a usable lot area, shape, terrain that is adequate to accommodate the proposed number of buildings, dwelling units, parking and other accessory structures and meets general standard A.1 under Article VIII. Usable site area shall not include Inland Wetlands and Watercourses regulated by the Sharon Inland Wetland Commission, 100-year flood hazard areas as defined by the Federal Emergency Management Agency, land subject to easements which prohibit building or development, 50% of all land with a slope in excess of 25% based on field or aerial survey and as certified by a Connecticut licensed land surveyor.

- Town or Non-Profit Sponsored Affordable Housing shall not be permitted in the Watershed Overlay Zone

2. Water, Sewage Disposal, Storm Drainage and Utilities. The lot may be served by public water or sewer systems subject to the approval of the Town Water and Sewer Commission or private on-site septic and water systems subject to the approval of the Health Officer

Adequate provision for storm drainage shall be made in accordance with standards set forth in the Subdivision Regulations.

With the exception of a proposal to convert an existing building(s) for affordable housing where the existing utility line service is not installed underground; utility line service to all other affordable housing development shall require underground installation from the main road to the buildings on the site, unless the presence of bedrock, inland wetland soils or watercourses, or a similar impediment prevent or make such underground utility installation not practical.

3. Shared Driveways and Parking. One or more driveways serving a Town or Nonprofit Sponsored Lot may be permitted provided the driveway(s) shall meet the requirements of Article V, Section 11 and other relevant requirements of the Zoning Regulations". A minimum of two off street parking spaces shall be provided for each dwelling unit. Parking areas shall not be permitted within front, side or rear setback areas. Where required by the Commission such setback areas shall be landscaped so as to maintain a residential character and so as to provide a natural buffer from adjoining properties.

14. Conversion of Old Barn Buildings. To encourage the economic viability of maintaining, restoring and reusing old barns which no longer are associated with farming or agriculture. Existing old barn buildings may be converted to other uses subject to the following conditions. A special exception is required.

A. The owner of the parcel on which the old barn building is located shall occupy either the principal dwelling on the parcel or a principal dwelling on a parcel abutting the old barn building parcel.

B. The applicant shall present documentation to prove the building proposed for conversion was constructed no less than 10 years prior to the date of application.

- C. Any use of an old barn shall not significantly alter the exterior appearance of the building, provided that its foundation and structural elements may be rebuilt or reinforced, and the building may be modified to increase safety and to comply with application laws, codes, regulations, and insurance underwriting requirements.
- D. In the event that the historic barn is destroyed by fire, explosions, or acts of God, the barn may be reconstructed and the adaptive reuse re-established with the approval of the Planning and Zoning Commission providing the Commission shall determine that the replacement structure closely replicates the historic structure in architectural style, form, massing, scale, building materials, windows, and doors.
- E. The parcel shall be located on a State highway or an approved Town road or approved subdivision roads.

CONVERSION OF OLD BARN BUILDINGS USES (OTHER THAN RESIDENT)

The proposed use must be clearly outlined and include, but not limited to, the following:

- Number of Employees
- Traffic
- Days and Hours of Operation
- Lighting
- Noise

The proposed use must be compatible with surrounding area/environment.

15. CLUSTER DEVELOPMENT IN THE RR ZONE

A. Purpose

1. Permit a creative approach to development of residential land to preserve open space and wildlife habitat consistent with the Comprehensive Plan and the Plan of Conservation and Development.
2. Provide alternatives to those residents wishing to downsize their home or desiring a starter home.
3. Enhance the appearance of the neighborhood through preservation of natural features and open space.

B. Basic Requirements

1. The minimum lot size shall be 10 acres.
2. The percentage of contiguous Open Space required shall be 50%.
3. All setbacks shall be a minimum of 50 feet.
4. The development shall make reasonable attempts to adapt to existing topography and natural site features.

C. Structures

1. The number of units allowed shall be 1 1/3 the number of units allowed for the acreage.
2. Units may be detached, or attached in pairs, or a combination thereof.

3. A Garage/Carport for two vehicles per unit shall be provided and must be attached to the unit.
- D. All roads must be built to town specifications with provisions made for maneuvering and turning of emergency vehicles. One guest parking space per unit must be provided.
- E. Provisions for storm drainage during construction and after must be implemented and must adhere to Article VII of the Zoning Regulations.
- F. Utilities
 1. All wires, cables, and conduits for utilities must be placed underground.
- G. Sewer and Water
 1. Plans must meet state health requirements. A community sewerage system must conform to Chapter 103, Section 7-246f of the CT state statutes.
 2. Plans for water supply must meet state health requirements and must conform to Chapter 103, Section 19-13-B51a.
- H. A garbage and recycling disposal system that is protected from wildlife must be provided and approved by the Commission.
- I. A landscape plan prepared by a landscape designer must meet the following standards and shall be submitted with the application.
 1. In addition to new plantings, existing mature trees should be preserved to the maximum extent practical.
 2. The site design shall include a variety of landscape elements, including street trees, deciduous trees, evergreens, shrubs, and perennials and annuals.
 3. Plant materials shall be chosen to withstand seasonal weather cycles in New England and for compatibility with existing plantings in the surrounding neighborhood, with consideration for resistance to infestations, resilience to climate exposure, water availability and drainage conditions. Native species are encouraged and invasive plant species classified by the State of Connecticut are prohibited. Plants located near streets, driveways or parking lots must be salt-tolerant.
 4. Landscaping is required between all proposed buildings and property lines and must be designed in such a way to create "green fences" (the use of plantings to create privacy) in order to reduce the visual impact of the buildings from neighboring properties and the street. Plantings shall be made up of at least 50% trees, including existing mature trees, and 50% can be shrubs, annuals and perennials. Of the 50% of trees, which can include existing mature trees, 50% must be evergreens in order to provide coverage at all times of year. Newly planted trees must measure a minimum of eight (8) feet above grade at the time of planting.
- J. Homeowner Association

When an association is established to own open space or common interests, the association must be legally established to fulfill the following requirements prior to the endorsement of the final plans. Where the common interest requires a common interest community, it shall be established according to the procedures and requirements specified

in the Connecticut Common Interest Ownership Act (CGS47-200, as amended) and shall also include the following provisions.

1. The Homeowner Association must be established as a legally recognized entity. The association must be responsible for liability insurance, local taxes, and the maintenance of any recreational and other facilities.
2. The Homeowner Association documents shall provide for the maintenance in perpetuity of the common area land and Common Open Space, the drainage system of the development including any detention or retention basin, common sewage facilities, common leaching areas, common wells, access roads and circulation roads, sidewalks, paths, common recreation and maintenance facilities, and parking lots, other common use areas and facilities and exterior or dwellings and maintenance of lawns. Snow-plowing within the project limits and rubbish disposal will be, and shall also remain in perpetuity, the responsibility of the project owner/developer or subsequent Homeowner Association, and not the Town. The Homeowner Association must be legally established prior to the issuance of a Zoning Permit.
3. There shall be mandatory membership in the association or corporation by all the original unit owners and any subsequent owners.
4. Each unit owner shall have an equal vote in determining the affairs of the organization, costs shall be assessed equally to each unit, and the organization shall remain under the control of the developer until a majority of the units are conveyed to permanent owners.
5. The association or corporation must have the power to assess and collect from each unit owner a specified share of the costs associated with maintenance, repair, upkeep and insurance of the Open Space.
6. The association must have the authority to adjust the assessment to meet changed needs.
7. The method or organization, by-laws and rules of procedure of the Homeowner Association and any amendment thereto shall be in a form acceptable to the Commission and are subject to a review by the Commission's attorney. The Commission may require that a sinking fund be established and used to maintain common areas. The sinking fund shall be transferred to the Homeowner Association when the assets are transferred to the association upon completion of a requisite portion of the development.

K. Application to include:

1. A site plan prepared by a registered land surveyor which must adhere to all requirements in Article VI of the Planning and Zoning regulation of the Town of Sharon.
2. A soil and erosion control plan during construction.
3. Certification by the Director of Health for water supply and sewage disposal.
4. A detailed landscape plan.
5. A document establishing a Homeowner Association.

- L. A cash bond must be provided for road construction and utility installations prior to the start of any improvements to the property. Said improvements must be completed within five (5) years from the application's approval date. The Commission may extend the time for completion for up to an additional five (5) years after public hearing for good cause demonstrated to the satisfaction of the Commission.

ARTICLE IX - PARKING AND SIGNS

1. Off Street Parking, General Provisions

1.1. A plan for off street parking shall be provided upon submission of an application for site design approval. Applications for a zoning permit shall be accompanied by a parking plan in conformity with this section. The parking plan shall be approved before a zoning permit is issued.

1.2 It shall be unlawful to discontinue or change the required and/or approved off street parking spaces, unless authorized by the Commission.

1.3. No public parking shall be allowed within fifty (50') feet of any residential zone boundary. The Commission may require parking at distances greater than fifty (50) feet as circumstances reasonably justify.

1.4. Off street parking spaces shall be adequately served by properly located drives for ingress and egress.

1.5 Parking Lot Design. Parking lots shall be designed to achieve the greatest efficiency of use of space practicable. Handicapped parking spaces shall be provided in conformance with ADA (Americans with Disability Act) in all public and commercial parking lots.

In general, the preferred layout should have:

- A. 90-degree parking, and
- B. Parking provided around the periphery of the site with no parking located between the building and the principal street.

1.6. Minimum Design Requirements. At a minimum, all parking lots shall:

- A. Have a minimum parking space size of 9' x 18'
- B. Have rectangular parking spaces
- C. Have aisle widths and parking angles in a minimum ratio as follows

Parking Angle	Minimum Aisle Width	Direction of Flow
45 ^o	12'3"	One way
50 ^o	12'9"	One way
55 ^o	13'3"	One way
60 ^o	14'3"	One way
65 ^o	15'2"	One way
70 ^o	16'	One way
75 ^o	24'	Two way
90 ^o	24'	Two Way

1.7. A parking plan shall show the gross area of the parking lot, and the location, size, arrangement and numbering of all off-street parking spaces. The parking plan shall also show proposed landscaping, screening, drainage and lighting.

1.8. Any lighting used to illuminate any off-street parking shall be so arranged as to reflect the light away from any adjoining property.

2. Schedule of Off-Street Minimum Parking Requirements.

2.1. Single Family Homes in All Zones: Two (2) spaces.

2.2. Accessory Apartments: No less than a total of three (3) spaces for the use of the principal residence and the accessory apartment.

2.3. Multiple Dwelling Building: One and one-half spaces for each dwelling unit.

2.4. Home Occupation: Minimum one (1) space for each non- resident employee in addition to spaces required for residential purposes.

2.5. Rooming, Lodging or Boarding House: One (1) space for each bedroom.

2.6. Hotel, Motel or Any Structure Used for Transient Guests: One (1) space for each guest room, plus 1 for each employee.

2.7. Offices, Retail, Personal Service Stores and Banks: A minimum of three parking space per 1,000 square feet of gross floor area shall be required. However, the Commission may require a parking demand analysis prepared by a qualified traffic engineer for higher intensity office uses such as a medical office. The Commission may require additional spaces up to 5 parking spaces per 1,000 square feet of gross floor area where the parking space projection indicates such additional parking spaces will be needed.

2.8. Private Hospitals: Where applicable, minimum standards as required by the State of Connecticut or the Federal Government or one and one-half (1.5) spaces for each bed.

2.9. Nursing, Sanitarium, Convalescent Home: Where applicable, minimum standards as required by the State of Connecticut or the Federal Government or 1 space per each two patients, plus 1 space per employee on the largest shift.

2.10. Retail and Personal Service Stores and Banks: One (1) space per one hundred fifty (150) square feet of gross floor area.

2.11. Restaurants With a High Daytime Peak - For Example Dairy Bars, Coffee Shop: One (1) space for each fifty (50) square feet of gross floor area, plus 1 space for each employee.

2.12. Restaurants - Low Turnover - Daytime or Evening: One (1) space for each four (4) seats, plus 1 space for each employee.

2.13. Theaters: One (1) space for every four (4) seats.

2.14. Country Clubs, Golf Courses, Other Recreational Uses. Based upon Commission review.

2.15. Industrial, Warehouse, Wholesale, Public Utilities: One (1) space for every two (2) employees on the largest shift.

3. Parking Requirement - Special Exceptions

3.1. Intent It is the intent of these regulations that all structures and land uses be provided with a sufficient amount of off-street motor vehicle parking, while allowing for some flexibility of site design to accommodate the unique characteristics of individual properties. This section of the regulations is intended to set standards for conditions under which an exception from the general parking requirements may be allowed as a Special Exception.

The Commission may require the submission of a parking demand analysis prepared by a qualified traffic engineer as part of any request for a Special Exception from the general parking requirements.

3.2. Eligible Exceptions Buildings or parts of buildings used or occupied for residential use shall not be eligible for a Special Exception from the general parking requirements. *For all other uses, all or part of the off-street parking requirements shall be eligible for a Special Exception from the parking requirements provided some portion of the site is within 500 feet of publicly owned off street parking spaces.*

3.3. Parking Reduction Requests If the applicant believes that the required parking amounts are in excess of what is needed for the proposed use, the applicant may submit a Special Exception request with justification to the Commission for a reduction in parking space requirements. The Commission will consider and act on this request concurrent with and as part of the full development application process.

3.4. Parking in the C- 1 Commercial Zone All requirements for number of off-street parking spaces as set forth in section 2. Schedule of Off-Street Minimum Parking Requirements shall be reduced by 25% where the use and associated required parking would be located within the C-1 Commercial Zone.

3.5 Parking for Mixed-Use Developments

In Mixed-Use developments, or developments where parking is affected by cooperative agreements between different land uses, for any proposed use, substantial change in use, construction, conversion, or increase in intensity of use of any buildings or structures, the applicant shall submit a parking demand analysis that demonstrates parking demand patterns. The parking demand analysis prepared by a qualified traffic engineer must be approved by the Commission and will serve as the basis for determination of required parking at the mixed-use site.

4. Shared Parking – Special Exception

4.1. Intent. The Commission encourages off street parking lots for different structures or uses, or for mixed uses, to be shared in any zoning district subject to the approval of a Special Exception. At the applicant's request, shared parking may be provided as a Special Exception, subject to the following provisions:

4.2. A reciprocal written agreement has been executed by all the parties concerned that assure the perpetual joint use of such common parking, a copy of which has been submitted to and is acceptable to the Commission. The Commission may forward such agreements to the town legal counsel for review.

4.3. The Commission may require the applicant to provide a parking study prepared by a qualified traffic engineer with all information deemed necessary to its decision-making on a shared parking arrangement. This information includes but is not limited to a) the type and hours of operation and parking demand, for each use, b) a site plan displaying shared use spaces in the lot and walking distance to the uses sharing the lot, c) a description of the character of land use and parking patterns of adjacent land uses, and d) an estimate of anticipated turnover in parking space use over the course of 12 to 24 hours at the site.

4.4. Parking spaces to be shared must not be reserved for individuals or groups on a 24-hour basis.

4.5. Uses sharing a parking facility do not need to be contained on the same lot, but each use shall be a maximum of 500 feet from the closest parking space in the lot providing the shared spaces. A Special Exception to the maximum allowable distance between the use and associated shared parking may be approved by the Commission with written justification and supporting information provided by the applicant.

4.6. Uses sharing a parking facility shall provide for safe, convenient walking between uses and parking, including safe, well marked pedestrian crossings, signage, and adequate lighting.

4.7. If the conditions for shared parking become null and void and the shared parking arrangement is discontinued, this will constitute a violation of zoning regulations for any use approved expressly with shared parking. The applicant must then provide written notification of the change to the Zoning Enforcement Official and, within 60 days of that notice, provide a remedy satisfactory to the Commission to provide adequate parking.

5. Reduction in Parking Space Requirements for Shared Parking

Where shared parking is provided among a mix of land uses, the Commission may allow the following, at the applicant's request:

5.1. Up to 30% of the parking spaces required for the predominant use on a site may be shared with other uses operating during the same time of day and days of the week. The predominant use is considered to be that which requires the most parking of those sharing the parking facilities.

5.2. Up to 75% of the parking spaces required for uses such as theaters, public auditoriums, bowling alleys, nightclubs, movie theaters, and similar predominantly evening uses may be shared with uses such as banks, offices, and similar predominantly daytime uses.

5.3. Up to 75% of the parking spaces required for uses such as churches and other uses exclusively in operation during the weekend may be shared with uses such as medical offices, banks, and other similar uses predominantly in operation on weekdays.

6. Parking Lot Landscape Requirements.

6.1. Not less than 5% of the interior of a parking lot containing ten to twenty parking spaces shall be landscaped with trees and continuously maintained. No less than 10% of the interior of a parking lot shall be so landscaped where the lot contains more than 20 parking spaces.

6.2. Planting along the perimeter of a parking area, whether screening, landscaping or buffering, will not be considered as part of the 10% interior landscaping.

6.3. The parking lot landscape plan shall show the plant list giving common name, height, caliper, eventual spread, and quality of each and, when appropriate, the spacing.

6.4. Ground cover alone is not acceptable. Trees selected will be checked for suitability in regard to eventual spread and adaptability to existing soil and climatic conditions.

6.5. Preparation of beds for trees shall be described. Mulched planting beds shall be provided around all trees and shrubs.

6.6. Gravel or stone shall not be used for ground cover unless suitably contained within the intended area.

6.7. Trees and bushes planted within five (5) feet of any parking area shall be of a variety capable of withstanding salt damage.

6.8. When possible, existing trees shall be saved by appropriate welling or mounding.

7. Signs

7.1. **Definition.** A sign shall be defined as any surface, device or display designed to inform or attract the attention of persons not on the premises on which the sign is located.

7.2. General Provisions.

A. No sign visible from a street or an adjoining property shall be established, constructed, reconstructed, enlarged, extended, moved or structurally altered unless it shall conform to these regulations and a zoning permit, where required, shall have been issued.

B. No sign shall be placed in such a position that it will cause danger to traffic by obscuring the view of any street.

C. All signs shall be made of good material, firmly supported and maintained in good condition and repair. Also, if the use to which a sign referred is discontinued or abandoned, then it shall be the responsibility of the property owner to remove such sign within one month of the date of discontinuance or abandonment.

D. No flashing, intermittent light, reflecting, revolving or moving signs, continuous strip lighting, interior-lighted or neon type signs will be permitted. All lighting of signs in Residence Districts shall be indirect with the source of illumination not visible from any street or from any other lot other than the lot on which the sign is located.

E. No sign shall project over the front lot line, and no sign shall project higher than the top of the main exterior wall of the structure nearest the street, and in no event shall a free-standing sign exceed a height of 12 feet.

F. Any sign may be double facing, and only one face shall be counted in determining conformity to sign area limitations. All dimensions for signs shall be based on measurements to the outside edge of the sign excluding any structure necessary to support the sign. The area of signs shall be computed from either the outer dimension of the frame or the outer edges of all lettering, whichever is greater.

7.3 The following signs are permitted in any district without a permit:

A. For Sale or Lease Sign - One sign advertising the sale or lease of a property is permitted provided it is located on such property and further provided that no such sign shall exceed four (4) square feet in area.

B. Identification Sign - One identification sign for each access bearing the name of the resident, the residential property, and/or a Home Occupation conducted on the premises shall be allowed on each residential parcel provided such sign does not exceed four (4) square feet in area. Signs announcing the name of a development or subdivision shall be allowed at no more than two (2) entrances to said development or sub-division and shall be no larger than nine (9) square feet in area. For a period of five (5) years after approval of said development or subdivision by the Planning and Zoning Commission, said signs may contain information regarding sale of lots and homes. At the expiration of the five (5) year period, all signs must be removed or replaced with signs not to exceed nine (9) square feet in area, said signs containing the name of the development or subdivision and no more.

C. Governmental Signs - Signs erected by governmental agencies in connection with traffic control or governmental operations shall be permitted.

D. Posted and No Trespassing Signs - Posted and no trespassing signs not to exceed one (1) square foot in area are permitted on the owner's property.

1. One sign up to two square feet in area giving the name and address of the land and buildings on which displayed or of the owner or lessee thereof, and/or of the owners profession.

2. No trespassing or other signs indicating the private nature of premises, up to two square feet in area.

3. Town or State flags or insignia of any government.

4. Legal notices, identification information or directional signs erected by government bodies.

E. Miscellaneous Signs - Tag Sale and similar signs not to exceed two (2) square feet in area are permitted, subject to state law, one (1) day prior to such sale. Said signs must bear the owner's name and dates of the event and be removed within twenty-four (24) hours after the last day of the event. The maximum period these signs may be displayed is for any two (2), three (3) day periods per year. Failure to remove signs accordingly shall result in penalty as provided by State Statutes.

F. Temporary Signs - Temporary signs of any size or nature, including the use of pennants, streamers or flags, may be permitted announcing art shows, church fairs, civic events, political campaigns, and other activities of non-profit organizations, and may be allowed on the day(s) of said event and up to four (4) weeks prior to said event provided that these signs are removed twenty-four (24) hours after said event.

7.4. Business Signs

7.4.1. In the Commercial Zones and in the Light Industrial Zones, signs shall be allowed only as specified in this section. Business signs shall be allowed which advertise the name of the business, the sale of goods or services on the premises, and the name of a shopping center group, but shall not include billboards or other types of advertising signs. The location and size of such signs shall be governed by the following standards.

A. No sign may project into any public right-of-way.

B. Signs attached to buildings shall be limited to one (1) per business establishment, shall not be placed on nor project above the roof of any structure, and shall not be more than twenty-four (24) square feet in area nor wider than the front face of the store, shop, office, or building to which they are attached. One free-standing sign is allowed in lieu of an attached sign and shall not exceed twelve (12) square feet in area.

C. No sign shall be located on the side of a building facing a residential lot except under such special limitations as may be approved by the Commission.

D. No business sign shall be erected until an application, on a form prescribed by the Commission giving sufficient information to determine compliance with these Regulations, shall have been approved by the Commission.

7.4.2. The following signs in any zone other than the Commercial and light Industrial Zones advertising a professional office shall be allowed:

A. One sign no larger than four (4) square feet not less than five (5) feet from the front lot line or one sign no larger than ten (10) square feet attached to and flush with the front of the building.

7.5. Lighted or Moving Signs - All signs, in every zoning district, other than SECTION 4.3.C "Governmental Signs", are subject to the following restrictions:

A. Signs may be illuminated provided such lights are not of the flashing or intermittent type, do not have changing degrees of intensity, are not colored, and do not consist of tubing or strings of light outlining such signs. Any illumination of signs shall be such that the source of illumination is shielded and not visible from any point beyond the boundaries of the lot on which the sign is located. All illuminated signs shall be externally lighted and said illumination shall be allowed only during normal business hours for the establishment referenced by said sign.

B. No sign shall be allowed that has the whole or any part in motion or apparent motion.

7.6. Any sign which is in a state of disrepair shall be in violation of these Regulations, and the Commission may order it removed.

ARTICLE X - SPECIAL REGULATIONS

1. Requirements for Watershed Overlay District.

1.1. Requirements for minimum lot size in the Watershed Overlay District.

- A. For a lot having Class I soils - 2 acres.
- B. For a lot having Class II soils - 3 acres.
- C. For a lot having Class III soils - 5 acres.

(Refer to the following table "Minimum Lot Size Based on Soil Types", p. 59a.)

D. In the event that a lot shall have more than one class of soil, the standard applicable to the highest numbered class of soil on the lot shall be applicable unless there shall be sufficient acreage of a lower numbered class soil to satisfy the standards.

E. The map entitled "U.S. Department of Agriculture Soil Conservation Service Soil Survey, Town of Sharon", is incorporated as part of these Regulations and shall be presumed to show the correct soil classification of land in the Town of Sharon. This presumption may be rebutted by an applicant or intervener based upon a detailed soil survey made by a Commission approved qualified engineer or soil scientist at the applicant's or intervener's expense.

F. No rear lot shall be less than 3 acres regardless of soil classification. A rear lot shall have an accessway of no less than 50 feet in width.

G. The following table entitled "Minimum Lot Size Based Upon Soil Types" is hereby incorporated as part of these Regulations.

1.2. Requirements for Timber Harvesting in the Watershed Overlay District.

Woodlands serve important functions in the protection and conservation of watershed. Forest vegetation stabilizes the soils, reduces the impact of precipitation and run-off, and moderates the effects of winds and storms. In so doing, the forest functions to reduce erosion, siltation and flooding. Without some form of land use regulations in woodland areas the above benefits of woodlands could be lost.

Timber harvesting shall be allowed as a Special Exception within the Watershed Overlay District when the following conditions are met:

- A. All equipment, trucks, skidders shall cross streams and watercourses at right angles and at the minimum depth of the watercourses.
- B. All slash shall be kept at least 50 feet from the bank of any watercourse.

C. At least half of the original shade over the watercourses shall be maintained after the timber harvest.

D. All skid trails shall have a grade of less than 15% unless water bars are installed and used when timber harvesting is progressing. Water bars shall be installed at the conclusion of the timber harvest on all skid roads.

1.3. Requirements for Setback from Wetlands and Watercourses in the Watershed Overlay District.

A. No building shall be located within 150 feet of any water body or watercourse.

B. No part of the leach field for any sewage disposal system shall be located within 150 feet of any well, spring, moving watercourse or lake or within 50 feet of any human habitation other than the building served.

2. Groundwater Protection Requirements.

Where these Regulations require compliance with this Section the applicant shall submit a Groundwater Protection Plan describing measures which will be taken to eliminate or minimize all potential negative impacts on the quality or quantity of groundwater supplies in Sharon. The Commission may engage qualified agencies or individuals to review any Groundwater Protection Plan. The Groundwater Protection Plan shall comply with the following standards and requirements. The Commission in its evaluation of the plan shall consider, but is not limited to, these standards and requirements. If the Commission concludes that the measures proposed in the Groundwater Protection Plan will not adequately protect groundwater supplies, it may request modification of the plan or reject the application.

2.1. Standards for Hazardous Material Storage Facilities.

The following are standards and requirements relating to the various types of hazardous material storage facilities, containment areas and containers.

A. Above Ground Storage Facilities for Hazardous Materials shall, at a minimum, be located within a containment area. The containment area shall consist of a structure which has a base and containment walls (or a berm or a dike) made of impermeable materials designed to safely contain the proposed hazardous waste. The containment area must be designed to hold not less than 110% of the hazardous material storage facility.

For a storage facility located within a roofed structure but otherwise exposed to the weather, the containment area shall be designed to enable manual removal of precipitation accumulation or it shall have a drain valve which will allow uncontaminated storm water to be released manually.

Hazardous material containment tanks shall be supplied with a mechanical type level gauge, not a sight tube, and may have a top vent pipe or overfill pipe which is directed into the containment area.

B. Any Hazardous Material Storage Facility or part of a facility which is underground other than that which is regulated under CGS 22a-449(d) shall:

1. be protected against corrosion by use of noncorrosive materials or steel components with factory applied corrosion resistant coating and permanent cathodic protection monitoring devices;

2. be designed, constructed and installed so as to allow failure determination of all underground piping without the need for substantial excavation; and

3. be chemically compatible with any contained oil or petroleum liquid as determined by the manufacturer's warranty.

In the case of components, such as a pipe used to fill an Above Ground tank used for on-site heating purposes, secondary containment may be used in place of the requirements in b1 above.

C. Drums that contain or have contained Hazardous Materials shall be sealed or covered at all times when not in use. Stacking of drums is discouraged. Large drip pans must be kept beneath drums which have spigots and are stored in a horizontal position on racks. Empty drums stored outside must be kept closed.

D. Incompatible Hazardous Materials must be kept separated from each other by a berm, dike, wall, or distance sufficient to prevent a fire, explosion, or release of toxic fumes.

Storage facilities must be properly labeled with contents. "No Smoking" signs must be located in conspicuous places wherever ignitable and reactive Hazardous Materials are stored.

E. Storage of chloride salts or coal shall be in watertight, ventilated structure constructed on a base of impermeable material. Any outside area used for loading, handling or mixing salt shall be designed so as to prevent seepage and runoff from entering groundwater or any water course.

F. Industrial, commercial and other waste products which are wholly or partially composed of Hazardous Materials, or which could release Hazardous Materials under any circumstances, must be stored in covered containers or in roofed areas, in either case designed to prevent leakage or discharge of Hazardous Materials.

G. No steam cleaning of barrels or other equipment shall be performed outside unless provisions are made to prevent the contamination of groundwater.

H. Hazardous material storage facilities may not be located near floor drains and must be designed such that the hazardous materials cannot travel to a floor drain should a spill or leak occur.

Interior floor drains may not be directed to any stream, storm drain, subsurface leaching system or dry well. Interior floor drains from any process area may not be directed to a

sanitary sewer without treatment and approval by the Sewer Commission or the State Department of Energy & Environmental Protection.

I. Loading and unloading dock areas for Hazardous Materials must be designed to contain a liquid Hazardous Material should a spill or leak occur using techniques including surfaces of Impermeable Materials, drains with retention basin, and others as may be appropriate for the materials and site.

2.2. Parking Lots and Other Similar Areas. Any permeable or impermeable surface area which might be used in a manner that could result in the introduction of Hazardous Materials into the ground must be constructed or equipped with the appropriate mechanisms to prevent any reasonably anticipated groundwater contamination. Appropriate mechanisms may include construction of retention basins with oil, grease and sediment traps. Other mechanisms or devices for prevention of groundwater contamination may be necessary depending on the potential use and the nature of the site. Retention basins and other similar mechanisms shall be designed to accommodate all run-off that would result from the most severe rainfall.

The Plan must include a schedule for maintenance of the mechanisms to be used.

2.3. Where a storage or use area could involve Hazardous Materials and the above standards and requirements do not provide specific guidance, the current Best Management Practice shall be employed. If a Best Management Practice has not been established for the proposed use or activity an alternative plan shall be developed by the project applicant.

3. Stormwater Management Plan

3.1 Purpose and Application: The purpose of the Stormwater Management Plan is to provide a site design that will prevent or minimize water runoff from a development site, protect neighboring property and minimize impact on water quality.

A Stormwater Management Plan shall not be required as part of an application for a Zoning Permit or Site Plan application for a single-family residential use. A Stormwater Management Plan shall be required for any other Site Plan application where:

- The proposed site development involves the alteration of land, filling or excavation affecting a total of one contiguous acre or more within the development site, or
- The Commission finds, upon review of the application that the proposed development could result in stormwater runoff affecting adjacent property or is appropriate in consideration of the location, size or intensity of the proposed development.

Stormwater Management Plan Standards and Requirements.

3.2 The plan shall provide an analysis of the site before and after development for peak discharges based upon a watershed analysis.

3.3 The plan shall include a narrative and supporting calculations and bear the signature and seal of a professional engineer registered in the State of Connecticut.

3.4 No increase in peak flow from the site shall be allowed unless the analysis of downstream areas shows that such increase in runoff are acceptable considering:

- A. The timing of peak flows from sub-watershed,
- B. The increased duration the high flow creates, and
- C. The stability of the downstream channels.

3.5 The Stormwater Management Plan Design Principles. The plan shall incorporate wherever feasible the following design principles. It shall address water quality as well as water quantity, minimize the volume of off-site water runoff, coordinate with the erosion and sediment control plan, empathize minimal disturbance of natural grades and vegetation, utilize existing topography for natural drainage systems, minimize impervious surfaces and maximize infiltration of cleansed runoff.

3.6 Best Management Practices. The plan shall incorporate appropriate best management practices (BMPs) including:

- Infiltration practices designed to facilitate the infiltration of runoff through the soil to ground water. Examples: infiltration basins, dry wells and porous pavement.
- Vegetative practices or landscape practices that with optimal design and good soil conditions will enhance pollutant removal. Examples: grassy swales, filter strips, artificial wetlands, and rain gardens.
- Where necessary, structural storage practices to control storm water by gathering runoff in wet ponds, dry basins, or multi-chamber catch basins.

In addition to providing pollutant removal, chosen practices should be appropriate to the given physical constraints of the site and minimize future maintenance requirements.

3.7 All Stormwater Management system facilities, such as detention basins which are located on private property shall be accessible for Town inspection. Where Stormwater Management system components have been accepted by the Town for maintenance, access easements shall be provided.

3.8 All on-site stormwater facilities shall be properly maintained by the owners. A plan of operation and maintenance shall be prepared to ensure that each component functions properly. This plan shall provide requirements for inspection, operation, and maintenance of individual components, including outlets. It shall specify who is responsible for maintenance access.

3.9 The plan shall include estimated costs to install and maintain measures required to control stormwater.

4. Incentive Housing Overlay Zone

4.1 Purpose & Authority

The purpose of the Incentive Housing Zone is:

- a) to provide incentives for the development of workforce and starter housing;
- b) to create an increased variety of attractive housing options, which will encourage residents of all income types to live and work in the town center;
- c) to encourage new development in areas served by existing town infrastructure to allow for the preservation of open space and natural resources in the outlying areas and provide for the most efficient use of the land;
- d) to promote well-designed projects, which enhance and support the historic character and architectural styles of the town center; and
- e) to support existing village center businesses by encouraging residential development in close proximity to them.

Authority for this section is as set forth in Connecticut General Statutes 8-13 m-x 'Incentive Housing Zone Act'.

4.2 Definitions

For purposes of this Section, the following definitions shall apply:

Administering Agency – the Sharon Housing Authority shall be designated to review and implement the Affordability requirements affecting rental units in Incentive Housing Developments under section F of this regulation entitled “Housing and Housing Affordability”. The Sharon Housing Trust shall be designated to review and implement the Affordability requirements affecting homeownership units in Incentive Housing Developments.

Developable land- the area within the boundaries of an approved incentive housing zone that feasibly can be developed into residential or mixed uses consistent with the provisions of sections 38 to 49, inclusive, of this act, not including: (A) Land already committed to a public use or purpose, whether publicly or privately owned; (B) existing parks, recreation areas and open space that is dedicated to the public or subject to a recorded conservation easement; (C) land otherwise subject to an enforceable restriction on or prohibition of development; (D) wetlands or watercourses as defined in chapter 440 of the general statutes; and (E) areas exceeding one-half or more acres of contiguous land that are unsuitable for development due to topographic features, such as steep slopes.

Duplex- a residential building containing two units.

Eligible Household - an individual or household whose annual income is less than 80 percent of the area-wide median income as determined by the United States Department of Housing and Urban Development (HUD), adjusted for household size.

Incentive Homeownership Unit - a housing unit required to be sold at prices which will preserve the units as housing for which persons and families pay thirty per cent or less of their annual income, where such income is less than or equal to eighty per cent of the median income.

Incentive Housing Zones (IHZ) – a zone or zones adopted by the Planning and Zoning Commission in accordance with this Section.

Incentive Housing Development (IHD) – a residential or mixed-use development that is proposed or located within an approved incentive housing zone and within which not less than twenty percent of the dwelling units will be conveyed subject to an incentive housing restriction requiring that, for at least thirty years after the initial occupancy of the development, such dwelling units shall be sold or rented at, or below, prices which will preserve the units as housing for which persons pay thirty percent or less of their annual income, where such income is less than or equal to eighty percent of the median income.

Incentive Housing Restriction – a deed restriction, covenant, zoning regulation, site plan approval condition, subdivision approval condition, or affordability plan constituting an obligation with respect to the restrictions on household income, sale or resale price, rent and housing costs required by this Section, enforceable for at least thirty years and recording on the land records of the Town of Sharon.

Incentive Housing Units - housing that is occupied by Eligible Households and is sold or rented at, or below, prices which will preserve the units as housing for which persons pay thirty percent or less of their annual income.

Incentive Rental Unit - a housing unit required to be rented at prices which will preserve the units as housing for which persons and families pay thirty per cent or less of their annual income, where such income is less than or equal to eighty per cent of the median income.

Median Income - the area median income as determined by the United States Department of Housing and Urban Development for the Town of Sharon.

Multifamily housing- a building that contains or will contain three or more residential dwelling units.

Open space- land or a permanent interest in land that is used for or satisfies one or more of the criteria listed in subsection (b) of section 7-131d of the Connecticut general statutes.

Townhouse housing- a residential building consisting of a single-family dwelling unit constructed in a group of three or more attached units, in which each unit extends from foundation to roof and has open space on at least two sides.

4.3 Location of Incentive Housing Zone

Establishment. Two Incentive Housing Zone Overlay Districts have been established and are superimposed over the underlying zoning districts on the Zoning Map as set forth on the map entitled “Proposed IHZ Districts”, dated February 4, 2010, prepared by Concord Square Planning & Development. This map is hereby made a part of the Zoning Regulations and is on file in the Office of the Town Clerk.

- Sharon Housing Authority Incentive Housing Zone (SHA IHZ). The SHA IHZ Overlay District has a land area of approximately 17.4 acres in size and is located on Sharon Ridge Road.

- 110 N. Main Street Incentive Housing Zone (MS IHZ). The MS IHZ Overlay District has a land area of approximately 5.3 acres in size and is located at 110 North Main Street.

4.4 Applicability of Incentive Housing Zone

An applicant may seek development of an Incentive Housing Development located within either IHZ in accordance with the provisions of this regulation.

Underlying Zoning. The IHZ is an overlay district superimposed on all underlying zoning districts. The regulations for use, dimension, and all other provisions of the Zoning Ordinance governing the underlying zoning district(s) shall remain in full force, except for those Incentive Housing Developments developed pursuant to this Section. Within the boundaries of the IHZ, a developer may elect either to develop an Incentive Housing Development in accordance with the requirements of the IHZ as described in this regulation, or to develop a project in accordance with requirements of the regulations for use, dimension, and all other provisions of the Zoning Regulations governing the underlying zoning district(s).

4.5 Permitted Uses

The following uses are permitted as-of-right with site plan approval (SPA) as noted in the table below for each district:

Table of Use Regulations

Use Type	SHA IHZ District	MS IHZ District
Single-family Residential Uses, Detached	Permitted by right with SPA	Permitted by right with SPA
Duplex or Townhouse style Residential Uses, Attached*	Permitted by right with SPA	Permitted by right with SPA

**Note: No more than four units can be attached*

- Related accessory buildings and structures such as sheds and garages are permitted with proper permitting.

Prohibited Uses. All uses not expressly allowed are prohibited.

4.6 Site Plan Application & Approval

Site Plan Application. The applicant for an Incentive Housing Development shall submit a site plan in compliance with Article VI (Site Plans) of the Sharon Zoning Regulations.

Site Plan Approval. Site Plan Approval shall be granted where the Planning & Zoning Commission finds that:

- a) the applicant has submitted the information and fees required by the Regulations and necessary for an adequate and timely review of the design of the Incentive Housing Development or potential development impacts;
- b) the project as described in the application meets all of the requirements and standards set forth in this Section, or a waiver has been granted;
- c) the project conforms to the applicable Design Standards; and
- d) any extraordinary adverse potential impacts of the Project on nearby properties have been adequately mitigated.

Conditions to the Site Plan Approval decision shall be imposed on an Incentive Housing Development by the Commission only as necessary to ensure substantial compliance with this Section including the Design Standards, or to mitigate any extraordinary adverse impacts of the development on nearby properties.

Waivers. Upon the request of the Applicant, the Commission may waive dimensional and other requirements this section, including the Design Standards, in the interests of design flexibility and overall project quality, and upon a finding of the following:

- a) consistency of such variation with the overall purpose and objectives of the IHZ,
- b) such waiver is necessary to allow the Project to achieve the density, Affordability, and/or physical character allowable under this Section,
- c) there are compelling reasons of safety, aesthetics or site design issues, or
- d) that it will result in an improved project in conformance with the purpose and intent of this Article.

4.7 Housing & Housing Affordability

Number of Incentive Housing Units. For all Incentive Housing Developments, not less than twenty percent (20%) of housing units constructed shall be Incentive Housing. For purposes of calculating the number of units of Incentive Housing required within an Incentive Housing Development, any fractional unit shall be deemed to constitute a whole unit.

Administering Agency. The Sharon Housing Authority shall be designated as the administering agency for any rental units subject to an Incentive Housing Restriction. The Sharon Housing Trust shall be designated as the administering agency for any homeownership units subject to an Incentive Housing Restriction. In a case where the Administering Agency cannot adequately carry out its administrative duties, upon certification of this fact by the Board of Selectmen such duties shall devolve to and thereafter be administered by a qualified housing entity designated by the Board of Selectmen. In any event, such Administering Agency shall ensure the following, both prior to issuance of a Building Permit for an Incentive Housing Development within the IHZ, and thereafter, as the case may be:

- a) prices of Incentive Homeownership Units are properly computed; rental amounts of Incentive Rental Units are properly computed;
- b) income eligibility of households applying for Incentive Housing is properly and reliably determined;
- c) the housing marketing and resident selection plan conform to all requirements and are properly administered;
- d) sales and rentals are made to Eligible Households chosen in accordance with the housing marketing and resident selection plan with appropriate unit size for each household being properly determined and proper preference being given; and
- e) Incentive Housing Restrictions meeting the requirements of this section are recorded with the proper registry of deeds.

Submission Requirements. Prior to the submission of any application for a Building Permit, the Applicant must submit the following documents to the Administering Agency, which shall certify compliance with the provisions of this Section to the Building Inspector:

- a) evidence that the Incentive Housing Development complies with the ‘cost and eligibility requirements’ subsection below;
- b) Site development plans that demonstrate compliance with the requirements of the ‘design and construction’ standards of the subsection below; and
- c) an Incentive Housing Restriction in such form and content satisfactory to the Administering Agency that complies with the requirements of the ‘Incentive Housing restriction’ subsection below.

Cost and Eligibility Requirements. Incentive Housing shall comply with the following requirements:

- a) Incentive Housing required to be offered for rent or sale shall be rented or sold to and occupied only by Eligible Households.
- b) For an Incentive Rental Unit, the monthly rent payment, including utilities and parking, shall not exceed 30 percent of the maximum monthly income permissible for an Eligible Household, assuming a family size equal to the number of bedrooms in the unit plus one.
- c) For an Incentive Homeownership Unit, maximum allowable sale prices for Incentive Homeownership Units shall be calculated consistent with the standards set out in CGS 8-13m as may be amended.

Prior to the granting of any Building Permit for any structure within an Incentive Housing Development, the Applicant must demonstrate, to the satisfaction of the Administering Agency, that the method by which such rents or purchase prices are computed shall be consistent with state or federal guidelines for affordability applicable to the Town of Sharon.

Design and Construction. Units of Incentive Housing shall be finished housing units. Units of Incentive Housing shall be dispersed throughout the Incentive Housing Development of which they are part and be comparable in initial construction quality and exterior design to the other housing units in the Incentive Housing Development.

Incentive Housing Restriction. Each Incentive Housing Development shall be subject to an Incentive Housing Restriction which is recorded with the appropriate registry of deeds and which contains the following:

- a) specification of the term of the Incentive housing restriction which shall be no less than thirty years;
- b) the name and address of the Administering Agency with a designation of its power to monitor and enforce the Incentive housing restriction;
- c) a description of the Incentive Homeownership Unit, if any, by address and number of bedrooms; and a description of the overall quantity and number of bedrooms and number of bedroom types of Incentive Rental Units in an Incentive Housing Development or portion of an Incentive Housing Development which are rental. Such restriction shall apply individually to the specifically identified Incentive Homeownership Unit and shall apply to a percentage of rental units of a rental Incentive Housing Development or the rental portion of an Incentive Housing Development without specific unit identification.
- d) reference to the formula pursuant to which rent of a rental unit or the maximum resale price of a homeownership will be set;
- e) designation of the priority of the Incentive Housing Restriction over other mortgages and restrictions, provided that a first mortgage of a Homeownership Housing Unit to a commercial lender in an amount less than maximum resale price may have priority over the Incentive Housing Restriction if required by then current practice of commercial mortgage lenders;
- f) a requirement that only an Eligible Household may reside in Incentive Housing and that notice of any lease of any Incentive Rental Unit shall be given to the Administering Agency;
- g) provision for effective monitoring and enforcement of the terms and provisions of the Incentive housing restriction by the Administering Agency;
- h) provision that the restriction on an Incentive Homeownership Unit shall run in favor of the Administering Agency and/or the municipality, in a form approved by municipal counsel, and shall limit initial sale and re-sale to and occupancy by an Eligible Household;
- i) provision that the restriction on Incentive Rental Units in a rental Incentive Housing Development or rental portion of an Incentive Housing Development shall run with the rental Incentive Housing Development or rental portion of an Incentive Housing

Development and shall run in favor of the Administering Agency and/or the municipality, in a form approved by municipal counsel, and shall limit rental and occupancy to an Eligible Household;

- j) provision that the owner[s] or manager[s] of Incentive Rental Unit[s] shall file an annual report to the Administering Agency, in a form specified by that agency certifying compliance with the Affordability provisions of this regulation and containing such other information as may be reasonably requested in order to ensure affordability; and
- k) a requirement that residents in Incentive Housing provide such information as the Administering Agency may reasonably request in order to ensure affordability.

Phasing. For any Incentive Housing Development that is approved and developed in phases, the proportion of Incentive Housing Units shall be consistent across all phases.

No Waiver. Notwithstanding anything to the contrary herein, the Affordability provisions in this Section shall not be waived.

4.8 IHZ Site Development Standards

Density Requirements. Notwithstanding anything to the contrary in this Zoning Regulation, the density and dimensional requirements applicable in the IHZ are as follows:

- a) Sharon Housing Authority IHZ District.
Land in the SHA IHZ District is owned by the Sharon Housing Authority therefore there will be no density requirement so long as 100% of the housing units are subject to an incentive housing restriction.
- b) 110 N. Main Street IHZ District: Table of Density Requirements

Use	Maximum Required Density (du/ac.)
Single Family Detached Dwelling Units	6
Duplex or Townhouse style Dwelling Units	10

Note: In calculating density requirements, multiply the number of acres of Developable Land by the applicable density requirement.

- c) Density Waiver for Nonprofit or Municipally Owned Land. These density requirements may be waived by the Planning & Zoning Commission if the land to be zoned for incentive housing development is owned or controlled by the municipality itself, an agency thereof, or a land trust, housing trust fund or a nonprofit housing agency or corporation. To qualify for this waiver one hundred per cent (100%) of the proposed residential units must be subject to an incentive housing restriction.

Dimensional Requirements.

Table of Dimensional Requirements in the IHZ District

	SHA District	MS District
Minimum lot frontage	200 ft	50 ft
Minimum setback from street	75 ft	15 ft
Minimum setback from all other lot lines	50 ft.	15 ft
Maximum building height*	35 ft	35ft

**Note: Maximum building height shall be measured to the mean of the roof.*

Parking Requirements. Unless otherwise approved by the Planning & Zoning Commission, the minimum number of off-street parking spaces required shall be based upon the parking requirements of the underlying zoning district.

110 N. Main Street IHZ- Shared Driveways. A driveway may be allowed to serve up to three (3) lots or parcels as long as there is adequate provision of emergency vehicle access and turn around as certified by the Fire Marshal. The maximum grade of the driveway shall be 15%.

110 N. Main Street IHZ- Private Access Road Standards. The minimum road width shall be 20 feet plus 2-foot shoulders, and the construction standards shall be as provided in the applicable regulations.

4.9 Design Standards

Applicability

- a) Sharon Housing Authority IHZ. The site plan and arrangement of buildings including landscaping, grading, storm drainage, sanitary sewers, outdoor illumination, vehicular access and parking areas shall be of such a character as to harmonize with the neighborhood.
- b) 110 N. Main Street IHZ. The site plan shall meet the following design standards as set forth in this section of the Regulation.

Building Design

- a) Buildings shall be designed with an architectural character that fits the town and should contain details such as cornices, brackets, lintels, window shutters, and columns. Variations in architectural elements from building to building are encouraged to add visual interest.
- b) Exterior building materials shall reflect the residential character of the town; wood or fiber cement clapboards or shingles, stone, brick, and other such materials are encouraged. Vinyl is discouraged.

- c) Where more than one material is used, traditionally heavier materials (stone, brick, concrete, etc.) should be located below lighter materials (wood, shingle, clapboards, etc). The change in material should occur along a horizontal line, preferably at the floor level.
- d) Building designs incorporating differing heights and roof lines within different areas of the building are encouraged, to reduce the appearance of a single large building.
- e) Buildings with facades that are greater than 40 feet wide should be broken into smaller elements to add visual character. Such elements may be delineated with varying materials, colors, and architectural projections or recesses.
- f) Sloped roofs are required. Roof forms may incorporate decorative cornice treatments and dormers, but should not be too cluttered with various forms and elements.
- g) Porches, decks and balconies are encouraged, provided the overall appearance of the building maintains a character compatible with the neighborhood.
- h) Windows shall be placed on all sides of the building. The shape and proportion of windows shall be in line with the shape and size of the house. In general, all windows should be taller than they are wide.
- i) All windows shall have a window casing with a minimum width of 2”.

Lighting. All site lighting shall be full cut-off fixtures that follow “dark skies” principles, and no glare shall be permitted to impact adjacent properties. Exterior lighting fixtures shall not exceed fourteen feet in height.

Landscaping

- a) In addition to new plantings, existing mature trees should be preserved to the maximum extent practicable.
- b) The site design shall include a variety of landscape elements including street trees, evergreens, shrubs, and perennials and annuals.
- c) Plant materials shall be chosen to withstand seasonal weather cycles in New England and for compatibility with existing plantings in the surrounding neighborhood, with consideration for resistance to infestations, resilience to climate exposure, water availability and drainage conditions. Native species are encouraged and invasive plant species are prohibited. Plants located near streets, driveways or parking lots must be salt-tolerant.
- d) Trees shall be a minimum of 3” caliper measured at a point four (4) feet above grade at time of planting.

Stormwater management. Any IHD shall comply with the stormwater management regulations that apply to the underlying zoning district.”

5. Excavation and Grading

5.1 For the purpose of this regulation the following definitions of Excavation or Grading shall apply:

Excavation – With regards to a Special exception: The removal from a parcel, by any means whatsoever, of rock, minerals, topsoil, gravel, sand or other earthen products.

Grading – Any filling, grubbing, moving, stockpiling of earthen materials or other activity that alters the natural contours of the parcel.

5.2 All excavations, grading and filling shall conform to the following regulations. The placement of more than 100 cubic yards earthen material or clean fill on a lot shall be subject to these regulations. Except as specified in Section 4.3 below, all excavations, filling and grading shall require a Special Exception.

5.3 The following activities shall not require a Special Exception.

A. Excavation and grading necessary for the construction of a building or other structure that has a valid zoning and building permit. This includes excavation and grading relating to the construction of driveways, septic systems and other utilities approved as part of the zoning and building permit process.

B. Excavation and grading necessary for the development of a parking area for which Commission approval has been obtained.

C. Excavation and grading necessary for the development of the roads, utilities, and building lots in accordance with an approved subdivision plan.

D. Excavation and grading necessary for the normal operation of a cemetery *or operation of a Town facility and other excavation and grading by the Town for Town purposes and uses.*

E. Excavation of less than of 100 cubic yards of material within five calendar years.

F. Grading of a total area of less than 20,000 square feet (regardless of phasing) within five calendar years.

Even though these activities do not require an Excavation and Grading Special Exception, these activities shall comply with the standards found in *Connecticut Guidelines for Soil Erosion and Sediment Control* as amended.

5.4 Along with an application for a Special Exception and a Site Plan the following information, based on an A-2 survey, shall be submitted.

A. The boundaries of the property in proximity to the area where the excavation and/or grading is proposed and the area to be excavated or graded.

B. The existing contours in the area to be excavated or graded and proposed contours after completion of the work. The existing contours shall be prepared from an actual field survey based on benchmarks noted and described on the survey and drawn to a scale of not less than 1 inch equals 40 feet with a contour interval not to exceed five (5) feet.

C. The existing and proposed drainage in the area of excavation and grading during and after the excavation or grading. The application shall also document any drainage easements or flowage rights.

D. The existing and proposed structures on the premises.

E. The location of proposed driveways, roads, fences, gates and storage areas for topsoil, excavated materials or any other stored materials.

F. A vicinity map at a scale sufficient to show all streets, driveways, schools, parks, and zone boundaries within 1,000 feet of the property's boundaries.

5.5 Additional Information. In addition to any other information required, the applicant shall provide, at a minimum, the following:

A. The proposed days and hours of operation;

B. The location of the excavation and/or grading;

C. The methods of excavation and/or grading proposed for the site;

D. The location and frequency of any proposed blasting;

E. The proposed location of any large scale machinery, trailers or other operations on the site. The term includes, but is not limited to, screeners, conveyor belts, crushers, backhoes, payloaders, excavators and dump trucks;

F. An estimate of the number and types of trucks and the number of axles that are proposed to enter or leave the site each day; and

G. The approximate number of acres to be excavated and/or graded per year, the cubic yards of earthen material to be removed per year, the estimated duration of the operation, and the estimated depth of excavation below the existing grade;

H. A plan for the restoration of the site that includes the location of the areas to be restored, the schedule for the restoration and a list of the type and amount of the plant material to be used; and

I. Any other information that the Commission determines is necessary and relevant to the application.

5.6 Setbacks. No excavation shall take place within fifty feet of any property line except where the Commission determines that such excavation would:

- A. Improve sight lines on existing roadways;
- B. Provide a more appropriate system of stormwater drainage; or
- C. Provide a more usable area for future development when excavation is complete.

5.7 Screening. Where necessary to protect the surrounding properties, the Commission may require a landscape buffer and/or an earthen berm. Existing vegetation and natural topography shall be preserved for screening where feasible.

5.8 Slopes. Finished slopes shall not exceed a one-foot vertical to three-foot horizontal slope. Fences, guardrails, or embankments shall be provided where necessary for the protection and safety of vehicular and pedestrian traffic. Finished slopes exceeding one-foot vertical rise to 3-foot horizontal slope shall require prior approval of the design and sign off on completion of the project by the Commission's engineer.

5.9 Topsoil. No topsoil is to be removed from the property unless specifically authorized by the terms of the Special Exception.

5.10 Processing. No sorting, crushing, reducing, refining, or other processing of the excavated material shall be done on the parcel except as specifically authorized by the terms of the Special Exception *which shall be limited to the processing of materials from the site for use only on the site*. No material may be brought onto the property for sorting, crushing, reducing, refining or other processing.

5.11 Drainage. At all stages of operation, proper drainage shall be provided to prevent the collection and stagnation of water and to prevent harmful effects upon surrounding properties. The excavation and grading procedures and methods shall be in compliance with the Connecticut Department of Energy and Environmental Protection's regulations governing the discharge of stormwater and dewatering wastewaters from construction activities.

5.12 Restoration. At the completion of all excavation and grading, the property shall be in such condition that it can readily accommodate uses permitted by these regulations and will not adversely impact the surrounding properties. The area disturbed by the excavation and/or grading is to be restored by the spreading of topsoil (which may be imported to the site for this purpose) and the planting of suitable ground cover including perennial grasses, shrubs, and legumes. The following regulations shall govern the restoration.

- A. Topsoil shall be stored on the property for re-spreading to a minimum depth of 4 inches over the excavated area. The area for the storage of topsoil shall be shown on the plans approved by the Commission. All stockpiled topsoil shall be seeded with appropriate perennial grasses and surrounded by appropriate erosion controls.
- B. Following the re-spreading of topsoil, the area is to be seeded with a suitable ground cover and maintained until the area is stabilized.

- C. No sharp declivities, pits, or depressions shall remain after restoration. No accumulation of boulders or debris shall remain on the surface after restoration.
- E. Restoration is to occur so that no more than five (5) acres of land (regardless of phasing) is subject to excavation or grading and/or without topsoil at any one time. The Commission may increase the five acre maximum if the Commission determines that *where due to unusual circumstances* the five acre maximum does not provide sufficient space for the excavating or grading operations.

5.13 Issuance of Special Exception

- A. To protect the character of the surrounding neighborhood and/or the environment, the Commission may:
- restrict the hours of operation, the type of operation, the types and location of equipment, limit the use of explosives or any other aspect of the operation that may have adverse impacts on the surrounding properties;
 - provide for increased buffering of surrounding properties;
 - limit access to the property to or from specific roads.
- B. The Commission shall require a performance bond be posted with the Town of Sharon to guarantee completion of all work necessary to fulfill the terms of the Special Exception including the site restoration. The amount and form of the bond shall be determined by the Commission. No excavation, grading or other work shall commence until the bond has been accepted by the Commission.
- C. The Special Exception shall be renewed by the applicant every two years from the date of issuance. The Special Exception shall not be renewed unless the work undertaken to date conforms to the approved Special Exception.
- D. In renewing a Special Exception for an existing, legally non-conforming excavation or grading operation, the Commission may impose such conditions as would bring the operation more nearly into conformance with these Regulations.

ARTICLE XI - DEFINITIONS

The following definitions shall govern the interpretation of terms and words in these Regulations. The singular shall include the plural and the plural the singular; the present tense shall include the future; "lot" includes 'plot' or 'parcel'; "person" includes 'corporation'; "uses" or "occupied" includes 'designed', 'arranged' or 'intended to be' used or occupied; and "district" includes 'zone'. The "shall" is always mandatory.

Accessory Use or Building - A use or building customarily incidental and subordinate to the principal use or building, which is located on the same lot as the principal use or building, or on a contiguous lot under the same ownership.

Accessway – A strip of land between a private or public street and a rear lot which provides the required access to that rear lot, which strip of land is of sufficient width to meet the width requirements of these Regulations for accessways and is of such conformation that a driveway that meets the gradient requirements and construction standards of these Regulations can be constructed thereon. An accessway may be a deeded easement or right-of-way.

Agriculture - The cultivation of ground, including the harvesting of crops, rearing and management of livestock tillage, husbandry, horticulture, and forestry.

Allowable uses(s) and allowable structure(s) – allowed use(s) and/or allowed structure(s) are those uses and structures provided for in these Regulations for which a zoning permit may be issued, as of right or by special exception, a/k/a Special Permit.

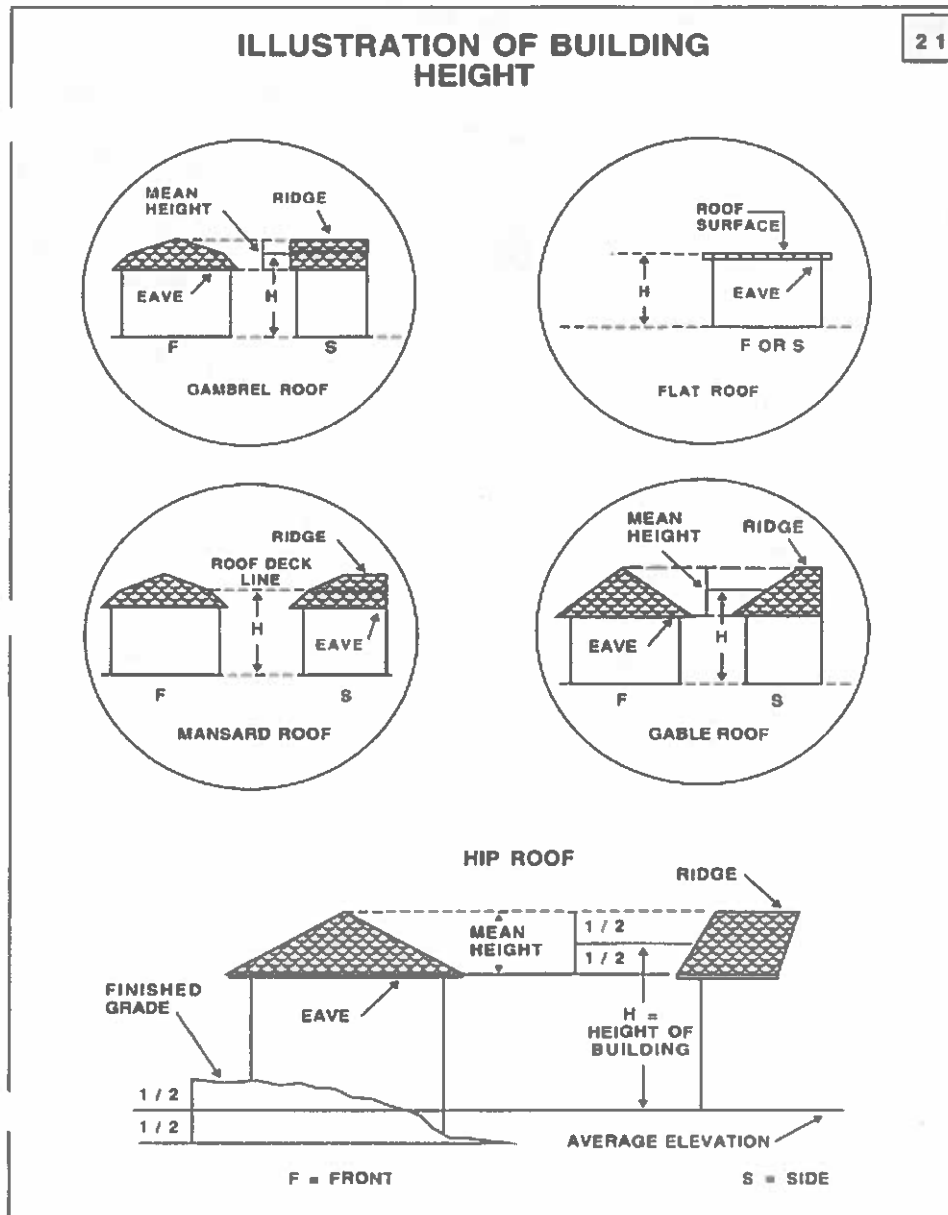
Application - The completed form (as provided by the Commission) for a zoning permit or special exception permit together with all maps, plans, narrative statements and attachments as required by these Regulations.

Assisted Living Facilities – A managed residential community, consisting of private residential units and/or apartments, in one or more buildings, existing or created for the purpose of providing varied combinations of shelter and supportive services to persons primarily fifty-five (55) years of age or older, living within that residential community. Supportive services, including nursing services, assistance with activities of daily living and routine household services, encourage and assist residents in maintaining a maximum level of independence in order to remain in their private residential units and/or apartments, within the managed residential community. Assisted living facilities, as defined herein, shall be deemed to include” congregate housing” as is defined in Section 8-119e(a) of the Connecticut General Statutes.

Best Management Practices - Guidelines designed by a Federal, State or other qualified public agency which describe methods of building or operating a facility or of using land so as to minimize or eliminate pollution of ground or surface water drinking supplies.

Boarding and/or Commercial Kennels – Kennels operated for breeding, boarding and/or training of any number of dogs for profit and/or business purposes.

Building - Any structure having a roof and intended for the shelter, housing or enclosure of persons, animals or materials.



The above illustrates the method of calculation of Building Height for various types of roof forms. It also illustrates the method of calculation of the average elevation of the finished grade within 10 feet of the walls of the building.

Building Height - The vertical distance from the average elevation of the finished grade within 10 feet of the walls of the building to the highest point of a flat roof (including parapet), to the roof deck line for a mansard roof, or to the mean height between the eaves and ridge of the roof for a gable, hip, or gambrel roof.

Certificate of Occupancy - The written approval given by the Town Building Inspector which certifies that a building is in compliance with the State Building Code and is suitable for either occupancy or its intended use.

Certificate of Zoning Compliance - The written approval given by the Commission or its authorized agent that certifies a use, structure and/or lot is in compliance with the requirements of the Zoning Regulations.

Driveway – A private roadway that provides access to not more than two (2) lots or parcels.

Dwelling Unit or Residence - A structure, other than a mobile home, designed exclusively for permanent residential occupancy, erected on a solid foundation, using permanent weatherproof exterior material, connected to a safe water supply and adequate sanitary sewage disposal facilities, forming a separate, independent housekeeping establishment and containing independent cooking and sleeping facilities.

Dwelling, One Family - A detached building designated for, or occupied solely as a dwelling by, one family.

Dwelling, Multiple - A building or portion thereof, which contains living and sleeping accommodations, designed exclusively for permanent residential occupancy by two or more families living independently of each other, and doing their own cooking in the building.

Family - Any number of individuals related by blood, marriage, or adoption, living together as a single housekeeping unit, provided that a group of not more than six persons keeping house together, but not necessarily related by blood or marriage, may be considered a family.

Frontage - The required minimum lineal distance for a lot which is measured between side lot lines along a front lot line.

OR

Frontage - The required minimum lineal distance for a lot which is measured between the side lot lines along a front lot line or where the side lot lines converge toward the front lot line, frontage may be measured along the required minimum setback from the front lot line.

Green Space – Open and undeveloped areas on a lot maintained as grass, approved ground cover, shrubbery, trees and/or other similar green space improvements, including land protected in its natural state. Areas qualifying as Green Space include but are not limited to undeveloped portions of a lot within the required minimum setback areas as set forth in Article IV and areas of a lot designated as “Green Space” on a Site Plan approved by the Commission.

Groundwater - All the water beneath the surface of the ground.

Hazardous Materials - Substances or combinations of substances including waste products which present an actual or potential hazard to human health or to private or public drinking water supplies if discharged to the ground or surface waters, including:

1. Substances which are toxic, flammable, corrosive, explosive, radioactive or infectious;

2. Substances listed in the U. S. Environmental Protection Agency's "Title III List of Lists - Chemicals Subject to Reporting Under Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986" (which is on file in the Town Clerk's office) and which are used for other than normal household purposes or in quantities exceeding those identified in SARA.

3. Acids and alkaloids outside the pH range of 2 to 10;

4. Petroleum products, including fuels and waste oils;

5. Synthetic organic solvents;

6. Any solid material which if exposed to water will leach or dissolve to form a hazardous material as defined above."

Impermeable Material - Material impenetrable by water or other liquid substances.

Impervious Surface – Surfaces that do not readily absorb water, including but not limited to building footprints, paved parking areas, driveways, roads, sidewalks, areas in concrete or asphalt or other impervious surfaces. Open decks, stone patios, gravel driveways, retention and detention basins and similar areas shall not count as impervious surfaces. Subject to the approval of the Commission based upon documentation provided by the applicant and certification by the Commission's engineer, areas covered with materials specifically designed to permit water penetration, such as porous pavers, shall not be counted as an impervious surface.

Lot - A plot or parcel of land occupied, or capable of being occupied, in conformity with these Regulations by one principal building and the accessory buildings or uses customarily incident to it, including such open spaces as are required by these Regulations. In the case of multiple dwellings, row dwellings, institutional, industrial or commercial buildings, a group of buildings under one ownership may be considered as occupying this same lot.

Lot Area - The total area within the lot lines.

Lot Area, Minimum in RR District - In the RR Rural Residential Zoning District natural slopes in excess of 25% shall be excluded in the calculation of the Minimum Lot Area requirement of two (2) acres.

Exception. In the RR Rural Residential Zoning District, a lot of record established prior to the effective date of this regulation – July 16, 2011 – which has an area of 6 acres or less may be divided creating one or more lots based on the Minimum Lot Area requirement of two (2) acres and shall not be required to comply with the above stated requirement to exclude from the lot area calculation areas of natural slopes in excess of 25%.

Livestock - Animals, including birds, that are kept for profit through the sale of their milk, offspring, flesh, hair, wool, fur, pelt or eggs.

Mixed Use – A development that provides multiple compatible uses in close proximity to one another.

Mobile Home - Any portable dwelling or any vehicle or vehicular accessory used or designed to be used for human habitation, with or without its wheels, rollers or skids in place, exclusive of modular homes or prefabricated homes.

Modular or Prefabricated Homes - Any dwelling, transported to its permanent site in sections, assembled at the site on a permanent foundation, which is indistinguishable in appearance from conventionally built homes.

Motel - A building or group of buildings providing lodging for persons (intended primarily for accommodation of transients) generally having a private entrance for each room or suite of rooms and for each of which rooms or suite of rooms automobile parking is provided on the premises.

Non-Conforming LOT Use or Condition - See Article V.

Off Street Parking – Parking spaces provided outside of the right-of-way of a street or highway.

On-Street Parking – Parking spaces provided within the right-of-way of a street or highway.

Parking Space – A space in which a single vehicle is parked.

Private Not-for-Profit, Non-Commercial Kennel – Private Not-for-Profit, Non-Commercial dog kennels, as an accessory use to a residence, which Not-for-Profit, Non-Commercial dog kennels may include the casual or occasional breeding of said dogs, but shall not include commercial, breeding, boarding and/or training kennels operated for business or profit purposes.

Rear Lot - A lot meeting the minimum lot area requirements of the zoning district in which it is located but is situated to the rear of existing property so as to be unable to meet frontage requirements of the district. (See Article V.)

Shared Parking – When parking spaces are shared among different structures or uses, or among mixed uses, and can include properties with different owners.

Sign - Any device for visual display which is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge or insignia of any governmental agency or civic or religious organization. For the purpose of these Regulations, signs shall be considered to be improvements and shall be subject to all regulations applicable to improvements.

Setback - The open space required between any building or structure and the front lot line and other lot lines. The depth of the setback shall be measured from the lot line to the nearest part of the building or structure.

Special Exception or Special Permit - A Special Exception or Special Permit allows the inclusion into the zoning pattern of uses considered to be essentially desirable, but where the nature of the use is such that its location must be considered in light of special restrictions or conditions tailored to fit the unique problems which the use presents, and relates to a specific use in a specific location.

Subdivision - The division of a tract or parcel of land into three or more parts or lots made subsequent to the adoption of subdivision regulations by the Commission, for the purpose, whether immediate or future of sale or building development expressly excluding development for municipal, conservation or agricultural purposes and includes resubdivisions.

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) diminishing the size of any lot shown thereon and creates an additional building lot, if any lots shown thereon have been conveyed after the approval or recording of such map.

Street - The public way, or way opened to the public use, but excluding an alley used for service access only. "Street" shall be deemed to include the entire width of the right-of-way.

Underground - A structure or structure component which is below the surface of the ground or is not fully visible for inspection.

Village Center Residential Housing – Residential housing in the Village Center Residential GR-1 and GR-2 districts shall consist of two side by side single family dwelling units sharing a common wall under a cluster design located on a lot served by privately owned and maintained facilities including access road, open space, parking facilities, other similar commonly owned and maintained elements, including but not limited to, a common meeting room, recreational facilities and utility buildings and structures.

An existing single-family dwelling located on a lot proposed for Village Center Residential Housing may remain as a single-family dwelling with the right to such accessory uses as permitted in the GR-1 or GR-2 district.

Water Pollution - An activity which has a harmful thermal effect or contaminates any surface or groundwaters of the State as a result of any waste or other materials discarded or deposited to these waters by any public or private sewer or otherwise so as directly or indirectly come in contact with such waters.

TEMPORARY MORATORIUM ON CANNABIS ESTABLISHMENTS

The regulation of recreational cannabis raises novel legal, planning, and public safety issues, and the Commission needs time to study and consider the regulation of Cannabis Establishments and address such issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Regulations regarding regulation of Cannabis Establishments. The Commission intends to adopt a temporary moratorium on the use of land and structures in the Town of Sharon for Cannabis Establishments so as to allow sufficient time to address the effects of such structures and uses in the Town and to enact regulations in a consistent manner.

Article XI – Definition

“Cannabis Establishment” means a producer, dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer, food and beverage manufacturer, product manufacturer, product packager and deliver service or transporter but does not include a dispensary facility as provided in Chapter 420f of the general statutes [C.G. S. Sec. 21a-408 et seq.]

Article X 5 – Temporary Moratorium

For the reasons set forth above and notwithstanding any other provision of the Zoning Regulations to the contrary, the Commission hereby adopt a temporary moratorium on the acceptance of applications or the use of land or structures for a Cannabis Establishment and other uses related to recreational marijuana. The moratorium shall be in effect through 6 (six) months from date effective, which is date after legal notice is published or until such time as the Commission adopts Zoning Regulation amendments that regulate Cannabis Establishments, whichever occurs earlier. During the moratorium period, the Commission shall undertake a planning process to address the potential impacts of recreational cannabis in the Town, and to consider the Connecticut Department of Consumer Protection’s regulation of Cannabis Establishments, and shall consider adopting new Zoning Regulations in response to these new issues.

ARTICLE XII - ZONING BOARD OF APPEALS

The Zoning Board of Appeals shall have all of the power and duties prescribed by General Statutes of the State of Connecticut and may adopt rules and procedures pursuant to the requirements of the CGS necessary to exercising its authority.

ARTICLE XIII - AMENDMENTS

1. These Regulations, and the Zoning Map which is a part hereof, may be amended, changed or repealed by the Planning and Zoning Commission after public notice and hearing.
2. Any petition for a change in these Regulations and or Zoning Map shall be made upon a form provided by the Planning and Zoning Commission and filed at least fifteen days prior to a regularly scheduled meeting of the Planning and Zoning Commission.
3. No petition for change of zone or for amendment of the Zoning Regulations which, after public hearing, has been rejected by the Planning and Zoning Commission or withdrawn by the petitioner, shall be heard sooner than one year from the date of rejection or withdrawal.

ARTICLE XIV - VALIDITY

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

Amended to June 17, 2023