

## ARTICLE 3 GENERAL REQUIREMENTS

---

### Section 3.1 Accessory Buildings

#### 3.1.1 General

Except as provided below and as provided for buildings accessory to farming or agricultural use, detached accessory structures must meet all setbacks as required in Article 4 Residential Zones, Article 5 Business Zones and Article 6 Industrial Zones.

- A. No accessory building shall be erected prior to the erection of the main building on said lot, except that this shall not prohibit the completion and possible occupancy of an accessory building before the completion of the main building then under construction on the same lot. Barns for agricultural purposes, but specifically not for the keeping of horses or animals (as defined in Section 9.7.1.A) may be erected on a property three (3) or more acres in size as a primary use.
- B. A building attached to a main building by structural members, excluding a fence or wall not over 6 feet above the ground shall be considered an integral part of the main building.

#### 3.1.2 Sheds

- A. Sheds that are less than 12 feet in average height, 200 square feet or less in size, and not used for human habitation, keeping of animals, for storage of motor vehicles, or for permitted home occupations, shall be located in accordance with the following minimum setbacks:

| <b>Table 3.1.2A Shed Setbacks</b> |   |                            |                            |
|-----------------------------------|---|----------------------------|----------------------------|
| <b>Zone</b>                       | <b>Minimum distance from shed to street</b> | <b>Permitted Side Yard</b> | <b>Permitted Rear Yard</b> |
| RR                                | 100 ft.                                     | 10 ft.                     | 10 ft.                     |
| R-25                              | 75 ft.                                      | 5 ft.                      | 5 ft.                      |
| R-15                              | 65 ft.                                      | 5 ft.                      | 5 ft.                      |
| R-10                              | 55 ft.                                      | 5 ft.                      | 5 ft.                      |

- B. A maximum of 1 shed is permitted under the provisions of Section A above. All other sheds must comply with paragraph C below or Article 4 Residential Zones, Article 5 Business Zones or Article 6 Industrial Zones as applicable.
- C. Sheds on corner lots shall be a minimum of 75 feet from the street.

## ARTICLE 3: GENERAL REQUIREMENTS

### Section 3.2 Alcoholic Liquors

#### 3.2.1 Locational Requirements

No premises shall be used, and no building shall be designed, erected, or altered to be used for the storage and/or sale of alcoholic beverages, either at retail or wholesale, as a liquor or package store if any part of such building is located within 1500 feet of any other building or premises having a liquor or package store. Stores that are engaged chiefly in the sale of groceries and sell beer and/or wine only under a grocery store permit shall not be regarded as retail package or liquor stores for the purpose of these Regulations.

#### 3.2.2 Special Permits

Buildings, facilities, and uses of fraternal, social or civic organizations; philanthropic, charitable, agricultural, historical, or cultural organizations or societies not conducted with a business or for profit; and golf courses conducted as a business may sell or exchange alcoholic beverages on the premises when located in a residential zone, subject to the granting of a special permit that is in conformance with Section 10.4 Special Permit Standards and Procedures.

### Section 3.3 Mobile Units

A mobile unit may be occupied by 1 family only for a period not to exceed 6 months provided the occupant has commenced the construction of a permanent dwelling on the lot on which the mobile unit is located and provided the owner of the mobile unit is also the owner of record of the lot. Upon expiration of the 6 month period or an extension not to exceed 6 months, or upon issuance of a certificate of occupancy for a permanent dwelling on the same lot, whichever is earlier, the mobile unit shall be removed. An extension shall be granted by the Zoning Enforcement Officer upon a showing that the permanent dwelling would be completed within the period of extension.

### Section 3.4 Construction Offices

#### 3.4.1 Trailers as Construction Offices

- A. Construction trailers may be used as a construction office on a construction site providing Site Plan approval has been granted for the project and a building permit has been issued for the construction and is still in effect. Said office shall be immediately removed from the site upon completion of construction or expiration of the building permit.
- B. State, municipal and public utilities may use construction trailers as offices at construction sites.
- C. Construction trailers may be used as construction offices on an approved subdivision site provided said subdivision is actively being developed and at least one building permit is in effect. Said construction office shall be removed upon issuance of a certificate of zoning compliance.

## ARTICLE 3: GENERAL REQUIREMENTS

- D. At no time shall a construction trailer be used for overnight accommodations or living quarters of a permanent nature. An acceptable sanitary system shall be supplied on the site.

### Section 3.5 Storage Requirements

#### 3.5.1 Temporary Storage Structures

Temporary storage structures, to include PODS, are permitted in any zone for a period not to exceed 60 days in any 1 year. Such structures shall observe all yard requirements for accessory buildings.

#### 3.5.2 Storage of Vehicles

- A. Storage of Registered Recreational Vehicles: Recreational vehicles parked or stored on any lot within any zone must be located so as not to obstruct sight lines on adjoining streets, or substantially obstruct the view or light from an adjoining residential structure.
- B. Storage of Commercial Vehicles: There shall be no more than 1 commercial vehicle parked or stored on any lot within a residential zone, except in connection with an operating farm.

#### 3.5.3 Outside Storage

Within non-residential zones, except for the off-street parking of customer and employee vehicles, the outside storage of goods, equipment and vehicles shall not exceed in ground area coverage more than 25% of the area of the lot and shall be suitably screened from view from the public highway or adjoining property by appropriate fencing, grading or landscaping.

#### 3.5.4 Temporary Storage Trailers

- A. In any Industrial, Planned Industrial, or Restricted Industrial Zone, a Zoning Permit for a temporary storage trailer may be granted by the Zoning Enforcement Officer when found to be in compliance with the following provisions:
  - 1. One temporary storage trailer may be located on the same lot as the main structure.
  - 2. A temporary storage trailer may not be located on the same lot for a period exceeding 90 days in a calendar year.
  - 3. Adequate screening must be provided such that the temporary storage trailer will not create an unsightly condition that would set it apart in its surroundings or reduce property values in the neighborhood.
  - 4. When circumstances warrant, the Commission may, through site plan approval, allow storage trailers on a premise for longer than 90 days.
- B. Storage trailers used in conjunction with a farm are exempt from these provisions.

### Section 3.6 Corner Lots and Visibility

- A. A corner lot shall maintain front yard requirements for both street frontages.
- B. On a corner lot no planting, structure, fence, wall or other obstruction to vision more than three feet in height shall be placed or maintained within the triangular area formed by the two intersecting street lines and a line drawn between two points each of which points is 25 feet distant from the point of the intersection of the street lines. Where topography or other natural features

## ARTICLE 3: GENERAL REQUIREMENTS

obscure visibility beyond this distance, adequate provision for additional distance may be required.

### Section 3.7 Lot Line Designation, Corner and Triangular Lots

- A. Both lot lines abutting the street right of way on corner lots shall be deemed front lot lines. Lot lines not abutting the street right of way on corner lots shall be deemed side lot lines.
- B. On triangularly shaped lots, the lot lines not abutting the street right of way shall be deemed side lot lines.

### Section 3.8 Environmental and Performance Standards

#### 3.8.1 General

All discharges of wastes, chemicals or other substances shall be in compliance with Federal, State and local laws and regulations.

#### 3.8.2 Hazardous Materials and Wastes

- A. There shall be no disposal of materials or waste defined as hazardous waste or material, which may pose a present or potential hazard to human health or the environment when improperly stored, transported or disposed of or otherwise managed; including, without exception, hazardous waste identified and listed in accordance with Section 3001 of the Resource Conservation and Recovery Act of 1976.
- B. All uses which involve the use, storage or manufacture of hazardous materials, including but not limited to those identified by Section 3001 of the Resource Conservation and Recovery Act of 1976, shall be referred to the Connecticut Department of Environmental Protection Hazardous Waste Management Unit and Water Compliance Unit. Any use involving the use of hazardous material which requires a Site Plan approval shall submit a report detailing the following:
  - 1. The amount and composition of industrial or chemical wastes including fly ash and proposed method of disposal of such wastes;
  - 2. The amount and composition of any hazardous materials that are used, stored, transported, manufactured or discharged at the site (including but not limited to those identified by Section 3001 of the Resource Conservation and Recovery Act of 1976).

### Section 3.9 Exceptions to Height and Yard Requirements

- A. Height Exceptions
  - 1. The provisions of these regulations pertaining to height shall not apply to a church steeple, spire, belfry, barn or silo accessory to a farm; cupola, chimney, flagpole, water tower; radio and television towers, or to structures housing the elevator, heating, ventilation, air conditioning, solar energy equipment or other similar equipment located on the roof of a building and not occupying more than 25% of the area of the roof.
  - 2. Wind energy generating structures, with blade extended vertically shall not exceed 75 feet above average ground level, shall meet all minimum yard requirements and shall be set back from all property lines a distance equal to or greater than the height of the structure plus the radius of blade, or plus 10 percent the height of the structure if no blades are used.

## ARTICLE 3: GENERAL REQUIREMENTS

### B. Projections into Yards

1. Projections in to yard setback areas shall be allowed as provided in this Section, except as otherwise provided in Section 8.2 Off-Street Parking and Loading; Section 8.4 Signs; and Section 9.15 Walls and Fences.
  - a. The projection of not more than 18 inches of cornices, pilasters, eaves, sills, or similar architectural features, and gutters; and 24 inches for chimneys is allowed.
  - b. The projection of steps; open terraces; walkways; plantings and vegetation; loading, and access areas; signs, walls, and fences is allowed in required minimum yards.

### C. Front Yard Setbacks in the B3 Zone

1. **New Principal Buildings:** The Planning and Zoning Commission shall determine the maximum front yard setback. The building shall be located at approximately the same distance from the street as those of the adjacent buildings in order to maintain the street wall.
2. **Additions and Accessory Structures:** The Zoning Enforcement Officer with the concurrence of the Planning Department, or Planning and Zoning Commission in those instances when Site Plan approval is required shall determine the front yard setback, taking into consideration the existing street wall.

### D. Yard Setbacks for Undersized Lots

Existing residentially zoned lots 10,000 sq. ft. or smaller in size which contain a dwelling erected prior to the date of adoption of these regulations shall be governed by the dimensional requirements of the R-10 Zone for front, side, and rear yard setbacks.

## Section 3.10 Interior Lots

### 3.10.1 General Residential Requirements

- A. In the RR, R-25, IP, and B2 Zones interior lots may be approved in conjunction with a subdivision/resubdivision application.
- B. In the RR, R-25, IP, and B2 Zones, a lot of record may be divided to form an interior lot subject to approval of a Special Permit.
- C. An interior lot created under this section shall not be resubdivided into another interior lot.
- D. A note shall be placed on each interior lot of all record subdivision or special permit plans stating "This lot shall not be resubdivided to form additional interior lot(s)."

### 3.10.2 General Residential Land Characteristics

- A. The purpose of allowing interior lots is to allow for some flexibility in site design so as to:
  1. Take advantage of unique topographical situations;
  2. Create a more cost effective development which promotes the optimum usage of land; and
  3. Allow for a greater degree of density along streets when additional street construction is not justifiable.

## ARTICLE 3: GENERAL REQUIREMENTS

- B. An interior lot is defined as a parcel of land that is situated generally behind a lot or lots fronting on the street; does not have the required street frontage as per the Zoning Regulations (but does maintain street frontage along the width of the access strip which is owned in fee simple).
- C. It shall be the responsibility of the applicant or subdivider to prove to the satisfaction of the Commission that the land characteristics and physical site conditions make interior lot development practical, reasonable and desirable; that such interior lot(s) will be in harmony with the Plan of Development; and such interior lot(s) will be in compliance with all applicable Town Codes, Ordinances and Regulations.
- D. No zoning or building permit shall be issued for a structure on an interior lot unless the lot is part of an approved subdivision or is an interior lot of record.
- E. Interior lots of record shall not be divided or otherwise altered in area or dimension unless the lot division is done as part of a formal subdivision/resubdivision application and results in all remaining parcels of land being in compliance with the Portland Zoning and Subdivision Regulations. The use of a right-of-way as an access to an interior lot of record shall establish that lot as being a non-conforming interior lot of record.
- F. In the case where an interior lot is situated in 2 different zones, the area and bulk requirements of the more restrictive zone shall be adhered to.
- G. The minimum square (minimum width by minimum depth as shown in Table 3.12.3 Area and Yard Requirements for Interior Lots) of an interior lot shall not lie more than 1 lot removed from a Town Road, as measured along the access strip. Interior lots situated behind interior lots are strictly prohibited.
- H. Landscape Requirements
  - 1. A permanent and continuous landscaped buffer strip shall be provided on the interior lot at least 20 feet setback from any lot line shared by a front lot and an interior lot. At least 50% of the required plantings shall consist of evergreen species, at least 6 feet in height and 1.5 inches in caliper. Suitable existing trees and shrubs may be preserved or augmented by planting to provide the required buffer. Said buffer strip shall be recorded on the deed as a restrictive covenant and shall be maintained by the property owner. Said deed shall be filed in the land records of the Town Clerk prior to endorsement of any record map.
  - 2. The access strip of an interior lot shall be maintained in a suitable fashion so as to provide safe access to the interior lot and to prevent degradation to abutting properties.
  - 3. The above landscape planting requirements may be reduced along the access strip or be waived by the Commission if a suitable vegetative cover exists or to enhance solar access.

### 3.10.3 Residential Area and Yard Requirements

- A. The minimum required area of an interior lot shall be equal to or exceed the required area of the underlying zone plus 1 acre of land. (See Table 3.12.3 Area and Yard Requirements for Interior Lots.)
- B. The minimum width of an interior lot shall be along the lot line most parallel to the street or as designated by the Commission.

## ARTICLE 3: GENERAL REQUIREMENTS

### C. Schedule of Area and Yard Requirements for Interior Lots

| <b>Requirements</b> | <b>RR Zone</b>     | <b>R-25 Zone</b>   |
|---------------------|--------------------|--------------------|
| Minimum Area        | 87,120 square feet | 65,340 square feet |
| Minimum Width       | 200 feet           | 200 feet           |
| Minimum Depth       | 250 feet           | 225 feet           |
| Minimum Square      | 200 x 250 feet     | 200 x 225 feet     |
| Front Setback       | 75 feet            | 75 feet            |
| Rear Setback        | 75 feet            | 75 feet            |
| Side Setback        | 40 feet            | 40 feet            |

#### **3.10.4 Access**

- A. No portion of an access strip shall be included in computing the required lot area for an interior lot.
- B. The minimum width of an access strip shall be 25 feet. When issues concerning the access strip such as, but not limited to, safety and adequacy are raised, the Commission may require a width in excess of 25 feet to insure for proper design and public safety.
- C. The maximum number of adjoining interior lot access strips shall not exceed 2.
- D. The length of the access strip, as measured from the street to the closest point of the minimum square, shall not exceed 500 feet unless specifically authorized by the Commission and found not to impair the public health or safety.
- E. The maximum grade of a driveway within the access strip shall not exceed a 15% grade at any point and shall not exceed a 3% grade within 25 feet of its intersection with the street. All interior lot driveways shall be surfaced with an all-weather surfacing material. Access strips in excess of 10% shall be paved with bituminous concrete and maintained in good repair.
- F. All driveways within interior lot access strips shall be designed so as to adequately provide for watercourses, wetlands and stormwater runoff.
- G. Driveway construction plans shall be submitted to the Commission or its designated agent in order to demonstrate adequate ingress and egress for emergency vehicles to the proposed development. Where the adequacy of lot access is questioned, the applicant may be required to submit plan-profiles for the proposed driveway.

#### **3.10.5 Residential Access**

In residential zones, interior lots shall satisfy all the requirements of Section 3.10.4 Residential Access as well as the following:

- 1. The minimum separation distance, as measured along the street, between interior lot access strips on which driveways are located, shall be 300 feet. The exception shall be that if any access strip contains a driveway serving multiple lots, said minimum separation distance shall be 450 feet.

## ARTICLE 3: GENERAL REQUIREMENTS

2. Access strips shall have a minimum length equal to the minimum depth requirements of the zone or 150 feet, whichever is greater.

### 3.10.6 Rear Lots in IP and B2 Zones

Rear lots may be permitted in the IP and B2 zones by Site Plan approval and providing the following requirements are met:

1. The proposed lot complies with requirements of Section 3.10.4 Residential Access.
2. The lot area is 50% greater than the minimum required in the zone.

### Section 3.11 Lots in More than One Zoning District

In the case of a lot lying in more than 1 zoning district, the provisions of the less restrictive zoning district may be applied for a distance not exceeding 30 feet into the more restrictive zoning district, providing that such lot maintains frontage on a town road in the less restrictive zoning district.

### Section 3.12 Nonconforming Uses, Buildings, Structures and Lots

#### 3.12.1 Nonconformities, General

- A. Any nonconforming use or building lawfully existing at the time of adoption of these Regulations or of amendments thereof, may be continued and any building, so existing which was designed, arranged, intended for or devoted to a nonconforming use may be reconstructed or structurally altered and the nonconforming use therein changed in accordance with these Regulations.
- B. Nothing in these Regulations shall be deemed to require the change in the plans, construction or designed use of any building or other structure for which either (1) all required permits shall have been issued prior to the effective date of these Regulations or (2) a zoning permit shall have been issued prior to the effective date of any amendment to these Regulations which would affect such plan, construction or designated use, provided, in each case, actual construction shall have lawfully begun in good faith prior to such effective date and is diligently prosecuted to completion within 2 years after commencement.
- C. Nothing in these Regulations shall prevent the strengthening or restoring to a safe condition of and portion of a building or structure declared unsafe by a proper authority.
- D. Any nonconforming building, which has been damaged or destroyed by fire, collapse, explosion, Act of God or general wear and tear, may be reconstructed, repaired or rebuilt within 12 months of such damage providing such reconstruction or repair does not exceed the original area of the building. When possible, building reconstruction or repair shall conform to the Portland Zoning Regulations, or as close as possible, with particular emphasis being placed on minimum yard requirements.
- E. Nothing in these Regulations shall be interpreted as authorization for or approval of the continuance of the use of a structure or premises in violation of Zoning Regulations in effect at the time of the effective date of these Regulations.

## ARTICLE 3: GENERAL REQUIREMENTS

### 3.12.2 Nonconforming Uses

- A. A nonconforming use of land, buildings and other structures may be continued, expanded or extended only in accordance with the provisions and limitations of this section.
- B. If any existing structure devoted to a use not permitted by these Regulations in the zone in which it is located is proposed to be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a permitted use in the zone in which it is located, then such enlargement, extension, construction, reconstruction, move or structural alteration shall be reviewed as a Special Permit by the Commission and is in accordance with the following stipulations of this section. However, the following are exceptions:
  - 1. A shed less than 12 feet in average height and 200 sq. ft. or less in size may be erected with the issuance of a zoning permit. The shed shall comply with the yard requirements of the specific zone.
  - 2. Notwithstanding Zoning Regulation Section 9.4, any existing freestanding dwelling unit located within a multiple-dwelling development in the R-25 or RR Zone may be enlarged, extended, constructed, reconstructed, moved or structurally altered with the issuance of a Zoning Permit when the following criteria are met:
    - a. Compliance with all dimensional requirements in Section 4.2.1
    - b. Health Department approval
    - c. Submission of a letter from Homeowner's Association granting approval of proposed project, if applicable.
- C. Expansion of a nonconforming use pursuant to this section is limited to the uses listed below. Uses not listed may not be expanded pursuant to this section.
  - 1. Retail business
  - 2. Personal service shops
  - 3. Professional offices, studios, office buildings
  - 4. Residential: When part of a building in the B-2 or B-3 zone contains an existing nonconforming residential use, that use may be expanded to include all of the existing structure with a maximum of 4 dwelling units allowed within the structure.
- D. The expansion of an existing nonconforming residential use is prohibited in all zones except for the B-2, B-3 Zone and Flood Plain Zone.
- E. All expansions of nonconforming uses pursuant to this section shall be subject to the following limitations:
  - 1. No building or structure shall be erected which is more nonconforming with reference to the building setback line, other lines, or the maximum building height than herein prescribed for the district in which the parcel is located.
  - 2. The maximum percentage of the lot to be covered by buildings shall be that for the zone in which the parcel is located.
  - 3. Appropriate screening shall be provided between the non-conforming use and the surrounding properties.

## ARTICLE 3: GENERAL REQUIREMENTS

- F. The expansion of a commercial nonconforming use or building shall be limited to the areas that abut State roads:
  - 1. Route 17
  - 2. Route 17A
  - 3. Route 66

### 3.12.3 Relocation of Use

- A. Except as provided in Section 3.12.2 Nonconforming Uses, no nonconforming use of a lot or lots shall be moved to another part of a lot or off of the lot, unless such location was specifically designed for such use at the time the use became nonconforming.
- B. Except as provided in Section 3.12.2 Nonconforming Uses, no nonconforming use of a building or other structure shall be moved or extended to any part of the building or other structure unless such building or structure was specifically designed and constructed for such use at the time the use became nonconforming.

### 3.12.4 Change of Nonconforming Use

- A. A nonconforming use may be changed to a conforming use as per the approval process identified in the zone use table, or with the granting of a Special Permit by the Commission changed to another nonconforming use that is not more intensive in character than the existing nonconforming use.
- B. No nonconforming use of land, buildings, or other structures that is changed to a conforming use or to a more conforming use shall thereafter be changed to a more nonconforming use.

### 3.12.5 Discontinued Use

No nonconforming use of land, buildings or other structures which shall have been discontinued shall thereafter be resumed. In determining whether a nonconforming use has been discontinued, any positive act indicating intent to discontinue the use shall constitute prima facie evidence of discontinuance.

### 3.12.6 Nonconforming Buildings and Structures

- A. A nonconforming building or other structure that contains a use permitted in the zone in which it is located may be continued in accordance with the following provisions and limitations.
- B. A building containing a permitted use, but which does not conform to the requirements of these Regulations regarding building height limit, floor area, area and width of lot, percentage of lot coverage, and required yards and parking facilities, may be enlarged or altered provided:
  - 1. Such enlargement provides for a permitted use containing no more family dwelling units than currently exist.
  - 2. Any additions are constructed within the applicable yard requirements or, with the approval of the Portland Zoning Board of Appeals, are not nearer to the lot lines than the existing building.
  - 3. The extension of a lawful use to and portion of a nonconforming building or structure which existed prior to the enactment of these Regulations shall not be deemed an expansion of such nonconforming use.

## ARTICLE 3: GENERAL REQUIREMENTS

- C. No nonconforming building or other structure shall be moved unless the result of the move is to reduce or eliminate the nonconformity.
- D. Signs of a size or type not permitted in the zone in which they are situated, that are improperly located or illuminated, or that are nonconforming in any other way shall be considered nonconforming structures under this Section; and any increase in size or illumination of such signs shall be deemed to be an enlargement or extension producing an increase in nonconformity.

### 3.12.7 Nonconforming Lots

- A. A nonconforming lot may be continued in accordance with the following provisions and limitations.
- B. Construction on a Nonconforming Lot

Provided that all other requirements of the Portland Zoning Regulations are met; and that safe and adequate disposal of sewage, and a safe water supply can be provided without endangering the health and safety of the surrounding neighborhood, nothing in these Regulations shall prevent the construction of a permitted building or other structure, or the establishment of a permitted use on a lot containing less than the prescribed area, shape, or frontage provided that the lot is:

1. Owned separately from any adjoining lot and was recorded in the land records of the Town of Portland prior to the first adoption of Town Zoning Regulations or pertinent amendments; or
2. Shown on a plan of subdivision approved by the Town Planning and Zoning Commission.

- C. Adjoining Nonconforming Lots

If one or more adjoining lots of record, one or more of which fails to meet the minimum requirements of these Regulations with regard to lot area, shape or frontage and if the lots have continuous frontage, are in single ownership at any time after the application of the provisions of these Regulations to such lots, and if taken together would form one or more lots meeting the requirements of these Regulations with regard to lot area, shape, and frontage; such lots shall be combined so as to no longer be considered nonconforming and must be used in such a fashion so as to be in compliance with the lot area, shape, and frontage requirements regardless of subsequent changes of ownership.

- D. Alterations or Additions

Nothing in these Regulations shall prohibit an addition to an existing building or other structure on a nonconforming lot, provided that such addition meets all other requirements of these Regulations in all respects. The sewage system shall be adequate to accommodate both the existing building or other structure and the proposed alteration or addition and shall be approved by the Health District.

### Section 3.13 Tag Sales and Special Events

- A. Tag Sales in residential zones are permitted subject to the following:
  1. Such sales shall total not more than 12 days per owner per calendar year.
  2. Such sales shall occur no more than twice per owner per calendar year.
  3. Signs advertising tag sales shall not exceed 6 square feet and must be approved by the ZEO.

## ARTICLE 3: GENERAL REQUIREMENTS

4. Any tag sale exceeding the duration limits noted above shall be considered a permanent business and subject to the regulations regarding such.
- B. Special Events: With the exception of an outdoor event within an area not to exceed 100 sq. ft., all special events, including vendor sales for any purpose, whether held outdoors or within a tent, will require a Special Permit. However, no Special Permit shall be required of a religious, fraternal or non-profit organization conducting a tag sale or special event on property that it owns.
- C. Tents to be erected for tag sales or special events shall observe all yard requirements. A zoning permit is required prior to the erection of a tent.

### Section 3.14 Outdoor Wood-burning Furnaces

Outdoor wood-burning furnaces as defined in Public Act 05-227 are prohibited in all zones.

### Section 3.15 Junk and Junk Yards

- A. No junk, to include but not limited to rubbish, broken glass, stumps, roots, garbage, trash, appliances, or refuse debris, shall be left or stored on any lot as to be unsightly or detrimental to a nearby property.
- B. Junk yards as defined in the Connecticut General Statutes are prohibited in all zones.

### Section 3.16 Lot Line Revisions

All lot line revisions shall require the approval of the ZEO through application for and issuance of a Zoning Permit.

### Section 3.17 Swimming Pools

- A. No swimming pool greater than 2 feet in depth of water or appurtenance thereto shall be constructed, installed, enlarged, or altered until a zoning permit has been obtained from the Zoning Enforcement Officer.
- B. Before any permit for a swimming pool is issued; plans, including a Site Plan, shall be submitted showing accurate dimensions and construction of the pool and appurtenances, properly established distances to lot lines, and details of water supply, drainage, and water disposal systems.
- C. Pools (underground and above ground) and detached decks shall be located in accordance with the following setbacks:

| <b>Zone</b> | <b>Minimum distance from pool or deck to street</b> | <b>Permitted Side Yard</b> | <b>Permitted Rear Yard</b> |
|-------------|---|----------------------------|----------------------------|
| RR          | 100 ft.   | 15 ft.                     | 35 ft.                     |
| R-25        | 75 ft.  | 10 ft.                     | 20 ft.                     |
| R-15        | 65 ft.  | 5 ft.                      | 20 ft.                     |
| R-10        | 55 ft.  | 5 ft.                      | 15 ft.                     |

## ARTICLE 3: GENERAL REQUIREMENTS

### **Section 3.18 Use of Land for Access and Parking**

The use of land for access to or for parking in connection with and adjacent to a use shall be considered accessory to and part of such use. This provision shall not prohibit access across a Business District to a use lying in an Industrial Zoning District or across a Rural Residence Zoning District to an IP Zoning District.

### **Section 3.19 Reduction of Area or Dimension**

- A. No lot shall be so reduced in area that the total area or the dimension of any of the yards or open space shall be smaller than herein prescribed.
- B. If a new lot is proposed by the division of a lot already occupied by a building, no permit shall be granted for the erection of a new building or structure upon the proposed new lot unless both the lot and the buildings, other structures, and uses to be located thereon are in compliance with these Regulations.