



POMFRET ZONING REGULATIONS

Zoning Regulations were adopted on February 27, 2003 effective date.

Public Hearing held for amendments/additions to the Zoning Regulations on [July 8, 2003 effective July 18, 2003.]

Pomfret Zoning Regulations

Table of Contents

SECTION 1	TITLE, AUTHORITY, and PURPOSE
SECTION 2	DEFINITIONS
SECTION 3	GENERAL REQUIREMENTS
SECTION 4	R-80 RESIDENTIAL ZONE REQUIREMENTS
SECTION 5	SITE PLAN
SECTION 6	WATER SUPPLY AND SANITARY REQUIREMENTS
SECTION 7	NON-CONFORMING USES, BUILDINGS AND LOTS
SECTION 8	HAZARDOUS MATERIALS
SECTION 9	PENALTIES
SECTION 10	APPEALS AND VARIANCES
SECTION 11	AMENDMENTS
SECTION 12	SEPARABILITY
SECTION 13	EFFECTIVE DATE

Pomfret Zoning Regulations

SECTION 1 - TITLE, AUTHORITY, PURPOSE

- 1.1 **Title.** These Regulations shall be known and may be cited as the "Zoning Regulations, Town of Pomfret, Connecticut," and are referred to herein as "these Regulations."
- 1.2 **Authority.** These Regulations have been promulgated by the Pomfret Planning and Zoning Commission, hereinafter referred to as the Commission, in accordance with and under the authority prescribed by Chapter 124 of the General Statutes of the State of Connecticut.
- 1.3 **Purpose.** These Regulations are intended to further the goals and objectives of the Plan of Conservation and Development and to lessen congestion in the streets; to secure safety from fire, panic, flood and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision for transportation, water, sewerage, schools, parks and other public requirements; to preserve the character of the various parts of the Town; to conserve the value of buildings; to protect historic factors; to control soil erosion and sedimentation; to encourage energy efficient patterns of development, the use of solar and other renewable forms of energy, and energy conservation; and to encourage the most appropriate use of land throughout the Town of Pomfret. Further, these regulations, and subsequent amendments thereto, are enacted to carry out the purposes set forth in Chapter 124, and particularly Section 8-2, of the Connecticut General Statutes, as those statutes may be amended.

SECTION 2 – DEFINITIONS

- 2.1 For the purposes of these Regulations, certain terms or words shall be defined as set forth in this section. Unless the context clearly requires otherwise, words in the present tense include the future and words in the singular number include the plural and vice versa. The word "person" includes any legal entity, including but not limited to a partnership or corporation, and the word "used" means both actually used and designed, intended or modified for use.

Accessory Use, Building or Structure: A use, building or structure customarily incidental and subordinate to the principal use, building or structure located on the same lot as such principal use or building, or on a contiguous lot under the same ownership.

Accessway: A permanent right-of way, having a width of 50 feet or less, and either owned in fee or held as a recorded easement, by which access is gained to an interior lot. [added July 8, 2003, effective July 18, 2003]

Acre: Equal to forty-three thousand five hundred sixty (43,560) square feet of land area. [added July 8, 2003, effective July 18, 2003]

Agriculture: The cultivation of ground, including the harvesting of crops, rearing and management of livestock, tillage, husbandry, farming, horticulture and forestry, but not including forestry-related industries, such as sawmills or lumber yards. The term "agriculture" as used in these Regulations shall not include Commercial Agricultural Buildings as defined in these Regulations.

Pomfret Zoning Regulations

Buildable Area: An area of a lot within which permitted buildings or other structures may be readily erected, used and maintained, and primary and reserved septic systems, domestic water, and personal open space and recreation areas may be readily supported, due to favorable soil, groundwater, and other natural characteristics. The minimum buildable area required for a lot in any particular zone shall be defined by these regulations.

Building: Any structure having a roof and intended for the shelter, housing or enclosure of persons, animals, poultry, or materials. Any other structure, including an accessory structure to a permitted use, and including fences and walls, any of which are more than eight feet high, shall be considered as buildings. Flagpoles, public utility poles and bridges are not considered buildings.

Building Height: The vertical distance from the finished grade at any point under consideration to the highest point of the roof.

Building Line: A line parallel to the abutting street at a distance equal to the minimum front yard setback.

Commercial Agriculture Building: Any building used for intensive farming and farming-related activities that involve: the processing or packaging of horticultural, non-animal products or by-products produced on the premises in buildings greater than 5,000 square feet; shelter for more than 200 cattle or 500 fowl; workplace for more than five non-family employees; retail sale of products raised, grown, or processed on the premises, other than in a seasonal farm produce stand; and/or warehousing of products that were raised on the premises and that are to be sold off the premises.

Commission: The Planning and Zoning Commission of the Town of Pomfret.

Dwelling, Single-family: A building, other than a mobile home, designed for, and occupied exclusively as, a residence for only one family and having no party wall in common with an adjacent building. Where a private garage is structurally attached to such building, it shall be considered as a part thereof.

Family: One or more persons occupying a dwelling unit, provided that unless all members are related by birth, marriage, or legal adoption, no such family shall contain over three (3) persons.

Farming: The conduct of agriculture.

Floor Area: The area of the enclosed portion of a dwelling having a finished ceiling to floor height of not less than seven (7) feet, excluding any area above the first floor unless it is accessible by an enclosed permanent stairway, and excluding cellar, basement, porch, garage, and utility areas and areas in an accessory building. In the case of the "raised ranch" style of dwelling, the floor(s) below the principal floor, wholly or partly below the finished grade, shall not be counted as part of the floor area.

Pomfret Zoning Regulations

Forestry: The management of timber resources. For the purposes of these Regulations, the term “forestry” shall be applied only to those timber management activities that are conducted under a plan prepared by a properly qualified professional forester.

Hazardous Materials. See Section 8.1 of these Regulations.

Home Occupation: Any of the following occupations, when carried on as an accessory use to a single-family dwelling in accordance with the conditions and requirements of these Regulations: telephone answering service; dressmaking and tailoring; home handicrafts; fine art work; needlework; the office of a lawyer, accountant, architect, engineer, or other recognized profession or trade.

Interior Lot: An interior lot is one which does not abut a state highway or accepted town road for the minimum frontage otherwise required by Section 4. [added July 8, 2003, effective July 18, 2003]

Lot: A plot or parcel of land occupied or capable of being occupied by one principal building and the accessory buildings or uses customarily incident to it, including frontage, area, and such open spaces as are required by these Regulations.

Lot Coverage: For a residential lot, the maximum land coverage for all buildings and structures (principal and accessory uses) including paved, impervious, or traveled surfaces, measured as a percentage of the total lot area.

Lot Frontage: The distance between lot sidelines measured along the front lot line. In the case of lots having frontage on or adjacent to a street curve, required lot frontage shall be measured at the building line.

Lot Line, Front: Any line separating a lot from a street right-of-way. Corner lots shall be deemed to have a front lot line along each adjacent street. If street right-of-way boundaries have not been established, the boundaries shall be deemed to be twenty-five (25) feet distant from the centerline of the existing traveled way, or such other distance from the centerline as may have been established by the Commission or the Town.

Lot Line, Rear: Except with respect to corner lots, any lot line or portion of a lot line that is parallel to, or within 45 degrees of being parallel to, a front lot line shall be deemed to be a rear lot line. Corner lots shall be deemed to have no rear lot lines.

Lot Line, Side: Any lot line that is not a front lot line or a rear lot line as defined herein.

Street: An improved right-of-way dedicated and accepted for public use by lawful procedure and suitable for vehicular travel; or a proposed street shown on a subdivision plan approved by the Commission.

Pomfret Zoning Regulations

Structure: Anything that is constructed or erected and the use of which requires a more or less permanent location on ground or water areas or attachment to something having permanent location on ground or water areas, not, however, including wheels. Includes: Except as provided below, the term "structure" includes, but is not limited to, an edifice or building of any kind; any production or piece of work, artificially built up or composed of parts and joined together in some definite manner, including manufactured homes, fences, walls, wharves, docks, satellite dishes, aboveground tanks, detached solar panels, manufactured homes, paved areas, storage tanks, signs, walls (retaining or otherwise), swimming pools, satellite dishes, ham radio antennas, cellular and radio transmission towers, and other man-made utilities and infrastructure.

Excludes: The term "structure" excludes public utility poles, flagpoles, transmission lines, television antennas, highway and railroad bridges, landscape furniture and decorations, mailboxes, lamp posts, seasonal decorations, and livestock fences through which there is at least 80% visibility.

Meaning: Where the phrase "building or structure" appears in these Regulations, it shall be deemed to mean "building or other structure."

Yard: A portion of a lot lying between a building or structure and a lot line, and containing no surface structures except driveways and such other structures as may be specifically authorized in these Regulations. In measuring a yard, as hereafter provided, the line of a structure shall be deemed to mean a line parallel to the relevant lot line, drawn from the point of the structure nearest to such lot line. Where two different yards (e.g., a front yard and a side yard) overlap, the minimum yard requirement shall be deemed to be the greater of the two applicable yard requirements.

Yard, Front: A yard between any front lot line and the nearest line of any structure.

Yard, Rear: A yard between any rear lot line and the nearest line of any structure.

Yard, Side: A yard between any side lot line and the nearest line of any structure.

SECTION 3 - GENERAL REQUIREMENTS

3.1 **Classification of Uses.** Uses of land or buildings are classified and regulated by these Regulations.

3.1.1 **Permitted Uses:** Permitted uses are those for which zoning permits may be issued by the Zoning Enforcement Officer. The Commission may also issue zoning permits for permitted uses.

3.1.2 **Site Plan Uses:** Site plan uses are those for which zoning permits must be approved by the Commission. The Commission may, but shall not be obliged to, hold a public hearing on any application for a site plan use.

3.1.3 **Prohibited Uses:** Prohibited uses are those that are not expressly allowed or are expressly prohibited under these Regulations.

Pomfret Zoning Regulations

- 3.2 **Zoning Permit.** No building shall be erected, moved, structurally enlarged or reduced, or changed to another use and no use shall be established or changed in any area of Pomfret without a zoning permit issued by the Zoning Enforcement Officer (ZEO) or Commission in conformance with the provision of these Regulations.
- 3.2.1 **Application:** Every application for a zoning permit shall be made on a form provided for that purpose and obtainable from the Zoning Enforcement Officer or Commission or at the offices of the Commission. Any fees shall be in accordance with the Schedule of Fees as per Pomfret Town Ordinance.
- 3.2.2 **Contents of Application:** All applications shall set forth such information as may be required by the form described in Section 3.2.1 in order to allow the Zoning Enforcement Officer or Commission to determine the conformance of any proposed buildings, structures or uses, or any proposed changes thereto, with these Regulations. The Zoning Enforcement Officer may require submission of additional information and documents including a plot plan prepared, signed, and sealed by a licensed land surveyor to insure compliance with these Regulations. The Zoning Enforcement Officer or Commission may further require that location markers for the building foundation be set by a licensed land surveyor in accordance with the plot plan prior to the issuance of a zoning permit.
- 3.2.3 **Prohibited Uses:** No permit may be issued for buildings, structures or uses that are not expressly permitted by these Regulations.
- 3.2.4 **Zoning Certification:** No building permit shall be issued by the Building Official for a building or use subject to these Regulations without certification in writing from the Zoning Enforcement Officer or Commission that such building or use is in conformity with these Regulations or is a valid non-conforming use or building under these Regulations.
- 3.3 **Certificate of Compliance.** It shall be unlawful for any newly erected building or any structural addition for which a zoning permit has been issued to be occupied or used, or for any building, lot, or premises or part thereof to be converted or changed from one type of use or occupancy to another, until a Certificate of Compliance has been issued by the Zoning Enforcement Officer. The Certificate of Compliance shall be issued within ten (10) days after a written request made to the Zoning Enforcement Officer, provided that any building, structure or alteration for which the Certificate is sought has been properly completed and is fully in compliance with these Regulations and that all pertinent conditions of any zoning permit or approval for such building, structure or use have been fulfilled. The Zoning Enforcement Officer may require an as-built site plan to facilitate this review. In the absence of the Zoning Enforcement Officer, the Chairman or other designated agent of the Commission may issue a Certificate of Compliance. A Certificate of Compliance shall remain valid only so long as the building, structure, lot, or use thereof or the use of the land remains in full conformity with these Regulations or any relevant amendments thereto.

Pomfret Zoning Regulations

3.4 **Expiration.**

3.4.1 **Five-Year Permit Duration; Extensions:** Except as provided elsewhere in these Regulations, any zoning permit shall be valid for a period of five years after the date of approval. Failure to complete all work or initiate any new use allowed by the zoning permit within such five-year period shall result in automatic expiration of the permit unless the Commission grants an extension of time to complete the work or commence the use. Pursuant to Sections 3.4.2 and 3.4.3 of these Regulations, the Commission may grant one or more extensions of the time to complete the work or commence the use; provided, however, that the expiration date of the approval shall not be extended to a date more than ten years from the date of approval. An application to extend the expiration date of a permit must be filed with the Commission no fewer than sixty days before the date of expiration. All zoning permits shall contain a notation referencing the five-year expiration provisions.

3.4.2 **Extension for Appeal to Court:** If an appeal is taken from any approval for a special permit or variance, the expiration date shall be automatically extended by the number of days between the date the decision of the Commission is published and the date a judicial resolution of the appeal becomes final; provided, however, that the expiration date may not be extended to a date more than ten years after the date of approval of the permit.

3.4.3. **Discretionary Extensions:** For good cause shown by the applicant, the Commission may vote to extend the expiration date of an approval for additional periods of one year each; provided, however, that the expiration date may not be extended to a date more than ten years after the date of approval of the permit.

3.4.4. **Bonds/Security:** In the event the Commission has conditioned the issuance of any permit on the provision of a bond or other financial security for public improvements or other required work, and the permit has expired, the Commission may use the posted bond or security to complete approved work.

3.5 **Other Permits.** A zoning permit indicates that the application complies with the provisions of these Regulations. However, other local, state and federal permits may be required before the applicant can begin the related building or use, such as those concerned with driveways, wetlands, water and sewer facilities, fire protection, water quality, air quality, traffic conditions, solid waste, building code and health code. Determining what other permits are required and obtaining such other permits is the responsibility of the applicant.

3.6 **Enforcement of Regulations:** the Zoning Enforcement Officer, who shall act as an agent of the Commission, shall generally enforce These Regulations. However, the Commission reserves the right to appoint other enforcement agents or to take direct actions to enforce these Regulations.

3.7 **Zoning Districts.** Upon the initial adoption of these Regulations, the Town of Pomfret shall comprise one Zoning District, which shall be designated the (R-80) Rural Residential District.

Pomfret Zoning Regulations

- 3.7.1 **Additional Districts:** The Commission anticipates that additional zoning districts may be created following the initial adoption of these Regulations. The following subsections of Section 3.7 shall apply in the event any such additional districts are created.
- 3.7.2 **Zoning Map:** In the event that more than one zoning district is established in the Town of Pomfret, the boundaries of all such districts shall be as shown on an official Town of Pomfret Zoning Map, which, with all explanatory matters thereon, shall be deemed to be a part of these Regulations. A copy of any such official map, indicating the latest amendments, shall be kept up-to-date in the offices of the Town Clerk for the use and benefit of the public.
- 3.7.3 **District Boundaries:** In determining the boundaries of zoning districts shown on the map, the following rules shall apply:
- a. Where district boundaries are indicated as approximately following the centerline of streets, highways, waterways or railroad rights-of-way or such lines extended, such center lines shall be construed to be the boundaries.
 - b. Where district boundaries are not indicated as approximately following the center lines of streets, highways, waterways or railroad rights-of-way or such lines extended, the boundaries shall be determined in accordance with the following rules:
 - 1) Where such boundaries are indicated as approximately following the property lines of parks or other publicly owned lands, such lines shall be construed to be such boundaries.
 - 2) In all cases where a district boundary line is located not farther than fifteen (15) feet away from a lot line of record, such boundary line shall be construed to coincide with such lot line.
 - 3) In all other cases where dimensions are not shown on the map, the location of boundaries shown on the map shall be determined by the use of the scale appearing thereon.
 - c. The Commission shall determine the location of a zone boundary where such boundary is in question.
- 3.7.4 **Lots in More than One Zoning District:** Except as provided hereafter, if a lot of record is located within two or more zoning districts, the regulations to be applied to any proposed or existing use, building or structure shall be those of the district in which such use, building or structure is, or is proposed to be, located.

Pomfret Zoning Regulations

- 3.8 **Soil Erosion and Sediment Control Plan.** A soil erosion and sediment control plan shall be submitted with any application for development when the disturbed area of such development is cumulatively more than one-half acre. The soil erosion and sediment control plan shall be submitted pursuant to Public Act 83-388 entitled "An Act Concerning Soil Erosion and Sediment Control." The Commission, in its sole discretion, shall determine what constitutes the size of the disturbed area.
- 3.9 **Inland Wetlands.** If an application for approval of a site plan use involves an activity regulated under the provisions of Chapter 440 of the General Statutes, the applicant shall submit an application for a permit to the Pomfret Inland Wetlands Commission not later than the day the application for approval of the site plan use is filed with the Pomfret Planning and Zoning Commission. The decision of the Planning and Zoning Commission shall not be rendered until the Pomfret Inland Wetlands Commission has submitted a report with its final decision to the Planning and Zoning Commission. In making its decision, the Planning and Zoning Commission shall give due consideration to the report of the Pomfret Inland Wetlands Commission.
- 3.10 **Notices to Neighboring Municipalities.** The Commission shall notify the Clerk of any adjoining municipality of any application made to the Commission concerning any project on any site when: (1) any part of the property affected by the Commission's decision is within 500 feet of the adjoining municipality; (2) a significant portion of the traffic to the completed project will use streets within the adjoining municipality to enter or exit the site; (3) a significant portion of the sewer or water drainage from the project on the site will flow through and significantly impact the drainage or sewer system within the adjoining municipality; or (4) water runoff from the improved site will impact streets, or other municipal or private property, within the adjoining municipality. Such notice shall be made by certified mail and shall be mailed within seven (7) days of the date of receipt of the application, and no hearing shall be held on the application until after the adjoining municipality has received such notice. A representative from the adjoining municipality may appear and be heard at any hearing on any such application.

SECTION 4 - R-80 RESIDENTIAL ZONE REQUIREMENTS

- 4.1 **Permitted Uses.** The following uses are permitted uses in the R-80 zoning district: single-family dwellings, family day care homes, community residences as described in Connecticut General Statutes Section 8-3e, home occupations other than professional offices, agriculture, forestry, and conservation activities. Buildings, structures and uses that are customarily accessory to the foregoing uses shall also be deemed to be permitted.
- 4.2 **Site Plan Uses.** The following uses are site plan uses in the R-80 zoning district: public utility structures less than 200 square feet, Town of Pomfret municipal buildings, cemeteries, wireless telecommunication facilities meeting the requirements of the Pomfret Ordinance on wireless telecommunication facilities, single-family dwellings, and professional offices that are conducted as home occupations. Buildings, structures and uses that are customarily accessory to the foregoing uses shall also be deemed to be site plan uses.
- 4.3 **Prohibited Uses.** The storage and use of hazardous materials is prohibited, except to the extent such storage or use is clearly customary, accessory and incidental to a permitted use or site plan use.

Pomfret Zoning Regulations

- 4.4 **Minimum Lot Size.** The minimum lot size shall be two (2) acres. [changed July 8, 2003, effective July 18, 2003]
- 4.5 **Minimum Building Lot Frontage on a Street.** All lots shall have a minimum of 200 feet of frontage on and direct access to a street, except as otherwise provided in these Regulations.
- 4.6 **Minimum Front Yard.**
- 4.6.1 For lots adjoining town and private roads, the minimum front yard setback shall be sixty(60) feet measured from the front lot line. [amended July 8, 2003, effective July 18, 2003]
- 4.6.2 For lots adjoining state highways, the minimum front yard setback shall be seventy-five (75) feet, measured from the front lot line. [amended July 8, 2003, effective July 18, 2003]
- 4.6.3 Notwithstanding the provisions of Sections 4.6.1 and 4.6.2, where a lot is abutted by lots on both sides, and each of the abutting lots contains a dwelling that is 200 feet or less from the center lot, the minimum front yard setback may be reduced to the average of the actual front yard setbacks of the existing, adjacent residential buildings. [amended July 8, 2003, effective July 18, 2003]
- 4.7 **Minimum Side Yard.** The minimum side yard shall be 25 feet.
- 4.8 **Minimum Rear Yard.** The minimum rear yard shall be 50 feet.
- 4.9 **Maximum Building Height.** The maximum building height shall be 40 feet. Structures such as chimneys, flues, spires, and radio and TV antennas, and other wireless telecommunications antennas on dwellings may extend no more than ten (10) feet in height as measured from the highest point of a structure's existing and/or proposed roof line.
- 4.10 **Maximum Lot Coverage.** The maximum lot coverage shall be 20 %.
- 4.11 **Minimum Buildable Area.**
- 4.11.1 The intent of the minimum buildable area requirement is to assure that an adequately sized, contiguous area of land is available on each lot to locate the principal building, accessory uses, on-site sewer facility, and on-site water supply (well).
- 4.11.2 Each lot shall contain a buildable area of thirty seven thousand five hundred (37,500) square feet. The shape will be a rectangle with a minimum dimension of 125 feet. The buildable area must be reasonably physically accessible from (but not necessarily abutting) a street at the time of application.
- 4.11.3 Each buildable area shall be a contiguous area on the lot exclusive of:
- a) wetland soils, wetland buffer areas (50-foot minimum), watercourses;
 - b) utility and drainage easements, water bodies, stormwater detention areas;

Pomfret Zoning Regulations

- c) floodplain soils or areas within the 100 year flood boundary;
- d) rights-of-way or access easements and utility and drainage easements;
- e) required front yard, side yard, and rear yard setbacks;
- f) areas with slope equal to or greater than 20%; and
- g) exposed ledge.

4.12 **Minimum Floor Area in Residences.**

4.12.1 One-story single-family dwelling: 960 square feet

4.12.2 Two-story single-family dwelling, on the first floor: 750 square feet
and a total of: 1,000 square feet

4.13 **Access.**

4.13.1 The proposed frontage must be capable of accommodating a driveway for access to the main part of the lot (i.e., the portion of the lot containing the principal use or structure) and meeting the Pomfret Driveway Ordinance requirements. A right-of-way and/or a portion of a right-of-way shall not be considered part of the required frontage. At the time of application, the applicant must demonstrate that the frontage can accommodate a driveway per the Town's regulations and ordinances. The land on which the driveway is proposed to be located to access the parcel must be an undivided part of the parcel being developed and owned in fee. Driveways shall not be located within 10 feet of a side and/or rear property line.

4.13.2 The Planning and Zoning Commission may allow a common or shared driveway in the following circumstances and with the following conditions and limitations: [section 4.13.2 amended July 8, 2003, effective July 18, 2003]

- a) No common or shared driveway shall serve more than two (2) lots.
- b) The land on which the common or shared driveway is to be located must be an undivided part of one of the parcels to be served.
- c) A common or shared driveway shall only be allowed if one or more of the following circumstances exists:
 - i) The Inland Wetlands and Watercourses Commission recommends the use of such a driveway in order to diminish the adverse impact on a wetland or watercourse.
 - ii) The Planning and Zoning Commission deems such a driveway to be the only prudent and feasible access to one of the adjoining parcels.
 - iii) The Planning and Zoning Commission finds that such a driveway

Pomfret Zoning Regulations

would help to minimize adverse environmental impacts of development, reduce the need for new driveway cuts and provide access to developable land which is otherwise inaccessible due to topographic conditions.

- d) All common or shared driveways shall be provided with a right-of-way at least 25 feet in width, and with a usable width of 20 feet.
- e) The driveway shall not exceed ten percent (10%) grade at any point.
- f) On any section of such driveway where the grade is eight percent (8%) or greater, the surface shall be paved with all-weather materials subject to approval by the Town Engineer, so as to permit reasonable access by fire apparatus or other emergency vehicles.
- g) The deeds for any lots which utilize a common or shared driveway shall include all appropriate easements to pass and repass; to install utilities as necessary; to grade, drain, and maintain; and provide slope easements where required by the Town Engineer. Such deeds shall also contain a provision that the driveway shall not be used for access to any other property except for agricultural purposes, and an acknowledgment that the Town of Pomfret shall have no responsibility to construct, maintain, repair, or replace the driveway or to provide any service on or along the driveway access to such lot that is not generally provided by the Town on or along other individual driveways within the Town.

4.14 **Interior Lots** [section added July 8, 2003, effective July 18, 2003]

4.14.1 No interior lots shall be created or used for the construction of a new residence or other principal building, nor shall any interior lot containing an existing residence or other principal building be created by the division of land or lot line adjustment, except as follows:

- a) The interior lot must have access to a state highway or accepted town road by means of an unobstructed and unencumbered accessway.
- b) The accessway shall be at least twenty five (25) feet in width along its entire length, including its frontage on the state highway or town road.
- c) No accessway may be created less than five hundred (500) feet from another accessway along the highway or street line.
- d) The minimum lot-area requirement for an interior lot shall be one hundred and fifty percent (150%) of the minimum lot area otherwise required in the zone in which the lot is located. The area of the accessway shall not be included as part of the area of the lot in determining whether the lot satisfies this requirement.
- e) The minimum side and rear yards for all interior lots shall be one hundred (100) feet.
- f) An interior lot shall conform to all requirements of the zone in which it is

Pomfret Zoning Regulations

located except as expressly provided in this Section 4.13.

- 4.15 **Fences.** Fences may be installed on a property line and shall not exceed six (6) feet in height, unless otherwise stated in these regulations. A stone wall may be installed on a property line and shall not exceed four (4) feet in height. A fence and/or stone wall may be constructed no closer than ten (10) feet from a front yard property boundary, unless an applicant can prove that the construction of a fence/stone wall will not reduce the sightline of existing and/or proposed driveways below Town standards.

The frame or supporting members of the fence shall be on the applicant's side, the good or finished side of the fence shall face the street or the abutting property owner(s). [section 4.15 added on July 8, 2003, effective on July 18, 2003]

- 4.16 **Home Occupations.** Activities defined as home occupations in Section 2 of these Regulations are permitted in residential districts provided a permit has been obtained from the Commission or Zoning Enforcement Officer, as applicable, prior to the commencement of the activity. In general, a home occupation is a residential accessory use so located and conducted that it does not materially change the residential character of the principal use. The standards for home occupations in this section are intended to ensure compatibility with other permitted uses and with the residential character of the neighborhood. The Commission and the ZEO shall approve home occupation permits and their renewal only under the following conditions:

The home occupation activity must be clearly secondary to the use of the premises for residential dwelling purposes. The proposed activity must take place within the footprint of the residential dwelling unit and not within any garages or outbuildings. The home occupation use shall occupy no more than twenty-five percent of the floor area of the residential dwelling, exclusive of any attached garage or basement, up to a maximum of 500 square feet. Articles sold on the premises, as part of a customary home occupation shall be only those products made entirely on the premises from raw materials.

SECTION 5 – SITE PLAN

- 5.1 **Site Analysis Map:** The Commission shall require the submission of a site analysis map with any application for a zoning permit for a site plan use. The purpose of the site analysis map is to enable the Commission to evaluate the impact of the proposed lot on the land that is the subject of the application, on neighboring parcels, and on the natural and historic resources and features of the area. Each site analysis map shall contain the following information and conform to the following requirements:

5.1.1 A 24 x 36 inch plan, with scale of one inch equaling no more than forty feet.

5.1.2 Where so much information would be drawn on one sheet as to make reading the sheet confusing, the information required on the site analysis map may be placed on more than one sheet as long as information on one can easily be related to information on the other.

5.1.3 Areas within 100 year flood hazard areas as delineated by the Federal Emergency Management Agency (FEMA) and as shown on the most recently amended maps prepared by FEMA must be shown with a note saying "Limits of Flood Hazard

Pomfret Zoning Regulations

Zone are approximate and are scaled from the Federal Flood Hazard maps". When a lot does not include land within the 100-year flood hazard area, the map shall include the following notation: "This lot does not include land areas within the Federal Emergency Management Agency's 100-year flood hazard area."

- 5.1.4 Existing and proposed contours at two-foot intervals or at intervals as required by the Commission. The Commission shall require Class T-2 or T-3 accuracy for the topographic data. Additional spot elevations may be required where necessary to indicate drainage patterns.
- 5.1.5 Locations of wetlands and watercourses as delineated in the field by an appropriately certified soil scientist.
- 5.1.6 Signature block for the soil scientist certifying that all wetlands and watercourses have been delineated or that there are none on the property.
- 5.1.7 Boundaries of any sub-regional watersheds that lie within the site, as shown on maps available from the Natural Resources Center of the Department of Environmental Protection.
- 5.1.8 Wooded areas, specimen trees exceeding 30 inches dbh (diameter at breast height, 5 feet above the ground), rock outcroppings and any unique and fragile natural features.
- 5.1.9 Stonewalls and monuments, and other structures having historical significance.
- 5.1.10 Archaeological sites including those known to the State Archaeologist's Office. The Commission may require the Applicant to submit a report from the State Archaeologist's Office.
- 5.1.11 Historic buildings and sites listed on the National Register of Historic Places.
- 5.1.12 Location of existing and proposed buildings and structures and the number of bedrooms in each.
- 5.1.13 Location of proposed wells and water sources and such related information as may be required by Section 6 of these Regulations.
- 5.1.14 Location of percolation test holes and deep hole tests and such related information as may be required by Section 6 of these Regulations.
- 5.1.15 Location of proposed subsurface sewage disposal systems and reserve fields, showing distances to adjacent land, distances from all wells within 200' (on or off the tract), and distance from any manure handling systems.
- 5.1.16 The location of proposed drainage facilities and any points of collected drainage discharges (i.e., discharges other than natural sheet flow) onto or off of the site.
- 5.1.17 Existing and proposed street and lot lines.
- 5.1.18 Areas proposed for preservation as open space.

Pomfret Zoning Regulations

- 5.2 **Construction plans.** The applicant shall be required to file construction plans with any application for a site plan use involving work or improvements within any street right-of-way, construction of drainage facilities, or sediment and erosion control measures. Construction plans shall show at least the following information in accordance with good engineering practices and as appropriate for the particular lot:
- 5.2.1 For activities involving public streets or Town drainage facilities, a signature block entitled "Approved by the Pomfret Board of Selectmen" with a designated place for signature and date of signing;
 - 5.2.2 For activities involving improvements to public streets, the existing grades at the center line and both road lines, the proposed grade at the center line at appropriate intervals, the width of pavement, a typical road cross section, and a cross section at all cross culverts.
 - 5.2.3 Any temporary or permanent storm water detention facilities.
 - 5.2.4 Any erosion and sediment control measures and a signature block with the wording "The Pomfret Planning and Zoning Commission certifies that this erosion and sediment control plan complies with the Pomfret Zoning Regulations".

SECTION 6 - WATER SUPPLY AND SANITARY REQUIREMENTS

- 6.1 **Evidence of suitability.** It is the responsibility of the applicant to prove that adequate provision has been made for water supply and sewage disposal for each lot and its proposed use.
- 6.1.1 Water supply and sewage disposal shall conform to all applicable state and federal regulations, including but not limited to the Connecticut Public Health Code.
 - 6.1.2 Development should not be proposed in a manner or density to cause degradation of the ground water quality below drinking water standards based upon the normally expected wastewater dilution.
 - 6.1.3 The Northeast District Department of Health (NDDH) or other Town-designated health official must approve all septic and water supply systems prior to issuance of a zoning permit. The NDDH shall be asked to confirm that the test pits as numbered correspond to testing in the field. If a site plan is changed after initial approval, the Commission may require re-approval by NDDH.
- 6.2 **Water supply.** Where water supply is proposed from a public water supply system or where the lot is within 200 feet of an existing public water supply system, the applicant shall submit a letter, from the NDDH, State Department of Public Health, or other authorized agency or official, approving the use of the public water supply. Where private water supply is proposed the following shall apply:

Pomfret Zoning Regulations

- 6.2.1 Prior to zoning permit approval and prior to the drilling of any wells, the applicant shall submit a letter from the NDDH or other authorized official certifying that the proposed well(s) would meet the appropriate separating distances and would be otherwise satisfactory and in conformance with applicable laws and regulations.
- 6.2.2 Each private well shall be drilled and tested for adequate quantity and quality of water prior to issuance of a certificate of compliance.
- 6.2.3 In areas of groundwater contamination or where previous land use may cause well water problems as determined by the Commission, the Commission may require the drilling of test wells prior to the issuance of a zoning permit to prove that adequate quantity and quality of water are available.
- 6.2.4 Wells shall be located a minimum of seventy-five (75') feet from all lot lines.
- 6.3 **Sewage Disposal** - For single-family residences with on-site sewage disposal the following shall apply:
 - 6.3.1 The zoning application shall state the number of proposed bedrooms.
 - 6.3.2 The applicant shall have the NDDH, or such other agency or official as may be authorized by the Town, review the application and submit a letter of approval indicating that the proposal meets the current Connecticut Public Health Code. The letter of approval shall include the following:
 - a) Clear reference to the septic system plans including the last revision date.
 - b) Description of the lot as presented on the septic system plans, noting any additional requirements or reevaluations, which need to be conducted.
 - c) Structural size and layout of the system and the number of bedrooms proposed.
 - d) Other information as may be necessary to protect the public health and safety.

SECTION 7 - NON-CONFORMING USES, BUILDINGS AND LOTS

- 7.1 **Applicability.** A non-conforming use, building or lot is one that existed lawfully prior to the date these Regulations, or any applicable amendment thereto, became effective, and that fails to conform to one or more of the current requirements of these Regulations. Such non-conforming use, building or lot may be continued according to the requirements of these Regulations.
- 7.2 **Non-Conforming Uses.**
 - 7.2.1 Except as provided in section 7.2.7, no non-conforming use shall be enlarged or expanded. No non-conforming use of an existing building shall be extended to

Pomfret Zoning Regulations

occupy land outside such building or space in another building.

- 7.2.2 No non-conforming use of land shall be moved to another part of a lot or to an adjoining lot. No non-conforming use of a building shall be moved to any part of the building not manifestly arranged and designed for such use at the time the use became non-conforming. No building containing a non-conforming use shall be moved unless the use is changed to a conforming use and all zoning requirements are met.
- 7.2.3 No non-conforming use of land or of a building shall be changed to any use that is substantially different in nature and purpose from the former non-conforming use, unless the use is changed to a conforming use. A non-conforming use once changed to a conforming use shall not thereafter be changed to a non-conforming use.
- 7.2.4 When a building in which there is a non-conforming use is damaged by fire, collapse, explosion, neglect, casualty, or act of nature, and the owner intends to reconstruct the building to continue the non-conforming use, the building may be reconstructed, repaired or rebuilt only to its previous floor area and cubical content provided such reconstruction or rebuilding is commenced within one year of such damage.
- 7.2.5 When a non-conforming use is abandoned or discontinued for a period of twelve (12) consecutive months, it shall thereafter be used in conformity with the regulations for the district in which it is located.
- 7.2.6 Normal upkeep, maintenance, and repair in a building occupied by a non-conforming use is permitted provided that such work does not increase or expand the non-conforming use.
- 7.2.7 A non-conforming use that existed on the effective date of these Regulations may be expanded by up to ten percent (10%) of the floor area existing on such effective date.

7.3 **Non-Conforming Buildings and Structures.**

- 7.3.1 Non-conforming buildings and structures may be expanded or enlarged provided no increased encroachment, including any vertical or horizontal expansion within a setback area, or further violation of the requirements of these Regulations occur for such enlargement, and further provided that the floor area of any enlargement does not exceed 50% of the floor area of the original building unless the entire building is made to conform to these Regulations. No such expansion shall be allowed to be used for any non-conforming use.
- 7.3.2 Any non-conforming building or structure that contains a conforming use and that is damaged by fire, collapse, explosion, neglect, casualty, or act of nature may be reconstructed, repaired or rebuilt in the same location, but only to its previous floor area and cubical content. Any expansion proposed as part of a reconstruction or rebuilding shall meet the requirements of these Regulations. Any reconstruction or rebuilding shall be commenced within one year of the date of damage.

Pomfret Zoning Regulations

7.3.3 Normal maintenance and repair to a non-conforming building or structure is permitted provided such work does not further violate the requirements of these Regulations.

7.3.4 Notwithstanding the provisions of section 7.3.1, a non-conforming building that existed on the effective date of these Regulations may be expanded within a setback area by up to 25% of the floor area existing on such effective date, provided the expanded portion of the building may not be closer to any property line with respect to which the building is non-conforming.

7.4 **Non-Conforming Lots.** Nothing in these Regulations shall prevent the construction of a permitted building or structure or the establishment of a permitted use in the relevant zoning district on a lot which does not contain the required minimum area, minimum buildable area, or minimum lot frontage on a street, but which, as of the date of initial adoption of these Regulations and continuously thereafter, was owned separately from an adjoining lot, as evidenced by deed(s) recorded in the Land Records of the Town of Pomfret. A previously existing lot that does not have frontage on an accepted street must have access to an accepted street over a permanent right-of-way or easement. Any such right-of-way or easement serving more than two previously existing lots and exceeding 400 feet in length shall contain a road built to Town road specifications.

SECTION 8 - HAZARDOUS MATERIALS

8.1 **Definition.** Except as provided in Section 8.2, the term “hazardous materials” shall mean substances or combinations of substances (except as specified below) that, because of quantity, concentration or physical, chemical, or infectious characteristics, pose a significant present, or potential, hazard to water supplies or to human health if disposed into or on any land or water, including groundwater, as well as any substance deemed a "hazardous waste" under the Connecticut General Statutes or the Regulations of Connecticut State Agencies. Hazardous materials include, but are not limited to:

8.1.1 Substances that are toxic, flammable, corrosive, explosive, radioactive or infectious.

8.1.2 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" as revised and in quantities exceeding those identified in SARA.

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

8.1.4 Petroleum products, including fuels and waste oils;

8.1.5 Synthetic organic solvents;

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

8.2 **Exceptions:** Notwithstanding Section 8.1 of these Regulations, the term “hazardous

Pomfret Zoning Regulations

materials” shall not include materials used only in conjunction with residential use of property for non-commercial purposes or for the handling or storage of agricultural chemicals in the ordinary course of agriculture or farming operations as defined in Section 1-1 (q) of the Connecticut General Statutes, as amended.

SECTION 9 - ENFORCEMENT

- 9.1 The Zoning Commission and/or the Zoning Enforcement Officer may seek any enforcement remedies allowed by state law, including but not limited to Section 8-12 of the Connecticut General Statutes. By way of example, the Commission or the ZEO may institute an action or proceeding to prevent the unlawful erection, construction, alteration, conversion, maintenance, or use of a building or land, or to restrain, correct, or abate such violation, or to prevent the unlawful occupation of buildings, structures, or land, or to prevent any illegal act, conduct, business, or use in or about such premises, as to remedy, correct, abate or prohibit any violations of these Regulations. Such legal remedies may be initiated against the owner or agent of any building or premises where a violation of any provision of these Regulations has been committed or exists, or the lessee or tenant of an entire building or premises where such violation has been committed or exists, or the agent, architect, builder, contractor or other person who commits, take parts in or assists in any such violation, or who maintains any building or premises in which such violation exists. Violations may result in civil and/or criminal sanctions, as may be allowed by state law.

SECTION 10 - APPEALS AND VARIANCES

- 10.1 **Appeals.** Any person may appeal to the Pomfret Zoning Board of Appeals when it is alleged that there is an error in any order, requirement, or decision made by the Zoning Enforcement Officer related to the enforcement of these Regulations.
- 10.2 **Variances.** Any person seeking a variance from the literal enforcement of these Regulations may apply to the Pomfret Zoning Board of Appeals for a variance. The Board may, after consideration of a variance application in accordance with Sections 8-6 and 8-7 of the General Statutes, approve or deny a variance, except that no variance may be approved for uses or buildings in districts in which such uses or buildings are not otherwise permitted by these Regulations.

SECTION 11 - AMENDMENTS

- 11.1 These Regulations may be amended by the Commission, after proper public notice and public hearing, in accordance with Section 8-3 of the General Statutes.
- 11.1.1 Requests or petitions for changes to these Regulations or any zoning district boundaries shall be submitted to the Commission in writing along with a fee as shown on the schedule of fees adopted by the Commission or by ordinance.
- 11.1.2 If the amendment request is for a change in any zoning district boundaries shown on the official zoning map, the applicant shall prepare and submit with the application a map drawn to scale showing the boundaries of the area(s) to be rezoned, as well as the names and addresses, as determined from the current

Pomfret Zoning Regulations

records of the Town Assessor, of the owners of all properties located within the area to be rezoned and within five hundred (500) feet from the boundaries of all lots containing any portion of the area to be rezoned. The applicant shall mail a copy of the public hearing notice to the owners of record of such properties at the last address listed in the Assessor's records at least ten (10) days before the date set for the public hearing. The applicant shall present written proof in the form of U.S. Post Office certificates of mailing to the Zoning Enforcement Officer or Commission at least five (5) days before the public hearing. The requirements of this section shall not apply to amendments initiated by the Commission.

SECTION 12 - SEPARABILITY

- 12.1 Should any section or provision of these Regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of these Regulations as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 13- EFFECTIVE DATE

- 13.1 These Regulations shall take effect on February 27, 2003.

Pomfret Zoning Regulations