



**ZONING REGULATIONS  
OF THE  
TOWN OF WESTON**

**As amended to June 12, 2008**

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## ARTICLE I – PURPOSES

### Section 100. Statement of Purposes

The Planning and Zoning Commission of the Town of Weston, Connecticut, hereby adopts these Regulations in furtherance of the Town's adopted comprehensive plan of development and in accordance with the purposes, authority and requirements of Chapter 124 of the General Statutes of the State of Connecticut, as amended, more particularly described as follows:

1. To guide the future growth and development of the Town in accordance with a comprehensive plan designed to promote the most beneficial and convenient relationship among the residential, commercial and public areas within the Town, considering the appropriateness of the various uses in each area, and the suitability of each area for such uses, as indicated by existing conditions and trends in development.
2. To provide adequate light, air and privacy; secure safety from fire and other dangers; and prevent overcrowding of the land and undue concentration of population.
3. To protect the character and the social and economic stability of all parts of the Town, and to ensure that all development shall be orderly and beneficial.
4. To protect and conserve the value of land throughout the Town and the value of the buildings appropriate to the various zones established by these Regulations.
5. To bring about the gradual conformity of the uses of land and buildings throughout the Town to the adopted comprehensive plan of development, and to minimize conflicts among the uses of the land and buildings.
6. To promote the most beneficial relation between the uses of land and buildings and the circulation of traffic throughout the Town, having particular regard to the avoidance of congestion in the roads and the provision of safe and convenient traffic access appropriate to the various uses of land and buildings throughout the Town.
7. To aid in providing a guide for public policy and action in the efficient provision of public facilities and services, and for private enterprise in building development, investment, and other economic activity relating to uses of land and buildings throughout the Town.
8. To encourage development commensurate with the availability and capacity of public facilities and services, thereby facilitating adequate provision for transportation, water, schools, parks and other public requirements.

9. To prevent the pollution of ponds and streams; safeguard the water table and encourage the wise use and sound management of natural resources throughout the Town in order to preserve the integrity, stability and beauty of the community and the value of the land.

## **ARTICLE II – ESTABLISHMENT OF DISTRICTS**

### **Section 200. Classes of Districts and Purposes**

Inasmuch as the character and type of development throughout the Town is predominantly rural residential, supplemented by a limited amount of business and service establishments for the convenience of local residents, and based upon the rugged nature of the Town’s topography, and the policies expressed in the adopted Town Plan of Development, the Town of Weston is hereby divided into the following districts:

R-2A, Two Acre Residential and Farming District

NSC, Neighborhood Shopping Center District

### **Section 210. Zoning Map**

The boundaries between districts are hereby established as shown on the map entitled, “Zoning Map, dated November 19, 1970” which accompanies this ordinance and is on file in the office of the Town Clerk. Said map and all explanatory matter thereon are hereby adopted and made a part of this ordinance.

### **211. District Boundaries**

District boundary lines are intended to follow roads, rights-of-way, watercourses, or lot lines, or be parallel or perpendicular thereto, unless such boundary lines are fixed by dimensions, as shown on the Zoning Map.

### **212. Parcels of Land in More than One Zone**

Where a district boundary line divides a parcel of land under single ownership of record, the regulations specified herein for each district shall apply only to those portions of the parcel within such district.

## **ARTICLE III – GENERAL REGULATIONS**

### **Section 300. Application of Regulations**

**301. Conformity Required:** Except as hereinafter provided, no land, building or structure, or part thereof, shall hereafter be used, and no building or part thereof, or other structure, shall be erected, constructed, reconstructed, extended, enlarged,

altered or moved, and no building or structure, or part thereof, shall be moved onto any plot or parcel of land except in conformity with these Regulations.

**302. Existing Subdivisions:** These Regulations shall apply to subdivision layouts now on file in the Land Records; provided, however, that nothing herein shall be construed to interfere with vested rights existing prior to the effective date of these Regulations. Should the property included within said subdivision layouts be re-subdivided at any time in the future, said re-subdivision plans shall conform to these Regulations.

**303. Conflicting Standards:** Where these Regulations impose requirements for greater width or size of lots, or other open spaces, or a lower height of building, or fewer number of stories, or a greater percentage of lot area to be left unoccupied, or impose other and higher standards than are required in any other statute, bylaw, ordinance or regulation, the provisions of these Regulations shall govern. If the provisions of any other statute, bylaw, ordinance or regulation require a greater width or size of lots, or other open spaces or a greater percentage of lot area to be left unoccupied or impose other and higher standards than are required by these Regulations, the provisions of such statute, bylaw, ordinance or regulation shall govern.

### **Section 310. General Regulations**

The following regulations shall apply in all zoning districts:

#### **311. Buildings, Uses and Lots**

**311.1 Lot for Every Building:** Every building hereafter erected shall be located on a lot as defined herein, and except for Neighborhood Shopping Center Districts, there shall be no more than one principal building and its accessory structures located on any one lot.

**311.2 Subdivision of a Lot:** Where a lot is formed hereafter from part of a lot already occupied by a building or structure, such separation shall be effected in such manner as not to impair conformity with any of the requirements of these Regulations.

**311.3 Lot Width Required:** No part of any dwelling or other structure housing a principal use shall be erected on any part of a lot which is less width than the minimum required.

**311.4 Parts of Lot Not Counted Toward Minimum Area Requirements:** No part of any lot reserved for or used as a road, right-of-way or access way shall be counted as part of the required minimum lot area. Land subject to easements for above-ground utilities which forbid buildings or structures within the area of the easement shall not be included as part of

minimum lot area, nor shall any easement which grants exclusive surface use of the property to other than the owner, except drainage easements. Land under water, and soils defined as “very poorly drained” in the National Cooperative Soils Survey, as may be amended from time to time, of the Soil Conservation Service of the United States Department of Agriculture may be used to satisfy no more than twenty (20%) percent of the minimum lot area requirement. (Amended 7/1/86)

**311.5 New Building on Existing Lots:** A permit shall be issued for a permitted use on a lot which does not meet the minimum area or dimension requirements of these Regulations, provided such lot existed in separate ownership as of the effective date of these Regulations, or of any pertinent amendment thereof, and was so recorded on the Assessor’s Records or the Land Records of the Town; provided that the lot met the zoning requirements at the time the deed to the lot was recorded; provided that the owner of such lot did not and does not own other land contiguous thereto or directly across a road there-from at the time of the adoption of these Regulations, or subsequent thereto, (if this is the case, such other land or so much thereof as may be necessary, shall be combined with the first named lot in such manner as to produce one or more conforming lots); and, further provided that all setback and other requirements are complied with, in so far as possible, at the time of obtaining the zoning permit. (Amended 9/15/85)

## **Section 312. Building Projections**

**312.1 Obstructions in Lot Area:** No structures or projections from structures shall be permitted in any required lot area, except as follows:

- a. Architectural features, such as window sills, belt courses, chimneys, cornices, eaves, or bay windows, may project up to three (3) feet into any required lot area.
- b. Walls or fences, not exceeding six (6) feet in height measured above the adjoining finished grade, shall be permitted. Walls or fences greater than six (6) feet in height shall be permitted only if that portion of such wall or fence which exceeds six (6) feet is at least three-fourths (3/4) open construction. Walls and fences shall not be required to observe set-back distances except where they enclose or partially enclose a playing court. (Amended 5/1/82, 5/7/01).

**312.2 Terraces:** Terraces shall not be permitted to project into any portion of the minimum required front lot, nor into any other lot area to a point closer than 20 feet from any lot line.

**312.3 Porches:** No porch may project into any required lot area.

**312.4 Projecting Features Above the Roof Level:**

The height limitations of these Regulations shall not apply to antennas, flagpoles, church spires, belfries, cupolas, chimneys, or similar features, provided such are not used for human occupancy, provided they shall not extend more than 15 feet above roof level, and provided that the total area covered by such features shall not exceed 10% of the area of the roof upon which they are located.(Amended 5/1/89)

**312.5 Corner Lots:** On a corner lot, all buildings and structures shall be required to set back a minimum distance of 50 feet from each abutting road or lane, and 30 feet from any side or rear lot line.  
(Amended 3/1/92)

**312.6 Visibility at Intersections:** On a corner lot, no fence, wall, hedge, tree or other structure or planting shall be erected, placed or maintained in such a way as to obstruct traffic visibility across the triangular area formed by the two intersecting road right-of-way lines and a straight line connecting points along said right-of-way lines, which points are located 50 feet distant from the theoretical point of intersection of such lines measured along the lines. This provision shall not apply to existing trees, provided that no branches are closer than six (6) feet to the ground.

**312.7 Set back from Watercourses:** Except as otherwise provided in these Regulations, no building or structure shall be erected, constructed or reconstructed within fifty (50) feet from the average location of the edge of any watercourse, as determined by the Zoning Inspector. Existing buildings or structures which do not comply with this requirement shall be permitted to continue, but shall be deemed to be non-conforming within the meaning of Section 374 of these Regulations. Any alteration of a watercourse shall be in accordance with the requirements of Section 348.

**312.8 Exterior Lighting:** All exterior spot or flood lighting, including the lighting of signs, shall be of such type and location and shall have such shading as will prevent the source of the light from directly illuminating any adjacent property or road. Within Neighborhood Shopping Center Districts, lighting shall be extinguished within one hour of the closing of a business use, but in no case later than 10 o'clock p.m. except such illumination as may be permitted by the Commission for property protection and public security. In approving any special permit application, the Zoning Board of Appeals may further limit the hours of lighting.

## **Section 313. Walls and Fences**

### **313.1 Walls and Fences other than along a public way** (Amended 6/16/03)

**313.1a** Walls or fences not exceeding six (6) feet in height measured above the adjoining finished grade shall be permitted.  
For fences erected on walls or berms, the height of the wall or berm shall be included as part of the overall height.

**313.1b** Walls or fences greater than six (6) in height but not in excess of eight (8) feet in height shall be permitted provided that part of such wall or fence which exceeds six (6) feet in height is at least three fourths open construction.

Deer fencing of open mesh is permitted on top or behind a wall or fence provided the total height does not exceed ten (10) feet.

**313.1c** Walls or fences that enclose playing courts may exceed the eight (8) foot height restriction if they are three-fourths open construction for their entire height but in no event shall exceed an overall height of ten feet. Walls or fences that enclose playing courts shall observe setbacks.

### **313.2 Walls and Fences Along a Public Way** (Amended 6/16/03)

The construction, reconstruction, alteration or removal of any fence, wall or pillars hereunder shall require a Zoning Permit wherever such is within twenty (20) feet of the common property line with the public way and shall comply with the following:

- a. Zoning Permit to conduct the activity shall be obtained.
- b. Current survey map showing accurately where the proposed structure will be located (scale 1" to 20') and staking of property line as required by Town Engineer.
- c. The fence or wall shall not exceed four (4) feet in height measured from adjacent finished grade.
- d. Pillars shall be:
  1. spaced so as to provide an opening of twelve (12) feet clear of any obstruction including gates.
  2. set back a minimum of 10 feet from the property line.
  3. shall not be arched or connected by overhead structure.

4. shall not exceed six (6) feet in height exclusive of ornamentation or lighting which may extend an additional two (2) feet.
5. no pillar footprint dimension may extend beyond a four (4) foot diameter circle.

### **Section 320. District Regulations**

No building structure or premises shall be built, erected, altered, used, arranged or designed to be used for any purpose other than those specified in this Section. Only those uses specifically listed as being permitted shall be permitted. All new construction shall require a zoning permit in accordance with Section 410, and new or changed uses shall require a certificate of zoning compliance in accordance with Section 420.

### **321. Two Acre Residential and Farming District**

**321.1 Permitted Principal Uses:** All uses marked with an asterisk (\*) are subject to the Special Permit Approval procedure set forth in Section 330 of these Regulations, and shall conform to any additional or special requirements made in connection with such approval.

- a. Single-family dwelling, not to exceed one per lot.
- \*b. Public School
- \*c. Church or other place of worship, including parish house, Sunday school, convent or rectory; subject to Section 341.
- \*d. Town use, municipal recreational facility, fire house or police station.
- \*e. Public library, museum or art gallery not operated for profit, subject to Section 341.
- \*f. Private school having a comprehensive curriculum of studies comparable to that of a public school, subject to Section 341.
- \*g. Nursery school or day camp, subject to Section 341.
- \*h. Private recreational club use not operated for profit; owned and operated by an organization qualifying as non-profit under the rules of the U. S. Internal Revenue Service, and subject to Section 341.
- \*i. Riding Stables or academies, subject to Section 341 and 345.
- j. Farming, nursery gardening and truck gardening, provided that any greenhouse located on such property shall be at least 100' from any property line.
- \*k. Watershed facility or water supply facility.
- \*l. Public utility transmission lines.
- \*m. Public utility substation, subject to Section 346.
- n. Regrading or removal of earth material, subject to the written

approval of the Planning & Zoning Commission in accordance with Section 348

- \*o. Park, recreation, conservation or nature uses and/or facilities. Special permit approval under Section 330 required, unless said use or facility is created as part of an approved subdivision or re-subdivision by the Weston Planning & Zoning Commission.
- \*p. Drainage or water control facility. In cases where 321.1(o) and (p) are a common use and a Special Permit is required, only one Special Permit application is required.

**321.2 Permitted Accessory Uses:** All uses marked with an Asterisk (\*) are subject to the Special Permit approval procedure set forth in Section 330 of these Regulations and shall conform to any additional or special requirements made in connection with such approval.

- \*a. Home occupation, subject to Section 343. (Amended 5/1/89)
- b. The keeping of roomers or boarders, subject to Section 344.
- c. The incidental display and sale of farm and garden produce and nursery and greenhouse stock, raised on the premises by the owner of such premises, provided that the areas, facilities and intensity of use devoted to the sale of produce remain clearly incidental to the permitted principal use of the property. In no case shall the area devoted to the display and sale of such products exceed 400 square feet of ground and/or floor space. Such use shall also comply with the standards specified in Section 343 of these Regulations.
- \*d. One apartment is allowed within a dwelling if the following conditions are met:
  - (1) The apartment is located in a dwelling on a lot of two acres or more, or on a pre-existing non-conforming building lot
  - (2) The apartment is within the main dwelling and shall be designed so that, to the maximum extent possible, the appearance of the building remains that of a one-family residence. An outbuilding or auxiliary structure may not be connected to the main building and made into an apartment or, if already connected may not be used as an apartment.
  - (3) The apartment shall have safe and proper means of entrance and exit. In the case of a basement apartment there shall be at least two separated exits and proper ventilation shall be provided. (see Definitions)
  - (4) The floor space devoted to such apartment shall not exceed 25% of the entire floor area of the

dwelling, nor shall it be greater than 800 square feet in gross floor area, including interior access to the apartment.(Amended 7/1/89)

- (5) Prior to Planning & Zoning Commission approval, the local health authority must give approval that the dwelling including the apartment has sewage disposal capability, septic reserve area and potable water availability in conformance with its current standards.
- (6) The owner (someone who owns not less than one-quarter (1/4) interest in the lot) of the residence in which the accessory apartment is created shall occupy the main section of the house or the apartment except for bonafide temporary absences. In no case shall the house and the apartment be rented simultaneously.
- (7) The application shall include an accurate description of the facts of the proposed facility as required by the Commission. The Commission may require the applicant to supply architectural drawings, surveyors maps or engineering data and such other information as the Commission finds necessary to ensure that the application complies with all applicable regulations.
- (8) The requirements of Section 330 through 336 and 360 through 368.3 shall be satisfied.
- (9) When a dwelling which contains an approved accessory apartment is sold, the Special Permit allowing the apartment shall be reconfirmed between 180 days prior to the sale and 60 days after the sale. The reconfirmation the Special Permit shall determine that the apartment conforms to the area specifications of the original approval and that currently prevailing health and safety requirements for apartments are being met. In the absence of such reconfirmation the Special Permit shall become void.
- (10) When the owner of a dwelling which contains an approved 600 square foot or less accessory apartment wishes to expand the apartment up to 800 square feet, septic approval from the Westport-Weston Health District and plan drawings with exact measurements shall be submitted to the Planning & Zoning Commission for approval (Amended 7/1/89)

- e. Signs, as permitted by Section 350.
- f. Playhouse, garden house, tool house, swimming pool, tennis, paddle and other such playing courts, subject to Sec. 347, or other accessory use customarily incident to the residential use of the premises and not operated for profit.
- g. Off-street parking facilities for the use of the occupants of the premises and their guests, as required by Section 360, but only one truck or other commercial vehicle shall be parked on the lot and provided such vehicle is garaged or otherwise screened and hidden from view of adjoining properties, and except for registered farm vehicles.
- \*h. Antennas (as defined in Sec. 610) for legitimate amateur radio facilities shall not be restricted as long as public safety considerations are observed. Antennas shall only be installed on legal building lots. The antenna location on the site shall be such as to accommodate a setback from all lot property lines equal to the maximum height of the antenna and all its appendages, but not less than minimum lot line set backs specified in these Regulations. (Amended 5/1/89)

**321.3 Minimum Lot Area:** Two Acres

**321.4 Minimum Lot Dimensions:** The shape of each lot shall be such that a rectangle 170 feet by 200 feet can be contained within its horizontal boundaries. No part of any dwelling or principal building shall be erected at a point where the lot width is less than 170 feet. Each lot shall have frontage on a road or highway, as defined herein, of at least 170 feet, except as follows:

- a. Where a lot fronts on a permanent turnaround no frontage of less than 50 feet shall be permitted.
- b. One lot with a minimum frontage of 25 feet, or two adjacent lots each with a minimum frontage of 25 feet, shall be permitted between any two other lots each with a minimum 170 feet of road frontage.
- c. Access to two lots which would otherwise be served by adjacent 25 foot wide access ways may be served by a common private right-of-way which is a minimum of 30 feet in width and has at least 30 feet of road frontage, where access is provided in the form of a joint travel path at least 16 feet in width and centered on the common property line. Acreage involved in the 30 foot common right-of-way may not be counted as acreage toward the minimum lot dimension.

- d. Split Lots: A parcel or tract of land that is divided by a public or private road, a Major Watercourse, a public or private easement restricting development (other than a utility easement or a right of way) does not meet the Minimum Lot Area Requirements unless it contains at least two (2) contiguous acres of land. For purposes of this regulation, land is not contiguous if a public or private road, a Major Watercourse, a public or private easement restricting development, or a right of way divides it. This contiguity requirement applies even if the public or private road, Major Watercourse, public or private easement restricting development, or right of way and the parcel or tracts of land are in the same ownership. Construction on a lot that is subject to this section of the Minimum Area Requirement Regulation must take place on that section of the lot that contains the two contiguous acres of property. This regulation does not apply to passageways that serve as a second access to a parcel or tract of land and are dedicated exclusively to emergency access. For purposes of this Section, “Major Watercourse” shall mean the Saugatuck River, the Aspetuck River, the West Branch of the Saugatuck, and any non-seasonal branch or tributary thereof being more than two (2) feet wide at any point within the subject lot. (see CGS Section 8.26a) (Amended 5/18/06)
  
- e. Odd-Shaped Lots: A Lot may not measure less than seventy-five (75) in width or depth at any point except where the measurement of the width or depth of the Lot at such point multiplied by three (3) is equal to or greater than the distance from such point to the point where the Lot boundary lines form a figure closed on three sides measured along a line running through the center of such portion of the Lot. An Access Way otherwise in compliance with these regulations shall not be a violation of this subsection. For example, a Lot which narrows to fifty (50) feet at a given point must become a closed geometric figure within one hundred and fifty (150) feet of such point (*See Illustration #1*). A Lot which narrows to thirty (30) feet at a given point must become a closed geometric figure within ninety (90) feet of such point (*See Illustration #2*). (Amended 5/04/06)

**321.5 Minimum Set Back Requirements:** All buildings and structures shall be required to set back a minimum distance of 50 feet from the front lot line and 30 feet from any side or rear lot line. In the case of a flag lot, all setbacks will be 30 feet. (Amended 3/1/92)

**321.6 Maximum Building Coverage:** The land area covered by all principal and accessory buildings shall not be permitted to exceed 15% of the total lot area.

**321.7 Maximum Building Height:** No building or structure shall be permitted to exceed a height of 35 feet . (Amended 3/1/92)

## **322. Neighborhood Shopping Center District**

**Preamble** This district shall provide the People of Weston with needed and desirable convenience goods and services in a manner which will not be detrimental to the surrounding residential areas. The uses permitted in this district shall be limited to those which will primarily serve the residents of Weston and are consistent with the purposes for which the district was designed. (Amended 1/18/07)

### **322.1 Permitted Principal Uses**

- a. Stores and Shops for the conduct of retail sales and personal service uses of a local convenience character.
- b. Banks, business, professional, and civic offices.
- c. Restaurants and other food service establishments where customers are served only when seated within an enclosed building. Such uses, however, may include a food take-out service incidental to the primary permitted use.
- d. Automotive service stations, as defined in Section 610, provided that any such station is located in a place approved by the Commission as not interfering with the normal operation of the balance of the Neighborhood Shopping Center District development, or the movement of pedestrian and vehicular traffic there-to and there from.

### **322.2 Permitted Accessory Uses**

- a. Parking and loading space for motor vehicles, in accordance with the requirements of Section 360.
- b. Business signs, in accordance with the requirements of Section 350.
- c. Exterior lighting, in accordance with the requirements of Section 312.8
- d. Any other use clearly and customarily incident to a permitted principal use.

### **322.3 Limitation on Uses**

- a. The maximum square footage of any single building shall not exceed 8000 square feet, regardless of its use. Calculation of such square footage shall include, but not be limited to: all floors, attics, basements, cellars, exterior areas enclosed by walls, fences and for hedges, and areas devoted to utilities. (Amended 12/07/06)
- b. There shall be no exterior storage of articles for sale, or of other materials or equipment, except for a small amount of materials and equipment placed at the gasoline pump, and solely for convenience in serving customers.

### **322.4 Lot Dimensions**

- a. Minimum Lot Area – 5 acres.
- b. Minimum Width of Lot – 300 feet.
- c. Minimum Depth of Lot – 300 feet.
- d. Minimum Road Frontage – 300 feet.
- e. Minimum Setback, Front Lot – 100 feet.
- f. Minimum Setback, Side Lot – None, except where such lot abuts a residence, district or a road, in which case the setback shall be at least 100 feet.
- g. Minimum Setback, Rear Lot – 100 feet.
- h. Minimum Setback for Off-Street parking and Loading Areas – fifty (50) feet where adjoining a lot in a residence district; ten (10) feet where adjoining a street, except where a wider buffer planting is required by Section 322.7; ten (10) feet where adjoining a building in the case of unenclosed off-street parking areas intended for the customer use.

**322.5 Maximum Building Height** Two stories – 30 feet.

### **322.6 Maximum Building Coverage:**

Maximum coverage of buildings, structures and paved areas shall not exceed 15% of the lot area.

### **322.7 Landscaping**

- a. Where a lot abuts or is directly across a minor road, as defined in the Town Plan of Development, from a residence district, a twenty-five (25) foot wide buffer strip shall be planted and permanently maintained with evergreen landscaping of a type, height and spacing approved by the Commission as being adequate to effectively screen the view of such

development from a person standing at ground level on the residentially zoned property.

b. All other portions of a lot not covered by buildings, structures, off-street parking and loading spaces, sidewalks, or similar improvements, shall be landscaped and permanently maintained with trees and/or other plantings of such type, height and location as may be necessary to harmoniously blend the business area in with the rural residential character of the Town as a whole. Areas may be permitted to remain in their natural state when approved as appropriate with the above objective by the Commission.

**322.8 Approval of Site Plans** (Amended 5/31/07)

- a. Before the issuance of a zoning permit, a detailed “Plan of Development” shall be submitted by the applicant to, and approved by the Commission, and no development shall be carried out, or certificate of zoning compliance issued, except in conformance with such approved plan or a similarly approved revision of such plan.
- b. The Plan of Development shall include, with respect to all existing and proposed development, (i) a survey meeting the Minimum Detail Standard Requirements for ALTA/ACSM land title surveys, and including all optional survey responsibilities and specifications as promulgated by the American Land Title Association then in effect, including, without limitation, parking data (ii) a floor plan showing the basic subdivision of buildings, all entrances, exits and loading and service areas, (iii) elevation drawings of all sides of the building, with finish materials and colors indicated, (iv) samples of all finish materials to be used on the exterior of any building, (v) a lighting plan showing the location, direction, power and timing of all exterior lighting and illuminated signage, (vi) a roof plan showing all mechanical equipment, vents, hatches, skylights, etc., and the type and extent of screening to be provided, and (vii) a list of all existing and proposed tenants, the permitted uses under each lease, and the number of square feet occupied by each such tenant.
- c. In acting upon such Plan of Development, the Commission shall determine that the requirements of the Zoning Regulations are met, and that the Plan of Development is such that the architectural design, scale and mass of buildings and other structures, including the exterior building material, color, roof line and building elevations shall harmonize and be compatible with the residential nature of the community, to protect property values in the neighborhood, and to preserve the appearance and beauty of the community. The Commission shall attach such conditions to its approval as may be

necessary to assure initial and continued compliance with these and other above-specified requirements.

- d. The Commission shall act to approve or disapprove such Plan of Development within sixty (60) days of the date it is received, and failure to act within such time limit shall constitute approval of the Plan except to the extent such period may be extended pursuant to the statute.

### **Section 330. Special Permit Approval**

#### **331. General Provisions**

Those uses identified in these Regulations as requiring special permits shall be deemed to be permitted uses, subject to the satisfaction of the requirements and standards set forth in this section, in addition to all other requirements of these Regulations. All such uses are declared to possess characteristics of such unique and distinct form that each specific use shall be considered as an individual case.

#### **332. Application for a Special Permit**

Application for a required special permit shall be made to the Planning & Zoning Commission. Said application shall be accompanied by four (4) black & white prints of the proposed plan as required by Section 333, and stamped envelopes with no return address, addressed to each of the owners of property within 250 feet of any portion of the lot on which the proposed special permit is located; such owners to be as shown in the latest real estate lists of the Town of Weston (or the actual owners of record if otherwise known to the applicant).

Each such application shall be submitted to the Planning & Zoning Commission which shall hold a Public Hearing thereon and render a decision in accordance with Sec. 8-26d and Sec. 8-26e of the State Statutes. The Planning & Zoning Commission may approve the application and issue a special permit provided it finds that all of the following conditions and standards have been met. (Amended 2/1/84; 10/30/86)

**332.1** The proposed use will serve a community need or convenience.

**332.2** The location and size of the use, the nature and intensity of the operations involved in or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to streets giving access to it, are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.

**332.3** The location, nature and height of building structures, walls and fences and the nature and extent of landscaping, screen plantings and exterior

illumination on the site, are such that the use will not hinder or discourage the appropriate use and development of adjacent land and buildings, or impair the value thereof.

**332.4** Operations in connection with any such special permit use will not be more objectionable to nearby properties by reason of noise, fumes, vibration, or other characteristics, than would be the operation of any permitted use not requiring a special permit.

**332.5** Parking areas will be of adequate size for the particular use, and shall be properly located and suitably screened with evergreen planting, walls or fences, or combination thereof, as determined necessary by the Planning & Zoning Commission, and the entrance and exit drives shall be designed so as to minimize traffic hazards. (Amended 2/1/84)

**332.6** In those cases where it is proposed to convert a building or structure originally built and designed for other purposes, the Planning & Zoning Commission shall determine whether or not such building is adaptable to the proposed use from the point of view of public health and safety, and if it meets the other requirements of these Regulations. (Amended 2/1/84)

**332.7** The regulations governing Special Permits shall not be subject to Variance By the Zoning Board of Appeals. (Amended 10/30/86)

**333. Required Plan**

A plan for the proposed development of a lot for a special permit use shall be submitted with the special permit application. The plan shall show the location of all buildings, uses, parking areas, traffic access and circulation drives, open spaces, landscaping, topography (including regraded contours), signs, exterior lighting, special features, and any other pertinent information, including information about neighboring properties, deemed necessary by the Planning & Zoning Commission, to determine and provide for the proper enforcement of these Regulations. (Amended 2/1/84)

**334. Conditions**

The Planning & Zoning Commission shall attach such conditions to any approved use as are, in its opinion, necessary to assure initial and continued conformance to all applicable standards and requirements and in accordance with law. (Amended 2/1/84)

**335. Action Following Approval**

Within fifteen (15) days of the approval of a special permit use, the Planning & Zoning commission shall file with the Building Inspector and Zoning Enforcement Officer one print of the approved plans, with the approval noted thereon, and a copy of the Commission's resolution, including a list of any conditions pertaining to the approval. One print of said plan and the resolution

shall be made available to the applicant. (Amended 2/1/84)

**336. Expiration of Special Permit**

A special permit shall be deemed to authorize only the particular use or uses specified in the permit. It shall expire if said use or uses shall cease for more than one year for any reason, or if all required improvements are not completed within one year from date of issue, or if all such required improvements are not maintained and all conditions and standards complied with throughout the duration of the use.

**Section. 340. Additional Standards and Requirements**

**Sec. 341. Church, or Other Place of Worship, Public Library, Museum, Art Gallery, Private School, Private Recreation Club, Nursery School, Day Camp or Riding Stables and Academies.**

**341.1 Church, Temple or Place of Worship**

**A. Location:** All such uses shall be permitted only on a minimum lot area of three (3) acres and only in locations fronting on or having direct, safe and convenient access to, a major or collector road as determined by the Planning & Zoning Commission and shown on the Town Plan of Development map.

**B. Coverage:** A minimum rectangle shall be contained within the lot of 300 feet by 300 feet. Minimum road frontage shall be 200 feet and there shall be dual access to the public road. Building coverage shall not exceed 10% of the site area nor shall the sum total land covered with buildings and parking (including driveways) be permitted to exceed 30% of the site area.

**C. Setbacks and Parking:** Minimum setback of all principle structures shall be 100 feet from the front line, sidelines and back lot line. Minimum parking setback for structures, land uses or facilities shall be 100 feet from the front line and 50 feet from the side lines and back lot line. Minimum required parking space shall be one (1) per each (5) seats.

**D. Buffer Zone:** A buffer area shall be required along all lot lines of at least 50 feet in depth and contain evergreen planting of such type, height, spacing and arrangement as will screen the activity on the lot from adjacent properties. A wall or fence of location, height, design and materials approved by the Commission as providing equivalent screening may be substituted for all or part of the required planting. (Amended 2/1/84)

**E. Additional Requirements:** Maximum intensity of use and/or

membership limit shall be as limited by the Fire Marshal. Maximum structure height shall be 35 feet, 2 ½ stories. Sale of products or materials shall be restricted to only those products or materials which are customarily incidental to the principal use as determined by Special Permit. Dwelling use on the same lot is permitted but an additional two acres shall be required for the dwelling and all requirements for the dwelling and lot must meet the Zoning Regulations.

**F. Established Houses of Worship:** Notwithstanding any terms of subsection (c) to the contrary, for churches, temples and places of worship established prior to August 1, 2007, the minimum setback of all structures shall be 50 to 100 feet from the front lot line and 30 to 100 feet from the side lot lines and the back lot line, as determined in the Commission's discretion. A buffer area within the approved setback area containing plantings and/or a wall or fence shall be established and maintained by the applicant. The location and size of the buffer is subject to prior review and approval by the Commission. (Amended 7/26/07)

**341.2 Recreational or Social Structures, Land Uses or Facilities or Fire Houses on Land Not Owned by the Town of Weston.** (Amended 6/12/08)

- A. Location:** All such uses shall be permitted only on a minimum lot area of three (3) acres and only in locations fronting on, or having direct, safe and convenient access to a major or collector road as determined by the Planning and Zoning Commission and shown on the Town Plan of Development map.
- B. Coverage:** A minimum rectangle shall be contained within the lot of 170 feet by 200 feet. Minimum road frontage shall be 200 feet and there shall be dual access to the public road. Building coverage shall not exceed 10% of the site area nor shall the sum total of land covered with buildings, and parking(including driveways) be permitted to exceed 30% of the site area.
- C. Setbacks and Parking:** Minimum setback of all principal facilities and structures shall be 100 feet from the front line, side-lines and back lot line. Minimum setback of land use shall be 50 feet from the frontline, sidelines and back lot line. Minimum parking setback from structures, land uses or facilities shall be 100 feet from the front line and 50 feet from the sidelines and back lot line.

Minimum required parking space shall be as specified by Special permit except in the case of performing arts type organizations, the minimum required parking space shall be one (1) space per each three (3) seats.

**D. Buffer Area:** A buffer area shall be required along all lot lines of at least 50 feet in depth and contain evergreen planting of such type, height, spacing and arrangements as will screen the activity on the lot from neighboring areas. A wall or fence of location, height, design and materials approved by the Commission as providing equivalent screening, may be substituted for all or part of the required planting.

**E. Additional Requirements:** Maximum intensity of use and/or membership limit shall be as specified by Special Permit. Maximum structure height shall be 30 feet. Sale of products or materials shall be restricted to only those products or materials which are customarily incidental to the principal use as determined by Special Permit. Dwelling use on the same lot is prohibited.

**F.** Notwithstanding anything in this section to the contrary, construction, replacement or maintenance of public roads and bridges shall not require a zoning permit. (Amended 10/18/07)

### **341.3 Private Day School**

**A. Location:** All such uses shall be permitted only on a minimum lot area of (2) acres and only in locations fronting on, or having direct and convenient access to a major or collector road as determined by the Planning & Zoning Commission and shown on the Town Plan of Development map.

**B. Coverage:** A minimum rectangle shall be contained within the lot of 170 feet by 200 feet. Minimum road frontage shall be 200 feet and there shall be dual access to the public road. Building coverage shall not exceed 10% of the site area nor shall the sum total of land covered with buildings and parking (including driveways) be permitted to exceed 30% of the site area.

**C. Setbacks and Parking:** Minimum setback of all principal structures, equipment and facilities shall be 100 feet from the frontline, sidelines and back lot line. Minimum parking set back shall be 100 feet from the frontline and 100 feet from the side lines and back lot line. Minimum required parking space shall be one (1) per teacher or employee plus one (1) each per six (6) students.

**D. Buffer Area:** A buffer area shall be required along all lot lines of at least 50 feet in depth. Within the buffer area there shall be evergreen planting of such type, height, spacing and arrangement as will screen the activity on the lot from the neighboring areas. A wall or fence of location, height, design and materials approved by the Commission as providing equivalent screening, may be substituted for all or part of the required planting.

**E. Additional Requirements:** Maximum intensity of use and/or membership

limit shall be restricted to eight (8) students per acre. Maximum building height shall be 35 feet, 2 ½ stories. Sale of products or materials shall be restricted to only those products or materials which are customarily incidental to the principal use as determined by Special Permit. Dwelling use on the same property is permitted but an additional two acres shall be required for the dwelling and the dwelling and lot must meet all requirements of the zoning regulations.

#### **341.4 Private Club**

**A. Location:** All such uses shall be permitted only on a minimum lot area of three (3) acres and only in locations fronting on, or having direct and convenient access to a major or collector road as determined by the Planning and Zoning Commission and shown on the Town Plan of Development Map.

**B. Coverage:** A minimum rectangle shall be contained within the lot of 170 feet by 200 feet. Minimum road frontage shall be 200 feet and there shall be dual access to the public road. Building coverage shall not exceed 10% of the site area nor shall the sum total of land covered with buildings and parking (including driveways) be permitted to exceed 30% of the site area.

**C. Setbacks and Parking:** Minimum setback of all principal structures shall be 100 feet from the front-line, sidelines and back lot line. Minimum parking setback for structures, land uses of facilities shall be 100 feet from the front line and 50 feet from the sidelines and back lot line. Minimum required parking space shall be one (1) per membership except in the case of performing arts type organizations where the minimum required parking space shall be one (1) per each three (3) seats.

**D. Buffer Area:** A buffer area shall be required along all lot lines of at least 50 feet in depth and contain evergreen planting of such type, height, spacing and arrangement as will screen the activity on the lot from neighboring areas. A wall or fence of location, height, design and materials approved by the Commission as providing equivalent screening may be substituted for all or part of the required planting. (Amended 2/1/84)

**E. Additional Requirements:** Maximum intensity of use and/or membership limit shall be as specified by Special Permit. Maximum building height shall be 30 feet. Sale of products or materials shall be restricted to only those products or materials which are customarily incidental to the principal use as determined by Special Permit. Dwelling use on the same property is permitted but additional two acres shall be required for the dwelling and all requirements for the dwelling and lot shall meet the zoning regulations.

#### **341.5 Licensed Nursery School or Day Care Center**

**A. Location:** All such uses shall be permitted only on a minimum lot area of two (2) acres and only in locations fronting on, or having direct and convenient access to a major or collector road as determined by the Planning and Zoning Commission and shown on the Town Plan of Development map. Dwelling use on the same property is permitted by an additional two acres shall be required for the dwelling. The dwelling and lot must meet all the requirements of the Zoning Regulations.

**B. Coverage:** A minimum rectangle shall be contained within the lot of 170 feet by 200 feet. Minimum road frontage shall be 170 feet or 50 feet on a turnaround or 25 feet on a flag lot. Building coverage shall not exceed 15% of the site area nor shall the sum total of land covered with buildings and parking (including driveways) be permitted to exceed 30% of the site area. Single access driveway shall be permitted.

**C. Setbacks and Parking:** Minimum setback of all principal structures, equipment and facilities and land uses shall be 100 feet on the front line, sidelines and back lot lines. Minimum parking setback shall be 100 feet from the front line 100 feet from the side lines and back lot line. Minimum required parking space shall be one (1) space per teacher or employee.

**D. Buffer Area:** A buffer area shall be required along all lot lines of at least 30 feet in depth and contain evergreen planting of such type, height, spacing and arrangement as will screen the activity, equipment and facilities. A wall or fence of location, height, design and materials approved by the Commission as providing equivalent screening, may be substituted for all or part of the required planting. (Amended 2/1/84)

**E. Additional Requirements:** Maximum intensity of use and/or membership limit shall be eight (8) students per acre. Maximum building height shall be 35 feet, 2 ½ stories. Sale of products or materials shall be restricted to only those products or materials which are customarily incidental to the principal use as determined by Special Permit. Dwelling use on the same lot is permitted. If such use is conducted within the dwelling or in a non-dwelling, requirements set forth by the State Health Department shall be met. (Amended 8/18/04)

### **341.6 Riding Stable or Academy**

- A. Location:** All such uses shall be permitted only on a minimum lot area of five (5) acres and only in locations fronting on, or having direct and convenient access to a major or collector road as determined by the Planning and Zoning Commission and shown on the Town Plan of Development Map.
- B. Coverage:** A minimum rectangle shall be contained within the lot of 300 feet by 300 feet. Minimum road frontage shall be 200 feet and there shall be dual access to the public road. Building coverage shall not exceed 10% of the site area nor shall the sum total of land covered with buildings and parking (including driveways) be permitted to exceed 30% of the site area.
- C. The Setbacks and Parking:** No structure, riding ring, corral, manure pit used for or in conjunction with the operation, shall be located in a manner that any part thereof shall be less than 150 feet from the nearest line of any road, street or highway abutting the property or any side and rear boundary line. Minimum parking setback shall be 150 feet from the front line and 150 feet from the side lines and back lot line. Minimum required parking space shall be as by Special Permit for the event but with a minimum of two (2) parking spaces per horse. A parking plan shall be required showing the location and dimensions of proposed parking area, the type of surface to be used, provisions for storm drainage and other improvements to limit water run-off, the location of the access road or roads. The provisions for traffic control, parking and handling of large horse vans during the conduct of horse shows shall be made by the applicant.
- D. Buffer Area:** A buffer area shall be required along all lot lines of at least 50 feet in depth and contain evergreen planting of such type, height, spacing and arrangement as will screen activity on the lot from neighboring areas. A wall or fence of location, height, design and materials approved by the Commission as providing equivalent screening may be substituted for all or part of the required planting. (Amended 2/1/84)
- E. Additional Requirements:** Maximum intensity of use and/or membership limit shall be restricted to four horses per acre. Maximum building height shall be 30 feet. Sale of products or materials shall be restricted to only those products or materials which are customarily incidental to the principal use as determined by Special Permit. Dwelling use on the same property is permitted, but an additional two acres shall be required for the dwelling and all requirements for the dwelling and lot must meet the zoning regulations. No horse shall be housed in any part of a building used as a residence. The use of temporary buildings or trailers for the stabling of horses in excess of fifteen days is prohibited. There shall be no storage or supplies outside of permanent buildings. Stable manure must not create a health hazard from an air and water pollution standpoint to the community in general or the persons

inhabiting or using the surrounding acreage and therefore the stabling of horses shall conform to all regulations of local and State Health Authorities. Adequate fencing must be installed and maintained to reasonably contain the horses within the property. The use of public address systems, the conduct of the instruction of riders, training of horses and the spectator participation in competitions should be modulated and continuously controlled in order to avoid becoming a nuisance to surrounding neighbors.

**341.7 Municipal Uses on Lots owned by The Town of Weston** (Amended 1/17/08)

**A. Applicability:** This Section 341.7 shall apply to uses engaged in by the Town other than:

1. uses in which the Town is engaged on a particular Lot as of the effective date of this Section provided that no intensification of such pre-existing uses shall be permitted except in conformity with this Section.
2. ordinary maintenance and repair of pre-existing structures. provided that no intensification of any pre-existing non-conformity shall be permitted except in conformity with this Section;
3. rental of single-family dwellings for income, limited to one dwelling per Lot and otherwise in conformity with these Regulations;
4. construction, maintenance, improvement and replacement of roads, bridges, or drainage facilities except insofar as such work is otherwise required in connection with an application submitted under this Section.

**B. Location:** All Town uses shall be permitted only on a minimum lot area of three (3) acres and only in locations fronting on, or having direct, safe and convenient access to a major or collector road as determined by the Planning and Zoning Commission and shown on the Town Plan of Development map.

**C. Coverage:** A minimum rectangle of 170 feet by 200 feet shall be contained within the lot. Minimum road frontage shall be 200 feet and there shall be dual access to the public road. Building coverage shall not exceed 20% of the site area nor shall the sum total of land covered with buildings, and parking (including driveways) be permitted to exceed 30% of the site area.

**D. Setbacks:** Minimum setback for all structures shall be 100 feet from the Front line, sidelines and back lot line. Minimum setback for any land use shall be 50 feet from the frontline, sidelines and back lot line. Minimum setback for parking shall be 100 feet from the front line and 50 feet from the sidelines and back lot line.

- E. Buffer Area: A buffer area shall be required along all lot lines of at least 50 feet in depth and contain evergreen planting of such type, height spacing and arrangements as will screen the activity on the lot from neighboring areas. A wall or fence of location, height, design and materials approved by the Commission as providing equivalent screening, may be substituted for all or part of the required planting.
- F. Height: Maximum Building Height shall be thirty-five (35) feet.
- G. Waiver: The Commission may, in its discretion, waive any one or more of the requirements described in subsections B-F above or of Sections 332.2, 332.3, 332.4 and 332.6 where necessary in the interest of public health, safety or welfare.
- H. No Expiration of Approved Permit: With the exception of the first sentence, of Section 336, shall not apply to any permit approved pursuant to this Section.
- I. Mixed-Use; Multiple-Family Dwellings: The use of any structure as a Dwelling on the same Lot as another use shall be prohibited other than overnight accommodations for emergency service personnel. Except to the extent affirmatively required (and not merely permitted) by state law, the Town shall not engage in the ownership, construction, or operation of multi-family dwelling units other than overnight accommodations for emergency service personnel.

**Section 342. Display and Sale of Farm Produce and Nursery and Greenhouse Stock**

The display and sale of farm and garden produce, and nursery and greenhouse stock shall be permitted from the premises only when the following conditions, in addition to any and all other requirements and conditions of these Regulations are complied with:

- 342.1** The premises upon which such use is maintained shall be at least four (4) acres in area.
- 342.2** No stock shall be maintained or permitted on the premises except that grown or growing on the site, except that incidental storage of additional stock for related landscaping purposes is permitted.
- 342.3** No structure or covered stand shall be utilized for such sale.
- 342.4** No more than one commercial vehicle shall be used in connection with such display or sale, and such vehicle shall be garaged or otherwise screened and hidden from view of adjoining properties when not in use.
- 342.5** A detailed plan for the parking area or areas shall be submitted to and approved by the Planning and Zoning Commission in accordance with procedures set forth in Section 368, as being of adequate size for the particular use, suitably screened with

evergreen planting, walls or fences, or combinations thereof, and with entrance and exit drives designed so as to minimize traffic hazards.

**342.6** Signs shall be limited to two (2) of no more than four (4) square feet in area each.

**342.7** There shall not be more than three (3) employees whether part or full time.

### **Section 343. Home Occupation**

Customary home occupations, artistic and professional pursuits (not including those accessory uses regulated under Section 341 and 342) shall be allowed as accessory uses of the principal dwelling only if they meet the following conditions:

**343.1:** Such accessory use(s) shall be clearly subordinate to the residential use of the property and shall not impair the residential character of the premises or the neighborhood.

**343.2:** Such accessory use(s) shall in all cases be pursued by the owner/occupant(s) in the dwelling where he/she is domiciled or by a member of his/her family who is domiciled in the dwelling in which the owner/occupant is domiciled. (Owner is someone who owns not less than one-quarter (1/4) interest in the property.)

**343.3:** Where more than one (1) non-occupant of the dwelling is working in the home occupation on the premises (whether part or full time), the owner-occupant shall be required to obtain a Special Permit. There shall in no case be more than two (2) non-occupants of the dwelling on the premises working in the home occupation(s) (whether part or full time), (i.e., only (1) special permit for a home occupation shall be granted for a dwelling).

**343.4:** Such accessory use shall not exceed 1500 square feet or one half the total floor area of the principal dwelling, whichever is less (Amended 7/16/01). No permanent dedication of the residential structure to non-residential uses shall result from such accessory use(s). No significant alteration of or addition to a structure designed and built originally for other uses shall be allowed for a home occupation without a special permit. (Amended 10/15/01)

**343.5:** There shall be no storage of materials or other evidence of the accessory use outside the residence, except for one sign, as permitted under Section 350.2.

- a. The traffic impact of such accessory use shall not alter the existing residential character of the neighborhood. Parking area (s) shall be subject to the review and approval of the Planning and Zoning Commission, in accordance with the procedures set forth in Section 368 as being of adequate size for the particular use, suitably screened

throughout the year with evergreen planting, walls or fences, or combinations thereof, properly designed to avoid any sanitation or drainage problems, and with entrance and exit drives designed so as to minimize traffic hazards.

- b. No noise, odor, vibration, illumination, pollution, unsightly or unsanitary condition caused by such accessory use shall be noticeable beyond the property boundary, nor shall the use create interference with radio or television reception in the vicinity.
- c. Only one (1) commercial vehicle not to exceed 9,000 pounds gross vehicle weight, shall be used in connection with any such accessory use. Such commercial vehicle shall be garaged or otherwise screened and hidden from view of the road(s) and adjoining properties when not in use.

**343.6** All products sold on the premises shall be made on the premises, except for the sale of items which are incidental to the provision of a permitted service.

**343.7** There shall be no mechanical or structural fabrication or assembly of any products or items (other than art works or cabinetry), except that which is incidental to the provision of a permitted service.

**343.8** When instruction is offered in the home where there are to be more than four (4) students on the premises at any one time, a special permit shall be required.

**343.9** The requirements of Sections 330 through 336 and 360 through 368.3 shall be satisfied. (Amended 5/1/89)

**344. Keeping of Roomers or Boarders**

The keeping of roomers or boarders shall be permitted subject to the following conditions:

**344.1.** No more than three (3) roomers or boarders may be accommodated on any lot.

**344.2** The leasing of rooms and taking of boarders may be conducted only by owner occupants.

**344.3** Roomers and boarders must be accommodated within the principal dwelling and shall not be provided with separate cooking facilities.

**344.4** Nothing in this section shall be construed to permit tourist cabins, trailer camps, apartments, hotels, inns, taverns or roadhouses.

### **346. Public Utility Substations**

Public utility substations shall be so designed, enclosed and painted, and so screened with evergreens, as to harmoniously relate with adjoining residential properties, the entire premises upon which such use is situated shall be suitably landscaped and maintained in reasonable conformity with the standards of property maintenance of the neighborhood in which it is located.

### **347. Swimming Pools and Playing Courts**

All swimming pools, tennis, paddle and other such playing courts shall be considered structures and shall be set back from property lines at least the minimum distance required for main buildings.

Before any building permit shall be issued for the construction of a swimming pool, the applicant for said permit shall obtain a certificate of approval from the Town Health Officer as to the location, construction, drainage, filtering and water purifying provisions for said swimming pool.

### **348. Land Filling, Regrading, Blasting, Excavation and/or Removal and Processing of Earth** (Amended 10/15/01)

Because of the potentially adverse and irreversible consequences affecting the health and safety of the residents, land filling, re-grading, blasting, excavation and/or removal of earth material, including sand, gravel, rock, topsoil or any other material, is prohibited unless a permit has been obtained as provided in the following sections.

**348.1a** Land filling, regrading, excavation and/or removal of earth material is permitted in accordance with plans for the same that have been approved by the Planning & Zoning Commission, covering the roads, lots and other improvements in a subdivision or any other permitted use. Any excavation or filling beyond the limits shown in the approved plans of the Planning & Zoning Commission's action shall require an administrative permit as outlined in Section 348.4.

**348.1b** Disposal of debris, which is naturally degradable, from lot development of lots in an approved subdivision, may be buried and covered under the supervision of the Town Engineer in sites specified in the subdivision approval and shown on the subdivision mylar or the approved site specific plan for the lot. Topsoil, rock, sand and gravel from the lot development in an approved subdivision may be stored at a site within the subdivision, such site specified in the subdivision approval and shown on the subdivision mylar. (Amended 12/9/91 eff.1/1/92)

**348.2** When land filling, regrading, excavation and/or removal of earth material is deemed a "regulated activity" under the "Ordinance Concerning the Regulation of Inland Wetlands Watercourses in the Town of Weston," such activity is allowed

only when a permit has been obtained for such “regulated activity” from the Inland-Wetland Regulatory Agency of the Town of Weston, and such activity is specified in the permit.

**348.3** Land filling, regrading, excavation and/or removal of earth material is allowed only when in connection with and clearly essential to the construction or alteration of a building on the same premises, and a building, zoning or health permit has been issued for such construction or alteration, and such work is specified in said permit. Land filling, re-grading, excavation and/or removal of earth material in connection with the construction of a swimming pool or playing court, or other special appurtenances to the use of land or the relocation of utility lines or services is allowed only when a zoning permit has been issued and such activity is specified in said permit.

**348.4** In cases where a permit allowing land filling, regrading, excavation, or removal of earth material has not been issued, pursuant to Section 348.1 or Section 348.3 of these Regulations, an administrative permit for such activity may be issued by the Zoning Enforcement Officer provided that:

- a. The proposed activity shall not impact drainage on or from the property, or increase water flow on to neighboring properties; and
- b. The proposed activity shall not negatively impact aquifers and shall not degrade the character or natural beauty of the land.

The following conditions shall apply to any permit issued for any activity pursuant to this 348.5

- a. If blasting is required, the following conditions must be met and shall be in accordance with Section 348.6 Blasting.
- b. Suitable sedimentation and erosion control measures shall be employed, and the Town Engineer shall have the authority to inspect, determine, specify and require installation of additional sedimentation and erosion control measures.
- c. Any materials which may negatively impact the health and safety of the residents or degrade the environment shall be moved from the site, as shall be determined by the Town Engineer.
- d. When the proposed activity involves land with special natural characteristics, as defined in the Weston Subdivision Regulations, the activity shall be reviewed by the Zoning Enforcement Officer with the Planning & Zoning Commission prior to issuance of an administrative permit and

- e. Commercial activity involving the sale, trade, processing or removal of topsoil, rock, sand, gravel or any other naturally occurring resource of the property in question shall not be allowed.

**Section 348.6 Blasting:** (Amended 10/15/01)

- a. Blasting shall be permitted only in connection with a permitted activity. Such permitted activities shall include:
  - 1. Construction of a dwelling or structure for which a building permit has been issued.
  - 2. Construction of a swimming pool, tennis court or other recreational facility that is a subordinate use of residential property for which a building permit has been issued.
  - 3. Construction of roadways, lanes, driveways, etc. that are part of the development of an approved subdivision plan or existing lot.
  - 4. Installation of, and repairs to septic systems approved by the Westport Weston Health District.
  - 5. Installation and repairs to public utilities, including telephone and power poles on public property or public/utility rights of way.
  - 6. Other construction activities as approved by the Zoning Officer/Code Enforcement Officer or Planning & Zoning Commission.
- b. Applications for permits shall include but not be limited to:
  - 1. Survey showing location of blasting activity and relationship and distance to neighboring dwellings and structures within 500 feet.
  - 2. Photographs taken by applicant of area before blasting.
  - 3. Notice to neighbors within 500 feet by pre-addressed envelopes.
  - 4. Topographical and cross section maps showing the current elevations and the projected final results. Note: If the finished elevation does not conform to the approved finish, the Planning & Zoning Commission may require that the applicant remediate the land to conform to the approved final conditions.
- c. A permit for blasting may be conditioned upon, but not be limited to, the following:

All blasting shall take place with approved safety mats over the area to reduce debris and noise. Such mats shall be approved by the Fire Marshal.

1. Hours of blasting shall be limited to weekdays only between the hours of 9 a.m. to 4 p.m. (no blasting on weekends or holidays).
  2. A pre-blast survey shall be conducted for all structures and dwellings within 500 feet of the blasting zone when requested by any adjacent property owner(s). Notice of blasting shall be in writing (sent by certified mail) to the adjacent property owners not less than 2 weeks prior to the date of blasting.
  3. Seismic monitoring equipment shall be placed on the property line nearest the neighboring structure or any other location as designated by the Fire Marshal. Seismic results will be given to the Fire Marshal and will be retained as a public record.
  4. Signs warning of the blasting activity will be placed at the roadway adjacent to the property at least 48 hours prior to the blast stating the time, date and place.
- d. The Fire Marshal may issue the blasting permit when the above conditions are met.

**Section 348.7 Rock Crushing and Processing** (Amended 10/15/01)

- a. Any rock or earth material that is a result of blasting, excavating or regrading, shall not be processed (split, sifted, graded or hammered) by any method on the property from which it originated or on any other property in the Town of Weston.
- b. All rock and earth material resulting from such excavating and blasting that is not used for a permitted activity, i.e. permitted filling and grading, shall be removed from the Town of Weston.
- c. A quantity of earth (topsoil) and rock material (gravel) equal to the exported material may be imported to the property for site improvement in connection with the permitted activity.
- d. This regulation specifically prohibits the temporary or permanent installation of any machinery, including but not limited to, trucks, trailers, air or steam operated hammers or crushers that are used to process, split, sift, grade, hammer or otherwise process rock, earth, fill, etc.

- e. Violation of this regulation will result in a stop work order for all activity on the property and a summons may be issued with an appropriate fine. (Amended 10/25/01)

**Section 350. Signs: Signs Shall be Permitted as Specified Below:**

**350.1 For Sale or Lease Signs:** One sign advertising for sale or lease of a property is permitted, providing it is located on said property and is set back at least five feet (5) from the property line. The sign shall not exceed two square feet (2) e.g. (1 foot by 2 feet) and may be posted only until a contract for sale or lease of the property has been effected. (Amended 5/1/85) The sign shall consist of only one board (message on one or both sides) with no other signs hanging or appended or appearing on or attached to supporting posts. (Amended 7/16/01)

**350.2 Identification Signs:**

**350.2a For residential properties:** One identification sign bearing the name of the resident, the residential property, and/or a permitted accessory use conducted on the premises shall be permitted for each access provided such sign does not exceed two (2) square feet in area (Amended 7/16/01)

**350.2b For principal non-residential uses:** The Planning & Zoning Commission (Zoning Board of Appeals) in approving the issuance of a special permit for such use may permit one identification sign not exceeding twelve (12) square feet in area setting forth the name of the organization and/or the use conducted on the premise. (Amended 7/16/01)

**350.3 Directional Signs:** Directional signs, each not exceeding two (2) square feet in area, may be required or permitted for special permit use, and for development in Neighborhood Shopping Districts where the Commission determines that such signs are necessary or appropriate to facilitate the flow of traffic on the premises or in relation to the adjoining street system. (Amended 2/1/84)

**350.4 Business Signs:** Within Neighborhood Shopping Center Districts, business signs shall be permitted 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 per business establishment, shall not be placed on, nor project above, the roof of any structure, and shall not be more than one foot in height nor wider than the front face of the store, shop office or building to which it is attached.

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

**350.5 Government Signs:** Signs erected by governmental agencies in connection with traffic control or governmental operations shall be permitted.

**350.6 Home Contractor or Constructions Signs** (Amended 10/7/02)  
No construction, home improvement or home or land services signs shall be placed in the Town of Weston.

**350.7 Tag Sale Signs:** Tag Sale signs are permitted only as specified in a Tag Sale Special Permit issued by the Selectmen's Office (Amended 7/16/01)

**350.8** The message portion of any sign in a Residential Zone shall be no higher than six (6) feet above grade. (Amended 7/16/01)

**350.9 Site Identification Signs:** One site identification sign shall be permitted on a Vacant lot or parcel provided that the sign is set back at least 5 (five) feet from the owner's property line, shall not exceed 2 (two) square feet in area and shall bear only the property address plus the assigned lot number, if applicable (Amended 10/7/02)

**350.10 Historic Signs:** The Planning and Zoning Commission may, in its discretion, approve the installation, display, and maintenance of a sign on a Lot indicating the historic significance of such Lot or the improvements thereon (each a "Historic Sign") provided:

- (a) No Historic Sign shall exceed six square feet in total area. It shall consist of only one panel affixed along all its edges to a permanent structure or natural feature such as a building, fence, or large stone, with no other signs hanging on, appended or attached thereto;
- (b) No Historic Sign shall be approved in connection with events occurring, or improvements built later than 1850. Events or improvements indicated on each Historic Sign shall be of significant historic importance or interest to the Weston public;
- (c) No Historic Sign shall be installed in such a way as to obstruct traffic visibility, including visibility, from any driveway;
- (d) The size, shape, or location of, and print on each Historic sign shall be subject to the approval of the Planning and Zoning Commission, consistent with the provisions of this Section. The Commission shall endeavor to establish general Uniformity among Historic Signs;

- (e) No Historic Sign shall be lighted in any manner; and
  - (f) Each application to install a Historic Sign shall be accompanied by a detailed drawing of the proposed sign (including any proposed text), a narrative description of its proposed location, and a narrative description of its proposed location, and a narrative description of the historic event or structure which is to be the subject of the sign.
- (Amended 5/04/06)

### **351. Lighted or Moving Signs**

Signs permitted in accordance with Section 350 above; other than governmental signs, are subject to the following restrictions:

**351.1** 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.

**351.2** No sign shall be permitted that has the whole or any part in motion by rotating, fluttering, or any other means.

### **Section 360. Off-Street Parking And Loading**

#### **361. General**

It is the intention of these Regulations that all structures and land uses shall be provided with a sufficient amount of off-street vehicular parking and loading space to meet the needs of persons making use of such structures or land uses, but in no case less than the minimum standards specified in Section 363 of these Regulations.

#### **362. Existing Structures and Uses**

Structures and land uses in existence, or for which building permits have been issued prior to the adoption of these Regulations, shall not be subject to any additional parking or loading space requirements of these Regulations provided that any parking or loading facilities then existing to serve such structures or uses shall not in the future be reduced, except where they exceed such requirements, in which case they shall not be reduced below such requirements. Required parking and loading facilities for the existing portion of such structures or uses shall, however, be provided at the time of any enlargement of such existing structures or uses in the future.

#### **363. Schedule of Off-Street Parking Space Requirements**

Off-street parking space shall be provided as follows, except that the Commission, in

approving the issuance of a special permit, may require additional off-street parking where said Board determines that such is necessary in accordance with the purposes set forth in Section 361 above: (Amended 2/1/84)

<b>Use</b>	<b>Minimum Required Off-Street Parking Spaces</b>
a. Single family dwelling.....	2 per dwelling unit
b. Accessory apartment in, a single family dwelling.....	1 per bedroom within the accessory apartment (Amended 7/1/89)
c. Roomers, boarders.....	1 per guest
d. Home Occupation.....	2 in addition to spaces required for residential uses. Medical or dental offices shall have 4 spaces in addition to spaces required for residential uses. (Amended 5/1/89)
e. Church or other place of worship.....	1 per each 5 seats or pew spaces.
f. Private Recreation Club.....	1 per member, or in case of family memberships 1 per family, except that where the maximum capacity of the use served is not adequate to accommodate all members at the same time, the Commission may permit an appropriate reduction of the parking requirement.
g. Public utility substation.....	2 spaces
h. Private school, nursery school, day camp.....	1 per each teacher and staff member, plus 1 per each 6 pupils or campers.
i. Public library, museum, art gallery.....	1 per employee, plus 1 per each 400 square feet of floor area.
j. Retail & personal service establishments, businesses and professional offices.....	1 per each 125 square feet of ground floor area, and 1 per each 250 square feet of other floor area, not including

basement area devoted to  
utilities and storage, and not  
open to the public

- k. Restaurants.....1 per each 75 square feet of  
floor area
- l. Automotive service stations.....at least 10 spaces per station
- m. Other uses..... Off-street parking  
requirements for uses that do  
not fall within the categories  
listed above shall be  
determined by the Planning &  
Zoning Commission.

Where two or more different uses occur on a single lot, the total amount of parking facilities required shall be the sum of the requirements for each individual use on the lot, except that the Commission, in approving a special permit application, may approve a plan with a lesser amount of total parking, provided said Board finds that the capacity to be provided will substantially meet the intent of the requirements of these Regulations by reason of variation in the probable time of maximum capacity of each such use, or for other similar reason (Amended 2/1/84)

**364. Off-Street Loading Space Requirements**

Within Neighborhood Shopping Center Districts, off-street loading space shall be required for each 5,000 square feet, or major fraction thereof, of ground floor area. In the case of special permit uses, off-street loading requirements shall be as determined necessary by the Commission in accordance with the purposes set forth in Section 361 above. (Amended 2/1/84)

**365. Location of Off-Street Parking and Loading Facilities**

The off-street parking and loading facilities as required by these Regulations shall be provided on the same lot of premises with the structure or land use served, except that off-street parking spaces required for structures or land uses on two adjoining lots may be provided in a single common facility on one or both of said lots if approved by the Commission. Where said Board approves the location of required off-street parking spaces on a different lot than that occupied by the use served, the Board shall require, as a condition of its approval, a legal instrument satisfactory to assure the continued use of said parking spaces in connection with the land uses and structures served. (Amended 2/1/84)

**366. Parking and Loading Specifications:**

All off-street parking and loading spaces shall comply with the following standards and requirements:

- 366.1** The area required for the parking of one motor vehicle shall have a width of at least nine feet (9) and a depth of twenty (20) feet if unenclosed, and a width of at least ten (10) feet and a depth of at least twenty (20) feet if bordered by walls or columns on two or more sides, exclusive of passageways and driveways appurtenant thereto and giving access thereto, and having direct usable access to a road, but not requiring the backing of a vehicle into the road right-of-way. Aisles between rows of parking spaces shall be at least twenty-five (25) feet wide, except where the Commission approves a lesser distance as adequate for areas with angled parking spaces. (Amended 2/1/84)
- 366.2** Each off-street loading space shall have a width of at least twelve (12) feet and a length of at least (30) feet, with a height clearance of not less than fourteen (14) feet.
- 366.3** Access drives serving any off-street parking or loading area shall be designed so as to provide for safe and efficient vehicular and pedestrian circulation both on the subject premise and in relation to the adjoining road system.
- 366.4** In all off-street parking areas containing twenty (20) or more parking spaces, at least one tree shall be provided within such parking area for each ten (10) parking spaces. Such trees shall be distributed throughout the entire parking area and shall be so arranged and located as to define the areas of major traffic flow and not in any way impede or interfere with such flow.

**367. Improvement and Maintenance of Off-Street Parking and Loading Areas**

Required off-street parking facilities may be enclosed in a structure or may be open, provided that all such facilities serving non-residential uses shall be graded, surfaced, drained and suitably maintained to the satisfaction of the Commission, to the extent necessary to avoid nuisances of dust, erosion, or excessive water flow across public ways or adjacent lands. Non-residential parking facilities containing ten or more spaces shall be provided with suitable markings to indicate each such individual space, and where required by the Commission, markings to indicate direction of traffic flow, entrances, exits, etc. Except for one-family dwellings, suitable landscaping and screening shall be provided between parking areas and adjoining residential properties.

Required off street parking and loading facilities shall be maintained as long as the use or structure exists which the facilities are designed to serve.

### **368. Parking Plan**

Where a parking plan is required by these Regulations, it shall be submitted to the Planning and Zoning Commission for its approval, and shall consist of a plot plan drawn to scale and showing all of the following information:

**368.1** The location and dimensions of the proposed parking area, the location of any buildings or other facilities served by this area, the location of any property lines within 50 feet of the area, and the location of the road or roads from which access is to be obtained;

**368.2** Contour data and/or spot elevations in sufficient detail to enable the Commission to readily determine the existing and proposed grading of the parking area;

**368.3** Indication on the plan of the type of surfacing proposed, the method of providing for storm drainage, and any other improvements, including landscaping, which may be required or appropriate.

The commission shall act to approve or disapprove such a plan within sixty (60) days of the date it is received, and failure to act within such time limit shall constitute approval of the plan.

### **Section 370. Non-Conforming Uses and Structures**

#### **371. Continuing Existing Non-Conforming Uses**

Any lawful use of a building or of land existing on the effective date of these Regulations may be continued, even though such use does not conform with the use provisions of these Regulations. Such uses shall be deemed non-conforming uses.

#### **372. Non-Conforming Use of Land**

Where no building is involved, the non conforming use of land may be continued, provided, however, that:

**372.1** Such non-conforming use shall not be enlarged or increased, nor shall it be extended to occupy a greater area of land than that occupied by such use at the time of the adoption of these Regulations.

**372.2** Such non-conforming use shall not be moved in whole or in part to any other portion of the lot or parcel of land occupied by such non-conforming use at the time of the adoption of these Regulations.

**372.3** If such non-conforming use of land, or any portion thereof, is intentionally abandoned or is changed to a conforming use, any future use of such land shall be in conformity with all requirements of these Regulations. (Amended 4/10/08)

**373. Non-Conforming Use of Buildings**

**373.1** A building or structure, the use of which does not conform to the use regulations for the district in which it is situated, shall not be enlarged or extended unless the use therein is changed to a conforming use.

**373.2** Such non-conforming building or structure shall not be structurally altered or reconstructed unless such alterations are required by law, provided, however, that such maintenance and repair work as is required to keep a non-conforming building or structure in safe condition shall be permitted.

**373.3** A non-conforming use may be extended throughout any parts of the building or structure which were manifestly arranged or designed for such use at the time of the adoption of these Regulations, notwithstanding the restriction of 373.1 above, provided such extension is made within one (1) year of the effective date of these Regulations.

**373.4** A non-conforming use of a building or structure may be changed only to a conforming use.

**373.5** If any non-conforming use of the building or structure is intentionally abandoned or is changed to a conforming use, or if a structure in which such use is conducted or maintained is moved for any distance whatsoever, for any reason, then any future use of such building or structure and the land on which it was located shall be in conformity with all standards specified by these Regulations for the district in which it is located. (Amended 4/10/08)

**374. Non-Conformity, Other than Use**

A building or structure which is conforming in use but does not conform to the height, setback, and land coverage, parking or similar dimensional requirement of these regulations, shall not be considered to be non-conforming within the meaning of Sections 373 and 375 of these Regulations. However, no permit shall be issued nor shall any changes be made on such building or structure that will result in the increase of any such non-conforming features nor shall any non-conforming part of the structure be increased in height. (Amended 4/10/08)

### **375. Restoration of Damaged Buildings**

**375.1** Any building or structure which is non-conforming in use and is damaged or destroyed by any means to an extent greater than 50% of its fair market value shall be permitted to be reconstructed only if the future use of the building or structure is in conformity with these Regulations.

**375.2** Such a non-conforming building or structure damaged to an extent less than 50% of said fair market value may be rebuilt provided that;

- a. the cost of such reconstruction or structural alteration is less than 50% of the fair market value of the reconstructed property.
- b. the reconstruction or structural alteration is commenced within six (6) months of the date of such damage or destruction and completed within eighteen (18) months, and
- c. where such rebuilding can be feasibly accomplished so as to result in greater conformity with these Regulations, then such rebuilding shall be so done.

## **ARTICLE IV – ADMINISTRATION AND ENFORCEMENT**

### **Section 400. Enforcement**

No Commission, Board, agency, officer or employee of the Town shall issue, grant, or approve any permit, license, certificate, or other authorization for construction, reconstruction, alteration, enlargement, or moving of any building or structure, or for any use of land or building that would not be in full compliance with the provisions of these Regulations. Any such permit, license, certificate, or other authorization issued, granted, or approved in violation of the provisions of these Regulations, shall be null and void and of no effect without the necessity of any proceedings or revocation or nullification thereof. (Amended 2/1/84)

### **Section 410. Zoning Permits**

No building or structure shall be erected, constructed, reconstructed, enlarged, altered or moved, or excavation made therefore, or work begun thereon, or use made of any land, until a zoning permit therefore has been issued by the Planning and Zoning Commission. No such permit shall be issued for any building or structure where said construction, addition, alteration, moving or use thereof would be in violation of any of the provisions of these Regulations. Before any permit shall be issued, written application therefore shall be made in duplicate on a form to be furnished by the Planning and Zoning Commission. Such application shall contain or be accompanied by the

following, as appropriate. (Amended 2/1/84)

- 410.1** A certificate of approval of proposed water supply and sewage disposal facilities, signed by the Health Officer of the Town of Weston. Such certificate shall not be required if the zoning permit applied for does not involve changes in existing buildings or structures, in water supply, waste or sewage disposal facilities or requirements.
- 410.2** Two copies of a plot plan, drawn to a scale and certified substantially correct by a registered land surveyor, showing the actual shape, dimensions and area of the lot; the actual size and location on the lot and of all buildings proposed to be built on the lot and of any existing buildings or structures that shall remain, the existing and intended future use to be made of the proposed improvement and the premises; the number of families, if any, that each building is designed or intended to accommodate; proposed drainage facilities; existing and proposed contours of the land, if any change in grading is proposed. One copy of such plan shall be returned to the applicant subsequent to its approval.
- 411.** In the case of an application involving a building or structure, the applicant or his authorized agent shall upon completion of the foundation walls of the building or structure be required to submit to the Zoning Inspector a survey prepared and certified substantially correct by a registered land surveyor, showing the actual location of such foundation walls on the lot. No building or structure shall thereafter be constructed above the foundation walls until said plot plan survey has been approved by the Zoning Inspector as complying with the pertinent provisions of the building permit and these Regulations.
- 412.** Any permit issued on the basis of false or inaccurate information supplied by the applicant, or contained in the application, shall be null and void.
- 413.** No zoning permit shall be issued unless the lot has the required road frontage, in accordance with Section 321.4 or Section 322.4 whichever is applicable, and unless such road has been completed or has had its sub-base completed and specified gravel applied.
- 414.** No zoning permit shall be issued for a use listed in Section 320 as subject to the special permit approval procedure of Section 330, until and unless such special permit is approved by the Commission.

#### **Section 420. Certificate of Zoning Compliance**

- 421.** No building structure or premises or any part thereof, shall hereafter be devoted to any new or changed use, until a certificate of Zoning Compliance shall have been issued by the Planning & Zoning Commission. Such certificate shall state that such

building or premises, or part thereof and the proposed use thereof, are in complete conformity with all requirements of these Regulations.

- 422.** Application for a certificate of Zoning Compliance shall be made on forms provided by the Town. Each such application shall be accompanied by a fee in an amount to be determined by the Planning & Zoning Commission. Within (10) days of receipt of such application, the Planning & Zoning Commission shall either issue the requested certificate or deny the application, stating the reasons therefore in its records.
- 423.** A Certificate of Zoning Compliance involving a building, structure or use for which a special permit or a variance was issued by the Zoning Board of Appeals shall include any conditions or other requirements established by said Commission or Board in accordance with the granting of any such special permit or variance.
- 424.** No certificate of zoning compliance shall be issued for a building or use until the road upon which the lot has frontage has been constructed and approved in accordance with the inspection requirements of the Planning & Zoning Commission.

#### **Section 430. Violations and Penalties**

- 431.** Any person, firm, corporation, or other entity, who shall violate any provision of these Regulations shall be subject to the remedies and penalties prescribed by Chapter 124 of the General Statutes of the State of Connecticut, as amended.
- 432.** The Planning & Zoning Commission or their agent, the Zoning Inspector, is hereby designated as the official authority which shall be authorized to cause any building, structure, place or premises to be inspected and examined and to order, in writing, the remedying of any condition found to exist therein or thereon in violation of any provision of these Regulations, and to take such other action as shall be necessary and proper to enforce said Regulations, as provided by law. Any such remedial action shall be accomplished by violator within ten (10) days of such order unless otherwise provided by statute.
- 433.** The Commission shall appoint a Zoning Inspector who shall be responsible to the Commission and act as its representative in the performance of such inspection duties and in connection with the enforcement of these Regulations including the issuance of Cease and Desist Orders and any other duties which may be assigned to him by the Commission.

## **Section 440. Zoning Board of Appeals**

### **441. Powers and Duties**

The Zoning Board of Appeals shall have the following powers and duties:

**441.1** To hear and decide appeals where it is alleged that there is an error in any order, requirement or decision made by any official charged with the enforcement of these Regulations.

**441.2** To determine and vary the application of these Regulations in harmony with their general purpose and intent and with due consideration for conserving the public health, safety, convenience, welfare and property values solely with respect to a parcel of land where, owing to conditions especially affecting such parcel but not affecting generally the district in which it is situated, a literal enforcement of these Regulations would result in exceptional hardship, so that substantial justice will be done and the public safety and welfare secured. (Amended 2/1/84)

## **ARTICLE V AMENDMENTS AND MISCELLANEOUS**

### **Section 500. Amendments**

The Planning & Zoning Commission may, on its own motion, on the recommendation of the Board of Selectmen, or on petition of one or more owners of property within the Town, amend these Regulations in accordance with Chapter 124 of the General Statutes of the State of Connecticut, as amended. Referrals of such amendments to the Southwestern Regional Planning Agency shall be made by the Commission in accordance with Chapter 124 of the General Statutes of the State of Connecticut, as amended.

Any petition for amendments submitted by a property owner or owners shall include all of the following information (include three copies of items a, b, and c):

- a. The names and addresses of such petitioners and the section, lot and block numbers of the properties under their ownership.
- b. A map drawn to a convenient scale showing lot lines, building locations, and the section, lot and block numbers of all properties which are the subject of the petition.
- c. A complete description of the nature of the amendment requested, and of the reasons for making such request. Include page and section numbers where amendment of the zoning text is requested.
- d. Stamped envelopes addressed to each of the owners as of the date of application, of all properties which are subject of the petition, and of all

properties within 500 feet of any portion of such properties. Such names may be as indicated in the latest real estate list of the Town of Weston, but should include the actual owners of record where known to be otherwise by the petitioners.

- e. An application fee in the amount of \$50 to defray the cost of publication of the notice required for a hearing.

### **Section 510. Separability Clause**

Should any section or provision of these Regulations as contained herein or as hereafter amended, be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of these Regulations as a whole or any part thereof, other than the part declared to be invalid or unconstitutional.

### **Section 520. Short Title**

These Regulations may also be known and referred to as “Zoning Regulations”.

### **Section 530. Effective Date:**

As amended to June 12, 2008.

## **ARTICLE VI DEFINITIONS**

### **Section 600. General Construction of Language**

Except where specifically defined herein, all words shall carry their customary meaning. All words used in the present tense include the future tense; words in the singular number include the plural number and vice versa; the word “person” includes corporations and all other legal entities; the word “premises” shall include land and buildings thereon; and the words “occupied” or “used” shall be considered as though followed by the words “or intended, arranged or designed to be used or occupied,” unless the natural construction of the wording indicates otherwise. The word “shall” is always mandatory. Unless otherwise specified, all distances shall be measured horizontally. The word “Town” means the Town of Weston; the term “Commission” means the Planning and Zoning Commission of the Town of Weston; the term “Town Clerk” means the Town Clerk of the Town of Weston; the term of “Zoning Inspector” means the Zoning Inspector of the Town of Weston; the term “Board of Appeals” means the Zoning Board of Appeals of the Town of Weston; the term “Comprehensive Development Plan” means the Plan adopted by the Town Planning and Zoning Commission pursuant to Chapter 126 of the General Statutes of the State of Connecticut; the term “Subdivision Regulations” means the land subdivision regulations adopted by the Town Planning and Zoning Commission pursuant to Chapter 126 of the General Statutes of the State of Connecticut.

## **Section 610. Definitions**

**Access Way:** Any area of a lot between 25 feet and 50 feet in width which serves to connect the building area of the lot with the road upon which it has frontage and access.

**Antenna:** The conductor by which electro-magnetic waves are sent or received, a structure commonly consisting of a wire, a metal rod or a circular metal dish (Amended 5/1/89)

**Apartment:** A room or set of rooms, among the other rooms or sets in one building designed for use as a dwelling and which includes cooking, 3 fixture bath and sleeping facilities. (Amended 10/30/86)

**Automotive service station:** A retail place of business engaged primarily in the sale of motor fuels, but also in the supplying of goods and services required in the operation and routine maintenance of automotive vehicles and the filling of motorist's immediate needs, including the sale of petroleum products, the sale and servicing of tires, batteries, automotive accessories and replacement items, washing and lubrication servicing, the performance of minor repairs, and the supply of other incidental customers services and products, but excluding any body and fender work, or painting by mechanical means.

**Basement Apartment:** An apartment any part of which is below the elevation of the finished grade of the ground adjacent to any part of the dwelling at the highest point of elevation. (Amended 10/30/86)

**Building:** Any structure having a roof supported by columns or by walls, and intended for the shelter, housing, or enclosure of persons, animals or chattel.

**Building Accessory:** A building subordinate to the principal building on a lot and used for purposes customarily incidental to that of said principal building.

**Building Coverage:** The total area of a lot covered by all buildings, thereon, both principal and accessory, measured by the exterior dimensions of such buildings, but not including uncovered porches, steps and terraces.

**Building Height:** The average vertical distance measured from the finished grade adjacent to the exterior walls of a building to the level of the highest roof point or the highest ridge of the structure. Roof points or ridges

which are lower than the highest roof point or ridge line shall not be used in the calculation of building height. (Amended 5/17/01)

**Building Principal:** A building in which is conducted the primary or principal use of the lot on which said building is situated.

**Club:** A voluntary organization, not conducted primarily for gain, with facilities catering exclusively to members and their guests for recreational, athletic, cultural or social purposes.

**Day Camp:** A place, building or structure which is designed or used on a regular or seasonal basis to provide supervised recreational activities for two or more children, but not including the overnight lodging of any such children.

**Debris:** Natural material which degrades rapidly when buried, not including building materials. Effective 1/1/92

**Domicile:** A person's fixed, permanent and principal residence for legal purposes such as voting. (Amended 5/1/89)

**Dwelling:** A building designed or used exclusively as non-transient living quarters for one or more families. The term shall not be deemed to include automobile court, motel, hotel, rooming house, boarding house, house trailer, tourist home or tent.

**Dwelling, Single Family:** A dwelling containing one dwelling unit only.

**Dwelling Unit:** A building or portion thereof providing complete housekeeping facilities for one family.

**Family:** One or more persons occupying one dwelling unit and living together as a single housekeeping unit. Any number of such persons over four (4) shall be related to each other by blood, marriage or adoption. (Amended 5/1/89)

**Farming:** Farming shall include the use of a lot, either as a principal or accessory use, for the purpose of producing agricultural, horticultural, floricultural, vegetable and fruit products of the soil, and shall include the raising of horses, and other domestic farm animals. Riding academies, livery stables, animal kennels, the breeding, raising or habitation of fur bearing animals, pigs and goats, commercial poultry farms, stands for the sale of produce or the commercial processing of the products of the farm, shall not be included.

**Fence:** A structure for enclosing, dividing or screening. This includes traditional fencing, masonry or stone walls, pillars and gates related thereto. (Amended 6/16/03)

**Floor Area:** The sum of the gross internal horizontal area of the several floors of the building, but not including attached or built-on garages, porches or terraces, unfinished rooms, or unfinished floor area having a clear head room of less than seven (7) feet. (Amended 10/30/86)

**Frontage:** The extent of a lot along a road as defined therein.

**Greenhouse:** A building or structure constructed mainly of glass and used as a conservatory for the growing and protection of flowers and plants, and for the propagation and culture thereof.

**Lot:** A parcel of land devoted or to be devoted to a particular use, or occupied or to be occupied by a building or buildings, together with any required open spaces, and having frontage on a road as defined herein.

**Lot Area:** The total horizontal area included within lot boundaries.

**Lot, Corner:** A lot on two or more intersecting roads or lanes. (Amended 3/1/92)

**Lot, Depth:** The horizontal distance between the front and rear lot lines measured perpendicular to the mean direction of the front lot line.

**\*Lot, Front:** That lot area extending across the full width of a lot and lying between the front lot line and the nearest line of the building.

**Lot, Line:** A property line bounding a lot as defined herein.

**Lot, Flag:** A lot which has no frontage on any road, except for a single access way not to exceed 25 feet in width, or a shared right of way not to exceed 30 feet in width. (Amended 3/1/92)

**Lot Line, Front:** In the case of a lot abutting upon only one road, the line separating the lot from the road; in the case of any other lot, the owner may elect any lot line abutting a road as the front lot line.

**Lot Line, Rear:** The lot line which is generally opposite the front lot line if the rear lot line is less than ten (10) feet in length, or if the lot comes to a point at the rear, the rear lot line shall be deemed to be a line parallel to the front lot line not less than ten (10) feet long, lying wholly within the lot and farthest from the front lot line.

**Lot Line, Side:** Any property line extending from the front lot line to the rear lot line.

**\*Lot, Rear:** That lot area extending across the full width of a lot and lying between the rear lot line and the nearest line of the building.

**\*Lot, Side:** That lot area between the side lot line(s) and the nearest line of the building, and extending from the front lot line to the rear lot line.

**Lot Width:** The horizontal distance between the side lot lines, measured parallel to the mean direction of the front lot line.

**Non-conforming Use:** A use of a building or of land which does not conform with the use regulations of the district in which it is situated, but which use existed at the time of the adoption of these regulations and complied with the Zoning Regulations at the time it was established.

**Nursery:** Open cultivation and growing of trees, shrubs and other plants, including the replanting of said plants grown at places other than the nursery.

**Nursery School:** A place, building or structure, designed to provide care or instruction for two or more children under six years of age, operated on a regular or seasonal basis.

**Open Construction:** (as applied to fences) Open to the passage of air and visually open as viewed looking directly at the fence.

**Parking Area:** An off-street area containing one or more parking spaces, with passageways and driveways appurtenant thereto.

**Parking Space:** An off-street space available for the parking of one motor vehicle on a transient basis.

**Public Way:** Any public or private road, street or lane. (Amended 6/16/03)

**Riding Stable or Academy:** An establishment where horses are kept for riding, driving or stabling for compensation, or are kept incidental to the operation of a club, association, ranch or similar establishment.

**Road:** Any road, street, highway, avenue, lane or way dedicated to movement of vehicles and pedestrians, and which is shown on a subdivision plan approved by the Commission or is on a map filed in the Office of the Town Clerk prior to March 1, 1956 or is a State or Town Road, but not including private driveways or rights-of-way.

**Road Line:** A property line dividing a road and a lot. See also definition of "Lot Line, Front."

**School, Private:** A kindergarten, primary or secondary school furnishing a comprehensive curriculum of academic instruction similar to that of a

public school.

**Sign:** Any structure or part thereof, or any device attached thereto or painted thereon, or any material or things, illuminated or otherwise, which displays or includes any numeral, letter, emblem, device, trademark, or other representation used as an announcement, designation, direction or display, to advertise or promote any person, firm, group, organization, commodity, service, profession or enterprise, when said display is placed out of doors or within three (3) feet of a window in view of the general public, but not including the following: the flag or insignia of any government or government agency; the flag of any civic, political, charitable, religious, patriotic, fraternal or similar organization, which is hung on a flagpole, or a mast; or any Christmas or other seasonal holiday decorations which do not contain commercial lettering, wording, designs, symbols or other devices.

**Sign Area:** Where a sign consists of a single board of face, with information on one or both sides, the area which results by multiplying the outside dimensions of such sign, not including the vertical, horizontal or diagonal supports which may affix the sign to the ground or to a structure or building; unless such supports are evidently designed to be a part of the sign as defined herein. Where a sign consists of several individual faces, the area shall be the total of the area of all such faces computed as above. Where the sign consists of individual letters or symbols attached to or painted on a building, the area shall be considered to be that of the smallest rectangle which encompasses all of the letters or symbols.

**Story:** That portion of a building included between the surface of any floor and the surface of a floor next above it, or if there be no floor above it, then the space between the floor and the top of the ceiling beams next above it. In measuring the height of a building, a basement should be counted as a story if the ceiling is more than four (4) feet above the average level of the adjoining finished grade. Each basement in excess of one shall be counted as a story.

**Story, Half:** A story with at least two opposite exterior sides meeting a sloping roof not more than two (2) feet above the floor of such story.

**Street:** See definition of "road".

**Structure:** Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. This term shall also include but not be limited to pools, tennis, paddle and other such playing courts, and antennas. (Amended 5/1/89)

**Swimming Pool:** An artificial body of water, or receptacle for water, having a depth at any point greater than two (2) feet, and used or intended to be used for swimming or bathing and permanently constructed, installed or maintained in or above the ground out-of-doors.

**Terrace:** A paved uncovered platform with or without retaining walls. A terrace with a roof or an awning shall be considered a porch.

**Use:** The specific purpose for which land, or a building or structure is designed, arranged, intended or occupied.

**Use, Accessory:** A use which is customarily incidental and subordinate to the principal use on a lot, and located on the same lot therewith.

**Use, Principal:** The main or primary use of a premises.

**Watercourse:** Any flow or body of water which contains water or a flow of water at least six (6) months in the aggregate during the course of an average year.

\*In measuring aforesaid lot area, the line of a building shall be deemed to mean a line parallel to the lot line, drawn from a point of a building or the point of a group of buildings nearest to such lot line, and the measure shall be taken at right angles from the line of the building, as defined herein, to the lot line.

6/20/05