ZONING REGULATIONS
OF THE
TOWN OF WESTON

As amended to June 14, 2018

TABLE OF CONTENTS

		Page
ARTICLE I – PURPOSES		
Section 100.	Statement of Purposes	1
ARTICLE II – ESTABLISHMENT OF DISTRICTS		
Section 200.	Classes of Districts and Purposes	2
210.	Zoning Map	2
211.	District boundaries	2
212.	Parcels of land in more than one zone	2
ARTICLE III – GENERAL REGULATIONS		
Section 300.	Application of Regulations	2
310.	General Regulations	3
320.	District Regulations	7
321.	Two Acre Residential & Farming District	7
322.	Neighborhood Shopping Center District	10
330.	Special Permit Approval	13
341.	Additional Special Permit Standards and Requirements	15
343.	Limited Home Occupation	24
345.	Apartments	26
348.	Disturbance of Soil	27
350.	Signs	29
360.	Off-Street Parking & Loading	30
370.	Non-Conforming Uses & Structures	34
ARTICLE IV – ADMINISTRATION AND ENFORCEMENT		
Section 400.	Enforcement	35
410.	Zoning Permits	36
420.	Certificate of Zoning Compliance	37
430.	Violations & Penalties	38
ARTICLE V – AMENDMENTS AND MISCELLANEOUS		
Section 500.	Amendments	38
510.	Separability Clause	39
520.	Short Title	39
530.	Effective Date	39
ARTICLE VI – DEFINITIONS		
Section 600.	General Construction of Language	39
610.	Definitions	40

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 these regulations 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 these regulations.

Section 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.

Section 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.

Section 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:

Section 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)

311.6 **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)

311.7 **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)

Illustration #1

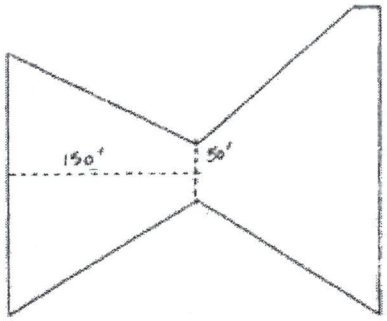
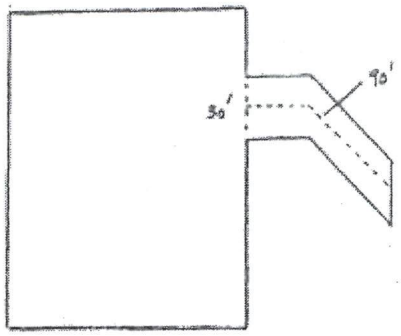


Illustration #2



Section 312. Structures and Projections within Setback Areas and Additional Restrictions

312.1 Architectural Features. Notwithstanding the terms of Section 312.7, 321.6, and 322.4, architectural features such as window sills, belt courses, chimneys, balconies, cornices, eaves or bay windows may project up to three (3) feet into any setback area. (Amended 5/26/11)

312.2 Terraces. Notwithstanding the terms of Sections 312.7, 321.6, and 322.4, a Terrace may extend no fewer than twenty (20) feet from the Front Lot Line or any Side or Rear Lot Line. The foregoing shall not apply to Porches which shall be subject to Sections 312.7, 321.6 and 322.4 without adjustment. (Amended 5/26/11)

312.3 Fences. The provisions of Sections 312.7, 321.6, and 322.4, shall not apply to Fences. (Added 5/26/11)

312.4 Swimming Pools and Playing Courts. All swimming pools, tennis, paddle and other such playing courts shall be deemed to be Structures and shall be subject to Sections 312.7, 321.6 and 322.4 without adjustment. (Amended 5/26/11)

312.5 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)

312.6 Visibility at Intersections: No Structure, Fence, hedge, tree or other planting shall be erected, placed or maintained on a Corner Lot in such a way as may 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 fifty (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. (Amended 5/26/11)

312.7 [Reserved] (Deleted 5/14/15)

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.

312.9 **Accommodation for the Disabled:** The Commission may, in its discretion and upon application by the owner, issue a permit for the temporary installation of an access ramp, elevator or other facility intended exclusively to provide a means of access to or within a residence or other Structure for resident with a Disability which facility would otherwise be prohibited under these Regulations. The permit shall expire and the facility shall be removed upon the earlier of (i) the tenth anniversary of the approval unless an application to renew is made, and (ii) the date the disabled resident named in the application or his or her estate or administrator shall permanently relinquish residence of the property on which the facility is located. The Commission may, in its discretion, impose such reasonable conditions as it deems appropriate including, without limitation, requiring submission of a bond to secure the obligation to remove the facility upon expiration of the permit. The Commission may also in its discretion accept an application to renew said permit after the tenth anniversary referred to above. For purposes of this section, the term "Disability" shall have the meaning ascribed to such term in The Americans with Disabilities Act. (Added 12/30/09)

312.10 **Travel Way Obstructions.** In order to provide adequate room for emergency vehicles to turn into driveways and access buildings and parcels, no Structure, tree, shrub, boulder, mailbox or other obstruction shall be erected, placed or installed alongside any paved or unpaved vehicular travel way (including, without limitation, Public Ways and driveways) so as to reduce the unobstructed access to fewer than fourteen (14) feet in width. Such minimum required access may be increased in the discretion of the Commission or its agent to the extent required to

accommodate the turn radii of emergency vehicles. No vehicular travel way may be obstructed by an arch or other overhead structure.

Section 313 **Fences**

313.1 **Fence Height.** No portion of any Fence[1] shall exceed six (6) feet in height.

313.2 **Open Mesh Fence.** Notwithstanding the provisions of Section 313.1, that portion of a Fence consisting of open mesh having a mesh size of no fewer than two (2) inches and consisting of a wire diameter of no greater than 0.120 inches (eleven gauge)[2] may measure up to ten (10) feet in height (measured from the adjoining grade pursuant to Section 313.3, below).

313.3 **Measurement of Fence Height.** For purposes of this Section 313, the height of a Fence at any given point shall be determined by measuring the height of such Fence from the adjoining finished grade on one side of the Fence. In the event the measurement of one side of the Fence differs from the other, (including, without limitation, retaining walls) the greater measurement shall be deemed to be the height of the Fence at the point of measurement. In the event the Fence is constructed on a berm fewer than twenty (20) feet in width at its base, the height of the berm shall be included in the height of the Fence. In the event the Fence is constructed within twenty (20) feet of a retaining wall, the height of the retaining wall shall be included in the height of the Fence. All ornamentation, lighting and other structures installed on a Fence shall be deemed part of the Fence for purposes of measurement.

313.4 **Prohibited Materials.** Barbed wire, razor wire, corrugated metal, orange plastic and like materials shall not be permitted.

(Amended 4/16/12, Effective 4/27/12)

Section 320 **Only listed uses permitted.** 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.

Section 321 **Two Acre Residential and Farming District**

321.1 **Permitted Principal Uses:** The following are permitted principal uses in the Two Acre Residential and Farming District:

---

[1] *Guidance*: Walls and retaining walls are included in the definition of 'Fences'.
[2] *Guidance*: This is standard chain link.

(a) Single Family Dwelling, not to exceed one per lot.
(b) Farming, provided that no Structure used in any Farming operation shall be less than 100' from any property line.

(Amended 5/26/11)

321.2 **Permitted Accessory Uses:** The following are permitted accessory uses in the Two Acre Residential and Farming District:

(a) Limited Home Occupation, subject to the terms and conditions of Section 343.
(b) The keeping of roomers or boarders, subject to the terms and conditions of Section 344.
(c) Apartment, subject to the terms and conditions of Section 345
(d) Signs, subject to the terms and conditions of Section 350.
(e) Customary Accessory Uses.

(Amended 5/26/11)

(f) The display and sale of farm and garden produce and nursery and greenhouse stock the majority of which is raised on the premises ("Produce"), provided that the areas, facilities and intensity of use devoted to the sale of produce remain clearly incidental to the permitted principal farming or residential 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. If any permanent Structure is principally utilized for the sale of Produce, a detailed plan for said Structure and the parking area or areas shall be submitted to and approved by the Planning and Zoning Commission in accordance with procedures set forth in Sections 367 and 368, and with any entrance/exit drive designed so as to ensure adequate sight lines and minimize traffic hazards. (Added 9/16/13, Effective 9/26/13)

321.3 **Uses Permitted by Special Permit:** The following are permitted uses in the Two Acre Residential and Farming District subject to (i) the issuance of a special permit pursuant to Sections 330 and 341, and (ii) any requirements and conditions imposed in connection with such approval:

(a) Place of Worship, subject to the terms and conditions of Section 341.1
(b) Fire Station, subject to the terms and conditions of Section 341.2
(c) Private School, subject to the terms and conditions of Section 341.3
(d) Club, subject to the terms and conditions of Section 341.4
(e) Nursery School, subject to the terms and conditions of Section 341.5

(f) Riding Stable or Academy, subject to the terms and conditions of Section 341.6

(g) **[Reserved]** (Deleted 6/14/18)

(h) Regulated Home Occupation, subject to the terms and conditions of Section 341.8

(i) Museum / Art Gallery, subject to the terms and conditions of Section 341.9

(j) Farmers' Market, subject to the terms and conditions of Section 341.10

(k) Parks and Playgrounds, subject to the terms and conditions of Section 341.11

(Added 5/26/11)

321.4 **Minimum Lot Area**: Two Acres

321.5 **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.

321.6 **Minimum Setback Requirements:** No Structure shall extend less than fifty (50) feet from the Front Lot Line or thirty (30) feet from any Side or Rear Lot Line. Notwithstanding the foregoing, (i) in the case of a Flag Lot, no Structure shall extend less than thirty (30) feet from any Lot Line, and (ii) in the case of a Corner Lot, no Structure shall extend less than fifty (50) feet from any Front Lot Line or Lot Line adjacent to a Road, or thirty (30) feet from any other Lot Line. (Amended 5/26/11)

321.7 **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.

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

Section 322. Neighborhood Shopping Center District

Preamble This Neighborhood Shopping Center 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 thereto and therefrom.

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 <u>Approval of Site Plans</u> (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-five (65) 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. Uses deemed to be permitted uses. 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 T he 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)

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 Panning & 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. A special permit shall expire if (i) said use or uses cease for more than one year for any reason other than fire or other casualty or is changed to another use, OR (ii) all required improvements are not completed as of the date which is five years following the date of issuance of the special permit, or such shorter or longer period as determined by the Commission and set forth in the conditions of approval. The Commission may extend any expiration date upon application by the permittee. (Amended 10/1/09)

337. Extension of Certain Special Permits. Notwithstanding the terms of Section 336 or any condition of approval to the contrary, special permits granted between December 1, 2007 and September 21, 2009 shall not expire for failure to complete required improvements, unless a required improvement remains substantially incomplete as of the date which is five years following the date of issuance of the special permit. (Added 10/1/09)

Section. 340. [Reserved] (Deleted 5/26/11)

Section. 341. Additional Special Permit Standards and Requirements. (Amended 5/26/11) The following additional standards and requirements shall apply to the issuance of Special Permits (Amended 5/26/11):

341.1 Place of Worship. (Amended 5/26/11) The Commission may issue a Special Permit for the operation of a Place of Worship on the following terms and conditions:

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 frontline and 50 feet from the side lines and back lot line. Minimum required parking space shall be as provided in Section 363. (Amended 6-3-13)

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: Not withstanding 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 Fire Station. (Amended 5/26/11) The Commission may issue a Special Permit for the operation of Fire Stations owned by a private, not-for-profit organization or corporation on the following terms and conditions:

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 provided in Section 363. (Amended 6-3-13)

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 it prohibited.

F. Exception. This Section 341.2 shall not apply to Fire Stations wholly owned by the Town of Weston.

341.3 **Private School.** (Amended 5/26/11) The Commission may issue a Special Permit for the operation of a Private School on the following terms and conditions:

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 as provided in Section 363. (Amended 6/3/13)

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 Club. (Amended 5/26/11) The Commission may issue a Special Permit for the operation of a Club on the following terms and conditions:

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 as provided in Section 363. (Amended 6-3-13)

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 Nursery School. (Amended 5/26/11) The Commission may issue a Special Permit for the operation of a Nursery School on the following terms and conditions:

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. A 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 as provided in Section 363. (Amended 6-3-13)

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.** The Commission may issue a Special Permit for the operation of a Riding Stable or Academy on the following terms and conditions (Amended 5/26/11):

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 [Reserved] (Deleted 6/14/18)

341.8 <u>Regulated Home Occupation</u>. (Added 5/26/11) The Commission may issue a Special Permit for the operation of a Regulated Home Occupation on the following terms and conditions:

341.8.1 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.

341.8.2 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)

341.8.3 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.

341.8.4 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.

341.8.5 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.

341.8.6 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.

341.9 **Museum / Art Gallery.** (Added 5/26/11) The Commission may issue a Special Permit for the operation of a Museum / Art Gallery on the following terms and conditions:

341.9.1 **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.

341.9.2 **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.

341.9.3 **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 frontline and 50 feet from the side lines and back lot

line. Minimum required parking space shall be as provided in Section 363. (Amended 6-3-13)

341.9.4 **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)

341.9.5 **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.

341.10 **Farmer's Market.** (Added 5/26/11) The Commission may issue a Special Permit for the operation of a Farmer's Market on the following terms and conditions:

341.10.1 A Farmers' Market shall not be permitted to operate on any lot containing a Single Family Dwelling.

341.10.2 A Special Permit issued for a Farmers' Market shall expire twelve (12) months from the date of issuance, provided the Commission may, in its discretion, establish an alternate period of no less than four (4) months and no more than forty-eight (48) months.

341.10.3 All Structures and equipment erected, installed or used primarily for a Farmers' Market shall be removed from the lot (or stored in a Structure so as to not be visible from the exterior of such Structure) during any period the Farmers' Market is not operating.

341.11 **Parks and Playgrounds.** (Added 5/26/11) The Commission may issue a Special Permit for the operation of Parks and Playgrounds on the following terms and conditions:

341.11.1 Parks and Playgrounds shall not be permitted to operate on any lot containing a Single Family Dwelling.

341.11.2 No Building may be constructed within a Park or Playground.

341.11.3 Structure coverage shall not exceed twenty percent (20%) of the site area in the aggregate. Structure, parking, driveway and impermeable surface coverage shall not exceed thirty percent (30%) of the site area in the aggregate.

341.11.4 Minimum setback of all Structures, equipment, parking areas and any paved or impermeable surface other than driveways shall be fifty feet from the front, side and rear lot lines.

341.11.5 The Commission may, in its discretion, require installation and maintenance of fencing and/or planting and maintenance of a buffer area of up to fifty feet in depth.

341.11.6 Any Special Permit issued with respect to Parks and Playgrounds may be terminated, in the Commission's discretion, in the event any portion of any lot within the special permit area is conveyed or dedicated to a another use.

341.11.7 This Section 341.11 shall not apply to Parks and Playgrounds wholly owned by the Town of Weston.

342. **[Reserved]** (Deleted 5/26/11)

343. **Limited Home Occupation.** (Amended 5/26/11) A Limited Home Occupation shall be permitted as an accessory use to the extent such use complies with the following terms and 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 [Reserved]

343.3 [Reserved]

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 [Reserved]

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.

345. **Apartments.** (Amended 5/26/11) One apartment is allowed within a dwelling if the following conditions are met:

345.1 The apartment is located in a dwelling on a lot of two acres or more, or on a pre-existing non-conforming building lot

345.2 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.

345.3 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.

345.4 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)

345.5 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 bona fide temporary absences. In no case shall the house and the apartment be rented simultaneously.

345.6 The application shall include an accurate description of the facts of the proposed facility as required by the Commission or its agent. The Commission or its agent may require the applicant to supply architectural drawings, surveyors' maps or engineering data and such other information as the Commission or its agent finds necessary to ensure that the application complies with all applicable regulations.

345.7 There shall be no more than one apartment in any Dwelling.

346. **[Reserved]** (Deleted 5/26/11)

347 **[Reserved]** (Deleted 5/26/11)

Section 348. Disturbance of Soil

348.1 Soil Disturbance Permit. The deposit, re-grading, excavation and removal of Soil shall be prohibited unless a permit has been issued for such activity pursuant to this Section 348. Zoning permits and special permits issued pursuant to any other section of these Regulations shall not be deemed to satisfy the provisions of this Section.

348.2 Permit Prerequisites. No permit shall be issued hereunder unless the following requirements have been met[3]:

348.2.1 Survey. Submission of a survey in conformity with Section 401. Such survey shall include (i) existing vertical relief with the source of information (e.g. ground survey or aerial map), contour interval, datum, and originating benchmark identified, (ii) proposed vertical relief, (iii) proposed temporary and permanent sedimentation, run-off and erosion control measures and Soil storage areas, and (iv) location of wetland areas.

348.2.2 Zero Incremental Runoff Certification. Submission of a certification referencing the survey required pursuant to Section 348.2.1 and certifying that the activity shall not (i) increase the volume or speed of storm water discharge, (ii) materially change the direction of runoff, or (iii) increase the natural or pre-existing rate of Soil erosion on the site, each under conditions of the fifty year design storm. The certification shall be made by an engineer licensed by the State of Connecticut on a form prepared by the Commission. Calculations shall conform to standard criteria contained in the Connecticut Department of Transportation Drainage Manual for hydrological and hydraulic analysis and the Connecticut Department of Energy and Environmental Protection Stormwater Quality Manual.

348.2.3 Soil Certifications. Submission of a certification by the owner of the affected property or the Soil vendor (i) of the origin of any introduced Soil, and (ii) that any introduced Soil shall be free of any hazardous or polluting substances including, without limitation, any oil or petroleum products or any chemical liquids or solids. The Commission or its agent may, in its discretion, require submission of further certifications or soil testing results with respect to any Soil.

---

[3] *Guidance*: Additional permits may be required pursuant to, *inter alia*, (i) The Ordinance Concerning the Regulation of Inland Wetlands Watercourses in the Town of Weston, (ii) The Floodplain Management Regulations, and (iii) The Aquifer Protection Area Regulations.

348.3 **Certificate of Compliance Prerequisites.** No certificate of compliance shall be issued with respect to activity permitted hereunder prior to (i) delivery of a certification made by an engineer licensed by the State of Connecticut on a form prepared by the Commission certifying that the permitted activity has been completed in accordance with the survey submitted pursuant to 348.2.1, and (ii) permanent stabilization of the disturbed area and removal of all temporary sedimentation, run-off and erosion control measures.

348.4 **Exemptions.** The provisions of this Section 348 shall not apply with respect to (i) re-grading or removal of Soil where such activity disturbs less than 2,500 square feet of surface area in the aggregate in any twelve (12) month period, (ii) the deposit of less than twenty-five (25) cubic yards of Soil in the aggregate deposited in any twelve (12) month period, or (iii) aggregate deposited exclusively for use on a driveway, path or terrace in connection with a residential use.

348.5 **Sedimentation, Run-off and Erosion Control Measures.** The Commission or its agent may require implementation of such additional sedimentation, run-off and erosion control measures as it deems necessary or desirable as a condition of issuance of any permit including, without limitation, phased construction and maintenance of areas of non-disturbance.

348.6 **Debris and Hazardous Material.** Stumps excavated from a property may be buried on such property only in those locations shown on the survey submitted pursuant to 348.2.1. No debris (including Soil) may be deposited for purposes of storage (i) in excess of sixty (60) days, or (ii) less than fifty (50) feet from any property line. No hazardous or polluting substance may be buried.

348.7 **Performance Bond.** The Commission or its agent may, in its discretion, require the submission of a performance bond as a prerequisite for issuance of any permit hereunder to secure performance and completion of any activity undertaken in connection with the permit. In the event a cease and desist order or order or removal is issued, the bond may be utilized to stabilize the property, install sedimentation, run-off and erosion control measures, or remove any Soil deposited in violation of this Section. Upon issuance of a certificate of compliance, any remaining balance shall be released.

348.8 **Mechanical Processing of Soil Prohibited.** Mechanical processing of excavated Soil (including, but not limited to, splitting, sifting, crushing or hammering) is prohibited.

Section 350. Signs. (Amended 9/23/11) No exterior Sign or Sign visible from the exterior of a Structure shall be installed, erected or placed except as follows:

350.1 Residential Signs. The installation of Signs on residential parcels shall be permitted only as follows:

350.1.1 Street Address Signs. The installation of up to two (2) Signs each not to exceed two (2) square feet in area and bearing only the street address and/or the name of the resident shall be permitted.

350.1.2 Home Occupation Signs. The installation of one (1) Sign bearing only the name of the home occupation conducted therein and/or the nature of such occupation shall be permitted. Such Sign shall consist of a support post and crossbeam and a single primary placard measuring no more than two (2) square feet in area.

350.2 NSC District Signs. The installation of Signs within the NSC District shall be permitted only as follows:

350.2.1 Directional Signs. Signs for the direction of vehicular traffic may be installed as may be determined to be necessary by the Commission in its discretion.

350.2.2 Business Signs. The installation of one (1) Sign bearing only the name of such business may be installed on the front façade of the area occupied by each business operating within the NSC District. No Sign may be affixed to any surface other than a vertical wall and no portion of such Sign shall extend above the wall on which it is affixed. Liquor license permittee designation or other Signs necessary in connection with a valid liquor permit shall be permitted provided such Signs are no larger than is statutorily required.

350.2.3 Shopping Center Sign. One (1) Sign bearing only the name of the shopping center and/or its street address may be installed as determined by the Commission in its discretion.

350.3 Special Permit Signs. The installation of Signs on parcels subject to a Special Permit shall be permitted only as may be approved by the Commission in its discretion. In no event shall any Sign exceed twelve (12) square feet in area.

350.4 'For Sale or Lease' Signs. Notwithstanding the provisions of Sections 350.1, 350.2 and 350.3, one (1) Sign advertising the sale or lease of real property shall be permitted on such real property. Such Sign shall consist of a support post and crossbeam and a single primary placard measuring no more than four (4) square feet. Notwithstanding the foregoing, up to two (2) ancillary placards may hang from, or otherwise be affixed to the primary placard or support, provided such ancillary placards shall measure no more than an aggregate of two (2) square feet. Each Sign shall be

removed no later than the consummation of the particular sale or lease transaction for which it was installed.

350.5 Temporary Signs. Notwithstanding the provisions of Sections 350.1, 350.2 and 350.3, the installation of Temporary Signs shall be permitted as follows:

350.5.1 Temporary Political Signs. The installation of Temporary Signs erected solely for political purposes shall be permitted.

350.5.2 Tag Sale Signs. The installation of Temporary Signs solely advertising a tag sale and duly licensed pursuant to §11-20 of the Weston Town Ordinances shall be permitted.

350.6 General Prohibition; Off-site Signage. Except as set forth in Section 350.5.1 above, Signs advertising any business, service, transaction or event which is not exclusively or principally conducted or operated by the owner of the land on which such Sign is located are expressly prohibited.

350.7 General Restrictions. All Signs shall conform to the following provisions:

(a) No Sign shall be internally illuminated.
(b) No Sign shall consist of, or include any digital or electronic text or display.
(c) No Sign shall be illuminated by means of any colored, flashing, or intermittent light, or include any reflective material.
(d) No Sign shall be illuminated by means of any string or tube lighting or by means of neon or any other gas.
(e) No Sign, or any portion thereof, shall rotate, flutter, or otherwise generate or allow movement.
(f) No Sign may project into a Public Way or interfere with visibility at an intersection.
(g) No Sign on a residential parcel shall be installed higher than six (6) feet from the adjoining finished grade.
(h) All surfaces, frames and visible supports of Signs, other than Temporary Signs, shall be manufactured exclusively of wood.

350.8 Signs on Public Land. Signs installed, erected or placed on Public Land shall not be subject to this Section 350.

351. [Reserved] (Deleted 9/23/11)

Section 360. Off-Street Parking And Loading

361. Intent and Purpose. 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 Commission determines that such is necessary in accordance with the purposes set forth in Section 361 above: (Amended 5/26/11, Amended 6/3/13)

Use	**Minimum Required Off-Street Parking Spaces**
a. – d.	[Reserved]
e. Place of Worship	1 per each 5 seats or pew spaces.
f. 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.	[Reserved]
h. Private School, Nursery School, Day Camp	1 per each teacher and staff member, plus 1 per each 6 pupils or campers.
i. 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 Commission 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, Amended 6/3/13)

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 or 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 Commission approves the location of required off-street parking spaces on a different lot than that occupied by the use served, the Commission 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, Amended 6/3/13)

366.Parking and Loading Specifications. All off-street parking and loading spaces shall comply with the following standards and requirements:

366.1 Th e 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 a property lines within fifty (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 An y 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)

401. Survey Requirements. Except as otherwise set forth in Sections 322.8, 415, 416, and this Section, no zoning permit, special permit, administrative permit, or certificate of zoning compliance may be issued except upon submission of (i) an A-2 Property Survey

or (ii) a map prepared by a licensed engineer or surveyor based on an A-2 Property Survey certifying said reliance, and making specific reference to such A-2 Property Survey. No survey shall be accepted a) where any new structure has been constructed or any existing foundation expanded on the property or any lot line has been altered following the date of such survey or b) where such survey was last certified more than ten years prior to the application date. The Commission may impose additional survey requirements from time to time by resolution. To the extent this section shall conflict with any other section of these regulations, the provisions of this section shall govern. (Added 12/30/09)

Section 410. Zoning Permits. No building or structure shall be erected, constructed, reconstructed, enlarged, altered or moved, or excavation made therefor, or work begun thereon, or use made of any land, until a zoning permit therefor 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 therefor 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. *(Repealed and replaced by new Sections 411.1 and 411.2)*

411.1 **Expiration of Zoning Permits**. A zoning permit issued in connection with the construction of a Structure shall expire on the second (2nd) anniversary of its issuance date unless (i) all foundations included in the permit application have been substantially completed, and (ii) an A-2 Zoning Location Survey showing the location of such foundation in relation to all required setbacks has been submitted to, and approved by the Commission. This subsection 411.1 shall not apply to special permits. (Added 12/30/09)

411.2 **Construction on a Foundation.** No Structure shall be constructed upon a new foundation unless and until an A-2 Zoning Location Survey has been submitted to, and approved by the Commission. This subsection 411.2 shall apply to all construction in the R-2A and NSC districts including, without limitation, construction pursuant to a special permit. (Added 12/30/09)

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.

415. The requirements of Sections 410.2 and 411 shall be waived for alteration of an existing structure which alteration does not include installation of any additional foundation, footing, slab, or pier and does not increase coverage of the lot. (Added 3/16/09)

416. The requirements of Sections 410.2 and 411 may be waived, in the discretion of the Commission (exercised by the Zoning Enforcement Officer when applicable), for installation of a terrace, uncovered deck, children's play set, generator, or HVAC compressor, where such improvement is clearly and demonstrably outside of any applicable setback and where lot coverage following the installation will be clearly and demonstrably below the maximum allowable lot coverage. A detailed memorandum setting forth the basis for any waiver shall be included in the file. (Added 3/16/09)

417. In the event an alteration or installation is completed without a survey as permitted pursuant to Sections 415 and 416 above, a limited certificate of zoning compliance (confirming compliance of the alteration or installation only, rather than compliance of the entire lot) shall be issued in lieu of a certificate of zoning compliance. (Added 3/16/09)

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. (Amended 3/16/09)

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.

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 South Western 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 $250 to defray the cost of publication of the notice required for a hearing. (Amended 6/3/13)

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 14, 2018.

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 "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 "Town Plan of Development" 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. (Amended 6/3/13)

Section 610. <u>Definitions</u>

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, three-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 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.

Customary Accessory Use: A use of land, Buildings or Structures which is incidental and subordinate to and customarily used in connection with, and located on the same lot with the principal Building, Structure, or use. Customary Accessory Uses with respect to Single Family Dwellings shall include, but not be limited to, private detached garages, tool and potting sheds, barns, children's play systems (such as swings, slides, and play houses), swimming pools, and playing courts.[4] (Added 5/26/11)

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 nontransient 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 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/l/89)

Farmers' Market: A market for the display and sale at retail of Farming products, and Customary Accessory Uses. (Added 5/26/11)

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

---

[4] *Guidance:* Playing courts and swimming pools are regulated by Section 312.4.

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 (except as otherwise expressly permitted by these Regulations) or the commercial processing of the products of the farm, shall not be included. (Amended 9/16/13, Effective 9/26/13)

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)

Fire Station: A facility primarily used by a fire/rescue organization to house fire suppression, rescue, and/or emergency medical response apparatus and equipment. The term "Fire Station" shall include Customary Accessory Uses including, but not limited to, (i) training and fitness, (ii) administration, and (iii) social functions. (Added 5/26/11)

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.

Home Occupation: Artistic and professional pursuits operated from a Dwelling. (Added 5/26/11)

Limited Home Occupation: A Home Occupation engaged in by no more than one (1) individual who is not an Occupant of such Dwelling. (Added 5/26/11)

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.

Museum / Art Gallery: A not-for-profit institution that houses and cares for a collection of artifacts and other objects of scientific, artistic, cultural, or historical importance and makes them available for public viewing and study through exhibits that may be permanent or temporary and offers programs of study with respect thereto. The term "Museum / Art Gallery" shall include Customary Accessory Uses. (Added 5/26/11)

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 adoption or amendment substantively affecting such use, of these regulations and complied with the Zoning Regulations at the time it was established. (Amended 6/3/13)

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.

Occupant: An individual who uses the subject Dwelling as his or her primary residence. (Added 5/26/11)

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

Park: Open space land dedicated and held in perpetuity for educational, scientific, aesthetic, or other equivalent passive uses for the benefit of the public in general which may be improved by natural walking trails, parking facilities, picnicking facilities, map and informational kiosks and similar unenclosed improvements, and shall include, but is

not limited to, community gardens. The term "Park" shall include Customary Accessory Uses. (Added 5/26/11)

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.

Place of Worship: An establishment where a group of people performs acts of religious study, honor, or devotion. The term "Place of Worship" shall include Customary Accessory Uses. (Added 5/26/11)

Playground: Land dedicated and held in perpetuity for recreational uses, for the benefit of the public in general improved with outdoor equipment and facilities for play, recreation, and sports and shall include, but is not limited to, children's play areas and basketball courts. The term "Playground" shall include Customary Accessory Uses. (Added 5/26/11)

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

Public Land shall mean any piece or parcel of land wholly owned by the Town of Weston. (Added 9/23/11)

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

Regulated Home Occupation: A Home Occupation engaged in by more than one (1) individual who is not an Occupant of such Dwelling. (Added 5/26/11)

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."

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.

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

Soil. "Soil" shall mean any earth, loam, topsoil, clay, stone, sand, gravel, or aggregate of any kind for loose deposit on the ground and not intended for integration into any Structure.

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.

Temporary Sign shall mean any Sign which (i) consists of a single placard measuring no more than three (3) square feet, (ii) does not exceed thirty-six (36) inches in height measured from the adjoining grade, and (iii) is placed on the ground without foundation or supports or is erected on wire supports. (Added 9/23/11)

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.

* *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.*