

Town of Scotland

Zoning Regulations

Proposed

This document for
Discussion Purposes Only
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Article One

Purpose and Authority

Article 1, Section 1 **Authority**

These regulations pursuant to Chapter 124, and other pertinent sections of the Connecticut General Statutes as amended, are adopted under the General Statutes of the State of Connecticut, as amended.

Article 1, Section 2 **Purpose**

The purpose of these regulations are: to protect and promote the public health, safety, welfare, convenience and property values; to preserve and protect the unique character of the town of Scotland; to provide for the best use of land; to conserve and stabilize the value of property; to secure safety from fire, flood, environmental damage and other dangers; to prevent the overcrowding of land; to facilitate adequate provisions for the transportation, water, sewerage, schools, recreation and other public requirements; to conserve and protect existing and potential surface water and ground water drinking supplies and other valuable natural resources; to prevent unnecessary soil erosion and sedimentation; and to provide adequate housing opportunities for all citizens of Scotland consistent with soil types, terrain, infrastructure, capacity, the rural character of the town, and the town Plan of Conservation and Development.

Article 1, Section 3 **Comprehensive Plan**

The zoning regulations established hereunder, including the official Zoning Map, are in accordance with, and are hereby declared to embody, the comprehensive zoning plan of the Town of Scotland.

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Article Two

General Provisions

Article 2, Section 1 **Planning and Zoning Commission**

- A. In accordance with Chapter 124, Section 8-1 of the General Statutes of the State of Connecticut, as amended, there is established a Planning and Zoning Commission, hereinafter known as the Commission.
- B. In accordance with Chapter 124, Section 8-2 through 8-4 of the General Statutes of the State of Connecticut, as amended, the Commission shall have the power:
 - 1. To establish and amend Zoning Regulations and districts;
 - 2. To enforce the provisions of the Zoning Regulations;
 - 3. To hear and decide upon all applications for special exceptions.

Article 2, Section 2 **Regulations, General**

Once established, the regulations, restrictions and boundaries set forth in the Zoning Regulations may, from time to time, be amended, supplemented or repealed by the Commission in accordance with the General Statutes either on the initiative of the Commission or by petition from property-owners, interested parties, or residents of the Town of Scotland having standing to file such application.

Article 2, Section 3 **Application of Regulations**

- A. No building, structure, premises or land shall be used or occupied, and no building or other structure or part thereof shall be erected, moved, placed, reconstructed, extended, enlarged, altered or demolished, and no land development activities shall be undertaken (including subdivision of land), except in conformity with the regulations herein prescribed for the zone in which such land, building, structure, use, or activity is located.
- B. No conveyance of land shall be made that reduces the remaining land of the grantor below the applicable minimum area, bulk, and yard requirements.
- C. No zoning permit or certificate of zoning compliance shall be issued for the erection or occupancy of a building or structure on land conveyed in violation of these regulation.
- D. These regulations are intended to state the uses or the establishment of uses of land and/or buildings and structures which are permitted within the Town. **Uses not stated are not permitted.**

Article 2, Section 4 **Interpretation**

In interpreting and applying these regulations, the regulations shall be considered as the minimum requirements for the promotion of the public health, safety and general welfare. When these regulations impose a greater restriction on the use of buildings or require larger yards, courts or other open spaces, or require a greater percentage of lots to remain not built, or impose other standards higher than those imposed by any law, regulation or private agreement, these regulations shall control. When restrictions are imposed by any law, regulation or private agreement which are greater than those required by these regulations, such greater restrictions shall not be affected by these regulations. When one section of these regulations imposes standards greater than those of another section, the standards of the more restrictive section shall control.

Article 2, Section 5 **Severability**

If any section, clause, provision or portion of this Regulation shall be held invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the whole Regulation or any other section, clause, provision or portion other than the part so decided to be invalid or unconstitutional.

Article 2, Section 6 **Enforcement**

- A. These regulations shall be enforced and interpreted by the Scotland Planning and Zoning Commission or its duly appointed Zoning Enforcement Officer, in such a manner as set forth in Section 8-12 and other applicable sections of the Connecticut General Statutes, as amended, and in such a manner as set forth in these regulations.
- B. If any building or structure has been erected, constructed, altered, or maintained, or any building, structure or land has been used, in violation of these regulations, the Planning & Zoning Commission or the duly appointed Zoning Enforcement Officer, in addition to other remedies, may do any or all of the following:
 - 1. institute an action or proceeding to prevent such unlawful erection, construction, alteration, maintenance or use, or to restrain, correct or abate such violation, or to prevent the occupancy of such building, structure or land, or to prevent any illegal act, conduct or use in or about such premises;
 - 2. cause any building, structure, place or premises to be inspected and examined and order in writing the remedying of any condition found to exist therein or thereon in violation of these regulations or, when the violation involves either grading of land, removal of earth, or soil erosion and sediment control, issue in writing a cease and desist order to be effective immediately; and
 - 3. revoke any zoning permit or special permit if, after written notice to the applicant, landowner, or other person conducting such use, and an opportunity for a hearing, the Commission or the Zoning Enforcement Officer makes a finding that any condition or other term of the permit or of these regulations has been violated or has not been complied with.
- C. Prior to initiation of any land development activity or use, it is recommended that these regulations be reviewed and the Zoning Enforcement Officer or the Commission be consulted regarding requirements and administrative procedures of these regulations.

Article 2, Section 7 **Amendments**

- A. The Commission strongly advises persons seeking to amend either these regulations or the zoning map to meet informally with the Commission prior to such an action. Such meetings are not binding -- but do provide the applicant and the Commission the opportunity to discuss the purpose and need for any modifications or additions -- improving the process and understanding.
- B. The following procedures shall be followed for any proposed amendment to the Planning and Zoning Regulations or to Zoning District Boundaries
 - 1. In accordance with the provisions of Section 8-3 of the Connecticut General Statutes, these Regulations and/or the Zoning Map may be amended either on the initiative of the Commission or by petition from one or more property-owner(s) or resident(s) of the Town of Scotland having standing to file such application.
 - 2. Applications for amendments must include all required application materials (see Section C below) and shall only be received at a regular meeting of the Commission. Petitions should be filed in the Scotland Land Use Office at least seven (7) days prior to a regular meeting for completeness and placement on the agenda.

3. Once a petition has been received as complete, the Commission shall hold a formal Public Hearing, complete its review and, within statutory time limitations, act upon the changes requested in such petition. The Commission shall establish an effective date for approved changes to the Zoning Regulations or Zoning Map.
 4. Pursuant to Section 8-3a of the State Statutes, the Commission shall state on the record its findings regarding the consistency of a proposed zoning regulation or boundaries or changes thereof with the Scotland Plan of Conservation and Development.
 5. Upon receipt of a petition to amend the Zoning Regulations and/or Zoning Map, the Commission may refer the application materials to town staff members and/or consultants/experts that the Commission deems necessary or appropriate, and in accordance with statutory provisions, referrals to the Northeastern Connecticut Council of Governments and/or adjacent municipalities shall be required.
 6. For public hearings, legal notices shall be published in accordance with statutory requirements and a copy of the proposed amendment to the Zoning Regulations or revision of the Zoning Map shall be filed in the office of the Scotland Town Clerk ten (10) days prior to the publication of notices for the scheduled Public Hearing.
 7. Any Revised or supplemental materials for a application shall not be received during the period between the publication of Hearing notices and the scheduled Public Hearing, unless the Commission agrees to receive revised information and unless the applicant agrees to pay for all advertising costs associated with a rescheduled or continued Public Hearing and extension of statutory time restrictions requested.
 8. No new information shall be received from the applicant or the public after the close of the Public Hearing.
 9. The Commission shall not be required to hear any petition or petitions relating to the same changes, or substantially the same changes, more than once in a period of twelve (12) months.
- C. Application Requirements: Petitions to amend the Zoning Regulations and/or Zoning Map shall, except as noted otherwise, include the following information:
1. A complete application form including the signatures of all petitioners and all subject property owners; along with the fee.
 2. Statement of Justification for the proposed regulation amendment, or Zoning District Boundary change. Said statement should substantiate:
 - a. the compatibility of the proposal with respect to the Scotland Plan of Conservation and Development;
 - b. the reasons for the particular changes(s); and
 - c. the effects such a change would have on the health, safety, welfare, and property values of Scotland residents.
 3. Petitions for changes to the Zoning Regulations shall include the exact wording of all proposed amendments and Article and Section references. All applications to amend the Zoning Regulations should incorporate into the proposal all related sections of the Regulations that must be modified to ensure consistency among the various regulatory provisions.
 4. Petitions for changes to boundaries of the Zoning Map shall include five (5) copies of a map, prepared and appropriately signed and sealed by a surveyor licensed in the State of Connecticut.
 - a. For a rezoning involving ten acres or less, said map shall be at a scale of one-inch equals one hundred feet or less.

- b. For areas greater than ten acres in size, the map shall be at a scale of one-inch equals 200 feet or less.
- c. For areas over twenty acres in size, the Planning and Zoning Commission may authorize an alternative scale provided the proposed area of rezoning and all properties within five hundred (500) feet of this area are clearly represented.
- d. The zone change map shall be distinct from any site plan and shall include the following:
 - I. The area of the zone change and all area within five hundred (500) feet of the proposed rezoning;
 - II. Existing and proposed zoning district boundary lines;
 - III. Existing streets, rights-of-ways, easements, watercourses, wetlands and flood hazard areas;
 - IV. Existing property lines and the names and addresses of the current property-owners, including those across any street and within five-hundred (500) feet of all property boundaries, as per the Scotland Assessor's records.
5. In situations where the mapping information required in Section 4 above cannot fit on one 24 inch by 36 inch sheet, the application shall also include an additional 24 inch by 36 inch sheet depicting all property within the area of the zone change and all property within five hundred (500) feet of the proposed rezoning.
6. Petitions for changes to the Zoning Map shall include a legally defined boundary description of the areas to be rezoned.
7. Traffic studies, environmental assessments and other special reports may also be presented for any petition to create, amend or expand a zone classification.
- D. Any proposed change within five hundred (500) feet of the Town line shall be referred to the Northeastern Connecticut Council of Governments, the Southeastern Connecticut Council of Governments and each abutting town in accordance with Chapter 124, Section 8-3b of the General Statutes.
- E. To ensure ample opportunity for neighborhood opinion to be expressed, the applicant shall be responsible for notifying in writing all property-owners within five-hundred (500) feet of the perimeter boundaries of the subject zone change area. Such notice, which shall be sent and contain a certificate of mailing, at least 10 days prior to the date of the scheduled Public Hearing, shall include the Statement of Justification received by the Commission, a map showing the proposed zone change area, the date and time of the scheduled Public Hearing and the fact that the subject plans are on file in the Scotland Land Use Office. A copy of the applicant's notice to neighboring property-owners, a listing of the property-owners notified at least five (5) days prior to the Public Hearing.
- F. In considering any petition to amend the Zoning Regulations or revise the Zoning Map, the Planning and Zoning Commission shall determine that the applicant's proposal will promote the public's health, safety, property values and general welfare. Further, the Planning and Zoning Commission shall make the following findings:
 1. The proposal is complete and contains all required application information;
 2. The proposal is consistent with the goals, policies and recommendations contained within the Scotland Plan of Conservation and Development. This finding shall be stated on the record, pursuant to Section 8-3a of the State Statutes;

3. The proposal is consistent with the expression of regulatory intent and purpose contained in the provisions of Article I of these regulations and Section 8-2 of the Connecticut General Statutes, as amended;
 4. Any proposal to amend the Zoning Regulations is: appropriately-worded and legally sound and comprehensive and consistent with respect to other regulatory provisions;
 5. Any proposal to revise the Zoning Map has comprehensively considered: the size and physical characteristics of the subject area; the character and supply of land currently zoned in the subject classification; and the effect of the proposal on existing land uses in the surrounding area.
- G. Amendments to the Zoning Regulations or revisions to the Zoning Map shall be adopted by a majority vote of all the members of the Commission, except where a formal protest against a proposed revision to the Zoning Map is filed at or before a Public Hearing on the subject revision.
1. Such a protest must be appropriately signed by the owners of twenty percent or more of the area of the lots included in such proposed change or of the lots within five hundred feet in all directions of the property included in the proposed change.
 2. Where such a protest is appropriately filed, the proposed change shall not be adopted except by a vote of two-thirds of all the members of the Commission.

Anyone considering the filing of a formal protest against a proposed revision to the Zoning Map, as per the provisions of the State Statutes and this Section, is advised to contact the Scotland Planning Office for assistance with respect to proper format and requirements regarding legal signatures, and, as appropriate, to seek legal advice.

Article 2, Section 8 **Non Conforming Uses, Structures, and Lots**

- A. It is the intent of these Regulations that non-conformities are not to be Expanded, Altered, or Enlarged unless authorized by the Commission in accordance with this Section and by Special Permit, that they should be changed to conformity as quickly as the fair interest of the owners permits, and that the existence of any present nonconformity anywhere in the Town shall not in itself be considered grounds for the approval of a variance for any other use, building or other structure or lot.
- B. Any Use, Building or other Structure, Lot or site development, or part thereof, which existed lawfully, by variance or otherwise, on the date these Regulations, or any amendment hereto, became effective and fails to conform to one or more of the provisions of these Regulations, or such amendment hereto, may be continued subject to the provisions and limitations of this Section.
- C. Non-Conforming Uses:
1. No non-conforming use shall be enlarged and no non-conforming use of land, buildings or other structures shall be extended to include any land, building or other structure, or portion thereof, which is not subject to such non-conformity.
 2. No non-conforming use, if once changed to conform, or more nearly conform, with these Regulations, shall thereafter be changed so as to be non-conforming or more non-conforming again.
 3. No non-conforming use of land, buildings or other structures which shall have either ceased or been discontinued for a continuous period of three (3) years or more with evidence of an intent to abandon shall therefore be resumed or replaced by any other nonconforming use.
 4. No change of title, possession or right of possession shall be deemed to affect the right to continue a non-conforming use.
- D. Non-Conforming Buildings or Structures:

1. No non-conforming building or structure shall be expanded or enlarged unless such expansion or enlargement is in conformity with all applicable requirements of these Regulations.
 2. No non-conforming building or structure, if once changed to conform, or more nearly conform, with these Regulations, shall thereafter be changed so as to be non-conforming or more non-conforming again.
 3. Any non-conforming building or structure or one or more of a group of non-conforming buildings or structures which has been or may be damaged by fire, flood, explosion, earthquake, war riot, terrorism, act of God or any governmental authority, may be reconstructed and used as before; but not including voluntary demolition.
 4. Except in the event of fire or other casualty, nothing in this Section shall be deemed to prohibit work on any non-conforming building or structure when necessary to protect the public health or safety and/or when ordered by the Building Official, Fire Marshal or the Director of Health, provided that such work does not increase the non-conformity. Nothing in this Section shall be deemed to prohibit work on ordinary repair and maintenance of a non-conforming building or structure or replacement of existing materials with similar materials.
 5. No change of title, possession or right of possession shall be deemed to affect the right to continue a non-conforming building or other structure.
 6. A legally existing building or structure nonconforming as to the front, side and/or rear setback requirements or minimum lot size requirements of these regulations may be expanded, extended, or enlarged, provided any such expansion, extension or enlargement is no closer to the property line than the existing building or structure; does not create a public safety problem or health hazard, including but not limited to sight lines for the motoring public; and is in conformity with all other requirements of these regulations.
- E. Non-Conforming Lot:
1. Nothing in these Regulations shall prevent the construction, enlargement, extension or structural alteration of a building or other structure on or the use of a lot, as defined, which does not conform to the area and shape requirements of these Regulations, subject to all of the following provisions:
 - a. The use, building or other structure on such lot shall conform to all other applicable requirements of these Regulations.
 - b. Non-conforming lots that abut each other and are or were since the effective date of these regulations under the same ownership shall be deemed one lot.
- F. Subdivision: No lot or land shall be subdivided, sold, encumbered or transferred so as to make a lot non-conforming or more non-conforming, to make any use, building or other structure non-conforming or more non-conforming, to reduce any setback, open space or off-street parking and loading spaces to less than is required by these Regulations or to make any non-conforming setback, open space or off-street parking or loading spaces more non-conforming.

Article 2, Section 9 **Effective Date**

This Zoning Regulation of the Town of Scotland and any future amendments shall take effect upon their passage and publication notice in accordance with the Connecticut General Statutes and shall take precedence over any other prior regulation or parts of prior regulations which are inconsistent.

Article Three

Definitions

Intent and General Rules of Construction. In the interests of clarity and brevity, the following terms shall, unless otherwise stated, have the meaning herein indicated for all purposes of these Regulations. Words used in the present tense shall include the future tense. When the context so requires, words in the masculine, feminine, or neuter gender shall include any gender, and words in the singular or plural shall include both singular and plural numbers. The underlined captions set forth in these Regulations are for convenience and reference only, and shall not be deemed to define or limit the provisions hereof or to affect in any way their construction or application. In the interpretation and enforcement of these Regulations, words not defined in this Article shall be interpreted by the Commission or its designated agent.

A

Abandonment - A structure shall be considered abandoned if it is fully or partial demolished. The use of a structure or land shall be considered abandoned if the activity or operation ceases, the premises are vacated, machinery, equipment or fixtures are removed, or other action terminating the use is taken. to cease or discontinue a use or activity without intent to resume, but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure.

Abutting - means separated by no intervening private property; properties separated by a public or private street shall be deemed to be abutting. [Where personal notice is required to "neighbors," allows "abutter" to include properties across the street.

Accessory Apartment - means a dwelling unit located on the same parcel of land as a principal single family dwelling which is arranged, designed, used or altered for the use of one family and contains independent living quarters, kitchen/food preparation area and a bathroom with a bathtub and/or shower, a toilet and a lavatory.

Accessory Building or Structure - means a building or structure, in addition to the principal building, which is clearly subordinate to, and customarily incidental to, and located upon the same lot as, the principal building or on a contiguous lot under the same ownership. Any accessory building physically attached to a principal building shall be deemed to be a part of such principal building in applying the Bulk Regulations to such building.

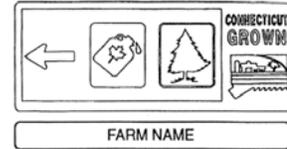
Accessory Use - means a use, in addition to the principal use, which is clearly subordinate to, and customarily incidental to, and located upon the same lot as, the principal use or on a contiguous lot under the same ownership.

Agriculture - means the cultivation of the soil, dairying, forestry, raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock, including horses, bees, poultry, and the raising or harvesting of oysters, clams, mussels, other molluscan shellfish or fish; the operation, management, conservation, improvement or maintenance of a farm and its buildings, tools and equipment, or salvaging timber or cleared land of brush or other debris left by storm, as an incident to such farming operations; the production or harvesting of maple syrup or maple sugar, or any agricultural commodity, including lumber, as an incident to ordinary farming operations or the harvesting of mushrooms, the hatching of poultry, or the construction, operation or maintenance of ditches, canals, reservoirs or waterways used exclusively for farming purposes; handling, planting, drying, packing, packaging, processing, freezing, grading, storing or delivering to storage or to market, or to a carrier for transportation to market, or for direct sale any agricultural or horticultural commodity as an incident to ordinary farming operations, or, in the case of fruits and vegetables, as an incident to the preparation of such fruits or vegetables for market or for direct sale.

- **Agricultural Ancillary Entertainment-Based Activities** - means non-agricultural offerings, commonly used as incidental components of on-farm direct marketing activities, that are accessory to, and serve to increase, the direct-market sales of the agricultural output of a commercial farm. Such activities are designed to attract customers to a commercial farm by enhancing the experience of purchasing agricultural products. Examples of ancillary entertainment-based activities include, but are not limited to: background live or recorded music, weddings, meetings, and picnic tables. Such activities may have a fee associated with them, but such fees shall be de minimis compared to the income generated from the sale of the agricultural output of the commercial farm.
- **Agroprocessing** - means is a series of activities or production that processes raw materials and intermediate products derived from the agricultural sector into either a wholesale or retail product.
- **Commercial Farm** - means: (1) A farm unit of no less than five acres producing agricultural products worth \$2,500 or more annually, and satisfying the eligibility criteria for differential property taxation pursuant to the 12-107a; or (2) A farm unit less than five acres, producing agricultural products worth \$25,000 or more annually and otherwise satisfying the eligibility criteria for differential property taxation pursuant to the.
- **Temporary Agricultural Structures** - means buildings and structures used in connection with agriculture such as hoop houses, high tunnels, run-in sheds, birthing sheds, sugar houses, pump houses, and similar buildings or structures that are easily moved and not permanently mounted to the ground.
- **Community Supported Agriculture (CSA) Operation** - means an on-farm direct marketing method in which the retail sale of the agricultural output of a commercial farm is provided through a paid subscription.
- **Complementary Products** - means items commonly used to facilitate the use or consumption of the agricultural output of the commercial farm and promotional items that help market the commercial farm. Examples of promotional items include, but are not limited to, souvenir items such as commercial farm-branded shirts, hats, and bags.
- **CSA Market and Distribution Area** - means an on-farm direct marketing facility used by a CSA operation to organize and dispense CSA operation members' farm product shares and to market products that contribute to farm income.
- **Energy-Related Activities** - means energy generation activities that are accessory to, and serve to increase, the financial viability of a commercial farm. Examples of energy related activities include, but are not limited to: solar, geo-thermal, hydro or bio-mass forms of energy. Any such energy related activity shall be placed in a manner that does not diminish the current or potential use of Prime, Important or Local Significant Farmland Soils.
- **Farm-Based Recreational Activities** - means recreational offerings that are uniquely suited to occurring on a farm and also may include common outdoor recreation activities that are compatible with the agricultural use of the farm, where such offerings and activities are related to marketing the agricultural output of the commercial farm. Such activities are accessory to, and serve to increase, the direct-market sales of the agricultural output of the commercial farm by enhancing the experience of purchasing agriculture products for the purpose of attracting customers to the commercial farm. Examples of farm-based recreational activities uniquely suited to occurring on a farm may include, but are not limited to: corn, sunflower, and other crop mazes; hayrides and wagon rides; agricultural animal display or petting areas; farm tours; horseback riding; pony rides; and tractor pulls. Examples of farm-based recreational activities considered common outdoor recreation activities that are compatible with the agricultural use of the farm include, but are not limited to: hiking; bird watching; sleigh rides; hunting and fishing; and bonfires. Activities and related infrastructure not considered farm-based recreational activities include, but are not limited to: athletic fields; paintball; go-karting and other similar racetracks; carnival-type amusement rides; and the flying of hobby, private, or commercial aircraft.

❑ **Farm Market** - means a facility used for the wholesale or retail marketing of the agricultural output of a commercial farm and products that contribute to farm income, except that if a farm market is used for retail marketing at least 51 percent of the annual gross sales of the retail farm market shall be generated from sales of agricultural output of the commercial farm, or at least 51 percent of the sales area shall be devoted to the sale of agricultural output of the commercial farm.

❑ **Off-Site Direction Signage** - means directional signs placed in a public right-of-way consistent with the rules established by the Connecticut Department of Agriculture.



❑ **On-Farm Direct Marketing** - means the on-farm facilities, activities, and events that are used to facilitate and provide for direct, farmer-to-consumer sales of the agricultural output of the commercial farm and products that contribute to farm income.

❑ **On-Farm Direct Marketing Activity** - means an agriculture-related happening made available by a commercial farm that is accessory to, and serves to increase, the direct-market sales of the agricultural output of the commercial farm. Such activities are designed to attract customers to a commercial farm by enhancing the experience of purchasing agricultural products and include, but are not limited to: agriculture-related educational activities; farm-based recreational activities; and ancillary entertainment-based activities.

❑ **On-Farm Direct Marketing Event** - means an agriculture-related function offered by a commercial farm that is accessory to, and serves to increase, the direct-market sales of the agricultural output of the commercial farm. Such events are designed to attract customers to a commercial farm by enhancing the experience of purchasing agricultural products; may include on-farm direct marketing activities as components; are either product-based or farm-based; and occur seasonally or periodically. Product-based events, provided they demonstrate the required relationship to marketing the output of the commercial farm, may include, but are not limited to: an apple, peach, strawberry, pumpkin, wine, or other agricultural or horticultural product festival held at a commercial farm that produces that particular product. Farm-based events provided they demonstrate the required relationship to marketing the output of the commercial farm, may include, but are not limited to: seasonal harvest festivals held at a commercial farm that produces such seasonal farm products, farm open house events, CSA membership meetings, and farm-to-table events that showcase the agricultural output of the commercial farm.

❑ **On-Farm Direct Marketing Facility** - means a type of farm market including the permanent, temporary, and/or moveable structures, improvements, equipment, vehicles, and apparatuses necessary to facilitate and provide for direct, farmer-to-consumer sales of the agricultural output of the commercial farm and products that contribute to farm income. Such facilities include various types and sizes of direct marketing operations, including, but not limited to: farm stands; farm stores; CSA market and distribution areas; and pick-your-own (PYO) market areas. A facility may include one or more structures or a portion of a structure, and a facility may utilize new or existing structures. A facility's structures may also be used for the commercial farm's other farm purposes, for instance: equipment storage, equipment maintenance, and the production, processing, packaging, storage, or wholesale marketing of the agricultural output of the commercial farm.

❑ **Pick-Your-Own (PYO) Operation** - means an on-farm direct marketing method wherein retail or wholesale customers are invited onto a commercial farm in order to harvest and pay for agricultural or horticultural products. Examples of PYO operation crops include, but are not limited to, fruits, vegetables, flowers, and Christmas trees.

❑ **Products that Contribute to Farm Income** - means complementary or supplementary products that are sold to help attract customers to the farm market through a broadening of the range of products available and an enhancement of the experience of purchasing the agricultural output of the commercial farm.

❑ **PYO Market Area** - means an on-farm direct marketing facility used by a PYO operation to set up PYO activities and collect money for PYO crops harvested by customers. PYO market areas may be stand-alone

facilities or part of other on-farm direct-marketing facilities. In some cases, such as when a commercial farm has a CSA operation or component, PYO operations may not necessarily involve the collection of money following harvesting, as PYO crops may be one of the benefits of a CSA membership.

- ❑ **Sales Area** - means the indoor, outdoor, covered, and uncovered areas of an on-farm direct marketing facility whose primary and predominant use is the display, marketing, and selling of the agricultural output of a commercial farm and products that contribute to farm income. Sales areas do not include: PYO and other production fields; pastures and other areas occupied by livestock on a regular basis; non-public areas, such as areas used for the storage of equipment and other items; and areas dedicated to farm-based recreational activities. Covered sales areas include sales areas inside structures and sales areas underneath tents, awnings, and other canopies.
- ❑ **Supplementary Products** - means the agricultural output of other farms, and additional customary food and drink items.
- ❑ **Farm Wineries** - means an accessory use to a vineyard, which use includes the manufacture, storage, bottling, and production of wine and winery by-products or spirits, which manufacture, storage, bottling and distillery must be in compliance with the State and Federal laws and regulations. The winery may provide for storage facilities on the farm premises in buildings approved by the State and Federal authorities for the storage and/or production of wine and/or spirits, such other accessory uses as are authorized in accordance with these Regulations
- ❑ **University Spin-Offs from Research and Development** - means the on farm application of university based research related to commercial agriculture.

Agricultural Buffer - means a fifty (50) to one-hundred (100) foot buffer required by the Commission when a residential development is proposed adjacent to actively farmed land and a fifty (50) foot minimum buffer for a farm used for the keeping of pigs, fur-bearing animals, poultry, or wildlife for commercial purposes. The planting of trees and shrubbery may be required as part of an agricultural buffer. When a residential development is proposed adjacent to actively farmed land, the following statement shall be noted on the plans and on each property deed contained in the development: *"This property abuts or is in proximity to an active agricultural or farming operation which is a permitted zoning use. Agricultural operations sometimes emit noise, run-off, odor, dust or chemical spray drift during either the day or night that are annoying or irritants to some people."*

Alter, Alteration - means as applied to a building or structure, means a change or rearrangement in the structural parts thereof, the movement of all or any part thereof, or the substantial reconstruction thereof, so as to produce a substantial change in appearance, character, or construction; also means an enlargement, whether by increasing in height, coverage, volume or floor area. As applied to a use, means a change or enlargement in the character, area occupied by, intensity, or scope of the use, including, but not limited to, the extension of hours of operation, the addition of other activities, equipment, functions, or processes, or the extension into additional land or building area.

B

Basement - means that portion of a building having its floor level partly or wholly below the adjacent finished grade, and which has, at any point, more than half its interior height measured from floor to rough ceiling above the finished grade of the ground adjoining the building.

Bed and Breakfast - means an owner-occupied building designed, used and occupied as a single-family residence, managed by the property's owner, and having, as an accessory use, bedroom accommodations up to five (5) rooms for rent on a daily basis and have a maximum of ten (10) guests and breakfast provisions, served in the host's private dining room or kitchen for those accommodated as paying guests.

Billboard - means means a sign which directs attention to a business, community service or entertainment not exclusively related to the premises where such sign is located

Board - means Zoning Board of Appeals

Boundary Line - means a lot line or property line. The line legally separating two (2) adjoining lots or parcels of land.

Brewery - means a facility where beer is manufactured, stored, bottled, canned and sold in sealed containers at wholesale. A brewery may include on-site retail sales for consumption off premises or offered for on the premises tastings.

Brew-Pub - A restaurant with an on-site microbrewery which sells 25% or more of such beer at the restaurant

Buildable Area - means the area of a lot, expressed in square feet, exclusive of wetlands, watercourses, flood zone areas, existing and proposed streets and highways, easements and rights-of-way (easements and rights-of-way of an undefined width shall be deemed to be twenty-five (25') feet in width. for vehicular access and utilities, and slopes that exceed 15%.

Building - means any structure having a roof and intended for shelter, housing or enclosure of persons, animals, or materials. The connection of two (2) or more buildings by means of a porch, breezeway, passageway, carport, or other such roofed structure shall be deemed to make them one building.

Building Area/Building Coverage - means the area of the ground beneath a building (i.e., drip line), including the area of all covered porches, eaves, and similar roofed portions of the building, but excluding awnings

Building Code - means the provisions of Chapter 354 of the Connecticut General Statutes and any state and local regulations adopted pursuant thereto and in force in the Town, as the same may be amended from time to time.

Building Height - means the greatest vertical distance between the finished grade elevation at any point of consideration and the highest point of the building, including rooftop service structures housing mechanical equipment.

Building Lot - means a parcel of land occupied, or intended to be occupied, by a building or buildings and accessory buildings or uses that: (a) conforms with all dimensional requirements of the zoning regulations; (b) has adequate space for a potable drinking water well; and, (c) soil characteristics for septic system in accordance with the public Health Code.

Building Official - means the Building Official, also known as the Building Inspector, of the Town of Scotland.

Building Permit - means the permit required by law, issued by the Building Officer, for the construction, repair, alteration or addition to a structure.

Bulk - means the The size and shape of buildings, structures and use areas and the physical relationships of their exterior walls or spatial limits with lot lines and other buildings, structures and uses; or with the other walls of the same building, or other portions of the same structure or use. Bulk also includes the relationship of buildings, structures and uses with all yards and open spaces required by these Regulations; and also includes provisions of these Regulations dealing with floor area ratio, building height, lot area per dwelling unit, lot frontage, lot width, required yards, courts, usable open space, spacing between buildings on a single lot, length of building in a row, and all other similar provisions of these Regulations dealing with the relationship between land and the improvements or uses located, or to be located, thereon.

C

Campground - means a parcel of land used for the parking of seasonal camper units or the establishment of overnight living quarters, such as tents or other temporary shelters, and primarily occupied on a temporary basis by family groups engaged in travel, recreation or vacation.

Commission - means the Planning and Zoning Commission of the Town of Scotland.

Commercial Use - means an activity involving the production, preparation or sale of goods or services carried out for profit.

Craft Distillery - means a facility where alcoholic liquor is manufactured, stored, bottle and sold in sealed containers at wholesale. A distillery may include on-site retail sales for consumption off premises or offered for on the premises tastings. No more than 50,000 gallons per year may be produced.

Cultural Institutions - means public or non-profit cultural facilities including libraries, museums and galleries. May include incidental and subordinate commercial uses such as a gift shop, bookstore, and limited food and beverage services

D

Date of Receipt - means the date of the next regularly scheduled meeting of such Commission immediately following the date of submission of the application, request or appeal, or thirty-five (35) days from the date of application, request or appeal, whichever is sooner - if there is any conflict between this provision and the requirements of 8-7d of the General Statutes, the provisions of the General Statutes as amended shall prevail.

Day Care Center - means a use of land or buildings which offers or provides a program of supplementary care for compensation to more than twelve (12) related or unrelated children, or any number of adults, outside their own homes on a regular basis for a part of the twenty-four (24) hours in one or more days in the week. "Day Care Center" does not include services which are (1) administered by a public or private school system which is in compliance with Connecticut General Statutes Section 10-188, (2) recreation operations such as, but not limited to, boys' and girls' clubs, church-related activities, scouting, camping or community-youth programs, (3) informal arrangements among neighbors or relatives in their own homes, (4) drop-in supplementary child care operations where parents are on the premises for educational or recreational purposes and the child receives such care infrequently. "Day Care Center" includes "Child Day Care Center" as defined in Section 19a-77 of the Connecticut General Statutes, but does not include a "Family Day Care Home" or "Group Day Care Home" as defined in said Section.

Development - means any man-made change to real estate, including but not limited to, the construction of buildings or structures, mining, dredging, filling, grading, paving, excavation or drilling operations; but excluding the tilling of soil as part of a bona fide farming or gardening operation.

Development Restriction - means a restriction which perpetually prohibits further development or use inconsistent with or inimical to the enhancement, preservation, and protection of a defined area for the benefit of fish, wildlife, plants, or other similar ecosystems, or preserves such areas predominantly in their natural scenic or open condition; but which may, in the sole discretion of the Commission, permit recreational and/or agricultural uses which do not involve significant alteration or development of the restricted area in a manner which is inconsistent or inimical to the preservation and protection of the restricted area.

Dwelling - means any building designed and/or used for human habitation on closed solid foundation, using permanent weather-proof exterior materials, constructed with ceilings and walls finished on the interior with lath and plaster or some comparable material; with facilities which are used or intended to be used for living, sleeping, cooking and eating; connected to a safe water supply with adequate sanitary sewerage disposal facilities; and equipped with at least one (1) furnace or other customary form of heating apparatus which, in conjunction with proper insulation, is capable of maintaining a healthful interior room temperature of sixty-nine (69°) degrees Fahrenheit, with healthful ventilation, when the outside temperature is zero (0°) degrees Fahrenheit or lower.

Dwelling, one-family - a single detached dwelling on one (1) lot designed and/or used for residential purposes for one (1) family only. One or more rooms in a one-family dwelling which are arranged or used for separate occupancy by a person or persons related by blood or marriage to the occupant(s) of the dwelling shall be considered as an accessory use, and shall not constitute a separate dwelling, provided, however, that

such room(s) contain no provisions for cooking, eating, or dishwashing, and provided further that no compensation is paid for such occupancy.

Dwelling, two-family - means a single detached dwelling on one (1) lot used for residential purposes designed and/or used for occupancy by two (2) families living independently of each other.

Dwelling, Multifamily - means a single detached dwelling on one (1) lot used for residential purposes designed and/or used for occupancy by three (3) or more families living independently of each other, having separate or joint entrances, services and facilities.

Dwelling Unit - means any room or group of rooms located within a residential building and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating by one (1) family.

E

Easement means a non-possessory interest in land. The owner of an easement has a right to use the land of another for a special purpose, as distinguished from a right to possess that land.

Earth Removal - means the removal, excavation or mining of minerals, sand, gravel, clay, bedrock, peat, loam or topsoil for commercial purposes.

Effective Impervious Cover - means those impervious areas that collect and drain water directly to a waterbody or wetland system via pipes or sheet flow.

Enlargement, or to Enlarge - means any addition to the floor area of an existing building, an increase in the size of any other structure, or an increase in that portion of a tract of land occupied by an existing use. "To enlarge" is to make an enlargement.

Extend, or to Make an Extension - means an increase or amplification, as distinguished from establishment or inception. "Extension" shall be deemed to include the expansion in the seasons or periods of use of a non-conforming seasonal use, or of a seasonal dwelling on a non-conforming lot; and any increase in the normal days or hours of operation, or any increase in the scope of services offered, of any non-conforming, non-residential use of land, buildings, or structures.

F

Family - means (a) Any number of individuals related by blood, marriage, civil union, or adoption, living together as a single housekeeping unit; or (b) A group of not more than five (5) persons, not so related by blood, marriage, or adoption, living together as a single housekeeping unit.

Family Day Care Home - means a dwelling in which care is provided for compensation to not more than six (6) children, including the provider's own children not in school full-time, where the children are cared for not less than three (3) nor more than twelve (12) hours during a twenty-four (24) hour period, and where care is given on a regularly recurring basis. "Family Day Care Home" does not include services which are (1) administered by a public or private school system which is in compliance with Connecticut General Statutes Section 10-188, (2) recreation operations such as, but not limited to, boys' and girls' clubs, church-related activities, scouting, camping or community-youth programs, (3) informal arrangements among neighbors or relatives in their own homes, (4) drop-in supplementary child care operations where parents are on the premises for educational or recreational purposes and the child receives such care infrequently. "Family Day Care Home" includes "Family Day Care Home" as defined in Section 19a-77 of the Connecticut General Statutes, but does not include "Group Day Care Home" or "Child Day Care Center" as defined in said Section. See, the definition of "Home Occupation".

Floor Area, Gross - means the sum of the gross area (horizontal) of every floor of a building, as measured by the exterior faces of the walls or from the centerline of party or common walls separating two buildings, dwellings, or distinct and separate non-residential uses having no common exterior access. "Floor Area, Gross" shall include: (a) basement space; (b) attic space whether or not a floor has been laid, over which there

is structural headroom of 7 1/2 feet or more; (c) floor space used for mechanical equipment with structural headroom of 7 1/2 feet or more; (d) roofed porches, breezeways, interior balconies and mezzanines; (e) any roofed-over space not located in a basement such as a garage or carport for off-street parking accessory to a dwelling. "Floor Area, Gross" shall not include: (a) cellar space; except that any such space used for a non-residential use shall be included for the purpose of calculating the required off-street parking spaces for such use; (b) elevator shafts and stairwells, accessory water tanks and cooling towers; and (c) patios, terraces, unroofed open porches/decks, and outside uncovered steps.

Floor Area, Livable - means that portion of the Gross Floor Area on a Dwelling which is adequately provided with heat, light and ventilation so as to be suitable for residential use and occupancy. "Floor Area, Livable" shall include: Finished basement or attic spaces and enclosed porches; but shall exclude: Garage space; cellar space; terraces/patios, unroofed open porches, steps, and similar unenclosed or unfinished spaces; and stairways and halls serving more than one (1) dwelling unit.

G

"Grandfathered" - means a term used to describe a use, building, structure, dimensional standard or other non-conforming situation that pre-dated the adoption of these Regulations or any pertinent amendments hereto and is therefore considered a pre-existing non-conforming situation.

Group Day Care Home - means a use of land or buildings which offers or provides a program of supplementary care for compensation to not less than seven (7) nor more than twelve (12) related or unrelated children outside their own homes on a regular basis for a part of the twenty-four (24) hours in one or more days in the week; "Group Day Care Home" does not include services which are (1) administered by a public or private school system which is in compliance with Connecticut General Statutes Section 10-188, (2) recreation operations such as, but not limited to, boys' and girls' clubs, church-related activities, scouting, camping or community-youth programs, (3) informal arrangements among neighbors or relatives in their own homes, (4) drop-in supplementary child care operations where parents are on the premises for educational or recreational purposes and the child receives such care infrequently. "Group Day Care Home" includes "Group Day Care Home" as defined in Section 19a-77 of the Connecticut General Statutes, but does not include "Family Day Care Home" or "Child Day Care Center" as defined in said Section.

Guidelines for Soil Erosion and Sedimentation Control means a document (DEP Bulletin 34, ISBN 0-942085-10-8) prepared and amended by the Connecticut Council on Soil and Water Conservation in cooperation with the Connecticut Department of Environmental Protection.

H

High Water Mark - means the point on the bank or shore up to which the presence and action of water is so continuous or frequent as to leave a distinct mark by erosion, destruction of terrestrial vegetation, or other easily recognized characteristic.

Home Occupation - means accessory uses conducted for compensation by the occupant(s) of a residential building or lot which complies with the provisions of these Regulations. Home occupations shall not include restaurants, tea rooms, or other eating or drinking places; animal hospitals; barber shop or beauty parlor having more than one (1) sink with one chair for cutting hair; doctors, dentists, or lawyers; or automotive service, supply sales or repairs except for vehicles registered in the name of family members residing in the dwelling. Home occupations include, but are not limited to: The preparation and sale of those products customarily produced in the home or garden, and actually produced in the subject home or garden, such as baking and home preserves; the preparation and sale of the products of arts and crafts actually prepared on the subject premises, such as sewing, painting, wood carving, cabinet making, ceramics, writing, sculpture, ornamental glass and metal working; the workshops of skilled craftsmen such as watchmakers, plumbers, electricians, carpenters, house painters, paperhangers, and radio and television repairmen; and the offices of architects, accountants, engineers, psychotherapists, real estate and insurance agents, and other recognized professionals; Group Day Care Homes.

I

Illegal Use of Land, Building or Structure - means any use, whether of a building or other structure, or of a tract of land; or the erection of any building or structure, in/on which a violation of any provision of these Regulations has been committed or shall exist, or which use is not specifically listed as permitted in these Regulations. Such violation shall be determined as of the date of establishment of such use, as nearly as the same may be determined.

Impervious Surface - means an area of a lot which has been improved in such a way as to be impenetrable by surface water. Such surfaces include, but are not limited to, roofs, paved areas (roads, driveways, parking lots, sidewalks, patios, etc.), and swimming pools.

In-Law Apartment - means a separate efficiency unit within a single-family detached dwelling that contains no more than five-hundred and fifty (550) square feet of livable floor area and is used to provide housing for no more than two (2) members of their extended family. Either the dwelling or the efficiency unit shall be owner occupied.

J

Junk - means an area of land, with or without buildings, used, either as a principal or accessory use, or occupied by the outdoor storage of used or discarded materials such as waste paper, rags, scrap metal, building materials, house furnishings, machinery, vehicles, or parts thereof, with or without dismantling, processing salvage, sale or other use or disposition of the same. A deposit or the outdoor storage on a lot of two (2) or more wrecked or unregistered vehicles, or vehicles otherwise not in a condition for legal use on public highways, or parts of two (2) or more such vehicles, shall be deemed a junk yard.

K

Kennel - means a place, open or enclosed, in which a total of five (5) or more pets, limited to dogs, are kept for breeding, boarding, grooming, or medical attention.

L

Livable Floor Area - means the sum of the gross horizontal area of each floor of a dwelling which has structural head room of seven feet six inches (7'-6") or more, is provided with heat and is suitable for year-round occupancy. Basement, cellars, attic, open or screened porch, breezeway, terrace or other similar areas or rooms with unfinished ceilings or walls shall not be included in computing the Livable Floor Area

Lot - means one (1) or more contiguous parcels of land under unified ownership, and separately described in a Deed of record, which is occupied or capable of being occupied by one (1) principal building and the accessory buildings or uses customarily incidental to it, including such open spaces as are required by these Regulations, and which, in addition, meets the minimum area, width, and other applicable requirements of these Regulations for the zone in which such parcel is located, or is a legal non-conforming parcel, as defined in these Regulations. In the case of multiple or two-family dwellings, a group of buildings under the same ownership shall be considered as occupying the same lot. The term "lot" includes the terms "plot" and "parcel", but those terms do not include the term "lot".

Lot, Corner - means **Frontage** - means a lot of which two (2) adjacent sides face a street or streets so that the interior angle of the intersection is less than one hundred thirty-five (135°) degrees, provided that the corner of any such intersection is not rounded by a curve having an inside radius greater than fifty (50') feet..

Lot, Interior - means a lot having no frontage on any public street or highway but which has access to a public street or highway by means of an unobstructed easement for access and egress not less than twenty-five (25) feet nor more than fifty (50) feet wide and otherwise meets the requirements of these Regulations.

Lot Coverage - means the ratio between the Building Area and the gross area of the Lot.

Lot Frontage, Lot Frontage Line - means the length of the shortest straight line between Side Lot Lines and located entirely within the Lot, and passing through any point(s) of the Front Lot Line. In the case of a Rear Lot,

the Lot Frontage shall be measured at that point closest to the Street from which the Lot derives its principal access, at which point the minimum Lot Width for the subject zone is met. See "Rear Lots."

Lot Line - means any boundary line of a Lot.

- **Lot Line, Front** - means that Lot Line being along the Street Line which that Lot abuts. In the case of Rear Lot, that Lot Line being closest to the Street from which the Lot derives its principal access.
- **Lot Line, Rear** - means the shortest single straight Lot Line which is roughly opposite of, and farthest from, the Front Lot Line, which line is at least the length of the minimum Lot Width required by these Regulations for the subject zone; or, if such line does not exist, the shortest straight line between Side Lot Lines which is roughly opposite of, and farthest from, the Front Lot Line, which line is contained within the Lot and which is at least the length of the minimum Lot Width required by these Regulations for the subject zone.
- **Lot Line, Side** - means any Lot Line not a Front Lot Line or a Rear Lot Line extending directly or indirectly from the Front Lot Line.

Low Impact Development means an approach to environmentally friendly land use planning. It includes a suite of landscaping and site design techniques that attempt to maintain the natural, pre-developed ability of a site to manage rainfall. LID techniques capture water on site, filter it through vegetation, and let it soak into the ground where it can recharge the local water table rather than being lost as surface runoff.

M

Medical - means facilities providing inpatient, outpatient and emergency and related ancillary services to the sick and infirm.

Microbrewery - means a establishment where beer and malt beverages are duly-licensed to be made on the premises and then sold or distributed, and which produces less than 15,000 barrels (465,000 U.S. gallons) of beer per year.

Mixed-Use - means a development that provides multiple compatible uses in close proximity to one another. And/or a land use pattern that seeks to increase concentrations of population and employment in well-defined areas with a mix of diverse and compatible land uses.

Multi-Family Housing - means a building or portion thereof which contains no more than three dwelling units for permanent occupancy, regardless of the method of ownership.

N

Non-Conforming Building or Structure - means a building or structure legally existing on the effective date of these Regulations, which met all requirements of the Zoning Regulations then in force, if any there were, on said effective date, but does not meet the current requirements of these Regulations; or a building or structure legally existing on the effective date of any amendment hereto which caused such building or structure to cease to meet the requirements of these Regulations.

Non-Conforming Lot - means a Lot of Record, which does not meet the requirements of Article 4 of these Regulations for the District in which it is located..

Non-Conforming Use - means the use of land, buildings, or premises which is not a use permitted by these Regulations for the zone in which such use is occurring, but which was legally existing and conformed to all requirements of the Regulations then in force, if any, on the effective date of these Regulations or on the effective date of any amendment hereto which caused the use to cease to meet the requirements of these Regulations.

O

Open Space - means an unoccupied space open to the sky on the same lot as the subject building or structure.

Open Space Subdivision - means a development by Special Permit where in return for the permanent protection of open space the Commission may waive normal requirements for lot sizes and yard requirements.

P

Parcel - means any contiguous piece of land, including one or more contiguous lots of record, unified under the same ownership, whether or not every said piece of land was acquired at the same time; excluding, however, any parcel which is a "lot", as that term is defined in these Regulations.

Person - means an individual, firm, partnership, joint venture, association, club, corporation, estate, trust, receiver, syndicate, or other entity or combination thereof.

Plan of Conservation and Development - means that document or documents adopted by the Planning Commission [or Planning and Zoning Commission] under the authority of Connecticut General Statutes. §8-23, as the same may be amended from time to time.

Preliminary Plan means a plan presented in advance of a formal application. Presentation of the preliminary plan shall not constitute "formal" application within the meaning of Title 8, Chapter 126, of the Connecticut General Statutes, as amended and the Commission's review of said preliminary plan and its comments, if any, shall not be deemed to be the official "action" or "decision."

Premises - means a Lot or Parcel and all Buildings, Uses and Structures located thereon.

Principal Building - means that single building, or inter-related group of buildings, in which is conducted the principal use of the lot on which the building is situated.

Principal Use - means the primary purpose or function for which a premises is used, designed, or intended to be used.

Q

Quarry - means an open excavation, or an area for excavation of sand, gravel, stone peat or earth products

R

Rest Home - means an establishment which is licensed by the Department of Health Services pursuant to Chapter 368v of the Connecticut General Statutes and which furnishes food and shelter to two or more persons unrelated to the proprietor and, in addition, provides services which meet a need beyond the basic provisions of food, shelter and laundry; such services including, but not limited to, assistance in personal hygiene, nutrition, exercise, recreation, and health maintenance. "Rest Home" includes "Home for the Aged" and "Nursing Home", but does not include "Convalescent Home" or "Skilled Nursing Facility".

Right-of-Way - means the right recognized by law of a person, group or entity to pass over the land of another, either on foot, in a vehicle or on horseback, or to drive animals across the land of another.

Rural Business - means uses conducted for compensation wholly or partially outside the home or within an accessory building and which complies with the provisions of these Regulations. Rural Businesses shall not include restaurants, tea rooms, or other eating or drinking places; dog kennels, animal hospitals; Tattoo parlors; Tow truck service, including parking of tow trucks on the premises; Junkyards, automobile graveyards and tow truck storage yards; Solid waste management facilities; Used or new motor vehicle sales; Funeral chapels, funeral homes or crematoriums; Sexually oriented businesses; or beauty parlor having more than one (1) sink with one chair for cutting hair; doctors, dentists, or lawyers; or automotive service, supply sales or repairs except for vehicles registered in the name of family members residing in the dwelling.

Rural Businesses include, but are not limited to: The preparation and sale of the products of arts and crafts actually prepared on the subject premises, such as sewing, painting, wood carving, cabinet making, ceramics, writing, sculpture, ornamental glass and metal working; Schools, tutoring, music lessons, voice lessons, or similar teaching or training services where more than one student attends class or is given instruction at any one time; workshops of skilled craftsmen such as watchmakers, plumbers, electricians, carpenters, house painters, paperhangers, and radio and television repairmen; and the offices of architects, accountants, engineers, psychotherapists, real estate and insurance agents, and other recognized professionals; Group Day Care Homes. Other activities and land uses which the Commission determines to be substantially similar in character, nature, intensity or impact to the activities listed above.

S

Sand and Gravel Operation - means

Seasonal Dwelling - means a detached dwelling, trailer, or mobile home, designed and intended for temporary use or occupancy on an intermittent or short-time basis only between the months of May to October, inclusive, which is erected on a closed solid foundation using permanent weather-proofed exterior materials, which is connected to a safe water supply and which has adequate sanitary sewage disposal facilities as determined by the Eastern Highlands Health District.

Setback - means an open space on the same lot with a Building having those minimum dimensions prescribed by these Regulations.

Sign - means any structure, or part thereof, or any device attached to a building or structure or painted or represented thereon which displays or includes letters, words, symbols, trademarks or any other graphic representation which is in the nature of an announcement, direction, advertisement or other device used to attract the attention of the public for commercial purposes or otherwise; similarly, any natural object, such as a tree, stone, or the earth itself, which is painted or arranged so as to represent or display any of the aforesaid graphic representations; any building feature, including roof or other special illumination, special colors or effects, or building or roof lines which serve to identify the use or occupancy of any building or site through a recognized motif or symbol. The term "sign" shall include sculptures and similar works of art designed or intended to attract the attention of the general public to commercial or industrial premises.

Sign, Flashing - means any Sign in which or upon which artificial light is not maintained stationary and constant in intensity and color at all times and specifically including signs that scroll, alternate, or otherwise move or change a message using lighting, screens, projections, or moving parts of any kind; excluding time or temperature signs.

Soil Erosion & Sediment Control Plan - means a scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.

Street - means an improved right-of-way or fee simple parcel of land dedicated and accepted by the Town or the State of Connecticut for the purpose of public travel by lawful procedure and suitable for vehicular travel; or a proposed street shown on a subdivision plan approved by the Commission in accordance with the applicable provisions of the Scotland Subdivision Regulations..

Stormwater Management Plan - means a document containing material for describing how existing runoff characteristics will be maintained by a land-disturbing activity and methods for complying with the requirements of these regulations and those of the State of Connecticut that is prepared in accordance with good engineering practices and that identifies potential sources of pollution that may reasonably be expected to affect the quality of stormwater discharges from the construction site or its associated land-disturbing activities. In addition the document shall describe and ensure the implementation of best management practices.

Structure - means anything which is constructed or erected and the use of which requires more or less permanent location on ground or water areas or attachment to something having permanent location on ground or water areas, not, however, including wheels; an edifice or a building of any kind; any production or piece of work, artificially built up or composed of parts and joined together in some definite manner, including

signs, vending machines, fences or walls, a wharf or dock, an above-ground tank, or a detached solar panel or satellite dish. A structure shall not include a flagpole or an ornamental well.

Structure, Height - means the greatest vertical distance between the finished grade elevation at any point of consideration and the highest point of the structure.

Subdivision - as defined in CGS Section 8-18, as may be amended.

- **Conventional Subdivision** - means a development of residential lots laid out primarily on the basis of strict dimensional standards such as lot area and/or frontage and where the provision of open space or conservation areas is typically a secondary consideration.
- **Cluster or Open Space Subdivision** - means a development of residential lots laid out primarily on the basis of site characteristics where lots are located away from important resources so that those resource areas can be used for open space, recreation, wildlife habitat, agriculture, and/or the preservation of historic or environmentally-sensitive features, including the maintenance or preservation of community character.

T

Temporary Health Care Structure - means a transportable residential structure that provides an environment in which a caregiver may provide care for a mentally or physically impaired person and that (A) is primarily assembled at a location other than the site of installation, (B) has one occupant who is the mentally or physically impaired person, (C) is not larger than five hundred gross square feet, (D) is not placed on or attached to a permanent foundation, and (E) complies with the applicable provisions of the State Building Code, Fire Safety Code and Public Health Code.

Town - means the Town of Scotland, a municipal corporation having its territorial limits within the Town of Scotland, County of Windham, and State of Connecticut.

U

Use - means any purpose for which a building, structure, or premises may be designed, arranged, intended, maintained, or occupied; or, any activity, occupation, business, or operation actually carried on in a building or other structure or on a lot or parcel.

V

Variance - means permission to depart from the literal requirements of the Zoning Regulations but not involving the actual use or activity of the variance is subject to any conditions required by the Board.

W

Y

Yard - means an unoccupied space, open to the sky, on the same lot with the building or structure.

Yard, Minimum Required Front - means a Yard between any Principal Building and the Lot Frontage Line, extending the full width of the Lot between the Lot Side Lines, measured by the minimum horizontal distance between any such Building and the Lot Frontage Line; or, in the case of a Corner Lot, a similar Yard extending along all streets. At no point shall the required Front Yard be less than the Lot Width required for the subject zone.

Yard, Minimum Required Rear - means a Yard between any Principal Building and Rear Lot Line, extending the full width of the Lot between the Lot Side Lines, measured by the minimum horizontal distance between any such Building and the Rear Lot Line; or, in the case of a Corner Lot, a similar Yard extending across the side of the Lot opposite the Street on which the principal building has its street address, or is otherwise the designated front of the Lot.

Yard, Minimum Required Side - means a Yard between the Side Lot Line and any Principal Building, extending on both sides of the Lot from the Front Lot Line to the Rear Lot Line; or, in the case of a Corner Lot, a similar Yard extending across the side of the Lot opposite the Street on which such building does not have its street address, or is otherwise not the designated front of the lot. Any Yard not a Rear Yard or a Front Yard shall be deemed to be a Side Yard.

Z

Zone - means an area within which certain uses of land and buildings are permitted, certain others are prohibited, and certain others are designated as uses requiring a Special Exception or Special Permit from the Commission or the Board; yards and other open spaces are required; lot areas, building height limits, and other requirements are established; all of the foregoing being identical for all property located within the zone to which they apply.

Zoning Permit - means a written approval from the Zoning Enforcement Officer or the Commission indicating an existing or proposed building, structure, or use is in compliance with these regulations.

ZEO - means the Zoning Enforcement Officer

Article Four

Districts and Special Requirements

Article 4, Section 1 **Establishment of Zoning Districts**

For purposes of these regulations, the Town of Scotland is hereby divided into the following zoning districts:

- a. **Rural Residential District**
- b. **Mixed-Use Village District**

Article 4, Section 2 **Zoning Map**

- A. The boundaries of Districts are established as shown on the "Official Zoning Map."
 1. The Official Zoning Map shall be at a scale of 1" = 1000' and identified by the signature of the Chairman of the Planning and Zoning Commission, and shall bear the date of the most recent zoning amendment.
 2. When, in accordance with the provisions of these regulations, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map together with an entry on the Official Zoning Map as follows: "As amended to (date). (Such date to be that of the most recent amendment.) The Official Zoning Map shall be filed in the office of the Town Clerk and an updated copy shall be displayed in the office of the Town Land Use Office.
- B. The boundaries between districts are, unless otherwise indicated, either the centerline of streets, watercourses, and right of way of power lines, railroads and other public utilities, or such lines extended, or lines parallel thereto. Where the boundaries of a single district are indicated as including directly opposite sides of a street, lane, lake or watercourse, or right of way or a power line, railroad or other public utility, for any portion of its length, the district so indicated shall be construed to apply to the entire bed of such street, lane, lake or watercourse, or right of way of such power line, railroad, or other public utility lying within such portion of its length, where uncertainty exists as to the location of any said boundaries as shown on the Zoning Map, the following rules shall apply:
 1. Where district boundary is indicated as approximately following the centerline of a street, lane, lake or watercourse, or right-of-way of a power line, railroad, or other public utility, such centerline shall be construed to be such boundary.
 2. Where a district boundary is indicated as approximately following a lot or other property line, such lot or property line shall be construed to be such boundary.
 3. Where a district boundary divides a lot or runs through undivided property, the location of such boundary shall be determined by using the scale appearing on said map, unless distances are specified on the map.
 4. Where distance are specified on the Map between a street and a district boundary, they shall indicate that the district boundary runs parallel to the street line at a distance therefore equivalent to the number of feet so indicated, unless otherwise specified. Where scaled distances do not agree with such figure, the figures shall control.
 5. Where a District boundary divides a lot in one ownership into a residential and a nonresidential District or into two nonresidential Districts, the area and frontage requirements for that lot shall comply with those that are more restrictive as set forth for such Districts. All other building

requirements shall correspond with those of the particular District in which a use, structure or building is established or constructed.

6. Where physical or cultural features existing on the ground area at variance with these shown on the Official Map, or in other circumstances not covered by the above subsections, the Commission shall interpret the district boundaries.

Article 4, Section 3 **State Owned Property**

Whenever State owned property is included in one or more zoning districts, it shall be subject to the provisions of those Regulations only insofar as permitted by the laws of the State of Connecticut.

4a. Rural Residential District

Article 4a , Section 1 **Intent**

The intent of the Rural Residential District is to provide for residential use consistent with the furtherance of agricultural and rural businesses while maintaining the Town's rural character and protecting the Town's natural resources.

Article 4a , Section 2 **Permitted Uses**

The following uses are permitted in the Rural Residential District:

1. Agriculture
2. Single-Family detached dwellings
3. Temporary Health Care Structure
4. Home Occupations
5. Accessory structures and uses (including parking) customarily incidental to the above permitted uses.

Article 4a, Section 3 **Special Permit Uses**

A Special Permit may be issued for the following uses in the Rural Residential District:

1. Commercial Farm
 - a. *Agricultural Ancillary Entertainment-Based Activities*
 - b. *Agroprocessing*
 - c. *Community Supported Agriculture (CSA) Operation*
 - d. *Complementary Products*
 - e. *CSA Market and Distribution Area*
 - f. *Energy-Related Activities*
 - g. *Farm-Based Recreational Activities*
 - h. *Farm Market*
 - i. *Off-Site Direction Signage*
 - j. *On-farm direct marketing*
 - k. *On-farm direct marketing event*
 - l. *On-farm direct marketing facility*
 - m. *Pick-your-own (PYO) operation*

- n. Products that Contribute to Farm Income*
- o. PYO market area*
- p. Sales Area*
- q. Supplementary Product*
- r. University Spin-Offs from Research and Development*

2. Bed and Breakfast Establishments
3. Breweries, Micro-Breweries and Craft Distillery
4. Sand and Gravel Extraction
5. Day, Family or Group Day Care Centers
6. Rest Homes
7. Multi-Family dwellings
8. Rural Businesses
9. Accessory structures and uses (including parking) customarily incidental to the above permitted uses.

Article 4a, Section 4 **General Development Standards**

The following general standards shall apply to all buildings, structures and uses in the Rural Residential District except as these regulations may specifically provide otherwise:

1. Only one dwelling shall be erected or installed on one lot.
2. Buildable Area Area, Permitted Uses:
 - a. The minimum lot area for single family home and/or agriculture shall be not less than can accommodate potable water and septic in accordance with the standards set forth by the health department. The well (including reserve area/buffer) and septic system(s) (including reserve area) serving any principal building, unless either of which is provided from a source outside the building lot, shall be contained completely within the lot area.
 - b. Home Occupations shall be in conformance with Article 4c1, Section 2 of these regulations.
 - c. Temporary Health Care Structure - same as single family home and in association with a single family home
3. Buildable Area Area, Special Permit Uses:
 - a. Commercial Farm - The minimum lot area shall be not less than can accommodate potable water and septic in accordance with the standards set forth by the health department. The well (including reserve area/buffer) and septic system(s) (including reserve area) serving any principal building, unless either of which is provided from a source outside the building lot, shall be contained completely within the lot area.
 - b. Bed and Breakfast Establishments -
 - c. Breweries, Micro-Breweries and Craft Distillery -
 - d. Sand and Gravel Extraction -
 - e. Day, Family or Group Day Care Centers -
 - f. Rest Homes -

- g. Multi-Family dwellings -
 - h. Rural Businesses -
4. Lot Coverage - The maximum lot coverage for a any use in this district, with the exception of commercial agriculture, shall be ten (10) percent, exclusive of:
 - a. wetland soils and watercourses;
 - b. bedrock and/or ledge within four (4) feet of the natural land surface;
 - c. slopes of fifteen (15) percent or greater;
 - d. naturally occurring soils less than twenty-four (24) inches to groundwater;
 - e. interior lot angles less than sixty (60) degrees;
 - f. narrow strips of land less than on-hundred (100) feet in width; and
 - g. any areas containing vehicular travel easements, rights-of-ways, drainage easements or conservation easements.
 5. Height of any Building or Structure - The maximum height of any building or related structure shall be thirty-five (35) feet.
 6. Lot Frontage - The minimum lot frontage for all uses shall be two hundred (200') feet.
 7. Minimum Floor Area - The minimum floor area of any principle building shall be seven hundred and fifty (750) square feet. The minimum livable floor area for any single family dwelling shall be five hundred (500) square feet. The minimum livable floor area of any single-family dwelling unit within a two-family dwelling unit shall be seven hundred and fifty (750) square feet.
 8. Maximum Floor Area - No more than ten-thousand (10,000) square feet floor area shall be allowed on any lot under a zoning permit. A special permit may be issued pursuant to for additional building floor area and no single building shall have more than fifty thousand (50,000) square feet in floor area.
 9. Minimum Lot Setbacks. In order to assure access to all portions of a building for fire-fighting and other emergency services; to assure adequate space around buildings for erosion and sedimentation control measures during and after construction; to assure adequate space for the dissipation of water from roof drains for the avoidance of erosion; and in order to protect the public health by providing adequate light and air around buildings, these minimum lot setbacks are adopted: The minimum side, front and rear setbacks for each lot shall be as follows:

Designated Use of Lot	Standard and Interior			
	Front	Side	Rear	Note
Residential Use	50'	25'	50'	Excluding the Area of the Access-way for Interior Lots
Rural Businesses Use	100'	75'	50'	
Agricultural Use	50'	Variable by Use as determined by the Commission		
Sand and Gravel	See Section ____			

8. Lighting - Any lighting used to illuminate off-street parking areas shall be so arranged as to direct the light down, towards the parking area, and away from the adjoining lots and any public street right-of-way.
10. Parking shall be in accordance with Section 6E of these Regulations

11. Signage shall be in accordance with Section 6B of these Regulations.

12. Driveways:

Article 4a, Section 5 **Interior Lots**

1. Interior Lots - In general, interior lots shall be avoided. However, in Conventional Subdivisions and where topography or shape of the parcel dictates, if it is the opinion of the Commission that the best use of the land would be an Interior Lot, such lot may be permitted by Special Permit. (Example: Commission determines that such a interior lot configuration, in its opinion, will help protect significant natural or manmade features, including: agricultural lands, hilltops or ridges, features along existing roadways and or scenic views or vistas.)

The provisions of this Section are intended to permit the use of land for residential purposes which have been unintentionally landlocked or deprived of minimum frontage on a street, or in the case of a subdivision, where the topography or unusual shape of the property lends itself to an interior lot to accomplish the best use of the land. In the case of a subdivision, the Commission shall not approve interior lot(s) unless it finds that such lot(s) provide the best development of the land because of the topography and shape of the land. The Commission shall find that the development of interior lots will provide the most suitable use of the land considering such factors as:

- a. Drainage;
 - b. Natural Resources;
 - c. Accessibility;
 - d. Topography and shape of the land;
 - e. Emergency service access; and
 - f. All requirements of the zoning and or subdivision regulations (other than applicable frontage requirements) are met.
2. The maximum coverage of any interior lot shall be twenty (20) percent.
 3. All Interior Lots shall be not less than fifty (50) percent larger than the lot immediately in from of such lot and abutting a public roadway and have a fee-owned access-way from a accepted Town or State road at least twenty-five (25) feet in width, but less than fifty (50) feet in width.
 4. No more than ten percent (10%) of all lots contained within a Conventional Subdivision shall be approved as interior lots.
 5. No more than two interior lot accessways may be abutting.
 6. A single driveway shall not be shared by two (2) interior lots
 7. INTERIOR LOTS ARE PROHIBITED IN OPEN SPACE SUBDIVISIONS
 8. Dimension Standards for Interior Lots:

4b. Village District

Article 4b, Section 1 **Intent**

The purpose of the Village District is to encourage the protection, enhancement, and use of buildings and structures or appurtenant vistas having historic and/or aesthetic value which represent or reflect elements of Scotland's cultural, social, economic, and architectural history discussed in the most current version of the Plan of Conservation and Development.

The authority for increase level of design detail scrutiny comes from Section 8-2j of the Connecticut General Statutes. In accordance with CGS Section 8- 2j, the Commission shall consider the design, placement, relationships and compatibility of structures, plantings, signs, roadways, street hardware and other objects in public view. The Commission shall encourage the conversion, conservation and preservation of existing buildings and sites in a manner that maintains the historic value, distinctive character and landscape of the district.

The following regulations and reference to design guidance documents are intended to describe or show what design features are important, desirable, or required for both renovated and new commercial, or mixed-use buildings or structures, within the Village District. Within this Village District, uses and development shall be compatible with the goals the Town of Scotland Plan of Conservation and Development and specifically address the goals of preserving and enhancing community character, protecting or enhancing existing property values, protect scenic resources or public views in the gateway areas and internal to Scotland's historic/cultural Town Center, and promoting compatible new commercial or mixed-use development with existing unique neighborhood features.

1. Implement recommendations of the Plan of Conservation and Development.
2. Encourage development which is consistent with the density and design of existing development.
3. Provide a land use transition between the village center and the more rural areas of the Town.
4. Establish a complementary and integrated mixture of employment, shopping, entertainment and civic uses.
5. Protect and perpetuate distinct community center and focal points in the Town.

Article 4b, Section 2 **Permitted Uses**

The following uses are permitted, in accordance with the site plan requirements found in Article 5, in the Village District:

1. Single Family dwellings
 - a. Such single family residences on a minimum 20,000 square foot lot are exempt from special design requirements of Section 4.4
2. Temporary Health Care Structure
3. Home Occupations
4. Community events under town-based supervision
5. Accessory structures and uses customarily incidental to the above uses.

Article 4b, Section 3 **Permitted by Special Permit**

The following non-residential uses, containing not more than five thousand (5,000) square feet of floor area, may be permitted by the Commission, subject to special permit in accordance with Article 5 of these regulations.

1. Retail stores.
2. Multi- Family dwellings

3. Fabrication of goods for sale (ie. woodworking, crafts)
4. Food and beverage stores for the sale of groceries, fruit and meat; baked goods; dairy products
5. Food and beverage service establishments such as restaurants (without drive-thru service), coffee shops, dairy bars, including outdoor cafes.
6. Farm Markets
7. Personal Service Establishments
8. Banking, Financial and Similar Institutions.
9. Music/dance studios and technical or vocational training facilities.
10. Business and professional offices such as administrative, legal, architecture, engineering, financial, insurance, real estate, accounting, medical, dental, governmental and other similar offices.
11. Public buildings, post offices, libraries, fire stations, community centers, places of worship, and maintenance buildings without outdoor storage.
12. Bed and Breakfast Inn
13. Breweries, Micro-Breweries and Craft Distilleries
14. Home Occupations
15. Accessory structures and uses customarily incidental to the above uses.

Article 4b, Section 4 **General Development Standards**

1. The following general development standards shall apply to all building, structures, and use in the Village District except as these regulations may specifically provide otherwise:
2. Lot Area and Minimum Buildable Lot Area - The minimum lot area for development in this District shall be that which satisfies the Northeastern District Department of Health's standards for septic and potable water.
3. Maximum Floor Area, Non-Residential - No more than five-thousand (5,000) square feet of combined floor area shall be allowed on any lot under a site plan application.
4. Minimum Livable Floor Area, Residential - Each single family and two family dwelling shall have a minimal livable floor area of five hundred (500) square feet per unit. Each multi family dwelling shall have minimum usable floor area as follows: one bedroom unit, five hundred fifty (550) square feet per unit; two bedroom unit, seven hundred fifty (750) square feet per unit; three bedroom unit, eight hundred and fifty (850) square feet per unit; additional bedrooms shall require an additional one hundred (100) square feet of usable floor area for each additional bedroom.
5. For all uses, there shall be a front yard, built to the line, of not less than twenty five (25) feet or the average of the adjoining properties.
6. The minimum frontage for all development in this District shall be one hundred (100) feet.
7. Side yards:
 - a. For single and two family dwellings, the side yard setback for any individual side yard shall be no less than ten (10) feet.

- b. For multi-family dwellings and all non-residential uses, each side and rear yard setback shall be not less than twenty-five (25) feet.
- 8. No building or structure shall exceed thirty-five (35) feet in height or two and one half (21/2) stories in height.
- 9. All developments consisting of two or more units shall utilize shared driveways, private roads or newly dedicated public roads to provide access to their developments in order to limit curb cuts and access to Town roadways and State highways.
- 10. Parking shall be in accordance with Section 6E of these Regulations.
- 11. Signage shall be in accordance with Section 6B of these Regulations.
- 12. Any lighting used to illuminate off-street parking areas shall be so arranged as to direct the light down, towards the parking area, and away from the adjoining lots in residential districts and any public street right-of-way. The following types of lighting are exempt:
 - a. Hazard warning lights required by local, state and federal regulatory agencies.
 - b. Temporary emergency lighting for use by fire, police or other emergency service agencies.
 - c. Existing lighting that complied with the requirements in effect at the time it was installed may remain.

Article 4b, Section 6. **Design Review Guidelines and Definitions for Buildings, Structures, and Site Plans**

- 1. Construction and development of new or renovation of existing buildings or structures to commercial and mixed-use within the VD shall be permitted in a manner which will not be detrimental to existing neighborhood character by adhering to consistent design standards and guidelines. New construction or substantial renovation shall be consistent with the scale of the neighboring buildings or structures within at least 400 feet in any direction in terms of building height, width, proportion of height to width, proportion of wall area to door and window opening area (fenestration), size of overhangs, property line setback and other dominant site features.
- 2. The removal or disruption of historic, traditional, or significant structures or architectural elements shall be avoided or minimized.
- 3. Maintenance of views, historic buildings, monuments, and landscaping shall be encouraged.
- 4. The exterior of structures or sites shall be consistent with:
 - a. the "Connecticut Historical Commission – The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings", revised through 1990, as amended; or
 - b. the distinctive characteristics of the district identified in the Scotland Plan of Conservation and Development.
- 3. Design Review Guidelines and Definitions for Buildings, Structures, and Site Plans.
 - a. Architectural Character: The applicant shall demonstrate that proposed buildings or structures provide visual linkages to nearby buildings using preferred elements of the Design Guidelines, Village District. Applicant plans shall provide a cohesive architectural

concept plan, complete building elevations and specification of materials and other details including facade modulation and articulation; windows and doorway (fenestration) patterns; trim and moldings; grilles and railings; rooflines, lighting and signage. Preferred elements of architectural character are shown in the Design Guidelines. Also, encouraged building materials shall be used with the architectural plan for new or renovated commercial or mixed-used buildings.

- b. Height, Bulk and Scale Compatibility. The applicant shall demonstrate compatibility of the siting, massing, and design of the proposed building with nearby existing properties. Features such as setback of nearby building, detailing to break up the facade into components, and arrangement of architectural elements, materials, and colors shall be used to establish compatibility with the height, bulk, and scale of nearby existing buildings.
 - c. Site Planning to Retain Historic or Cultural Village Context. The Design Guidelines shall be used to develop the site plan for new or renovated commercial or mixed-use buildings. Special components of this site plan include enhanced streetscape design, location of parking in the rear or use of screening, location of utilities in the rear or properly screened, main entrance oriented to face the street, vehicular entrance resembling village driveway, pathways or sidewalks designed to connect pedestrians with parking or adjacent businesses, pedestrian- friendly layout and amenities such as street furniture, period lighting with full cut-off fixtures, and greenscape design for landscaping and street wall features.
4. Determination of Design Appropriateness
- a. The Commission shall, at the sole cost of the applicant, utilize one or more Village District consultants to make a determination as to the compatibility and appropriateness of the proposed development and such Village District consultants shall be:
 - i. a registered architect or an architectural firm,
 - ii. a licensed landscape architect,
 - b. All applications shall be subject to review and recommendation by the Village District consultant designated by the Commission as the Village District consultant for such application.
 - c. The Village District consultant shall review an application and report to the Commission within thirty- five (35) days of receipt of the application.
 - d. Such report and recommendation shall be entered into the public hearing record and considered by the Commission in making its decision.
 - e. Failure of the Village District consultant to report within the specified time shall not alter or delay any other time limit imposed by these Regulations.
 - f. The Commission may seek the recommendations of any Town or outside specialist including, but not limited to, the Scotland Historical Society, the Connecticut Trust for Historic Preservation and The University of Connecticut College of Agriculture and Natural Resources.
 - g. Any reports or recommendations from such agencies or organizations shall be entered into the public hearing record.

4c. Special Requirements

Article 4c1 **Home Occupations and Rural Businesses**

Article 4c1, Section 1 **Purpose**

The purpose of these regulations is to provide economic opportunities in the Rural Residential District by permitting the operation of small businesses, because of their limited size, large setbacks, sidelines, will be capable of existing in otherwise residentially zoned areas without any adverse affects on the quality of life, environment, aesthetic values and property values in such areas.

Article 4c1, Section 2 **Development Standards**

- A. Home occupations shall conform to the following standards of operation and in accordance with Article 5 of these Regulations:
1. There shall be no interruption, congestion or change to the character of the neighborhood in terms of appearance, noise, traffic, vehicular parking and employee/customer congregation resulting from the operation of the home occupation.
 2. No person other than a member of the family residing on the premises shall be engaged or employed in such occupation.
 3. The house shall be primarily used as a residence, and not more than forty (40) percent of the gross floor area of the house shall be used for the home occupation. No activities associated with the home occupation shall be conducted outside or in an accessory structure.
 4. There shall be no change in the outside appearance of the house or premises; nor there be any evidence of the conduct of the home occupation visible from the street or adjacent properties. No separate entrance shall be added to the residence for the home occupation.
 5. There shall be no outside storage of goods, products, equipment or other materials associated with the home occupation. No solid waste shall be generated, placed, used, stored or sold on the property in conjunction with the home occupation.
 6. No traffic shall be generated in greater volume than would normally be expected in the neighborhood. Any need for parking by the home occupation shall be met off the street and other than in a required front yard.
 7. No equipment or process shall be used in the home occupation which creates noise, vibration, glare, smoke, fumes, odors, or is dangerous or otherwise detrimental to persons in the home or on adjacent property.
 8. Only one sign not exceeding 4 square feet, attached to the home, may be displayed.
- B. Rural Businesses shall conform to the following standards and a Special Permit in accordance with Article 5 of these Regulations:
1. No more than one rural industry shall be permitted on any lot.
 2. In no case shall the area devoted to sales, storage, display or conduct of such home occupation exceed forty (40) percent of the gross floor area of the residence. Any outside area devoted to or used in the Rural Industry shall be clearly depicted on the approved site plan.

3. Building Dimensions: The maximum cumulative floor area of all buildings and structures associated with the rural industry shall be three thousand (3,000) square feet. The maximum height of any building or structure shall be thirty-five (35) feet.
4. Front Yard Setback. The minimum front yard setback for any rural industry (not contained within a residence) shall be one hundred and fifty (150) feet, all of which must be appropriately screened so as to be consistent and compatible with residential uses.
5. Side Yard Setback. The minimum side yard setback for any rural industry shall be fifty (50) feet. Areas developed in connection with the rural industry shall be appropriately screened from adjacent properties so as to be consistent and compatible with residential uses.
6. Rear Yard Setback. The minimum rear yard setback for any rural industry shall be fifty (50) feet, at least fifty (50) feet of which must be appropriately screened from adjacent properties so as to be consistent and compatible with residential uses.
7. Parking. Off-street parking areas shall be provided in accordance with Article 6 of these regulations and shall be screened from adjacent residential properties.
8. Hours of Operation. Except as noted below, no rural industry shall be open to the public more than twelve (12) hours per day or more than six (6) days per week. These limits shall not apply to the following uses: bakeries and private schools. The Commission may limit the actual hours of operation of any rural industry.
9. Customer visits and deliveries to the property shall be limited to the period between 8:00 a.m. and 6:00 p.m., Monday through Saturday, unless otherwise specified by the Commission.
10. Off-street parking shall be provided, shall be in addition to those otherwise required for the residential use of the property and shall be no less than ten (10) feet from any property line. All parking spaces shall be effectively screened from view from adjacent properties by landscaping and/or fencing approved by the Commission.

Article 4c1 **Erosion and Sedimentation Control**

Article 4c1, Section 1 **Purpose**

- A. To ensure that erosion and sedimentation resulting from new construction are kept to a minimum, any application for a zoning permit which involves disturbing the site of one-half acre or more shall be accompanied by a plan showing erosion and sediment control measures.
- B. To be eligible for certification, a Soil Erosion and Sediment Control Plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from storm water runoff and on the proposed site based on the best available technology. Such principles, methods and practices necessary for certification are found in the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control as may be amended from time to time. Alternative principles, methods and practices may be used with prior approval of the Commission.

Article 4c1, Section 2 **Erosion and Sediment Control Plan Requirements**

- A. The applicant shall describe, in mapped and narrative form, the measures to be taken to control erosion and sediment both during and after construction. The plan and its specific measures shall be based upon the best available technology and shall be in accordance with the principles and the minimum standards of the Connecticut Guidelines for Erosion and Sediment Control (2002) as amended. The control plan shall consist of the following:

1. A narrative that describes:
 - a. The proposed project;
 - b. The sequence and schedule for grading and construction activities including start and completion dates, installation and/or application of erosion and sediment control measures, and final stabilization of the project site;
 - c. The design criteria, construction details, installation and/or application procedures, and operation and maintenance program for proposed soil erosion and sediment control measures.
2. A map at the same scale as the site development plan that shows:
 - a. The location of the proposed project and adjacent properties;
 - b. The existing and proposed topography including soil types, wetlands, watercourses, and water bodies;
 - c. The location of and design details for all proposed soil erosion and sediment control measures;
 - d. The proposed land alterations including areas to be cleared, excavated, filled, and graded.
3. Erosion and sediment control plans shall comply with the following criteria:
 - a. Any proposed development should be fitted as close as possible to the existing topography and soils so as to create the least erosion potential.
 - b. To the greatest extent possible, existing vegetation should be retained and protected.
 - c. The smallest practical area of land should be exposed at any one time and that exposure should be kept to the shortest practical period of time.
 - d. Temporary vegetation and/or mulching shall be used to protect areas exposed during development.
 - e. Provisions should be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development. Computations for runoff shall be in accordance with Technical Release No. 55, Urban Hydrology, Engineering Division, Soil Conservation Service U.S.D.A. January, 1975, as amended.
 - f. The permanent final vegetation and structures should be installed as soon as practical in the development process.

Article 4c1, Section 3 **Procedure**

- G. Upon receipt of the complete Erosion and Sediment Control Plan, the Zoning Enforcement Officer will review it for compliance with these regulations. Any plan submitted may also be reviewed by the Windham County Soil and Water Conservation District and/or by the Scotland Town Engineer. At the request of the Conservation District or the Town Engineer additional control measures shall be incorporated to the plan. All review shall be completed within thirty days of the plan's submission.
- H. When the Zoning Enforcement Officer is satisfied that these erosion and sediment control plan complies with these regulations, the ZEO will so certify that plan.
- I. After installation, the Zoning Enforcement Officer will inspect the site to verify that all necessary erosion and sediment controls have been properly installed. When the ZEO is satisfied that they have been properly installed he will so indicate on the owner's application for a Building Permit.

Article 4c1, Section 4 **Compliance**

All erosion and sediment control measures indicated on the certified plan shall be installed and maintained as scheduled. A cash bond to guarantee completion of the control measures shall be required in an amount to be determined by the Zoning Enforcement Officer in consultation with the Town Engineer. If in the opinion of the Zoning Enforcement Officer the control measures have not been installed or maintained in conformance with the certified plan the property owner will be so notified by U.S. mail or otherwise. If the problem as described in that notice is not rectified within twenty-four hours of delivery, the Zoning Enforcement Officer may take steps to correct the problem using funds from the posted cash bond.

Article 4c1, Section 5 **Inspection**

Signature of the applicant or owner on an application conveys consent for inspection by the Town.

Article 4c2. **Signs**

Article 4c2, Section 1 **General**

It is the purpose of this Section to accommodate the placement of signs necessary for identification, direction and reasonable commercial promotion while avoiding signs of a character, as well as a proliferation and extension of signs, that would be detrimental to the public health and safety, property values and the rural character of the community.

Article 4c2, Section 2 **Permits**

- A. All signs shall require the issuance of a permit by the Zoning Enforcement Officer before erection or replacement. All signs must comply with all of the regulations contained herein. No permit shall be required for a mere change of copy on a sign.
- B. Application for a sign permit shall be made to the Zoning Enforcement Officer on a form provided by the Zoning Enforcement Officer office and shall be accompanied by a filing fee. The Zoning Enforcement Officer shall review and approve, approve with conditions, or deny the permit request within 65 days of receipt of a complete submission.

Article 4c2, Section 3 **Signs Not Requiring a Permit**

- A. Exempt Signs, the following types of signs are exempt from obtaining a permit:
 - 1. Address numerals issued by the Town.
 - 2. Government signs, flags, and standards erected by the city, state, or federal government in furtherance of their governmental responsibility.
 - 3. Legal notices.
 - 4. Off-premises Directional signs: sign(s) may be used to direct vehicles or pedestrians to churches, schools, public assembly facilities, or hospitals/emergency care facilities - not larger than eight (8) square feet.
 - 5. On-Premises Parking and Traffic: These signs shall conform to the "Manual on Uniform Traffic Control Devices," as published by the U.S. Department of Transportation, Federal Highway Administration. Signs shall not exceed four (4) square feet in area, and may be placed on private property to direct and guide traffic and parking on same private property. Such signs shall not include advertising; logos shall not be considered advertising -not larger than four (4) square feet.

6. Flags of the United States of America, the State, the Town, foreign nations having diplomatic relations with the United States, and Business flag used to display a business trademark or logo registered with the State of Connecticut.
 7. "No Trespassing" or "Posted" signs - not larger than two (2) square feet
- B. Temporary signs:
1. Temporary and/or Seasonal Agricultural Direction signs - not larger than ten (10) square feet
 2. Construction site signs - not larger than ten (10) square feet
 3. Garage/yard sale signs -not larger than ten (10) square feet
 4. Educational, charitable, civic, professional, religious, or like signs - not larger than ten (10) square feet
 5. Political signs - not larger than ten (10) square feet
 5. Real estate signs - not larger than ten (10) square feet
 6. Sandwich/sidewalk signs - not larger than six (6) square feet
 7. Service entrance signs - not larger than four (4) square feet
 8. Window/advertising posters - not greater than fifty (50) percent of the window area

Article 4c2, Section 4 **Prohibited Signs**

The following signs shall not be permitted:

1. Any Sign or sign support which for any reason constitutes a hazard by obstructing the vision of a driver; detracting from the visibility or effectiveness of any traffic sign or device; obstructing free ingress or egress from a fire escape, door, window or other required exit way; or make use of words such as stop, look, one way, interfere with, mislead or confuse traffic.
2. Signs placed, inscribed, or supported upon the roof or upon any structure which extends above the eave of the roof of any building.
3. Billboards or other off-premise signs (other than directional signs).
4. Signs which any way simulate official, functional, directional, or warning signs erected or maintained by the United States Government, the State of Connecticut, or municipality thereof, or by any railroad, or public utility, or similar agency concerned with the protection of public health or safety.
5. Signs which emit smoke, visible vapors, or particles, sound, or odor.
6. Signs placed in such a manner as to impair public safety.
7. Flashing Signs

Article 4c2, Section 5 **Sign Size and Area Computation**

A. The following standards shall be applied in each of the Town's zoning districts:

District	Types of Signs Allowed	Maximum Cumulative Sign Area
Residential	Wall, Free- Standing Post, Hanging & Suspended	50 square feet
Village		100 square feet

1. The size of any sign shall be computed by multiplying its greatest height by its greatest length, exclusive of supporting structures unless such supporting structure is illuminated or is in the form of a symbol or contains advertising copy. In the case of signs that have no definable edges, such as raised letters attached to a building facade, the sign size shall be that area within a single continuous perimeter enclosing the extreme limits of the actual message or copy area as a rectangle.
2. The area of a sign shall be construed to include all lettering, wording, and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed.
3. Where the sign consists of individual letters or symbols attached to or painted on a surface, building, wall, or window, the area shall be considered to be that of the smallest rectangle which encompasses all of the letters and symbols.
4. In computing square foot area of a double faced sign, only one side shall be considered, provided both faces are identical. If the interior angle formed by the two faces of the double faced sign exceeds one hundred twenty (120) degrees, both faces shall be considered in calculating the sign area.

Article 4c2, Section 6 **General Sign Regulations**

1. No sign shall be so located or arranged that it interferes with traffic through glare, through blocking of reasonable sight lines for streets, sidewalks, or driveways, through confusion with a traffic control device (by reason of color, location, shape, or other characteristic), or through any other means.
2. Signs may be illuminated by direct lighting, but shall have such lighting shielded so no direct light will shine on abutting properties or in the normal line of vision of the public using the streets or sidewalks. No flood or spot lights shall be mounted higher than twenty (20) feet above ground level.
3. Only signs of a duly constituted governmental body, including traffic signs and similar regulatory notices, and neighborhood identification signs, shall be allowed within street rights-of-way.
4. No sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered only elsewhere than upon the premises where it is displayed shall be established nearer than one hundred (100) feet to a Residential District unless the advertisement surface of such sign is not visible therefrom.
5. All signs shall be so designed and supported as to carry the weight of the sign, shall be secured in such a manner as to prevent significant movement due to wind, and shall comply with the local building codes in effect.
6. All signs on a lot shall be accessory to the approved or primary use on the lot
7. No red or green neon signs, LED, LCD or similar type signs shall be located within 200 feet of a traffic signal.

Article 4c3 **Open Space Subdivision**

Article 4c3, Section 1 **Applicability**

An owner or owners of land, within the Residential Agricultural District and not containing less than fifteen (15) contiguous acres of land within the Rural Agricultural district, may apply to the Commission for a Special Permit, as stated in **Article V, Section C** of these Regulations, for Open Space Subdivision Development under this Section. This will exempt such land from the lot area, frontage, setback and other applicable dimensional requirements set forth in the dimensional requirements for the underlying zone as required by these regulations.

Article 4c3, Section 2 **Intent**

The purpose of this regulation is to provide a alternative method for development of land which permits a reduction in lot sizes without an increase in density of population or development, while at the same time providing for the protection of surrounding properties, persons and neighborhood value and allow greater flexibility and creativity in the design and layout of residential and/or commercial development in order to:

1. minimize alteration of or damage to the natural and cultural features and topography of the land;
2. avoid undue adverse impacts of new development on existing homes and neighborhoods;
3. preserve wooded areas and other undeveloped open land particularly along Town roads;
4. reduce public costs for the maintenance of roads and other public infrastructure;
5. minimize the destruction of significant historic sites, geological features, severe slopes, scenic vistas significant stands of trees, watercourses, wetlands, wildlife habitat, or other areas of environmental value, natural beauty or historic interest;
6. to create an interconnected network of conservation open space;
7. reduce the amount of impervious surfaces caused by development; and,
8. preserve the existing rural appearance of the Town.

Article 4c3, Section 3 **Procedure**

A landowner seeking to create a Cluster Development of land may file with the Commission an application for a Special Permit for Cluster Development. The Application shall conform to the applicable requirements for a Subdivision Plan as set forth in the Commission's Regulations for the Subdivision of Land, and the Cluster Development requirements contained herein and all other requirements of a Special Permit.

Article 4c3, Section 4 **Dimensional Requirements**

A Special Permit for Cluster Development may authorize the creation and use of lots meeting the following dimensional requirements in lieu of the conventional dimensional requirements

1. Lot Area. Each lot shall be at least of a size capable of supporting the construction of a single-family dwelling or primary use structure and its accessory structures in accordance with all applicable state and local regulatory requirements and the purposes of Cluster Development.
2. Frontage. The frontage of each lot for a building site created in a Cluster Development shall be that necessary to provide for adequate access to the lot. Where shared driveways or other circumstances provided adequate access to an individual lot, frontage may not be required.

3. Setbacks. All structures shall be set back a minimum of twenty (20) feet from all lot lines, provided, however, that with respect to lot lines which abut land outside the Cluster Development, setbacks from said lot lines shall conform to the setback requirements applicable to conventional development in the underlying zoning district.
4. Density. The maximum number of lots for building sites in a Cluster Development shall not exceed the number of buildable lots which could be created through conventional development of the site plus any allowable density bonuses allowed. The allowable maximum density shall be based upon the maximum number of buildable lots which may be created through conventional development of the land without waivers from the Commission's Regulations for the Subdivision of Land and in conformance with the conventional dimensional requirements for the underlying zoning district.
 - a. The minimum open space conveyance within an open space subdivision shall be 40% of the total parcel area.
 - b. If at least 60% of the land is maintained as contiguous, undivided conservation open space, the Commission may allow a building density bonus of 10% of total dwellings.

Article 4c3, Section 5 **Standards**

In reviewing an Application for a Special Permit for Cluster Development, the Commission shall consider the extent to which the Application meets the purposes of Cluster Development by satisfying the following standards:

1. The laying out of Developed Areas, roads, storm drains, sewage disposal systems, and utilities shall be in conformance with the natural features of the parcel, minimizing changes to the topography and maximizing the amount of preserved wooded areas and other open space.
2. The amount of land to be disturbed for the construction of buildings, driveways, septic systems, utilities, storm drainage systems, and roads shall be minimized.
3. Important natural and historic features of the land, as determined by the Commission, shall be protected.
4. The impacts of road and utility installations for each dwelling unit served shall be less than those generated by a conventional development of the same land.
5. The design, number, and location of curb cuts shall be such that any conflict with existing traffic flow is minimized.
6. Provision, satisfactory to the Commission, shall be made with regard to the ownership and maintenance of any and all private roads, common driveways, common land, or other common facilities within the Cluster Development.
7. The design shall minimize the size of Developed Areas.
8. The balance of the land not contained in the building lots shall be in condition, size and shape as to be readily usable for recreation or conservation, and shall be reserved by one of the following means:
 - a. conveyance of fee simple ownership to the Town of Scotland;
 - b. creation of a Conservation Easement in favor of the Town of Scotland;
 - c. creation of a Conservation Easement in favor of the Town of Scotland reserving specific agricultural rights as approved by the Commission;
 - d. conveyance of fee simple ownership to a Tax-Exempt Organization approved by the Commission;

- e. creation of a Conservation Easement in favor of a Tax-Exempt Organization approved by the Commission with the consent of the applicant;
- f. conveyance of fee simple ownership to a Connecticut non-stock corporation of which all owners of land within the subdivision or re-subdivision are members, along with a conservation easement over the entire open space area; or
- g. any other method which accomplishes permanent dedication in accordance with the requirements set forth in this Section.

Article 4c4. **Earth & Gravel Removal**

Article 4c4, Section 1 **Purpose**

The following provisions regarding the establishment and continuance of gravel banks and the conduct of earth removal activities in Town have been developed to:

1. Protect the health, welfare, and safety of the citizens of the Town of Scotland.
2. Preserve and protect the Town's environmental resources, including but not limited to:
 - a. Maintaining an adequate supply and quality of surface and underground water.
 - b. Preventing the contamination of air, water and soils.
 - c. Hydrological stability and control of flooding and erosion.
 - d. Wildlife habitat protection.
3. Protect property values by insuring that, following such activities, land utilized for filling, and/or excavation will be usable for residential, commercial or industrial purposes consistent with the underlying zoning district in which such use is located.
4. Protect property values and quality of life for those properties neighboring earth filling, and/or excavation operations.
5. Insure that the land will be usable post reclamation.

Article 4c4, Section 2 **Exemptions**

The provisions of this Section and the requirements to obtain a permit shall not apply to the following cases:

1. Excavation and removal of less than 500 cubic yards over a period of 18 months from any single parcel of land.
2. Excavations or fillings that is incidental to the property as a result of construction or alteration of a structure for which a building permit or zoning permit has been issued, provided that less than 1,500 cubic yards is disturbed or removed.
3. Excavation, removal, filling, or grading in conformance with an approved subdivision and/or site development plan, except as provided hereafter. When the Planning and Zoning Commission determines that subdivision or site development plans include significant grade changes that require extensive excavation and grading operations in terms of time duration and/or material removed, they may require and Excavation and Grading Permit prior to commencement of construction.

Article 4c4, Section 3 **Standards for Earth Removal**

The removal of earth materials under this Section shall require a special permit from the Commission and comply with the following standards:

1. Excavation and grading shall provide for proper drainage of the property during the earth removal operation and after its completion.
2. Buffer Areas
 - a. There shall be no excavation within 100 feet of any lot line. Such buffer area shall remain undisturbed for the duration of the earth removal operation and shall not be used for any purpose, including but not limited to:
 1. vehicular access to other portions of the site, except as otherwise approved by the Commission;
 2. the parking or storage of equipment, machinery or vehicles;
 3. the location of any buildings or structures such as sanitary facilities or temporary field offices; or,
 4. the excavation, processing, stockpiling or storage of any earth materials.
3. If the Commission finds that the existing vegetation or topography within such buffer area will not effectively screen the earth removal operation from adjoining properties, the Commission may require the installation of additional screening materials such as evergreen plantings or fences.
4. If the Commission finds that the existing vegetation or topography within a lesser buffer area will effectively screen the earth removal operation from adjoining properties; or that the adjoining property owners have consented in writing to a lesser buffer area; or that a lesser buffer area is warranted in order to match proposed contours to the existing contours of adjoining land or that fencing, plantings or a combination thereof proposed by the applicant will effectively screen the earth removal operation from adjoining properties, the Commission may reduce the required buffer area. In reducing the required buffer area, the Commission shall consider the proximity of adjoining uses; the type and quantity of existing or proposed vegetation; the relative elevations of the operation and adjoining properties; and the proximity of the operation to the street. Such reduction shall be the minimum necessary to accomplish the purposes of these Regulations.
5. In order to allow the final grade of the earth removal operation at the street line to conform to the grade of the street along which the property has frontage, the Commission may allow excavation up to the street line.
6. The final grade of any excavated slope shall not exceed one foot of vertical rise per three feet of horizontal distance. Where ledge rock or similar geological conditions are encountered, the Commission may approve a steeper grade but may require fencing or other protective measures to control hazardous conditions.
7. Unless otherwise approved by the Commission, the maximum depth of excavation shall be:
 - a. No greater than ten feet below the grade of the street along which the property has frontage or, if the property has no street frontage, no greater than ten feet below the grade of that side of the property through which access to the site is provided; and, No closer than five feet to the maximum ground water level on the property.

8. In addition to other applicable requirements of this Section, removal of more than 400 cubic yards of earth materials from any property in connection with a bonafide construction project shall also comply with the following standards:
 - a. The natural topography of the property shall be preserved to the maximum extent possible.
 - b. The proposed excavation shall be certified by the Town's Engineer as being the minimum depth of excavation necessary to accomplish the proposed project.
 - c. The processing of earth materials shall be allowed only by Special Permit.
 - d. The use of buildings or structures for storing earth materials shall be allowed only by Special Permit as part of the original Special Permit application.
9. Upon completion of the earth removal operation all disturbed areas of the property, except rock exposed by excavation, shall be covered with a minimum of four inches of topsoil. Such topsoil shall be evenly spread over the disturbed area, fertilized and planted with a cover crop suitable to prevent erosion and to hold all slopes. At any time prior to the completion of the earth removal operation, the Zoning Enforcement Officer may require that those areas of the property where excavation has been completed be final graded, covered with a minimum of four inches of topsoil, and seeded to establish a cover crop.
10. Prior to the renewing a Special Permit for earth removal, the Commission may require that those areas of the property where excavation has reached finished grade per approved plan, covered with a minimum of four inches of topsoil, and seeded to establish a cover crop.
11. In granting or renewing a Special Permit for earth removal, the Commission may attach such conditions and safeguards as may be required to protect the public health, safety and general welfare and to ensure continued compliance with these Regulations, including but not limited to:
 - a. The days and hours of operation;
 - b. The area of the property to which the earth removal operation shall be confined;
 - c. The extent of stockpiling of materials on the property;
 - d. Protective measures to minimize the nuisance of noise, dust and flying rock; and,
 - e. The location of vehicular access into and out of the property.
12. A Special Permit for earth removal shall not become effective until the applicant posts a bond with the Commission. Such bond shall ensure completion of the earth removal operation in accordance with the requirements of the approved Special Permit. Such bond shall permit the Town to finish any uncompleted or required work covered by said bond if the Special Permit expires or is revoked for failure to comply with the requirements of the Special Permit. Such bond shall not be released by the Commission until it has received a report by the Town's Engineer that all conditions of the Special Permit covered by the bond have been complied with and that the required cover crop is growing in healthy condition.
13. Every 12 months after the approval of a Special Permit for earth removal, the applicant shall submit to the Commission information prepared, signed and sealed by a surveyor and an engineer registered and licensed to practice in the State regarding the progress of the operation, including the amount of material removed, existing contours and cross-sections in the area excavated during the preceding six-month period. Failure of the applicant to provide the Commission with such information within 30 days after the end of the 12-month period shall be deemed sufficient cause for the Commission to revoke the Special Permit, upon notice and opportunity to be heard.

14. If, at any time, the Commission finds that the earth removal operation is not being conducted in accordance with the Special Permit as approved, the Commission shall order the applicant to cease the operation and, following a duly noticed hearing, may revoke the Special Permit.

Article 4c5. Parking

Article 4c5, Section 1 **Purpose**

The purpose of parking standards is to assure adequate off-street parking, reduce on-street parking, increase traffic safety, maintain smooth traffic flow, and reduce the visual impact of parking lots. These standards are also designed to achieve safe and efficient vehicular and non-motorized circulation and economy of space.

Article 6E, Section 2 **Number and Size of Spaces Required**

A. General:

Land Use	Number of Spaces	Park Space Size
Residential	2 spaces per dwelling unit (driveway spaces count)	8.5 x16 and all parking areas must have adequate access and maneuvering areas
Professional Office	3 spaces per 1,000 ft gross floor area	
Retail	4.5 spaces per 1,000 ft gross floor area	
Places of public assembly (government, churches, etc.), including libraries, museums, restaurants, and similar establishments	one (1) parking space for each four (4) seats or, where benches are used, one (1) space for each eight (8) lineal feet of bench. Where no fixed seats are used (as in a museum), there shall be one (1) parking space provided for each 80 square feet of public floor area.	

- B. Parking spaces shall be provided for the physically handicapped according to the table below. Parking spaces for the physically handicapped shall be designed in accordance with the Rules and Regulations of the Americans with Disabilities Act and Laws of the State of Connecticut, as such standards may be amended. Handicapped spaces shall be clearly identified by a sign stating that such spaces are reserved for physically handicapped persons. The handicapped spaces shall be located in the portion of the parking lot nearest the entrance to the use or the structure which the parking lot serves. Adequate access for the handicapped from the parking area to the structure shall be provided.

Number of Required Spaces	Number of Handicapped Spaces
0-20 spaces	1 handicapped space
21-30 spaces	2 handicapped spaces
31-50 spaces	3 handicapped spaces
51-100 spaces	4 handicapped spaces

- C. For all uses that are required to provide, or do provide, ten (10) or more parking spaces, the installation of bicycle racks shall be required. The bike racks shall be designed to provide for the locking of the bicycles

to the racks. The design, location and number of bike racks shall be approved by the Commission as part of an approval of the permit request.

- D. Points of entrance and exit for driveways onto the street shall be located so as to minimize hazards to pedestrian and vehicular traffic in the street. No off-street loading space and no truck loading bay, ramp or dock shall be designed or arranged in a manner that trucks must use any part of a public street right-of-way for maneuvering, or for loading and unloading. No portion of the driveway at the edge of the street pavement shall be closer than 75 feet from an intersection.

Entrance and exit driveways for parking areas containing fewer than 5 spaces, the minimum width of entrance and exit drives shall be 10 feet wide for one-way use and 18 feet wide for two-way use. For facilities containing five or more spaces, such drives shall be a minimum of 12 feet wide for one-way use and 18 feet wide for two-way use. The minimum curb radius shall be 15 feet. The maximum width of such driveways at the property line shall be 24 feet. The Commission may modify these width and radius limitations to facilitate traffic flow and safety.

Article 4c5, Section 3 **Shared Parking**

- A. The Commission encourages parking for different structures or uses, or for mixed uses, to be shared in any district. At the applicant's request, shared parking may be provided, subject to the following provisions:
 - 1. A reciprocal written agreement has been executed by all the parties concerned that assure the perpetual joint use of such common parking, a copy of which has been submitted to and is acceptable to the Commission. The Commission may forward such agreements to the town legal counsel for review.
 - 2. The Commission may require the applicant to provide a parking study with all information deemed necessary to its decision-making on a shared parking arrangement. This information includes but is not limited to:
 - a. the type and hours of operation and parking demand, for each use a site plan displaying shared use spaces in the lot and walking distance to the uses sharing the lot
 - b. a description of the character of land use and parking patterns of adjacent land uses, and
 - c. an estimate of anticipated turnover in parking space use over the course of 12 to 24 hours at the site. .
- B. Uses sharing the parking facility do not need to be contained on the same lot, but shall be a maximum of 500 feet from the closest parking space in the parking lot which is to be used and allow for safe, convenient walking for most parkers, including safe pedestrian crossings, signage, and adequate lighting. A waiver of the maximum allowable distance from the use to the parking may be approved by the Commission with written justification and supporting information provided by the applicant.

Article 4c5, Section 4 **General** (non-residential and multi-family only as applicable):

- A. Whenever a parking or loading area is located in or adjacent to a residential use, it shall be effectively screened on all sides which adjoin or face any residential property by a solid wall, opaque fence or a double row, compact evergreen planting screen located on a landscaped buffer strip not less than ten (10) feet wide. Such fence, wall or planting screen shall not be less than five (5) feet, nor shall any fence or wall be more than six (6) feet in height, and shall be maintained in good condition. The space between such fence, wall or planting screen and the lot line of the adjoining premises in any residential district shall be landscaped with grass, hardy shrubs or evergreen ground cover, and maintained in good condition. Areas between parking facilities and public rights-of-way shall be suitably landscaped. In the event that the terrain and other natural features are such that the erection of such fences, wall or planting screen will not serve the intended purpose, the Commission may waive this requirement.

- B. In order to reduce storm water runoff all parking and loading facilities required under this Regulation together with driveways, aisles, and other circulation areas, shall use grass/pavement block or other pervious pavement systems. The use of non-permeable surfaces shall be allowed only after demonstrating to the Commission's satisfaction that such use is warranted.
- C. To reduce the mass of parking lots in front of buildings and bring buildings forward, parking should be provided to the side and rear of the building(s) to the extent that is practical.
- D. Any non-residential parking area which is intended to be used during non-daylight hours shall be fully illuminated during the hours of operation of the principal use. Any lights used to illuminate a parking lot shall be so arranged as to reflect the light away from the adjoining property and away from streets.

Article 4c6 **Driveways**

Article 4c6, Section 1 **General**

No driveway to provide access to a building lot shall exceed, at any point, 15% grade from the horizontal. Any portion of a driveway which exceeds a 10% slope from the horizontal shall be paved with bituminous concrete or other erosion-resistant, durable surface. Driveways shall be oriented 90% to the direction of the approved State or Town Road and be flat for at least 20 feet into the building lot. Driveways shall be at least 12 feet wide. The following standards shall apply.

1. **Runoff from driveways:** Driveways shall be designed to prevent runoff onto Town property unless the Board of Selectmen or their designated agent has approved such design and to prevent runoff from Town property onto private property. Privately owned and maintained drainage diversion swales, detention areas, and/or dry wells shall be utilized to the greatest extent possible. Where private drainage features are utilized, it shall be noted on the land records that maintenance of such features is the responsibility of the lot owner and that, subject to proper notification by the Town, the Town may undertake any necessary maintenance and bill the cost to the property owner.
2. **Construction Standards:** Driveways shall be constructed of a durable, non-erodible, load-bearing material capable of supporting emergency equipment up to 50,000 pounds. Sub-base shall be bank run gravel with a minimum depth of 8 inches. Base material shall be processed gravel with a minimum depth of 4 inches. Culverts in the Town right-of-way shall be a minimum 15 inches internal diameter and should be located no closer than 10 feet from another driveway. Use of ACCMP is not allowed.
3. **Grading Standards:** Driveway grades shall not exceed 12% and driveways with grades exceeding 10% shall be paved. Driveway grade shall not exceed 1 % over the first 20 feet from the front property line. Driveway side slopes shall not exceed a slope of three horizontal to one vertical (3:1) unless retaining walls or other stabilizing measures are provided.
4. **Width:** Driveway width shall be a minimum of 12 feet. Driveways shall have sufficient radius at curves to accommodate emergency equipment.
5. **Vertical Clearance:** To avoid damage to emergency equipment, a minimum vertical clearance of 14 feet shall be maintained over the entire driveway.
6. **Sightline:** Minimum sightline distances at the intersection of the driveway with the public road shall conform to the requirement of the Connecticut Department of Transportation. This distance may be increased where the Board of Selectmen or their designated agent has determined that the speed or volume of traffic requires a higher standard for safety.
7. **Angle of Intersection:** Driveways shall intersect with the public road at an angle of approximately ninety degrees for at least the first 20 feet from the front property line adjacent to the public road.

8. Common and Loop Driveways

- a. Intent. The intent of this section is to reduce the impact to native habitat, including wetlands and watercourses, to protect natural features including rare flora, large specimen trees, scenic points, ledge outcroppings, and stonewalls, and to allow a mechanism by which the cost of maintenance of long driveways can be reduced. The Commission may require that a common driveway be utilized to minimize curb cuts where traffic conditions are hazardous due to high speeds and heavy volume, to enhance scenic vistas and rural character, or to protect natural and historic features of special interest.
- b. Approval. Common driveways shall be constructed only following site plan approval by the Commission. The final site plan shall be filed in the land records.
- c. Loop Driveway Design. A loop driveway shall typically be parallel to the road and no structures shall be located between the loop (common) driveway and the road.
- d. Limit on number of users. The Commission may approve utilization of a loop driveway with two public roadway intersections for up to five dwelling units and common driveways for up to three dwelling units. Additional users are not permitted.
 - i. Fire Department Review. Any common driveway or loop driveway proposal shall be submitted to the Fire Chief for review.
 - j. Driveway Maintenance Agreement. A driveway maintenance agreement shall be approved by the Commission and filed in the Land Records prior to filing of a final approved site plan. The following statement shall be included in the agreement document: "The common driveway is to be privately owned and is not to be maintained or constructed or improved as a public highway or road by the Town of Scotland either now or in the future. All obligations regarding its maintenance, construction, and improvement shall rest with the owners of the subject lots."
 - k. Width and Vertical Clearance. The driveway width shall be a minimum of 14 feet, except that the width of the driveway may be adjusted by the Commission depending on environmental conditions such as wetlands or ledge. Vertical clearance shall be 14 feet for the entire width and length.
 - l. Certification of Construction. Certification that the driveway was built according to the approved plan shall be provided by the installer. The Zoning Enforcement Officer may require that such certification is provided by a Professional Engineer in order to determine compliance with the approved plan and applicable regulations.
 - m. Passing Areas. Pullouts to accommodate two way traffic, measuring at least 8 by 50 feet, may be required. Passing areas shall generally be provided at 500 foot intervals, depending on site conditions.
 - n. Street Numbers. Street numbers shall be posted at the road and at any intersections in the driveway.

Article 4c7 **Flood Plain Protection**

Article 4c7, Section 1 **Purpose**

- A. Flood Plains are areas subject to potential, periodic, occasional or frequent flooding. This regulations establishes necessary minimum standards and review procedures over the use of these lands in order to: reduce flooding hazard to human life and health, reduce damage to public and private property, minimize disruptions of commerce and governmental services, protect property values, maintain the capacity of natural drainage systems to safely store and transport flood waters, minimize damaging flood erosion, and

minimize increases in downstream flood potential.

- B. Flood Plains are special flood hazard areas most recently identified by the Federal Emergency Management Agency in its Flood Insurance Study or on the Flood Insurance Rate Map (FIRM), dated January 5, 1989, with accompanying floodway maps and other supporting data. The Flood Insurance Study, Flood Insurance Rate Map and the supporting data, as revised, are adopted by reference and declared to be a part of these Regulations.

Article 4c7, Section 2 General Standards

Within a Flood Plain no structure shall be constructed, reconstructed, enlarged, extended, moved or structurally altered; no land use shall be established; and no land shall be filled, graded or excavated until the Commission has approved a plan for the proposed structure, land use or alteration of land contour. Such approval shall not be granted or permit issued unless the plan complies with all of the following requirements:

1. No residential structures will be permitted in a floodway. No encroachment including fill, other new construction, substantial improvements and other development shall be permitted in a floodway unless technical evaluation demonstrates that the encroachment will not result in any increase in flood levels during the base flood discharge.
2. New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure, and be constructed of materials resistant to flood damage using methods and practices that minimize flood damage. Electric, heating ventilation, plumbing, air conditioning equipment and other service facilities shall be designed and/or located to prevent water from entering or accumulating within the components during flood conditions.
3. New and replacement water systems shall be designed to minimize infiltration of floodwater.
4. New and replacement sanitary systems shall be designed to minimize infiltration of floodwaters and discharge from the systems into floodwaters. On-site sanitary disposal systems shall be located to avoid impairment or contamination during flood conditions.
5. Structures and improvements shall be designed to cause the least possible impediment to floodwater and debris.
6. No outdoor storage of materials shall be permitted which would tend to be floated by floodwater and cause obstructions downstream.
7. Any reduction in the water holding capacity of the flood plain for a 100-year event caused by structures, improvements, filling or re-grading of land shall be compensated for prior to issuance of a Certificate of Zoning Compliance or building permit.
8. The portions of a watercourse that have been altered shall be maintained so that the flood carrying capacity is not diminished.
9. Where base flood and/or data is not available, the applicant shall obtain, review and reasonably utilize any base flood elevation or floodway data available from Federal, State or other source.
10. Where base flood elevations have been determined but there is no designated floodway, no new construction, substantial improvement or other development (including fill) shall be permitted which will increase base flood elevations more than one (1) foot at any point along the watercourse based upon the development site at full build out.
11. Manufactured (mobile) homes are prohibited in flood plains and fully enclosed areas below base-flood elevation are prohibited.
12. New construction and substantial improvement of any residential structure shall have the lowest floor, including basements, raised at least one foot above the base-flood elevation.

13. New construction and substantial improvement of any non-residential structure shall have the lowest floor, including basements, raised or flood-proofed to at least one foot above the base-flood elevation. Flood proofing shall conform to standards set by the Federal Insurance Administration and shall be certified by a registered professional engineer or architect.

Article 4c7, Section 4 Procedure

The Commission shall approve, disapprove, or approve with modifications the proposed plans. One copy of the approved plan, (date of approval noted thereon) shall be filed with Zoning Enforcement Officer, one copy shall go to the applicant and one copy shall be filed with the Building Official.

Within Flood Hazard Areas prior to issuance of a Certificate of Zoning Compliance involving the construction of a new residential structure, or a substantially improved residential structure the applicant shall submit an A-2 Survey certifying that the lowest floor (including basement or cellar) is elevated to or above the base-flood level.

Article 4c7, Section 5 Information to be Recorded

The Zoning Enforcement Officer shall record and maintain a record of the actual elevation of the lowest floor, including the basement, and of all new and substantially improved structures in a flood plain area. The Zoning Enforcement Officer shall also record actual elevation and flood-proofing certification for all new or substantially improved flood-proofed structures.

Article 4c7, Section 6 Alterations of Watercourse - Notification Required

The Zoning Enforcement Officer shall notify adjacent municipalities and the Water Resource Unit of the Connecticut Department of Energy and Environmental Protection, or successor agency, prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Insurance Administration.

Article 4c8. Accessory Apartments

Article 4c8, Section 1. Purpose

The purpose of this regulation is to allow a family to create an additional housing option for persons 60 years of age and older by permitting an accessory dwelling unit either within a single family structure or within a permissible accessory building on a lot containing a single family structure, provided said unit is permitted only in accordance with the safeguards and conditions prescribed below, and is designed so as to preserve and maintain the single family residential character of the neighborhood where such apartment may be located.

Article 4c8, Section 2 Standards

1. A total of one (1) accessory apartment/dwelling unit may be permitted on a lot and shall be contained within either a single family dwelling, or within a permissible accessory building, but not both.
2. Accessory apartments/dwelling units shall only be permitted on parcels greater than 40,000 square feet.
3. Additions to existing dwellings for the purpose of constructing an accessory apartment are permitted.
4. Accessory apartments/dwelling units shall only be permitted in accessory buildings if
 - a. The subject parcel of land is greater than 80,000 square feet and
 - b. The accessory building has been issued a certificate of occupancy at least five (5) years prior to application for said accessory apartment/dwelling unit.

- c. If said parcel of land contains greater than 160,000 square feet, an accessory apartment/dwelling unit may be constructed in any existing accessory building regardless of the age of the building, or said accessory apartment/dwelling unit may be constructed as a new accessory building.
5. The living area of an accessory apartment/dwelling unit must contain at least 500 square feet, but shall not be greater than 1,000 square feet or more than 50% of the total finished floor area of the primary residence.
6. The remaining living area of the single family dwelling after creation of the accessory apartment/dwelling unit must be at least 700 square feet.
7. An accessory apartment/dwelling unit shall contain no more than one (1) bedroom.
8. At least one of the occupants of either the dwelling or the accessory apartment/dwelling must be at least 60 years of age.
9. The owner of the dwelling must occupy either the dwelling or the accessory apartment/dwelling unit. Certification of such occupancy by the owner must be submitted at time of application.
10. There shall be no fewer than four (4) off-street parking spaces (which may include garage parking spaces) to serve both the principal dwelling and the accessory apartment/dwelling unit.
11. No additional curb cuts may be created to serve an accessory apartment/dwelling unit.
12. Prior to the issuance of a zoning permit for an accessory apartment/dwelling unit, the applicant shall submit to the zoning office proof from the Eastern Highlands Health Department that the water supply and septic system are adequate to service the additional accessory apartment/dwelling unit.
13. The building containing the accessory apartment/dwelling unit may not be part of a common interest community.
14. The proposed accessory apartment/dwelling unit design shall preserve and maintain the single family residential appearance of the subject lot and be consistent with the single family character of the neighborhood.
15. 15. Annual certification shall be provided by the owner-occupant of the property that the accessory apartment/dwelling unit is being utilized in compliance with these regulations.

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Article Five

Application Process

General Provisions

Article 5, A, Section 1, **Pre-Application Plan**

- A. The preparation of a pre-application plan is **optional** but strongly recommended to facilitate general consideration of factors and issues before the applicant proceeds with the official application and preparation of maps, plans and documents required for formal consideration by the Commission.
- B. Neither the pre-application plan nor the informal consideration by the Commission, however, shall be deemed to constitute any portion of the official and formal procedure of applying for and approving a Zoning Application as contemplated herein or under the provision of the General Statutes.

Article 5, A, Section 2, **Permits**

- A. Except for necessary routine maintenance and for repairs or replacement to existing buildings, as defined in the basic Building Code of the State of Connecticut, no land shall be used and no building or structure shall be erected, moved, enlarged or extended until a Zoning Permit for the proposed work or use has been issued by the Commission or the Agent in accordance with these regulations.
 - 1. It shall be the responsibility of the Applicant to obtain all permits required by other agencies, if applicable, including other local authorities such as Northeast District Department of Health, the Inland Wetlands Commission, and any department or agency of the State or federal government. The applicant shall provide evidence of application to such agency or agencies, and no Zoning Permit shall be issued until evidence of application for all other permits has been submitted. The Commission may require evidence of approval from other authorities as a prerequisite when feasible and necessary to ensure compliance with these regulation prior to zoning approval, and failure to receive approval from other agencies may be grounds for denial of a Zoning Permit.

Article 5, A, Section 3, **Administrative Action**

- A. An application, as required in Section 4, shall be submitted to the Zoning Enforcement Officer for review for the following:
 - 1. For an addition to an existing structure of no more than one-thousand (1,000) square feet in total ground floor area.
 - 2. A new structure for a non-residential use, which is under two-thousand five hundred (2,500) square feet in total floor area
 - 3. Any change in a property which, which in the opinion of the zoning enforcement officer, results in an intensification of use
- B. The Zoning Enforcement Officer, acting on behalf of the Commission, shall review applications to determine conformity with the Zoning Regulations. The date of receipt shall be designated as the date on which a completed application is submitted to the Zoning Office. The Zoning Enforcement Officer may refer the site plan to other Town Departments for review as necessary. All comments from other departments shall be submitted to the Zoning Enforcement Officer within 25 days. The Zoning Enforcement Officer will review the site plan to ensure compliance with the Zoning Regulations and shall issue a permit within 65 days of receipt if all other applicable requirements of these regulations have been

met. The Zoning Enforcement Officer shall notify the applicant of the decision by certified mail within 65 days of the receipt of the application.

- C. The Zoning Enforcement Officer may waive any part or all of the site plan application requirements, if the Officer determined the information is not necessary for determining the conformity of a new use with these regulations.

Article 5, A, Section 4, **Application**

Applications for Zoning Permits shall be filed with the Commission by the owner or its authorized agent on a form provided by the Commission. If the applicant is not the owner of the property on which the activity is proposed, the relationship of the applicant to the owner shall be described on the application form. The application shall contain a signed written statement by the owner of the property or his/her authorized agent giving consent for the Commission or its agent to inspect the property. Five (5) copies of each application shall be submitted, accompanied by five (5) copies of a site plan in ink at scale of one (1) inch equal to no more than forth (40) feet and showing:

1. The direction north
2. The actual shape and dimensions of the lot to be used; provided, however, that if the lot is substantially larger than the area to be developed the Commission may allow the applicant to submit a site plan showing the lot in an inset map at a different scale from the scale of the remainder of the site plan.
3. The exact size and location of all existing and proposed buildings, structures, loading areas and parking, adjacent land owners, buildings or structure on abutting land within fifty (50) feet of all lot lines;
4. The location of any required setback.
5. A computation of lot and building coverage;
6. The names of all owners of record of any land abutting the lot to which the zoning permit would apply
7. The location and name of any street, that passes through or adjoins the lot or, if no such street, passes through or adjoins the lot, the entire route of vehicular access to the lot from such a street.
8. The locations and numbers of any utility poles within one hundred (100) feet of the lot or, if there are no such utility poles, the location and number of the utility pole nearest to the lot.
9. The parking and/or loading space layouts and calculations per Section 6E;
10. The location of proposed septic system and reserve leaching area and location of proposed well in conformance with the Public Health Code.
11. An A-2 Survey prepared by a registered engineer or land surveyor.
12. Building or structural plans to scale, specifications and such other information as may be required by the Commission or its agent to determine that the proposed building or structure complies with all local and state codes and ordinances, including any applicable design guidelines including but not limited to illumination, colors, signs, and architectural style.
13. Landscape plan.
14. The location of any existing or proposed driveway. (a driveway permit is required before any driveway may be constructed or altered).

15. Existing and proposed (finished grade) contour lines at an interval of two (2) feet over the entire site plan or so much thereof as the Commission may prescribe.
16. The location of natural features including, but not limited to, rock outcroppings, slopes in excess of fifteen (15) percent, soil types, forested areas and vegetation types.
17. A description of any measures to be used to prevent soil erosion and sedimentation.
18. The location and a description of any proposed surface or subsurface drainage improvements, facilities or structures.
19. The location of soil test pits and test borings and a description of the soils encountered in such pits or borings.
20. Location, if known, of any historic , archeological or environmental significance
21. Statement of use.

Article 5, A, Section 5 **Waivers**

- A. The Commission may waive any of the requirements found in Article 5, A, Section 4 if the requirements sought to be waived are not, in the opinion of the Commission, reasonably necessary to a proper disposition of the application.

Article 5, A, Section 6 **Additional Application Information**

- A. The Commission may, within thirty-five (35) days after the day of receipt of any application, require the applicant to submit additional information if the Commission finds that such information is necessary or would be helpful in determining whether the proposed building, structure or use conforms to these regulations. For the purpose of this Section, the day of receipt of an application shall be deemed to be the earlier of (I) the day of the next regularly scheduled meeting of the Commission immediately following the submission of the application to the Commission or its authorized agent, or (II) thirty-five (35) days after such submission. Such additional information may include, but is not limited to, the following:
 1. The nature and amount of any hazardous materials or wastes to be produced, used, stored, or disposed of on the lot, and the manner in which such production, use, storage or disposal will be carried out.
 2. The nature of existing land uses on abutting properties.
 3. A lighting plan for non residential and multifamily uses.
- B. If the applicant elects to furnish the additional information required by the Commission, the applicant shall file with the Commission a written consent to the extension of the time within which the Commission would otherwise be required to act upon the application. The extension shall be sufficiently long to provide the commission with sixty-five (65) days following the receipt of the additional information within which to act upon the application. If the applicant declines or fails to provide additional information, the Commission shall proceed to act upon the application pursuant to these regulations.

Permit Procedures

Article 5, B, Section 1 **Exemptions**

The following structures shall not require the issuance of any permit under these regulations:

1. Fences, or walls used as fences, that are no more than six (6) feet in height.
2. Mailboxes.
3. Sheds and similar structures less than two-hundred fifty (250) square feet. However, such structures shall conform to all setback standards.

Article 5, B, Section 2 **Rendering the Decision**

- A. The Commission shall render a decision on an application within sixty-five (65) days after the date of receipt. The applicant may consent to one or more extensions of such period, provided the total period of any such extension or extensions shall not exceed one further sixty-five (65) day periods. No application will be accepted unless it is accompanied by the proper application form or those forms have previously been filed with the Commission. For the purposes of this Section, the day of receipt of an application or site plan shall be deemed to be the day of the Commission's next regularly scheduled meeting immediately following the day of submission of such application to the Commission or its authorized agent, or thirty-five (35) days after such submission, whichever is sooner.
- B. The Commission may either deny or approve the application as submitted, modify and approve the application, or approve the application with conditions. A decision to deny or modify an application shall set forth the reasons for such denial or modification. The Commission may, as a condition of approval of any modified application, require a bond in an amount and conditions satisfactory to it, securing that any modifications of such application are made or that required amenities (erosion and sedimentation control, landscaping, etc) are completed.

Article 5, B, Section 3 **Notice of Decisions**

A copy of any decision on an application shall be sent by the Commission by certified mail to the applicant within fifteen (15) days after such decision is rendered. The Commission shall publish notice of the approval or denial of such application in the newspaper having a general circulation in the Town of Scotland.

Article 5, B, Section 4 **Final Approval**

- A. Any application approved by the Commission without modifications or conditions shall become the approved plan. If the Commission approves a application with modifications or conditions, an approved site plan that incorporates such modifications or conditions must be submitted to the Commission by the applicant within sixty-five (65) days of the date of approval. For good cause shown, the Commission may extend the time for filing the approved site plan. If an approved plan is not filed within such sixty-five (65) day period or within any period of extension, the approval of the application for a zoning permit shall be void.
- B. The Commission shall certify its approval of any application submitted in accordance with these regulations. The certificate of approval shall state that the approval will automatically expire five (5) years from the date of approval and shall specify such expiration date. The Commission or its agent shall issue no zoning permit until the final approved plan has been approved by the Commission. The applicant shall file the approved plan and certificate of approval in the office of the Scotland Town Clerk and shall pay all required filing fees. No zoning permit issued in connection with an application shall be effective until the Commission has certified its approval of the final plan and has been filed in the office of the Scotland Town Clerk.

Special Permits

Article 5, C, Section 1, **Intent**

The intent of the special permit regulations is to provide a comprehensive review, including a public hearing, of the proposed plan for the layout of the building(s), structure(s) or use(s) in relationship to the topographical, geological and other natural features of the land, and of the impact of the use(s) upon environment, health, safety, welfare and convenience of the members of the community. It is intended to insure that the design and layout of the site and the proposed use(s) will constitute suitable and appropriate development in character with the neighborhood and will not result in a decrease in property values or a detriment to the present and potential use of the area in which it is to be located. Special permit procedures are also intended to assure that proposed buildings, structures and uses will provide for the maintenance of air, surface-water and groundwater quality and will not be detrimental to existing sources of potable water or other natural or historic resources.

Article 5, C, Section 2 **Applicability**

A special permit must be issued by the Commission before any person may establish or change any land use, or use, erect, construct, move, enlarge, or alter any building or structure, in whole or in part, if the use, structure or building resulting from such activity is listed as a Special Permitted Use under Article IV of these regulations for the zone in which it would be located. The issuance of a special permit these regulations fulfills the requirement for the issuance of a zoning permit.

Article 5, C, Section 3 **Applications**

- A. Applications for special permits shall be filed with the Commission on a form provided by the Commission. Five copies of each application shall be submitted, accompanied by five (5) copies of a site plan in ink at a scale of one inch equal to no more than forty (40) feet and showing:
1. All the information specified for a site plan under Article 5A, Section 4 of these regulations.
 2. The nature and amount of any hazardous materials or wastes to be produced, used, stored or disposed of on the lot, and the manner in which such production, use, storage or disposal will be carried out.
 3. The nature of existing land uses on abutting properties.
 4. The names of all owners of record of property abutting or within one hundred (100) feet of the lot to which the special permit would apply.
 5. The location of rock outcropping, slopes in excess of fifteen (15) percent, soil types and forested areas on the lot.
 6. The location and description of any measures to be used to prevent soil erosion and sedimentation.
 7. The location and a description of any proposed surface or subsurface drainage improvements, facilities or structures.
 8. The location of soil test pits and test borings and a description of the soils encountered in such pits or borings.
 9. The location of any areas subject to flooding during a 100-year flood, as shown on the most recent Flood Insurance Rate Map prepared by the Federal Emergency Management Agency.

10. The location and nature of any proposed buffer areas or screening, and any existing or proposed fences or walls.
 11. Architectural drawings of any proposed buildings or structures, including signs, lighting, etc.
 12. Existing and proposed (finished grade) contours at intervals of two (2) feet over the entire area of the lot that would be built upon, graded, altered or otherwise affected by the proposed use, and within one hundred (100) feet of that area, and existing contours at intervals of no less than ten (10) feet over the remaining area of the lot.
- B. Each application for a special permit shall also be accompanied by three (3) copies of:
1. A traffic report, prepared by a qualified traffic engineer, indicating existing traffic conditions at normal and peak travel times for, at a minimum, any street abutting or passing through the lot affected by the application, and also indicating the projected impacted of the proposed use on such traffic conditions.
 2. The schedule for any construction or other development activities, including, but not limited to, erection of or other work on any buildings or structures, grading, removal of vegetation, landscaping and drainage improvements.

Article 5, C, Section 4 **Waiver of Certain Requirements for Special Permits**

- A. The Commission may waive any of the requirements for site plans under Section 5, C3 of these regulations if the Commission determines that the requirements sought to be waived are not reasonably necessary to a proper disposition of the application.

Article 5, C, Section 5 **Additional Information for Applications**

- A. The Commission may, within thirty-five (35) days after the submission of an application for a special permit, require the applicant to submit additional information if the Commission finds that such information is necessary or would be helpful in determining whether the proposed buildings, structures or uses conform to these regulations. Such information may include, but is not limited to, the following:
1. Chemical analyses of existing surface water and groundwater.
 2. Hydrological analyses of runoff and peak flows, both before and after development
 3. Analyses of local air quality, both before and after development.
 4. Depths to seasonal high groundwater levels and bedrock.
 5. Analyses of wildlife habitats on the near the site and the impact of the proposed use on such habitats.
 6. A description of vegetation types, including any rare or endangered species, on the lot to be used under the application.
 7. A list of other federal, state or municipal permits or licenses that the applicant will need to implement the uses applied for the status of any applications for such permits or licenses.
- B. If the applicant elects to furnish the additional information required by the Commission, the applicant shall file with the Commission a written consent to the extension, for an additional period of thirty-five (35) days of the time within which the Commission would otherwise be required by law to commence a public hearing. If the applicant declines or fails to furnish the additional information, the Commission shall proceed to act upon the application pursuant to these regulations.

Article 5, C, Section 6 **Criteria for Evaluation**

- A. In deciding upon any application for a special permit, the Commission shall consider the following criteria in addition to the other applicable criteria set forth in other sections of these regulations:
1. The size and intensity of the proposed use and the impact of such use on neighboring property.
 2. The potential for creation of a nuisance to neighboring properties, whether by noise, air, light or water pollution, offensive odors, smoke, dust, vibrations or other effects of the proposed use.
 3. The convenience and safety of vehicular and pedestrian movement on the site, and the impact of the proposed uses on existing local traffic.
 4. Accessibility of emergency vehicles, e.g. police, fire and emergency transportation vehicles.
 5. The adequacy of proposed methods for disposal of wastes, particularly with regards to any materials that could use an adverse effect on ground water or wetlands.
 6. The potential for, and the adequacy of measures for the prevention of surface water and ground water pollution, soil erosion and sedimentation, increased runoff, and changes in groundwater levels.
 7. Measures for dealing with runoff and surface pollutants from driveway and parking areas.
 8. The compatibility of the design, layout and operation of the proposed buildings, structures or uses with nearby properties and the impacts on the enjoyment, usefulness and value of nearby property.
 9. The degree of population concentration and building density resulting from the proposed uses and the availability and adequacy of existing fire and police protection, transportation, water, sewage, facilities, schools or other public facilities to meet the needs of the uses.
 10. The impact of the proposed uses on existing or potential local water supplies and recharge areas.
 11. The existence and protection of important natural and historic resources.
 12. The impact of the proposed uses on wildlife and plant habitats.
 13. Compatibility with the Town of Scotland Design Guidelines

Article 5, C, Section 7 **Conditions**

- A. The Commission may place on a special permit conditions the Commission may reasonably deem necessary to assure that any proposed building, structure or use (i) will conform to the standards and limitations set forth in these regulations, (ii) will protect the rights of individuals and the health, safety, welfare and convenience of local residents and the community; and (iii) will protect local property values. The conditions may relate to, without limitation, the spatial design and layout of buildings, structures and uses; provisions for lighting, parking, loading, surface and subsurface drainage, sanitary facilities, waste disposal, vehicle and pedestrian circulation, landscaping, screening, and protection of the environment and of natural and historic resources; construction or other development schedules; and hours of operation of the proposed building, structure or use. The Commission may also condition the issuance of any special permit on the posting of a bond or other security, in an amount and with surety satisfactory to the Commission, to secure the performance of all conditions and the completion of all improvements required under such special permit.
- B. All buildings, structures and uses for which a special permit is required under these regulations must meet the applicable standards set forth throughout these regulations and, in addition, the following standards:

1. Preservation of landscape. The landscape shall be preserved, including all native trees in excess of eight (8) caliper, in its natural state insofar as practicable by minimizing grading and the removal of vegetation and soil. Where vegetative cover does not exist, or has been removed, new plantings may be required. Finished site contours shall depart only minimally from the character of the natural site and the surrounding properties.
2. Relation of Buildings to Environment. The proposed project or development shall be related harmoniously to the terrain and to the use, scale and siting of existing buildings in the vicinity of the site. All buildings and other structures shall be sited to minimize disruption of the topography. Strict attention shall be given to the proper functional, visual and spatial relationships of all structures, buildings, landscaped elements and paved areas.
3. Buffer Areas. All buffered and/or screened areas, including setback areas (landscaped and usable), shall be so designed as to be consistent and compatible with any residential uses in the vicinity.
4. Circulation. With respect to vehicular and pedestrian circulation, including entrances, ramps, walkways, drives and parking, special attention shall be given to the location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, access to community or public facilities, and arrangement of parking areas that area safe and convenient and, insofar as practicable, do not detract from the use and enjoyment of proposed buildings and structures and the neighboring properties
5. Surface Water Drainage. Special attention shall be given to proper surface drainage so that surface waters will not adversely affect neighboring properties or public storm drainage facilities, will not obstruct the flow of vehicular or pedestrian traffic, and will not create standing water in paved or pedestrian areas. All surface water drained from roofs, streets, parking lots and other site features shall be disposed of in a safe and efficient manner that will not create problems of water runoff or erosion on the site or on neighboring sites or pollution of surface water or groundwater. Insofar as possible natural drainage courses and swales shall be properly stabilized and drainage-impounding areas shall be utilized to dispose of water on the site through natural percolation to a degree equivalent to that prior to development. Also appropriate erosion control measures shall be employed, including slope stabilization measures and the seeding of exposed areas to replace vegetative cover.
6. Ground Water Recharge and Quality Preservation. Ground water recharge shall be maximized and ground water quality shall be protected. Various techniques may be required to maximize recharge, such as perforated drainpipes, pervious pavement, reduction of structure area, or reduction of lot coverage. Where ground water elevations are close to the surface, extra site grading precautions may be required to maintain the protective function of the overburden.
7. Utilities. The placement of electric, telephone, or other utility lines and equipment shall be underground where possible, so located as to provide no adverse impact on groundwater levels, and coordinated with other utilities.
8. Other Site Features. Exposed storage or utility areas, exposed machinery installations, and service areas shall be designed with screen plantings, fencing or other screening methods to be compatible with the environment and the surrounding properties.
9. Safety. All open and enclosed spaces shall be designed to facilitate evacuation and maximize accessibility by fire, police and other emergency personnel equipment.
10. Neighboring Properties. The proposed uses shall not adversely affect the enjoyment, usefulness and value of the properties in the general vicinity thereof, or cause undue concentration of population or structures.
11. Natural and Historic Resources. The proposed uses shall not unreasonably destroy, damage or threaten locally significant natural or historical resources.

Article 5, C, Section 8 Public Hearing Required

- A. A public hearing in accordance with Section 8-3c of Chapter 124 of the General Statutes of the State of Connecticut shall be held prior to issuing a decision on a special permit application within sixty five (65) days after its receipt of an application for a special permit. The hearing may be continued one or more times, but it must be concluded no later than thirty-five (35) days after the date of commencement.
- B. All applicants or their agents requiring a public hearing under the provisions of these Regulations shall be responsible for notifying owners of property located within 100 feet of the subject property. With the submission of any such application to the Commission, the applicant shall provide:
 - 1. A list of the names and addresses of owners of property located within 100 feet of (including directly across any street(s), watercourse or waterbody from) the subject property. The latest records of the Scotland Tax Assessor shall be utilized to determine the owner of each property.
 - 2. Notices from the applicant to the surrounding property owners shall be sent via U.S. Mail.
- C. Prior to the date of the Commission's Public Hearing, the applicant shall submit to the Commission:
 - 1. The Certificate of Mailing or Notice;
 - 2. A list of the property owners to whom the notices were sent

Article 5, C, Section 9 Decision

Within sixty-five (65) days after the completion of the public hearing, the Commission shall either: (i) approve the special permit and the site plan as submitted; (ii) approve the special permit with conditions or modifications, as provided under these regulations; or (iii) deny the special permit. The Commission shall state the reasons for its decision on its records. Notice of decision shall be published in the form of a legal advertisement in a newspaper having a substantial circulation in the Town of Scotland, and addressed by certified mail to the applicant, under the signature of the clerk or secretary of the Commission in any written, printed, typewritten or stamped form, within fifteen (15) days after the decision has been rendered.

Article 5, C, Section 10 Extensions of Time

The applicant may consent to extensions of the time period for (i) commencing a public hearing after the receipt of an application, (ii) concluding a public hearing, and (iii) rendering the decision. The total extension of any such period shall be no longer than sixty-five (65) days.

Article 5, C, Section 11 Filing and Recording of Special Permits

Any special permit issued under these regulations shall not become effective until copies of the permit and approved plans are: (i) filed in the office of the Scotland Town Clerk, and (ii) recorded in the Scotland Land Records. The copy of special permit to be filed and recorded in the Scotland Land Records shall be certified by the Commission and shall (i) contain a description of the premises to which it relates, (ii) specify the nature of the special permit, (iii) state the regulation under which the special permit is issued, and (iv) state the names of all owners of record of the premises. The applicant or record owner shall be responsible for filing and recording the special permit and shall pay all filing and recording fees.

Other

Article 5, D, Section 1 Certificate of Occupancy/Use

- A. No permanent certificate of occupancy/use shall be issued for a building, structure or use subject to these regulations until the Commission or its authorized agent certifies in writing that the building, structure or

use is in conformity with these regulations and with any required zoning permit or special permit or is a valid nonconforming use under these regulations. Before issuing such certification, the Commission or its authorized agent may require a written certification, certified as-built, or other appropriate documentation from an architect, engineer, and/or surveyor properly licensed by the State of Connecticut, demonstrating that the building, structure or use as developed or established fully conforms to the provisions of any zoning permit or special permit.

- B. The following provides general standards for all as-builts required by the Planning and Zoning Commission. Maps that do not meet the standards of this section will not be accepted.
1. The final as-built plan submitted for approval shall be paper copies at a scale of not less than 1"=40'. Final as-builts shall be submitted as required by the Commission and approved before a "Certificate of Occupancy" is issued.
 2. All existing improvements (building, structures, fences, walls, driveways, walks, etc.) will be shown.
 3. All buildings shall include exterior wall dimension, first floor elevations and garage elevations.
 4. All underground utilities, well and septic system locations shall be shown.
 5. Minimum zoning setbacks shall be shown and the distance of all buildings/structures to property lines shall be shown (nearest tenth of a foot).
 6. Elevations, in the form of "spot elevations" taken as part of the final actual field survey.
 7. Any easements and/or right-of-ways shall be shown.
 8. Plan shall show lot dimensions, bearings or angles, and lot area.
 9. All as-built plans shall meet the standards set forth in the "Standards for Surveys and Maps in the State of Connecticut," prepared and adopted by the Connecticut Association of Land Surveyors, Inc. September 26, 1996, as amended.
- B. A temporary certificate of occupancy/use may be issued for a period of no more than one year if all work under the zoning permit, special permit or final site plan has been completed with the exception of one or more plantings. No such temporary certificate shall be valid after one-year period. Failure to obtain a permanent certificate of occupancy/use within the one-year period shall result in the expiration of all existing permits and approvals.
- C. No permanent certificate of occupancy/use shall be issued until all documents required under the zoning permit or special permit that grant easements or other rights to the Town of Scotland have been recorded in the Scotland Land Records and/or filed with the appropriate agencies and proof thereof has been submitted to the Commission.

Article 5, D, Section 2 **Expiration of Permits and Approvals**

- A. A zoning permit or special permit shall expire five (5) years, following its issuance if the construction, development or other activity allowed under such permit has not been actually commenced. A zoning permit or special permit shall expire two years following its issuance if the construction or development allowed there has not been completed. The Commission, upon written request and for good cause shown, may extend either or both of these periods one or more times, but the total period of such extension or extensions shall not exceed one additional year. Site preparation alone shall not be deemed to be the actual commencement of the construction, development or activity under this Section.
- B. A special permit shall also expire (i) upon the abandonment of the building, structure or use allowed by such permit, or (ii) if the building or structure has ceased to be used in accordance with such special permit and is used for subsequent special permit use, or (iii) if the use allowed by such special permit has ceased for a continuous period of one year.

Article 5, D, Section 3 **Amendments of Permits**

Following the issuance of a zoning permit or a special permit or the approval of a final site plan by the Commission, no changes or alterations, except as provided for in subsection 1 of this section, may be made in such permit or site plan except by approval of the Commission upon written applications as provided in this section.

1. If the Commission determines that the requested change or alteration is minor, it may issue an amended permit or approve an amended final site plan without the need for further procedures. For the purposes of this section, "minor changes or alterations" shall not include any change or alteration that would result in an increase or decrease in the dimensions of any building or a change in the location of any building on a lot, additional or different Uses, additional signs, change in illumination of a sign, building or site, increased parking, outdoor storage or other outdoor activities.

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Article Seven

Zoning Board of Appeals

Article 7, Section 1 **Administration**

The Zoning Board of Appeals shall have all the powers and duties delegated to it by the General Statutes of Connecticut, including appeals from the enforcement of these Regulations, the review and approval of requests for variances, and the location for dealing in or repairing motor vehicles, or the sale of gasoline and similar products, pursuant to Sections 14-55 and 14-322, respectively, of the Connecticut General Statutes.

- A. Any appeal, application or other matter requiring a decision of the Zoning Board of Appeals shall be submitted on a form prescribed by the Zoning Board of Appeals, and shall be accompanied by the required fee and any maps, statements and other documents required by the Zoning Board of Appeals in order to properly evaluate and render a decision on such appeal, application or other matter.
- B. All maps submitted shall meet or exceed the minimum requirements for a zoning permit plan.
- C. No appeal, application or other matter shall be decided without first convening a public hearing on same made in accordance with the requirements of the Connecticut General Statutes.

Article 7, Section 2 **Variances**

- A. No variance shall be granted by the Zoning Board of Appeals unless the Board can reasonably find that, owing to conditions especially affecting the parcel but not generally affecting the district in which it is situated, a literal enforcement of the Regulations would result in exceptional difficulty or unusual hardship so that substantial justice will be done and the public safety and welfare secured, and provided further that the following conditions are met:
 - 1. the hardship is the result of the particular circumstances of the site and was not created by the applicant or a predecessor in title;
 - 2. the hardship differs in kind from hardships imposed by these Regulations on other properties in the district;
 - 3. financial loss resulting from these Regulations does not constitute the cause for the application for a variance;
 - 4. the variance is the minimum variance necessary in order to allow reasonable use of the property;
 - 5. the variance is in harmony with the general purpose and intent of the zoning district and other provisions of these Regulations; and,
 - 6. the variance will not adversely affect public health, safety, and welfare.
- B. A variance shall not be granted to change a special permit use to a permitted use, nor to waive requirements.
- C. The Zoning Board of Appeals shall not grant a variance to allow a use not permitted presently under any zone in these Regulations.
- D. Upon receipt of an application for a use variance, the Zoning Board of Appeals shall at the same time refer such application to the Planning and Zoning Commission for review and report. Said Commissions shall have thirty (30) days upon receipt of the application to respond to the Board. The Board shall not close its

public hearing until such reports have been received or until the thirty (30) day period has elapsed, whichever comes first.

Article 7, Section 3 **Motor Vehicle Related Businesses**

- A. The Zoning Board of Appeals is hereby designated as the agency for the Town of Scotland charged with the authority to grant a certificate of approval for the location of the following uses, as required in Sections 2-4 of Public Act No. 03-184 of the State of Connecticut, as amended:
1. the dealing in or repairing of motor vehicles, as required for obtaining a license from the Commissioner of Consumer Protection;
 2. the establishment, operation or maintaining of a motor vehicle recycler's yard or motor vehicle recycler's business; and,
 3. the sale of gasoline or any other product under the provisions of §14-319 of the Connecticut General Statutes, as required for obtaining a license from the Commissioner of Consumer Protection.
- B. Notwithstanding the above, the granting of a certificate of approval by the Zoning Board of Appeals shall not in any way abrogate or annul other regulatory and administrative provisions of these Regulations pertaining to said uses.

Appendix A - Design Guidelines

Overview

The purpose of the following guidelines is to provide prospective developers of properties within the Village District with a sense of what the community desires from such development. While these are only guidelines and do not carry the authority of regulation --- they are very important. Scotland strongly desires development within this area that will enhance the community's historic strengths and grow the town economically.

We urge persons to review this document and then discuss their ideas for development with the Commission. These preliminary discussions will better ensure that your application will be in line with our regulations and the character of the community.

Village District

The Scotland Village District represents a unique and historically significant place in the Town. The Village District includes the section of Huntington Road (State Route 14) between the Huntington Homestead Museum and approximately 500 feet east of the post office (State Routes 14 and 97). The site also includes two local roads; all of Center Street and Brook Road from the intersection with Route 14 to the Scotland Elementary School.

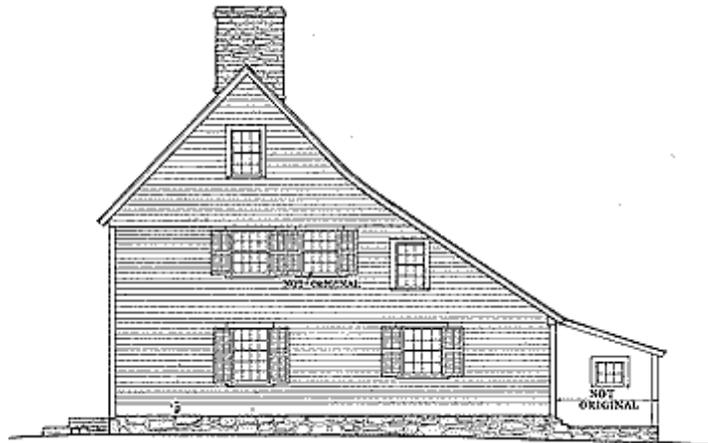
The objective of these design guidelines is to provide citizens, landowners, business owners and developers with clear expectations for development and redevelopment guiding principles. Overall, development with the Scotland Village District should:

- Strengthen the character of the District as the focal point of the community and as a destination for shopping, services, and government;
- Encourage development that is distinctive and appropriate
- Assure that future construction, alterations, or additions maintain a relationship to the historic development of the Town through appropriate design
- The architecture and site design of a project should subsequently contribute to the established design character of the District.

These Design Guidelines apply to all proposed development within the Village District that is subject to the Town's Zoning Regulations and do not exempt applicants from obtaining all required permits and complying with all applicable building codes, laws, and regulations in force.

Overall Architectural Design

- The architectural style (compatible and complementary to the rural character of Scotland), height, roofline, materials and proportions of such buildings should be noted when new buildings are designed. Exterior modification of an existing structure should respect the rural character of the Town. Additions to existing buildings are encouraged to be compatible in size, scale, color, material, and character with



the Town or reflect updated architectural styles compatible with the Town's rural character.

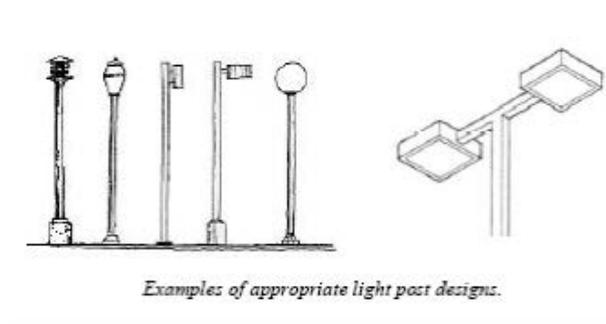
- Building design should incorporate features that add visual interest to the building while reducing the appearance of bulk or mass. Buildings should avoid long, monotonous, uninterrupted walls or roofs on their visible facades. They also should avoid long expanses of repetitive architectural elements. Whether symmetrical or asymmetrical, the buildings' facades should be balanced in their composition.
 - Preserve and reinforce historic scale, massing, and proportion where applicable.
 - Encourage building proportions that are compatible with the surrounding structures and the Town in general.
 - Facades should be articulated to reduce the massive scale and the uniform, impersonal appearances of large retail buildings and provide visual interest that will be consistent with the community's identity character, and scale. The intent is to encourage a more human scale that residents of Brooklyn will be able to identify with their community.
 - The proportions and relationships between doors, windows and other building elements should be related to a human scale and should be compatible with the scale, rhythm, and character of the surrounding area.
 - The width of new structures should relate to that of adjacent structures.
 - Larger buildings that are located adjacent to smaller structures should be broken down into smaller bays.
 - A single, large, dominant building mass should be avoided.
- Buildings may be either traditional in their architectural character or a contemporary expression of traditional styles and forms.
- New architecture should consider traditional New England architecture as seen in existing structures in the Village District, including but not limited to design elements such as proportional windows, wooden shingles, traditional rooflines, and the Colonial style. Applicants should refer to The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings and should incorporate as many standards as possible in projects involving historic buildings.
- All sides of all buildings should be treated with the same architectural style, use of materials, and details as the front of the building.
- Architectural design, building materials, colors, forms, roof styles, and detailing should all work together to express a harmonious and consistent design.
- Any buildings over 5,000 square feet should have variation in roof form, building height and wall planes.
- Linear "strip" development should incorporate variation in building height, building mass, roof forms and changes in wall planes in the architectural design to mitigate the linear effect of "strip" development. In some instances a physical separation of one building into two or more buildings may be desirable.
- To maintain the unique character of Scotland, franchise architecture (building design that is trademarked or identified with a particular chain or corporation and is generic in nature) should be minimized, unless compatible with the rural nature of Scotland - rather they should enhance and complement the rural character and New England style present in the Town.

- Development (Building and site design) should respect the physical characteristics (open spaces on parcels, common setbacks and streetscapes) of the site and to the contextual influences of the surrounding area. Both the physical site characteristics and the contextual influences (scale compared to the massing of existing structures) should be considered early and throughout design development.
- While the Town strongly prefers authentic natural materials such as wood, brick, and stone for the exterior of structures and landscape features; synthetic materials, when used, should be as close in appearance and detail to the natural material it simulates.
- The adaptation and reuse of existing buildings of both functional and stylish historic design is encouraged
 - When renovations are considered to introduce new uses into existing structures, the newly constructed portion of the building should appear as an originally conceived part of the design.
 - New additions should match the scale and reflect the proportions of the original structure where they adjoin or are adjacent.
 - Renovation of existing buildings should seek to improve energy efficiency within the building. Water conservation and energy efficiency should be a central goal in the selection of building components an building systems



Lighting

- For the provision of safe and attractive illumination, lighting should be designed at a pedestrian scale to illuminate the sidewalk area and buildings without creating excessive light impacts.
- Lighting should be in a style that is compatible and complementary to the surrounding architectural style and character
- Choose lighting that is appropriate to building design and site location and the character of the Town.
- Coordinate the site lighting plan with the landscape plan to ensure that any conflict between trees and light fixtures is avoided.
- Coordinate lighting with adjacent developments, when feasible, to create continuity.
- Lighting fixtures should be positioned, with respect to spatial design and fixture height, to give adequate uniformity of the illuminated area.
- Lighting should be located so as to minimize the impact of lighting upon adjacent buildings and properties, especially residential uses.
- Appropriately light pedestrian walkways and destination points for pedestrian safety -- illuminating changes in grade, path, intersections, and other areas along paths.
- The location of lighting should respond to the anticipated use and not exceed the amount of illumination required by users.



- Building lighting should have a low level of luminescence.
- Signage lighting should not interfere with neighboring land uses or constitute a hazard to pedestrian or vehicle traffic.
- Internally illuminated signs are not recommended.

Signage

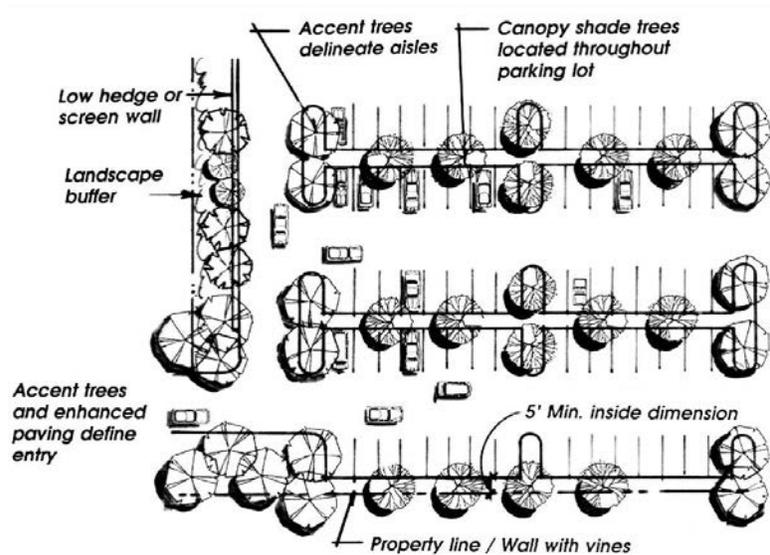
- Signage should reflect a balance between allowing adequate signage for business identification while protecting the visual aesthetic of the streetscape
- The primary purpose of the sign should be to identify the business or businesses at a specific site. -- Signs should not be used as advertisements.
- Signs should provide adequate identification of the business.
- Wall signs and signs on pedestrian canopies are recommended.
- Symbolic and historic three-dimensional signs which enhance the rural character of Brooklyn are encouraged.
- Appropriately-sized projecting signs are encouraged.
- Exposed neon, LCD or similar signs are strongly discouraged.
- Banner signs should only be used as temporary commercial signs used to advertise a grand opening or change of business.
- Signs should be scaled appropriately to appeal to both pedestrians and vehicles.
- Signage that is consistent in scale with other signs along the corridor is recommended.
- Signs should be limited to covering no more than fifteen (15) percent of available window space.
- Signs should be architecturally compatible with the style, composition, materials, colors and details of the building and the Town.
- Signs constructed of natural materials such as metal or wood are preferred.
- The visual message on signage should be legible and attractive.
- Structural supports for projecting signs should be designed so that their visual appearance is minimized.
- For signs identifying hours of operation, menus, newspaper reviews, and other customer information, it is recommended that these be framed, board-mounted or plastic laminated for a finished appearance.
- Signs should be symmetrically located within a defined architectural space on the building facade.
- Signs should not obscure or conceal architectural elements.
- On corner lot buildings, position signs on the corner of the building that abuts the two street fronts.



Circulation and Parking

General Circulation

- Street intersections should occur at a 90 degree angle to calm traffic and protect the pedestrian.
- Separate travel ways and/or grade separation for each mode of transportation (pedestrian and vehicles) where feasible, especially where volumes and relative speeds merit this precaution.
- Careful delineation and design of intersections should be considered to avoid mode conflicts and accidents.
- A minimal number of curb cuts should be used. When possible, curb cuts and vehicular access should be located on side streets to provide safe pedestrian access from streets and along sidewalks.
- Shared parking is encouraged among adjacent buildings to take advantage of different peak periods and reduce underutilized parking during various times of the day.
- Access on corner lot driveways should be located as far as possible from the intersection.
- Large parking lots should be broken into smaller lots to reduce the size and visual impact of large expanses of asphalt.
- Lighting used to illuminate parking areas should be directed downward and should not spill into adjacent properties.



Parking Location

- Parking areas should provide safe, convenient, and efficient access for vehicles and pedestrians. They should be distributed around large buildings in order to shorten the distance to other buildings and public sidewalks and to reduce the overall scale of the paved surface. If buildings are located closer to streets, the scale of the complex is reduced, pedestrian traffic is encouraged, and architectural details take on added importance.
- Parking located adjacent to a public roadway should be well landscaped and include a sidewalk (if feasible) so to minimize the negative visual presented by the parking lot.
- Pervious surfaces and other low-impact approaches are strongly recommended

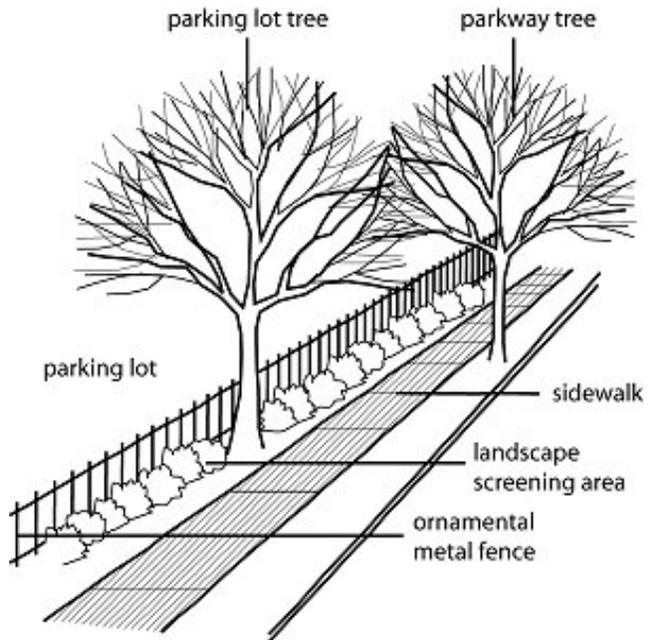
Pedestrian Circulation

- Increase and enhance pedestrian and bicycle access to storefronts, parking lots and provide comfortable safe linkages through well planned pathways, lighting and way-finding techniques.
- Pedestrian pathways should provide access to all of the functional destinations contained within the site.

- Minimize traffic lane widths while allowing for vehicular maneuvering.
- Primary circulation paths should avoid excessive steps or level changes in order to reduce potential tripping hazards and facilitate circulation for all potential users.
- Avoid asphalt when possible and utilize pervious surface materials

Landscaping and Screening

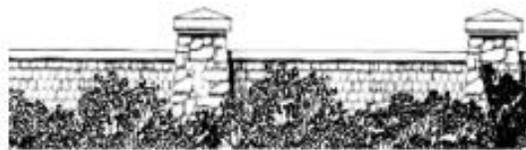
- Surface parking lots should be screened in ways that allow buildings and landscaping to be the primary focal elements viewed from the street.
- Parking lots, when appropriate and not detrimental to safety or commerce, should be visually buffered from streets and adjacent properties using earth berms or landscape screens. Buffering materials can include trees, shrubs, and fencing that matches the local character.



- All surface parking lots should receive a perimeter/interior landscape treatment for visual enhancement, pedestrian safety, guide circulation, shade, planting islands or raised beds, reduce impervious surfaces, and erosion control.
- Maintain a spatial separation or landscape barrier between the parking area and the building.
- Protect end row parking from turning movements of other vehicles with curbed landscaped areas.
- Use concrete, stone or similar curbing to contain landscape materials and provide protection from vehicles.
- Avoid chain link fencing

Site Landscape

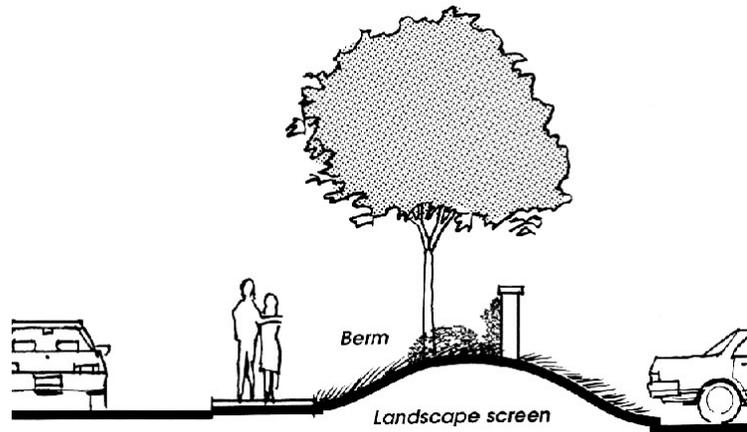
- Landscaping can be used to enhance the attractiveness of storefronts and entrances, define spaces, and improve the pedestrian experience. Landscaping should be composed of noninvasive, drought-resistant plantings that may include trees, flowers, shrubs, succulents, and ornamental grasses
- Site designs should be sensitive to adjoining land uses.
- Structures should be oriented and designed architecturally to follow the existing grade of the land as is currently seen in the Village District
- Proposed site contours shall follow the natural contours of the site.
- Every effort should be made to preserve existing trees, vegetation, topographic features, drainage, and



Landscaping planted in front of wall.

undisturbed natural areas in the site design.

- Stone walls should be maintained and incorporated into site design.
- Frontages incorporating high-branching shade trees and stone walls along the street line are encouraged.
- Exposed storage areas, machinery, garbage dumpsters, service areas, truck loading areas, and utility buildings and structures must be screened from the view of abutting properties and streets using plantings, fences, and other approved methods



- Low landscaping, such as vines and shrubs, should be planted between walls/fences and public streets to soften their appearance and to deter graffiti. The landscaping should be placed close to the wall/fence so that individuals are not able to hide between the wall/fence and the landscaping (i.e. there should not be a space between the wall/fence and the landscaping that would allow a criminal to hide).
- Landscaping that incorporates low impact development strategies for stormwater is strongly encouraged. Specifically, the use of Bio-filters, or vegetated/grass swales are encouraged at the edges of parking lots to collect, filter, and distribute stormwater runoff from parking lots. Bio-filters should either be designed to accommodate large storms, or have overflow storm drains where runoff from large storms may bypass the bio-filter and enter the underground drainage system. Catch-basins can be used to direct runoff to the vegetated swales.
- Identify existing natural features (e.g. mature trees, topographic features, rock outcroppings, etc.), consider as design determinants, and preserve as much as possible.
- Avoid extensive topographic reshaping and/or clearing.
- Protect places (e.g. special open space, rare vegetation, scenic water features, wildlife habitat, etc) which lend a unique character to the specific setting.
- Preserve or create scenic vistas.
- Situate utilities below ground wherever possible and relocate existing overhead services below ground.
- Landscaping should be installed along blank walls and fences to soften the appearance of the material and provide a layering of vegetation.
- Chain link fences should not be employed when visible from the street.
- Factor in local climate condition (including solar and wind influences) when designing for energy efficiency.

Street Trees

- New developments should respect existing street trees and promote new plantings that shape and define our streets and public ways.

- Plant street trees around public and private areas in sufficient numbers and spacing to create canopies at maturity for environmental and spatial impact.
- Street trees should be included along all street frontages of commercial development.
- The location of overhead utility lines and building overhangs should be considered in the placement of trees.
- Tree location should be planted in a straight line in order to maintain a consistent streetscape amenity.
- Choose species that have year-round interest.
- Use indigenous plants to establish continuity with surrounding areas, and a self sustaining environment.

Public Amenities

- Public amenities should have a consistent materials palette and color scheme.
- Street furniture, constructed of durable materials that are resistant to weather, vandalism, and rusting, should be placed within view of the action, but out of the way of the flow of pedestrian traffic..
- Use of recycled materials for street furniture is encouraged.
- The use of public art is encouraged.
- Public Spaces should be designed to accommodate a wide range of uses and age groups.
- Landscaping of public spaces should not obscure pedestrian eye-level views.
- Design public spaces for visibility from the street and the ability to see through from one part of the space to another.
- Public spaces should contain direct access from adjacent streets and allow for multiple points of entry.
- Sun-shade patterns should be considered as seating locations are developed.
- Steps, planter seat wafts, retaining walls, or mounds of turf are good secondary forms of sitting that enhances user comfort.
- Buildings should provide protection for pedestrians from adverse weather conditions and utilize overhangs, marquees, and awnings at entrances, along pedestrian pathways, and at transportations waiting area

Pedestrian Access

- Pedestrian accessibility opens auto-oriented developments to the neighborhood, thereby reducing traffic impacts and enabling the development to project a friendlier, more inviting image.
- Continuous internal pedestrian walkways, no less than 5 feet in width, should be provided from the public sidewalk or right-of-way to the principal customer entrance of all principal buildings on the site. At a minimum, walkways should connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, building and store entry points, and should feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground covers, or other such materials for no less than 50 percent of their length.
- Sidewalks, no less than 5 feet in width, should be provided along the full length of the building along any facade featuring a customer entrance, and along any facade abutting public parking areas. Such

sidewalks should be located at least six (6) feet from the facade of the building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the facade.

- All internal pedestrian walkways should be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as paves, bricks, or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways. Signs should be installed to designate pedestrian walkways.
- Buildings should offer attractive and inviting pedestrian scale features, spaces and amenities. Entrances and parking lots should be configured to be functional and inviting with walkways conveniently tied to logical destinations. Bus stops and drop-off/pick-up points should be considered as integral parts of the configuration. Pedestrian ways should be anchored by special design features such as towers, arcades, porticos, pedestrian light fixtures, bollards, planter walls, and other architectural elements that define circulation ways and outdoor spaces. The features and spaces should enhance the building and the center as integral parts of the community fabric.