TOWN OF SCOTLAND

ZONING REGULATIONS

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ARTICLE I - GENERAL

1.1 Purpose

In accordance with Title 8, Chapter 124 of the General Statutes, as amended and other General or Special Acts of the General Assembly, it is the purpose of these Planning & Zoning Regulations for the Town of Scotland, Connecticut to:

- Encourage the most appropriate use of land
- Conserve and stabilize the value of property
- Promote health, safety, and general welfare
- Secure safety from fire, panic, flood and other disasters
- Prevent undue concentration of population
- Facilitate adequate provisions for community utilities, and facilities, such as transportation, water, sewerage, schools, parks and other public requirements

1.2 Implementation

To carry out these purposes, these regulations:

- Designate, regulate and restrict the location and use of buildings, structures and land for agriculture, residence, commerce, trade, industry and other purposes.
- Regulate and limit the height, number of stories, and size of buildings and other structures hereafter erected or altered.
- Regulate and determine size and location of yards and other open spaces.
- Regulate and limit the density of population.
- Divide the town into such zoning districts as seems best suited for said purposes.
- Provide for the enforcement of these regulations.

ARTICLE II - DEFINITIONS

2.1 General Rules

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 the 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 (116/03).

Except where specifically defined herein, all words used in these regulations shall carry their customary meanings. Words used in the present tense include the future, and the plural includes the singular; the word "lot" includes the word "plot"; the word "shall" is considered mandatory; "used" or "occupied" shall be considered as though followed by the words "or intended, arranged or designed to be used or occupied."
2.2 Definitions

Accessory Building or Use: a building or use clearly subordinate to and customarily connected with a principal building or use and on the same lot as such building and use.

Alter, Alteration: 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 (1/15/03).

Aquifer: a geologic unit capable of yielding usable amounts of water.

Basement: A story partly underground, but having less than half of its clear height below finished grade.

Billboard: a paper, plastic or similar material sign which is pasted or otherwise fastened to a surface, the purpose of the sign being to advertise.

Boarding House, Rooming House: a building in which rooms or rooms and meals are provided for compensation to five or more persons other than family or the proprietor.

Building. An independent structure having a roof supported by walls or columns and resting on its own foundation. It includes sheds, garages, stables, etc. but does not include trailers.

Building Lot. A parcel of land occupied, or intended to be occupied; by a building or buildings and accessory buildings or uses. A "Building Lot" is a lot that: (a) conforms with all dimensional requirements of the subdivision and zoning regulations; (b) has adequate space for a well; (c) soil characteristics for septic system in accordance with the public Health Code; (d) contains at least 40,000 square feet of contiguous building area (not counting inland wetlands soils as determined by the Scotland Inland Wetlands and Watercourses Commission, topographic slopes over 15% from the horizontal, conservation/open space restrictions of record; utility transmission rights of way); and (e) that is at least 100 feet in width at all points. (1/15/03)

Building Height of: the vertical distance measured from the average level of the ground along all walls of the building to the highest point of the roof.

Building Setback Line: the line established in these regulations as the minimum distance from the street line and defining the front yard.

Business: customary commercial pursuits and transactions.

Camper Unit: a self-propelled or portable unit, such as a camper bus, trailer, truck-mounted camper or other similar units, originally designed and constructed or redesigned and reconstructed for recreation, camping, travel and vacationing, or other temporary shelter for one or more persons, but shall not include a mobile home.

Camp, Hunting Lodge: A building used for short periods of time solely for recreational purposes. No camp or hunting lodge shall be used for a permanent dwelling. (1/15/03)

Commercial Campground: a parcel of land used for the parking of 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.
Cellar: a story having more than half of its clear unobstructed height below the average finished grade of the ground adjoining the building.

Certification: a signed, written approval by the Scotland Planning & Zoning Commission, its designated agent or the Windham County Soil and Water Conservation District that an erosion and sediment control plan complies with the applicable requirements of these regulations.

Club or Lodge: an organization of persons incorporated pursuant to the provisions of the membership corporations law or the benevolent orders law, which is the owner, lessee or occupant of an establishment operated solely for a recreational, social, patriotic, political, benevolent or athletic purpose, but not for pecuniary gain and includes the establishment so operated. A club shall cater only to its members or guests accompanying them. A member of a club is a person, who, either as a charter member or admitted in agreement with the by-laws of the club, has become a bona fide member thereof, who maintains his membership by the payment of his annual dues in a bona fide manner in accordance with the by-laws, and whose name and address are entered in the list of membership.

Cluster Development: 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.

Commercial Recreation: recreation offered to the public for a fee.

Commercial Slaughtering: the slaughtering of animals for other than home use by the owner.


Community House: a structure used for a meeting or assembly of people or organization having a common interest.

Convalescent, Nursing Hospital: a dwelling in which two or more persons, other than members of the family of the person owning or renting said dwelling, and who suffer from abnormal physical conditions or the infirmities of old age, are provided with lodging.

Contractor’s Equipment: Vehicles and machinery used primarily off-site including but not limited to construction equipment, dump trucks, tractor-trailer trucks, fuel oil trucks, bull-dozers, excavators, panel vans, cement mixers, and logging transport trucks. (1/19/03)

County Soil and Water Conservation District: the Windham County Soil and Water Conservation District established under subsection (a) of Section 22a-315 of the General Statutes.

Development: any construction or grading activities to improved or unimproved real estate.

Disturbed Area: an area where the ground cover is destroyed or removed, leaving the land subject to accelerated erosion.

Domestic Help: an adult person employed full-time who obtains the major portion of his income performing household work for the owner or lessee of the property where employed.

Dwelling: a building, either modular or constructed on site, excluding mobile homes, meeting all State Building Codes required for human occupancy.

Dwelling, One Family: a building designed for and occupied as a home or residence for not more than one family.

Dwelling, Two Family: a building designed for and occupied as a home or residence for two families.

Dwelling, Three Family: a building designed for and occupied as a home or residence for three families.

Dwelling, Seasonal: see Summer Occupancy.
Earth-Sheltered Dwelling: dwelling designed to utilize earth material to moderate temperature. A large proportion of the exterior of such dwelling, including the roof, is covered by earth material.

Enlargement, or to Enlarge: 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 (1/1503).

Erosion: the detachment and movement of soil or rock fragments by water, wind, ice or gravity.

Extend, or to Make an Extension. 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 (1/1503).

Family: one or more persons related by blood or marriage or adoption (including wards of the State or guardianships) or a group of not more than four (4) persons who need not be so related and who are living in a dwelling unit and maintaining a common household. (Amended 07/21/14).

Farm: an area of five acres or more devoted to farm uses, for gain or the expectation of gain, in the raising of agricultural products, livestock, poultry or the production of dairy products.

Farmer: A person, firm, or corporation who operates the farm and produces agricultural products from the farm. (1/1503)

Farm Animal: Animals raised for agricultural purposes. (AMENDED 01/12/16)

Farm Help: A person employed full or part time who performs farm work for the owner or lessee of the farm. (1/1503)

Farm Winery and Vineyard: 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 or non-production of wine and/or spirits, such other accessory uses as are authorized in accordance with Article IV (Use District Regulations) & Article V (Height, Area, Yard Requirements) of these Regulations. (Amended 07/21/14).

Filling Station, Gas Station: any building or premises so used for the sale of gasoline and similar products as to require a license from the Commissioner of Motor Vehicles as provided in Section 14-321 of Chapter 250 of the General Statutes, 1958 Revision, as amended. It shall also include any building or premises used for polishing, greasing, washing, repairing or servicing of motor vehicles and the hiring of vehicles and equipment.

Forestry Operations: the harvesting of logs to produce lumber for fuel wood for sale or home use.

Forest Products Operations: harvesting of timber or processing, refining, or manufacturing of wood products from timber harvested on site or transported to the site.

Garage, Private: an accessory building or structure, attached or not to the main building for the storage of non-commercial vehicles.

Garage, Community: a building or structure for the storage of non-commercial vehicles not necessarily located on the lot of the owners of such vehicles.

Garage, Public: a building other than a private or community garage used for maintenance, repair and storage of motor vehicles as well as sale, lease and hire of vehicles and equipment.

Grading: any excavating, grubbing, filling (including hydraulic fill) or stockpiling of earth materials or any combination thereof including the land in its excavated or filled condition.
Highway Line: the boundary line between that land owned by the Town or State and assigned for a right of way, and the private property in question.

Home Occupation: any use conducted within a dwelling or accessory building carried on by the inhabitants thereof, where the use is clearly incidental and secondary to the use of the building for dwelling purposes and does not change the residential character or appearance thereof.

Horse Stable, Personal: an accessory building such as a stable or barn used for the lodging, feeding, or care of a horse or horses solely owned by the property owner/occupant. (AMENDED 08/07/15)

Horse Stable, Boarding & Riding: a stable or barn where horses owned by others besides the property owner/occupant may be boarded and where the owner/occupant or owners of the boarded horses may give or receive riding lessons provided it meets the requirements of Section 8.2 (Site Plan) and a zoning permit is approved by the Zoning Enforcement Officer. (AMENDED 08/07/15)

Horse Stable Commercial: a stable or barn where horses are kept and, in addition to boarding & riding instruction, offering other horse-related activities including, but not limited to, renting horses and horse shows, with an approved Special Permit and Site Plan in accordance with Section 8.1 and 8.2, respectively. (AMENDED 08/07/15)

Hospital: facility for the care and treatment of patients as licensed by the State of Connecticut.

Hotel: a building designed as a temporary abiding place for more than twelve persons or having six or more sleeping rooms in which lodging with or without meals is provided.

Hunting Lodge: see camp.

Industry: manufacturing, fabricating, assembling, finishing, packaging, processing or research.

Inspection: the periodic review of sediment and erosion control measures shown on the certified plan.

Junkyard: the use of any area of any lot, whether inside or outside a building, for the storage, keeping or abandonment of junk or scrap or discarded materials, or the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof.

Junk: any article or material or collection thereof which is worn out, cast off or discarded, and which is ready for destruction or has been collected or stored for salvage or conversion. More than two unregistered, inoperative automobiles stored outdoors for more than six months shall be considered junk.

Kennel: One pack or collection of more than five (5) dogs, over the age of six (6) months, which are kept at a single location for any purpose. (Amended 07/21/14).

Livable Area: any permanent, soundly constructed enclosed portion of a dwelling with a height from floor to ceiling of seven feet six inches or more, including all space which meets Connecticut Basic Building Code requirements as to natural light, ventilation, fire egress, etc., for habitable space, but excluding cellar, basement, porch, garage, utility room, furnace room, outside vestibules, etc., or areas in accessory buildings. In multi-family dwellings, common stairways and common halls are not considered livable areas. Any area above the first floor not accessible by a fixed, permanent stairway shall not be considered livable area.

Lot, Corner: a parcel of land at the junction of and fronting on two or more intersecting streets at an angle of less than 130 degrees.

Lot, Depth: the mean distance from the highway line to the rear line, measured in the general direction of the sidelines.

Lot, Line: any line dividing one lot from another.
Lot, Rear: a single lot or parcel of land, not to be subdivided or re-subdivided, which does not have adequate frontage on a public street and is accessible only by a permanent access parcel of the same ownership.

Lot, Width: the width of a lot taken at the street line or the setback line.

Mixed Use Building: The use of any building on a single lot of record for a combination of residential and non-residential uses permitted under Zoning Regulations Section 4.3.B & 4.3.C (Village District Permitted and Special Permit Uses. (Revised 04-21-2010).

Mobile Home: a dwelling produced in a factory as an individual unit or a module or combination with other elements, designed for long term residential use, when connected to required utilities, and designed and constructed on a chassis for transportation to a site for use. A mobile home shall not be construed to be a camper unit, and shall be subject to all regulations applying to mobile homes.

Motel, Motor Court, Motor Hotel: a building or group of buildings containing one or more guest rooms having separate outside entrances for each room or suite of rooms and for each room or suite of rooms, automobile parking spaces are provided on the premises. This includes overnight tourist cabins.

Nonconforming Building or Use: one which legally existed at the time of adoption of these regulations, but which does not now conform to the existing regulations.

Occupancy: the living in and housekeeping in a dwelling and implies completion for tax purposes.

Office: the building or part thereof occupied by a member of a profession or business.

Off Premises Sign: sign located on property other than the place where the product or service advertised is performed or offered for sale.

Off Street Parking: space occupied by automobiles on premises other than streets.

Parking, Accessory: parking on the same lot as the principal use to service that use only.

Parking, Business: parking for the use of employees, customers or visitors of any non-residential activity when not located on the same lot as the activity it serves, including the parking of up to three commercial vehicles.

Parking, Private: accessory parking, not including parking for more than one commercial vehicle, for vehicles of over two ton load capacity, or of more than one vehicle for hire.

Parking, Public: Parking of non-commercial vehicles for fee, whether or not enclosed. (1/15/03)

Parking Lot: an area used for the parking of more than three cars, whether or not for a fee.

Pond, Lake: any body of water ten or more acres in extent whether natural or man-made with an average minimum depth of three feet.

Property Line: see lot line.

Quarry: an open excavation, or an area for excavation of sand, gravel, stone, peat or earth products.

Refuse Disposal Area, Dump: a lot or land or part thereof used primarily for the disposal by abandonment, dumping, burial, burning or any other means and for whatever purposes, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind.

Retail Business: premises used for the retail sale of goods for personal or household use, with storage or processing occupying not more than 50% of the gross floor area, and also premises used for personal business or household services.
Riding Academy, Stable: a building in which horses, ponies, and similar equestrian animals may be kept for remuneration, hire or sale together with accessory uses such as riding rings, indoors or outdoors, and tack shop.

Right of Way: a strip of land over which a path, street, road, railroad or utility passes.

Sanitarium or Sanatorium: a private hospital, whether or not such facility is operated for profit.

Sediment: solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.

Sign: any device for visual communication advertising objects made or sold, or services, which is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge or insignia of any governmental agency, or of any civic, charitable, religious, patriotic, fraternal or similar organization.

Soil: any unconsolidated mineral or organic material of any origin.

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

Story: that part of a building between the surface of a floor (whether or not counted for purposes of computing floor area) and the ceiling immediately above it.

Structure: anything constructed or erected which requires location on the ground, or anything attached to something having a location on the ground.

Stable, Public: an accessory building for the protection of animals and storage of feed and equipment where animals are available for hire.

Summer Occupancy: the living in and use of a building for a dwelling for the period from June 1st to November 1st. From November 1st to June 1st, no person or persons may reside therein for a total of more than thirty days.

Tavern: a building where liquors are sold to be drunk on the premises.

Theater, Drive-In: an open lot or part thereof with its appurtenant facilities, devoted primarily to the showing of moving pictures of theatrical productions on a paid admission basis, to patrons in automobiles or on outdoor seats. Including accessory structures such as ticket booth, projection booth, retails sales of food products, toilet facilities and playground space.

Tract: a parcel or parcels of land in one ownership, which may be divided by a road or roads.

Trailer: any vehicle which is used as sleeping or living quarters, which is or may be mounted on wheels and is or may be propelled either by its own power or by another power driven vehicle to which it may be attached, but which is not equipped with running water, bath facilities, flush toilets and appropriate sanitary connections.

Use District: an area of the town zoned for particular uses.

Wholesaling: sales of commodities in quantity for resale of future processing.

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

Yard, Front: an open unoccupied space on the same lot with a building, extending the full width of the lot and situated between the street lines and the front line of the building or structure projected to the side line of the lot.
Yard, Rear: an open space on the same lot with a building, unoccupied except as hereinafter permitted, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building or structure projected to the side of the lot.

Yard, Side: an open unoccupied space on the same lot with a building, situated between the building or structure and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a sideline.

ARTICLE III - USE DISTRICTS

3.1 General

For the purpose described in ARTICLE I of these regulations, the Town of Scotland, Connecticut, is hereby divided into the following use districts:

RAD – Rural Agricultural Residence District
VD – Village District

3.2 Boundaries Of Use Districts

The boundaries of use districts are established as shown on the Zoning Map, Town of Scotland, Connecticut and filed in the office of the Town Clerk of Scotland, Connecticut, which map is hereby declared to be a part of these regulations. Current Zoning Map is effective August 1, 1981: Clarifications to the legend only of this map include name change from the Village Business or VB district to the Village District; adjustments to include the Forest Products District or FPD with road boundaries including Kemp Road, Ziegler Road and Parish Hill Road internal areas. These legend changes are effective February 15, 2006. Effective May 6, 2007, said map has been amended as follows: The cross-hatched area representing the Forest Products District or FPD with road boundaries including Kemp Road, Ziegler Road and Parish Hill Road internal areas and the reference to the Forest Products District (FPD) in the map legend are deleted. The reference in the legend is revised from "Business" to "Village District."

3.3 Interpretation of Boundaries

A. For the purpose of these regulations and unless otherwise indicated on the Zoning Map by fixed lines of dimensions, the boundaries are either street lines, street lines extended, waterways, or lines drawn parallel to the center line of the street and dimensioned as to depth.

B. Where boundaries are streets, or waterways, other rights-of-way, or railroad rights-of-way, the boundary of the use district is the centerline of the right-of-way or waterway.

ARTICLE IV – USE DISTRICT REGULATIONS

4.1 Basic Requirements

A. Every building or structure hereafter erected, reconstructed, structurally altered, enlarged, or moved; and every building, structure, premises of land used, rearranged, designed, or intended for any use shall be so built or used only as is permitted in the use district in which such building, structure or land is located.

B. Where a lot of record at time of passage of these regulations or any amendments thereto falls into two or more Zoning Districts, the more restrictive use shall apply.

C. Any use not specifically permitted is prohibited. The foregoing statement notwithstanding, the following uses are expressly prohibited in any form, including either as principal or accessory uses:

1. Kennel. The addition of this prohibition is intended to clarify an amendment to these Regulations adopted effective May 18, 2005, which deleted the terms "kennel" and "commercial kennel". The intent of such deletion was to make kennels in all forms prohibited uses under these Regulations, and this express prohibition merely ratifies and clarifies that intent.

2. Reserved for future use. (Amended 07/21/14).
4.2 RAD – Rural Agricultural Residence District

A. Permitted Uses.
   1. One 1-family dwelling on a minimum 2 acre lot. (1/15/03)

   2. One 2-family dwelling on a minimum 4 acre lot.

   3. Agriculture, as defined in C.G.S. Section 1-1, as amended, including dairies, the breeding, raising, and keeping of all farm animals except for those listed in Article 8.3.a.1, which shall be prohibited, boarding & riding horse stables, personal horse stables, truck gardening, greenhouses and forestry operations, farm wineries, vineyards and orchards. (AMENDED 06/07/15)

   4. Churches, libraries and museums.

   5. Governmental buildings and parks.

   6. Public schools.

   7. Lodges, clubhouses and community houses.

   8. Golf courses, private and public.

   9. Customary home occupations which are accessory to a dwelling in which: (a) there is no commercial use or activity visible outside the building; (b) does not change the principal residential character of the land/building; and (c) used for professional, personal services and tradesmen and for which a permit has been issued per Article 8.6 of these Regulations. (1/15/03)

   10. Facilities for the sale of farm products, and for sale of home made products made on the premises.

   11. Community fairs and carnivals under local supervision

   12. Preparation of any product of the farm for sale or market as an accessory use.

   13. Accessory structures accessory to a dwelling (such as garages, barns, sheds, pools) for residential related uses. (1/15/03)

   14. Greenhouse operations consisting of less than 10,000 square feet of greenhouse floor area. (1/15/03)

   15. Barns (without amenities for human habitation like septic system, heat, toilet) for agricultural processing of products from the subject parcel only. (1/15/03)

   16. Commercial Campgrounds in accordance with the provision of Article 8.11 of these Regulations. (1/15/03)

   17. Auto Restoration Businesses in accordance with the provisions of Article 8.21 of these Regulations.

B. Permitted Uses After the Issuance of a Special Permit.
   1. Cemeteries

   2. Utility substations

   3. Community garages

   4. Conversion of existing residences to not more than three (3) apartments as permitted Article 8.5

   5. Hospitals, sanitariums, rest homes, convalescent and nursing homes as permitted in Article 8.7

   6. Temporary living quarters as permitted in Article 8.8

   7. Mobile homes for elderly as permitted in Article 8.9
8. Earth excavation as permitted in Article 8.10

9. Cluster development in accordance with the provisions of Article 8.14 of these Regulations. (1/15/03)

10. Storage and Maintenance of contractor's equipment in accordance with the provisions of Article 8.18 of these Regulations. (1/15/03)

11. Wireless Telecommunications Towers, Antennae, and Other Equipment as described in Article 8.17. (1/15/03)

12. Farmland Preservation Businesses in accordance with the provisions of Article 8.19 of these Regulations. (1/15/03)

13. Greenhouse facilities consisting of over 10,000 square feet of greenhouse floor area. (1/15/03)

14. Neighborhood Retirement Housing Complex

15. Farm Winery and Vineyard as permitted in Article VIII (Special Regulations), Section 8.20. (Amended 07/21/14).

16. Horse Stable, Commercial. (AMENDED 06/07/15)

C. All uses not specifically permitted in 4.2 A. or 4.2 B. are prohibited in the RAD zone. (1/15/03)

4.3.a Moratorium on Equestrian Uses. (AMENDED 11/02/14)

Commencing on November 2, 2014, and continuing for 180 days thereafter, riding academies and stables as defined in these Regulations, and also the housing or pasturing of more than six (6) horses on any lot, shall be prohibited. The purpose of this moratorium is to allow time for the drafting of regulations to address equestrian uses in the RAD (Rural Agriculture) zoning district.

4.3.b Moratorium on Medical Marijuana Dispensaries and Production Facilities (AMENDED 11/02/14)

Commencing on November 2, 2014, and continuing for one (1) year thereafter, medical marijuana dispensaries, as defined in the Regulation of State Agencies Section 21a-408-1(23), and marijuana production facilities as defined in the Regulations of State Agencies Section 21a-408-1(58) shall be prohibited. The purpose of this moratorium is to allow time for the drafting of regulations to address the sale and production of medical marijuana in the Town of Scotland.

4.4 VD – Village District

A. Purpose and Authority of the Village District - 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. 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.

B. Permitted Uses by Site Plan Review (Revised 4-21-2010)

1. Churches
2. Museums under 3000 square feet on the first floor

3. Single family residences on a minimum 20,000 square foot lot are exempt from special design requirements of Section 4.4

4. Accessory buildings or structures to any of the above uses

5. Customary Home Occupations as described in Section 8.6

6. Community fairs or carnivals under local supervision

C. Uses Permitted by Special Permit Only

1. Professional Offices up to 3000 square feet including both first and second stories

2. Bank offices up to 3000 square feet with up to one drive-through window integrated into the rear of the building

3. Retail motor vehicle fuel sales with up to four pumping stations

4. Retail or mixed-use buildings with no more than 5000 square feet on two floors with a maximum building footprint of 2500SF. (Revised 4-21-2010).

5. Restaurants with seating inside under 2000 square feet of food service area and with no drive-through window

6. Fire Stations

7. Town Halls or Municipal Administrative Facilities

8. Libraries

9. Public Works Facilities

10. Social Clubs or Meeting Halls

11. Utility substations

12. Museums over 3000 square feet on the first floor

13. Accessory buildings or structures to any of the above uses


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.

   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 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.

d. Applicant shall be guided by a contents of a design development document "Design Guidelines, Village District, Town of Scotland" available from the Zoning Enforcement Officer or Town Clerk.

4. The provided design guidelines and definitions shall be used by the Architectural Review Board and the Commission in the Determination of Appropriateness for evaluating consistency with the character and the architectural fabric of the historic or extended village center area of Scotland.

5. Determination of Design Appropriateness
   a. The Commission shall develop a set of findings in a non-binding, pre-concept discussion where a Design Assessment Scorecard available from the Zoning Enforcement Officer or Town Clerk is used to evaluate whether any suggested design changes will be forwarded to the applicant.
   b. The Commission may act as the Architectural Review Board or they may form one with the guidance of Section 8-2j as a standing subcommittee or as a separate paid or volunteer board of one to five members, only two of which can be members of the Planning and Zoning Commission.
   c. The applicant shall incorporate the suggestions from the pre-concept discussions and Design Assessment Scorecard in the formal site and architectural elevation plans presented to the Architectural Review Board for final review and issuance of a Determination of Design Appropriateness for the building, structure, and related site plan features and the neighborhood context. Failure to receive a determination of design appropriateness from the Architectural Review Board shall be a basis for denial of the application by the Commission.

6. Final Review and Decision by the Commission
   a. The applicant for a Special Permit in the Village District shall present as a formal application the site plan and architectural elevations for new or renovated commercial or mixed use buildings or structures after the granted Determination of Design Appropriateness from the Architectural Review Board for review for compliance to Sections 8.1 and 8.2.

**ARTICLE V – HEIGHT, AREA AND YARD REQUIREMENTS**

5.1 Scope of Requirements

A. This Article applies to all buildings erected or altered after the enactment of these Zoning Regulations.

B. Within the Town of Scotland, any building constructed or altered for use as a dwelling shall conform to the following provisions:

1. Only one dwelling shall be erected or installed on one lot.
2. Minimum lot width and frontage – each lot in a RAD District shall have at least 200-foot frontage along any accepted town road and/or state highway.

C. All buildings erected after the adoption of these regulations, and all lots on which such buildings are placed, shall conform to the requirements of this Article and to the schedule entitled "Height, Area and Yard Requirements" which is a part of these regulations and which follows in Article 5.2.

D. Maximum height of buildings shall be two and one-half stories or 35 feet. Accessory building shall not exceed 20 feet.

E. Dwellings in the Village Business District shall conform to "Height, Area and Yard Requirements" for RAD- Rural Agricultural Residence District.

5.2 Height, Area, Yard and Driveway Requirements (1/15/03)
A. Height, Area, and Yard Requirements Schedule

<table>
<thead>
<tr>
<th>District</th>
<th>Min. Lot Area</th>
<th>Minimum setbacks</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Frontage</td>
</tr>
<tr>
<td>RAD</td>
<td>2 acres</td>
<td>200 ft.</td>
</tr>
<tr>
<td>VD</td>
<td>¾ acre</td>
<td>100 ft.</td>
</tr>
</tbody>
</table>

In all districts, minimum livable area of a dwelling shall be 800 square feet on the first floor, and 1000 square feet on two floors.

A. For both VD and RAD Districts, 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.

B. General Driveway Requirements: 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. Subbase 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.

C. Common and Loop Driveways
   1. 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 stone walls, 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.

2. 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.

3. 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.

4. 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.

5. Fire Department Review. Any common driveway or loop driveway proposal shall be submitted to the Fire Chief for review.

6. 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."

7. 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.

8. 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.

9. 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.

10. Street Numbers. Street numbers shall be posted at the road and at any intersections in the driveway.

5.3 Variations in Height, Area and Yard Requirements

A. Front Yards

1. Where no street line is established, the front yard shall be 55 feet from the centerline of the street.

2. On corner lots, the requirements for front yard shall be enforced on both streets.

B. Visibility at Corners - Between the building line and the front lot line on any corner lot, no fence, wall, hedge, shrub or other structures, growth or obstruction shall be maintained at a height of more than two and one-half feet.
C. Construction in Required Yards - Notwithstanding other provisions of these regulations, fences, walls, hedges, and driveways may be permitted in any required yard or along the edge of any yard, provided that no fence, wall or shrub planting along the street sides of corner lots shall be over two and one-half feet in height.

D. Height Exceptions - The provisions of these regulations limiting the maximum height of buildings shall not apply to restrict the height of farm buildings, a church spire, tower or belfry, or a flagpole, radio tower, radio or television antennae, chimney, water tank, silo or similar structure or windmill.

E. Setbacks for Lots in Adjoining Districts - Where a lot in one district abuts a lot in a more restrictive district, all setback requirements of the more restrictive district shall apply.

F. Lots

1. Lot Area.—For every zoning district, the area of the lot shall conform to the definition of "Building Lot" set forth in Article 2.2 of these Regulations. (1/15/03)

2. Through Lots: On a through lot, front yard requirements apply on both street frontages.

3. Where a two-acre building lot is required by the Regulations, such lot shall, in addition to the requirements for a "Building Lot" set forth in Article 2.2, contain at least 40,000 square feet of contiguous building area (not counting inland wetlands soils as determined by the Scotland Inland Wetlands and Watercourses Commission, topographic slopes over 15% from the horizontal, conservation/open space restrictions of record of utility transmission rights of way) and that is at least 100 feet in width at all points.

4. Lot Adjoining One in More Restricted District: Where a lot adjoins a lot in a more restricted district, any adjoining side yard of such a lot shall have a minimum width equal to the required side yard in the more restricted use district, and any adjoining front yard shall have a minimum depth equal to the required depth of the front yard in the more restricted use district.

5. Reduced Lot Area: No conveyance of land shall be made that reduces the remaining land of grantee, exclusive rights-of-way to rear land, below the minimum area, frontage and yard requirements of the use district in which said land is located.

ARTICLE VI — NONCONFORMING USES OF LAND AND STRUCTURES

6.1 Nonconforming Uses of Land and Structures

A. Legal Nonconforming Uses. Lawful uses of land, buildings, and structures becoming nonconforming by adoption of these Regulations or any amendment hereto, may continue subject to the following conditions: (1/15/03)

1. Except as provided in Article 6.1, such use or structure shall not be enlarged, (increased or) extended, or altered, other than lawful intensification as defined by judicial decisions, after the date that such nonconformity is created; except that a residential structure may be increased in livable area provided that (1) no additional dwelling units are created and (2) all applicable yard requirements are met. (1/15/03)

2. Movement to another part of the lot shall be made only in conformity with these regulations.

3. Permission by Commission for change from one nonconforming use to another is permitted if Commission finds proposed use is equally or more appropriate than the existing one.

4. If damaged or destroyed by fire or other catastrophe, a nonconforming building or one housing a nonconforming use may be reconstructed by the owner or record, provided the restored building or structure occupies no greater area and has no greater cubic content than the original structure, meets requirements of 6.1 for residential structures only, and work of reconstruction is begun and actively prosecuted within twelve (12) months of the disaster.
a) The Health Officer or the Zoning Enforcement Officer may order repairs, alterations or demolitions for safety if such is not done within reasonable time after the disaster.

5. If a nonconforming building, or use of land or a building, is abandoned (for more than one year), the intent to abandon being determined by available extrinsic evidence, subsequent use of such land or building shall become subject to these Regulations governing the district in which the land or building is located. (1/15/03)

6. No existing structure devoted to a use not permitted by these regulations in the district in which it is located, shall be enlarged, extended, constructed, reconstructed, moved or structurally altered in a manner which increases the nonconformity, except in changing the use of the structure to a use permitted in the district in which it is located.

7. Any nonconforming building or land superseded by a conforming use shall thereafter be subject to regulations for the district in which it is located.

8. Wherever boundaries of a use district shall be changed, resulting in transfer to a use district of another classification, the foregoing provisions shall apply to nonconforming uses existing therein.

9. Where a nonconforming use abuts a residential lot, no outside storage or goods, equipment or refuse shall be permitted which tend: a) to deteriorate the value of adjacent property by creating a nuisance because of volume, quantity, odor, fire or health hazard, b) to create a traffic hazard because of interfering with adequate sight lines, or c) to generate excessive traffic.

10. Repairs and Maintenance

a) On any building devoted in whole or in part of any nonconforming use, ordinary repairs or remodeling, which do not increase the nonconformity, may be done.

b) Nothing in these regulations shall be deemed to prevent the strengthening or restoring to a safe condition of any nonconforming building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon the order of such official.

B. Registration and Validation of Existing Illegal Uses:

1. Under the procedures set forth in this Article 6.1.B, the Commission may validate and declare to be legal and permitted uses of any use of land or buildings which:

a) does not conform to the uses permitted under these Regulations for the subject district; and

b) complies with all other applicable local, State, and Federal laws other than these Regulations; and

c) Cannot be proven to constitute legal, nonconforming uses as defined in Article 2.2 of these Regulations; and

d) existed in its current character, area of land or buildings occupied, number of vehicles and employees utilized, and other indicators of character, scope, and intensity of use on October 16, 2002 (1/15/03)

2. Procedure for Validation (1/15/03)

a) No later than January 2, 2004, the property owner or other person seeking validation under this Article 6.1.B shall provide the following documentation to the Commission:

1) A General Location Survey, as defined in Article 20-300b-6 of the Regulations Connecticut State Agencies, having a horizontal accuracy of at least the Class B standard depicting the boundaries of the subject property. For parcels less than two acres, or where any building, structure or improvement is within one hundred feet of the property line, the Commission may require a Property Survey having a horizontal accuracy of at least the Class A-2 standard. The said General Location Survey or Property Survey shall depict the dimensions and location of any and all physical improvements on the subject property, and the uses thereof, including buildings, structures, parking areas and driveways, outdoor storage areas, underground tanks,
or conduits, or any other use of land or buildings associated with the use for which validation is sought. All such measurements shall be based on actual field measurements and shall be so certified by the Land Surveyor preparing such map.

2) A Statement of Use, consisting of a sworn written statement, under oath, describing in detail the use as it existed on October 16, 2002, including: the exact nature of the use (products or services provided, equipment utilized, etc.); the number of employees (full time, part time) including independent contractors or other persons who may participate, at any time, in the use claimed to exist on the subject property; the number of vehicle, and the types and license plate numbers of each one employed by the use; a detailed list of the equipment used by the business, whether located indoors or outdoors; and other information which the Commission may require to delineate, with precision, the nature, scope, and character of the claimed use;

3) Evidence establishing that the use existed, as described in the Statement of Use, on October 16, 2002. Such evidence may include, but shall not be limited to: customer invoices; Yellow Pages or similar media advertisements; assessor’s records; aerial photographs; State or Federal tax returns; invoices for equipment, supplies, or other use-related products; sworn statements by customers, competitors, neighboring property owners, state or local officials, or other persons (excluding employees) who have no financial interest in the use itself or the owners thereof; and such other information as may tend to establish the existence of the claimed use on the operative date.

b) Upon the receipt of any request for validation as set forth in this Article 6.1, the Commission shall consider the evidence and materials presented at a public meeting, with prior notice to the persons filing such request. Based on the information presented, the Commission shall take one of the following actions:

1) Determine that the use as described in the Statement of Use and the property survey was existing as described as of October 16, 2002, and that such use is deemed a permitted use under Article 6.1.B.

2) Determine that the use was existing as described as of October 16, 2002, but not as described in the Statement of Use and the property survey. In such case, the Commission shall state the limitations or modifications of the use as found, and that such use, as so limited or modified, is deemed a permitted use under Article 6.1.

3) Determine that the use as described in the Statement of Use and the property survey was not existing as of October 16, 2002. In such case, the Commission shall deem the use to be illegal and shall refer the same to the Zoning Enforcement Officer and Commission counsel for legal action.

c) For any use which is found to be permitted, either under paragraph (1) above or as modified or limited under paragraph (2) above, the person filing the request shall, within thirty (30) days of such determination, file the survey and Statement of Use with the Town Clerk. Any use for which the survey and Statement of Use are not so filed within that time limit shall be deemed a legal nonconforming use, and not a permitted use. After such determination and filing with the Town Clerk, any expansion, extension, or alteration of the use may be authorized by Special Permit in accordance with Article 8.1 of these Regulations, even if such use is not permitted in the subject district; provided, however, that any change in such use shall only be to a use then allowed in such district.

d) Validated Uses: Legal Nonconforming Uses Currently Allowed as Special Permit Uses. Any use which has been validated in accordance with the provisions of Article 6.1(b), shall thereafter be deemed to be a permitted use of the subject property, without further action by the Commission, provided that, as noted above, any expansion, extension, or alteration of the use, shall be authorized only by Special Permit in accordance with Article 8.1 of these Regulations; and provided, however, that any change in such use shall only be to a use then allowed in such district. Also, any legal nonconforming use which is permitted as a Special Permit in the district in which it
is located may not be expanded, extended, or altered, other than lawful intensification as defined by judicial decisions, except by Special Permit in accordance with Article 8.1 of these Regulations (1/15/03)

6.2 Nonconforming Lots

The erection of a dwelling shall be permitted on a nonconforming lot of record in the office of the Town Clerk prior to the effective date of these regulations, which lot is smaller than required or does not conform to these regulations, provided that the owner of any such lot did not own adjoining land on the effective date of these regulations, or has not acquired any adjoining land since the effective date of these regulations; while such was a nonconforming lot, to enable such owner to conform to these regulations or to conform to a greater degree.

ARTICLE VII– OPEN SPACE SUBDIVISION (1/15/03)

7.1 Findings: The Commission finds that in some cases the strict adherence to traditional land development and subdivision techniques within the Town of Scotland has resulted in:

A. The consumption of areas containing valuable recreational, agricultural, forest, and other unique natural resources.

B. The construction of extensive roads and other improvements requiring maintenance by the Town of Scotland.

C. The development of sites without specific consideration of the limitations of, or opportunities offered by, the existing topographical and soil conditions.

D. 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.

7.2 Purpose: It is the purpose of this Article 7 to respond to the foregoing findings by providing an opportunity for the preservation and protection of the Town of Scotland's natural resources by permitting a transfer of density by way of reduction in the minimum lot size normally required in specified zones for residential development in return for the dedication of designated areas as Open Space, provided, however, that the total number of lots in such subdivision approximates the number otherwise permitted under these Regulations and the Scotland Subdivision Regulations.

7.3 Definitions:

A. Development Restriction. 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.

B. The required open space may also be used, without restriction, for underground drainage fields for individual or community septic systems, provided that no portion of such systems protrudes above grade. Storm water management ponds or basins may be included as part of the minimum required open space, as may land within the rights-of-way for underground utilities. However, land within the rights-of-way of overhead power lines or other surface utility lines shall not be included in the minimum required open space.

C. Normal lot size. The lot size, expressed in square feet, normally applicable to the zoning district in which the proposed Open Space Subdivision is located.

D. Open Space. Land within an Open space Subdivision which is subject to a Development Restriction.
E. **Open Space Subdivision.** A subdivision approved in accordance with this Article 7 and with Chapter IX of the Subdivision Regulations

F. **Total Area.** The total area of the proposed Open Space Subdivision expressed in square feet.

G. **Unbuildable Area.** The area, expressed in square feet, within the proposed Open Space Subdivision which is comprised of wetlands, watercourses, flood zone A per FEMA maps, existing and proposed streets and highways, easements and rights-of-way for vehicular access and utilities, and slopes that exceed 15%. For purposes of this Subsection; easements and rights-of-way of an undefined width shall be deemed to be twenty-five (25') feet in width.

### 7.4 General Eligibility Requirements: Open Space Subdivision:

A. Shall only be permitted in the RAD Zone

B. Shall consist of a parcel(s) of land containing no less than a total of fifteen (15) contiguous acres.

C. Must, except as provided in this Article 7, otherwise comply with all applicable Articles of these Regulations, the Scotland Inland Wetland Regulations, Scotland Subdivision Regulations, and provisions of Federal, state and local law.

D. Must provide for the dedication of Open Space in accordance with Subsection 7.7. and 7.8 of this Article 7.

E. Must provide beneficial utilization of suitable soil and topographic conditions and protection of soils and topographic conditions not suitable for development.

F. Must comply with the State Health Code Basis Criteria for Septic System Design Minimum Leaching System Spread (MLSS) as incorporated into the State Health Code, as may be amended, except where sewers or community septic systems are being used.

G. Must be consistent with the intent of planning and zoning to promote the public health, safety, and welfare of the Town of Scotland and the Scotland Plan of Conservation and Development, the Natural Resources Inventory, and the Town Open Space Plan.

H. Shall be used only for detached single-family dwellings and permitted accessory uses. All other uses shall require the normal lot size and be subject to approval of the Commission in accordance with the applicable Articles of these Regulations. In addition, any other use which is proposed after the approval of the Open Space Subdivision shall require an amendment to the approval granted under this Article 7 in accordance with the applicable Articles of the regulations.

### 7.5 Application Procedure:

A. **Pre-Application Conference.** The Commission recommends that prior to the submission of an application for approval of an Open Space Subdivision, the applicant initiate a pre-application conference with the Commission and its staff to discuss conceptual aspects of the proposed Open Space Subdivision and prepare and present a preliminary plan for informal consideration by the Commission. The pre-application conference is recommended to permit the general consideration of factors and problems affecting the development of the subject site before the applicant proceeds with the application and the preparation of final maps, plans, and documents required to accompany such application.

Following the pre-application conference, the Commission may provide informal, non-binding suggestions to the applicant regarding the overall layout and design of the proposed subdivision, and whether to proceed with an application under this Article 7 or to adhere to the conventional subdivision requirements of the applicable Articles of the Scotland Subdivision Regulations.

Neither the pre-application conference, the informal consideration of preliminary plans, nor the Commission's suggestions shall be deemed to constitute any portion of the application for approval of an Open Space Subdivision.
B. **Application.** An application for the approval of an Open Space Subdivision shall:

1. Require approval by the Commission of a Special Permit in accordance with Article VIII and the other relevant provisions of these regulations. (Revised 12/08/2008).

2. Require approval by the commission of a subdivision in accordance with the applicable Articles of these Regulations and the Scotland Subdivision Regulations. (Revised 12/08/2008).

3. Be submitted with a proper complete subdivision application form, and application fees as set forth in the fee schedule adopted by Town Ordinance. (Revised 12/08/2008).

7.6 **Standards, Controls, and Design Guidelines.**

A. **Minimum Area, Yard, and Coverage Requirements.**

<table>
<thead>
<tr>
<th>RAD</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Area (square feet)</td>
<td>30,000</td>
</tr>
<tr>
<td>Minimum Lot Frontage</td>
<td>100 feet (measured at the building line)</td>
</tr>
<tr>
<td>Minimum Front Yard</td>
<td>50 feet</td>
</tr>
<tr>
<td>Minimum Side Yard</td>
<td>25 feet</td>
</tr>
<tr>
<td>Minimum Rear-Yard</td>
<td>50 feet</td>
</tr>
<tr>
<td>Maximum Building Coverage</td>
<td>15%</td>
</tr>
</tbody>
</table>

1. The Commission may reduce setbacks such that the overall setback for front and rear yards (100 feet) and/or side yards (50 feet) is maintained but allocated unequally. In no case shall a side yard setback be less than ten feet. In no case shall a front or rear yard setback be less than twenty-five feet.

B. **Rear Lots.** (Revised 12/08/2008) The following provisions shall apply in open space subdivisions in lieu of the provisions of section 8.4 of these regulations:

1. Rear lots shall contain at least 30,000 square feet, excluding the area of the fee-simple corridor, shall have a minimum driveway access width of twenty (20') feet and a minimum lot width measured at the building line of one hundred (100) feet. (Revised 12/08/2008).

2. All rear lot driveways shall be constructed with a base and surface adequate to support 40,000-pound emergency vehicles. If a rear lot or driveway section is proposed to service more than one dwelling, the common portion from the road up to the beginning of the last driveway may not exceed one thousand feet in length. All rear lot driveways shall be twelve feet wide with four-foot load bearing shoulders on each side and, if necessary, a suitably sized turnaround capable of supporting emergency vehicles. The specifications for rear lot driveways shall be in accordance with the recommendations of the Fire Marshal or his/her designee. All rear lot driveways of three hundred feet or more in length shall include, if necessary, suitably sized turnarounds every three hundred feet which are capable of supporting emergency vehicles. Under no circumstances may a common driveway service more than three dwellings, only two of which may be situated on rear lots. Approvals of rear lot driveways shall not be construed as acceptance of said driveway or rights-of-way for the Town, and the Town shall not be obligated to perform any repair or maintenance duties thereon.

3. The owner of a rear lot shall provide and maintain, as per approval specifications, the driveway, drainage and utilities within the access way and shall be responsible for the continued maintenance and liability. In cases where a common driveway is authorized in accordance with the subdivision regulations, deed restrictions establishing concise maintenance and liability agreements shall be submitted to the Scotland Planning and Zoning Commission for review and, upon approval, filed on the Land Records for each subject lot.
4. There shall be a maximum of two adjacent or contiguous rear lots, including rear lots, on a single parcel of land existing as of December 8, 2008. Contiguous lots may share a common driveway provided that no more than three dwelling units are served, only two of which are situated on rear lots. Minimum driveway access width for the shared portion of common driveways shall be forty-nine feet (49'), neither more nor less. (Revised 12/08/2008).

5. No rear lot or lots shall landlock another rear lot, or rear land where the potential for future access does not exist, unless the Commission finds that there is no feasible alternative, either existing or future, to development as a rear lot.

C. Minimum Buildable Area. All lots in an Open Space Subdivision shall contain 25,000 square feet of contiguous Buildable Area as defined in these regulations, which area shall be of regular shape and no less than one hundred feet in width at any point.

D. General Density Limitations. Except as otherwise provided in these Regulations, the maximum number of units for an open space subdivision shall be determined, at the applicant's option, by either the Formula Method or the Yield Plan Method, as set forth in the Subdivision Regulations.

E. Conformance. Any lot with reduced area approved under the provisions of this Article 7 shall be deemed to be a conforming lot notwithstanding the Normal Lot Size; provided, however, that such lot meets the requirements of the other applicable Articles of the Regulations and the Scotland Subdivision Regulations. Any such lot shall be designated on the approved open space subdivision plan which is presented for recording.

F. Density Bonus. The Commission may authorize density bonuses in accordance with Chapter IX, Article 5 of the Subdivision Regulations.

G. Design Guidelines. The proposed open-space subdivision shall meet the following applicable design guidelines:

1. Dwelling units shall be grouped allowing a portion of the parcel to remain open.

2. The open space in any open space subdivision shall be located entirely within the subdivision and shall be in one contiguous piece except where the Commission finds that the purposes of Article 7.2 would be more effectively served by separated parcels. The open space shall have a suitable shape, dimension, character and location to promote the purposes specified in Article 7.2.

3. The Planning and Zoning Commission reserves the right to require the involvement of a landscape planner in the design of an open space subdivision.

4. Lots shall be laid out to the greatest extent feasible to achieve the following objectives (listed below in order of priority, as it is recognized that some may conflict with others on any given site):
   a) To place septic systems on the most suitable soils for sub-surface waste water disposal (in unsewered areas only);
   b) Within any woodland contained in the parcel, or along the far edges of the open fields adjacent to any woodland (to reduce impact upon agriculture, to provide summer shade and shelter from winter wind, and to enable new construction to be visually absorbed by natural landscape features);
   c) In locations least likely to block or interrupt scenic vistas, as seen from the public roadway (s);
   d) On the least fertile soils for agricultural uses, and in a manner which maximizes the usable area remaining for such agricultural use;
   e) In locations where the greatest number of units could be designed to take maximum advantage of solar heating opportunities.

5. Wherever possible, wetlands should be adjacent, contiguous or included in the open space.

6. Along any part of the parcel perimeter where down-sized lots abut normal sized lots a fifty foot buffer zone, thickly planted with fast-growing native shrubs and trees shall be required; or an already forested strip or natural vegetation may be accepted at the discretion of the Commission.

7. Unless prevented by ledge or other natural restraints, underground utilities shall be required in open space subdivisions.
8. The Commission may reduce the minimum paved width of a proposed open space subdivision road to twenty feet (20') and allow open swale drainage systems in an open space subdivision when the proposed intensity of development, safety considerations, and topography would allow such reductions without detriment to the open space subdivision or surrounding areas.

7.7 Open space and Development Restriction.

A. Minimum Open Space. The minimum open space conveyance within an open space subdivision shall be 40% of the total parcel area.

The maximum percentage of wetlands, watercourses, and floodplains included in the minimum area or open space required shall not exceed the percentage of wetlands, watercourses, and floodplains in the total parcel.

However developers are encouraged to preserve wetlands, watercourses, and floodplains as open space even though these additional wetlands, watercourses, and floodplains would not be counted towards the Minimum Area of Open Space Required.

B. Dedication of Open Space. Open space shall be dedicated in accordance with Chapter IX, Article 8 of the Subdivision Regulations.

C. Modification by the Commission of Designated Open Space. The Commission may modify any application so as to designate open space in locations other than those proposed. In determining whether the proposed entity is appropriate to own the proposed open space, or whether to require open space in locations different from those proposed, the Commission shall consider the following factors: The ownership of any existing open space on adjacent properties, or the proximity to non-adjacent open space which might reasonably interconnect with the proposed open space in the future; the proposed use of the open space for active or passive uses, and the extent of maintenance, supervision, or management required; the potential benefits which the open space might provide to residents of the Town or the State, if it were accessible to them; the size, shape, topography, and character of the open space; the recommendations of the Scotland Plan of Development and the Scotland Open Space Plan; the reports or recommendations of any State or Town agencies, including, but not limited to, the Town Council, the Commission, acting in its capacity as the Inland Wetlands Agency, the Recreation Commission, and the Conservation Commission, the Windham Regional Planning Agency, and the Connecticut Department of Environmental Protection.

D. Alteration of Open Space. Any excavation filling, regrading, or alteration of open space; any construction or expansion of any building, structure, or other improvements thereon, or any paving or surfacing of open space subsequent to the date of approval of the open space subdivision shall require an amendment to the special permit granted under this Article 7 in accordance with the applicable Articles of the Regulations and shall be for the enhancement of the open space use only.

E. Evidence of Acceptance. If open space is to be owned by a private not-for-profit conservation trust or corporation, the State of Connecticut, the Town of Scotland, or another entity, the application shall contain written evidence from the proposed entity satisfactory to the Commission, stating that it is willing to accept ownership of and responsibility for the preservation and maintenance of the open space.

F. Required Provisions. Regardless of the manner of ownership of the open space, the instrument of conveyance must include provisions satisfactory in form and substance to the Commission to ensure:

1. The continued use of such land for the intended purposes;

2. The continuity of proper maintenance for those portions of the open space requiring maintenance.

3. When appropriate, the availability of funds required for such maintenance;

4. Adequate insurance protection; and

5. Recovery for loss sustained by casualty, condemnation, or otherwise.

G. Boundary Lines. The boundary lines of all open space shall be set in the field and marked by permanent, readily-visible markers where such lines intersect any lot line, road, or perimeter line within the
proposed open space subdivision and at such other points as may be required by the Commission to insure identification in the field.

H. Recording. At the time the approved open space subdivision plan is filed, the applicant shall record on the Scotland Land Records all legal documents required to ensure the aforesaid guarantees.

I. Right to Enforce. A right to enforce the Development Restriction shall be conveyed to:

1. The Town of Scotland, the State of Connecticut, or a private, not-for-profit conservation trust or corporation dedicated to conservation or preservation purposes in cases where open space is dedicated to an association or corporation of lot owners, or a private or governmental entity; or

2. To the association or corporation of lot owners in cases where open space is dedicated to the Town of Scotland, the State of Connecticut, or a private, not-for-profit conservation trust or corporation.

Any deed of conveyance shall contain language providing the holder of the Development Restriction with the right to obtain reimbursement of all costs it reasonably incurs, including attorney’s fees, in any action to enforce the Development Restriction, in which it is the prevailing party.

J. Association Requirements. If the open space is to be dedicated to an association or corporation of lot owners, then the Commission may set additional requirements, including, but not limited to, the following:

1. Creation of the association or corporation prior to the sale of any lot;

2. Mandatory membership in the association or corporation by all original lot owners and any subsequent owner; and

3. The association or corporation shall have the power to assess and collect from each lot owner a specified share of, and, where necessary, provide reserves for the costs associated with maintenance, repair, upkeep, and insurance of the open space.

7.8 Dedication Of Open Space

A. Open space areas within an open space subdivision shall be dedicated, in fee simple, to one of the following:

1. An association or corporation composed of all persons having ownership within the development. Such organization shall be responsible for the perpetuation, maintenance, and function of all common lands, uses, and facilities.

2. The Town of Scotland.


4. A private, not-for-profit conservation trust that assures the preservation and maintenance of the open space areas in perpetuity.

5. Such other private or government entity that assures the preservation and maintenance of the open space areas in perpetuity and is acceptable to the Commission.

B. The application shall designate which of the foregoing entities is proposed to own the open space, but the Commission, as part of any approval of such application, may modify such designation to require ownership by an entity set forth in subsection (1), (2), or (3), above. The Commission may not require ownership by an entity described in subsection (4), above, unless the applicant has proposed ownership by such an entity.

ARTICLE VIII – SPECIAL REGULATIONS

8.1 Special Permits
A. Upon receipt of a proper application, the Commission may issue a Special Permit where required by these regulations after a finding that all requirements of the Article have been met in addition to any other specific requirements that may apply to particular uses. All applications shall be accompanied by a Site Plan as required in Article 8.2.

B. In considering an application, the Commission shall find that:

1. The proposed uses shall be compatible with the adopted Plan of Conservation and Development for the town or any neighborhood or district thereof. The proposed uses should be compatible with the then current State Policy Guide as periodically amended if possible. Deviations from planned patterns of development shall be explained and justified in Commission approval motions. (1/15/03)

2. The site shall be suitable in size, dimension and character for the uses proposed without major alteration to the natural and landscape features of the site detrimental to the neighborhood; without destruction of important natural resources such as inland/wetlands or without the installation of walls, fences, embankments or other features detrimental to adjacent properties.

3. The roads and intersections servicing the proposed uses are adequate to carry anticipated traffic; that provision is made for entering and leaving the property in such a manner that no undue hazard or traffic congestion is created; and that adequate off-street parking and loading facilities are provided.

4. No odors, light, smoke, gas, dust, and vibrations are produced in noxious or offensive quantity observable beyond the site.

5. Adequate water supply and sewage disposal facilities are provided.

6. The use will not otherwise impair public health, safety and general welfare.

7. The proposed uses are in conformance with all building and zoning regulations, meet the requirements of the subdivision regulations, are in accord with the inland/wetland regulations and any other applicable codes, laws or ordinances applicable to such use.

8. The buildings and proposed uses will be so disposed as to be accessible for emergency vehicles and fire apparatus; that the site is adequately drained and buildings and facilities are constructed in a safe manner.

C. In arriving at the above finding, the Commission shall consider:

1. the need for the proposed use and its characteristics
2. the existing and future character of the neighborhood
3. the location of main and accessory buildings
4. the height and bulk of building in relation to other structures in the neighborhood
5. the width and gradient of streets
6. the volume and character of traffic present and projected
7. the means of access and exit
8. adequacy of water supply and sewage disposal
9. location, size, lighting and design of signs and buildings
10. protection of neighborhood property values.
D. The land owners of parcels 500 feet from the outside boundary of that of the applicant shall be notified of the public hearing at least 15 days before the public hearing. The applicant shall notify such land owners by registered mail with a return receipt which shall be given to the Commission's agent for the permanent hearing file. The applicant shall place a two-sided sign to be provided by the Commission's agent in light 24 x 36 inch paper format. These signs shall be laminated or otherwise made weather resistant and mounted so they are visible and located no more than ten-feet from the edge of the road by the applicant at least 10 days before the public hearing. This sign shall be removed by the applicant within three days of the close of the public hearing. (1/15/03)

E. The Commission shall schedule a public hearing as required by the General Statues and shall approve, approve with modifications or disapprove the applications. The abutting landowners of the applicant shall be notified of the public hearing at least 15 days before the meeting. The applicant shall notify the landowners by registered mail with a return receipt.

In granting approval or approval with modifications for a Special Permit, the Commission may stipulate such restrictions or conditions reasonably necessary to protect the general health, safety, and welfare of the neighborhood and to ensure adherence to the intent of these regulations. Such restrictions may concern: the components of the site plan and their layout; the distribution of and relationship between uses and buildings; vehicular and pedestrian circulation; parking; open space and landscaping; signs, lighting; building design and massings, hours of operation of a commercial establishment.

1. The Commission shall require the posting of security by the applicant, as a condition of approval, to ensure the completion of improvements, public utilities and recreational facilities required and shown on Site Plan as follows:
   a) roads, public and private
   b) parking areas
   c) drainage, water, and sewer systems, and other public utilities
   d) recreational facilities
   e) landscaping and plantings
   f) other key improvements required by the Commission on the site plan

1. Such security shall be in a form satisfactory to the Commission and shall consist of one or more of the following:
   a) Construction to completion of the specific improvements noted, before issuance of Building Permits or certificates of occupancy.
   b) A security bond issued by a surety company authorized to do business in the State of Connecticut in an amount satisfactory to the Commission to ensure completion of the improvement; in lieu of bond, the deposit with the Treasurer of the Town of Scotland of cash in an amount sufficient to ensure the completion of the required improvements.
   c) In the case of public utilities to be installed by a municipal department or public utility company, a statement from such department or company indicating that the required work will be done within a reasonable period of time and at no expense to the Town.

F. The Commission may as a condition of approval, establish time limits for the commencement and completion of the proposal of phases thereof. Such time limits may be extended or revised by the Commission upon written request by the applicant. Failure to comply with time schedules approved shall render the remaining portion of the Special Permit null and void. Failure to commence the proposal within one year after approval of the Special Permit shall cause the permit to be null and void. (1/15/03)

G. No Building Permit or construction permit shall be issued except in conformance with an approved Site Plan as required in Article 8.2, and such conditions of restrictions as may be imposed by the Commission.
With the written concurrence of the Chairman of the Planning and Zoning Commission and the Zoning Enforcement Officer, an approved site or building plans submitted in support of a Special Permit may have slight modifications based on unforeseen field conditions without referral to the Commission in regularly scheduled meeting but including proper written modifications documented in the project file and made to the site or building plans or maps. The minor changes may in no way affect the layout, design, density or impact of the development. All but minor changes shall be submitted to the Planning and Zoning Commission for their approval of specific amendments to the Special Permit. (1/15/03)

H. The applicant shall, upon approval of the Special Permit by the Commission, and within 90 days of such approval and receipt by the applicant of the special permit document, record in the Land Records of the Town of Scotland the Special Permit as required by the General Statutes. Failure to so record and file the Special Permit with the Town Clerk within the above time period shall cause the approval to be null and void. (1/15/03)

Approval shall be construed to be the date on which all conditions have been met and the Chairman of the Commission has signed the Special Permit.

8.2 Site Plan

A. Purpose: To better assess the impact on the site and the neighborhood of certain uses and to determine their conformance with the requirements and intent of these regulations, a Site Plan shall be required where indicated by these regulations.

B. Format: All plans shall be prepared to a scale of not less than 1"=20' or more than 1"=100' on a sheet, not to exceed 25" x 37", drawn by a professional engineer, architect, landscape architect, or land surveyor, as appropriate, registered in the State of Connecticut.

Each sheet shall contain a title block, having the following information:

1. Name of the applicant and owner if applicant is not the owner
2. Name and seal of responsible engineer, surveyor, architect or landscape architect
3. Name of development
4. Date of drawings, scale, north arrow

C. The following information may be required by the Commission. The scope and detail required shall be sufficient to permit the Commission to adequately review the proposal and its conformance to the regulations.

1. Existing Site
   a) Boundaries of the site meeting A-2 survey standards; indication of total area of the site.
   b) Principal landscape features including major forested and open land, unique or special landscape elements, historic sites, soil classifications as determined by the Soil Conservation Service, Inland/wetlands and watercourses as regulated by the Town of Scotland Inland/Wetlands Commission and principal buildings and uses including access roads, parking, driveways and easements, if any; both on the site and within 500 feet of the site. Names of abutting property owners.
   c) Existing contours, at an interval not to exceed ten feet and spot elevations to convey an accurate picture of current topographic conditions. Where necessary, the Commission may require the presentation of contours at an interval of two feet or less.

2. Proposed Site
   a) Contours and spot elevations at two foot or less intervals in areas proposed to be re-graded.
b) Location and dimensions, and construction details of all public and private streets and access drives.

3. Circulation

a) Location, dimensions and construction details of all public and private streets and access drives.

b) Locations, dimensions and construction details of all public and private pedestrian walkways and paths.

4. Parking

a) Location, dimensions and construction details of all parking and loading facilities and approaches including the number and dimensions of parking spaces.

5. Open Spaces

a) Location and dimensions, and site details where appropriate, of open space and recreation areas proposed by type, including parks, playgrounds, landscaped and natural areas, water bodies, lawn areas, and other recreational facilities.

6. Proposed Landscaping

a) Identification of areas to remain natural and undisturbed.

b) Location and treatment of areas to be landscaped including the types, size and number of trees, shrubs, grassed areas and water elements proposed.

c) Location, type and height of proposed fences, screens and buffer areas.

7. Utilities

a) Location and construction details of proposed water and sewer facilities, electrical transmission lines and other utilities necessary to service the development.

b) Proposed provision for rubbish collection and removal, and snow removal.

c) Location, dimensions and construction details of proposed storm drainage.

8. Lighting and Signs

a) Location, size, height and design details of all proposed signs, including street signs, the method and intensity of lighting proposed, if any; color and style of lettering.

b) Location, size, and design of all proposed exterior lights, including the intensity of light.


10. Location of primary and secondary recharge areas for major ground water supply aquifers as identified on the Town of Scotland Zoning Map.

11. Architectural Details

a) Preliminary plan and elevation drawings of proposed, or expanded or improved existing structures, including generalized interior layout, indicating size, orientation, uses and design of
structures and the materials used. Where necessary; the Commission may required the presentation of greater design and architectural detail as a scale not to exceed 1/8" = 1'0".

12. Covenants

a) Covenants, easements, and other provisions proposed to ensure the development and maintenance of public or community facilities or the maintenance of open space.

13. Phasing

a) When it is proposed to complete the development for which approval is being sought over a period of time, a detailed indication of the phasing of construction in terms of time and geography shall be presented as follows:

1) the area to be included in each phase
2) the uses to be proposed for each phase
3) the time of completion of each phase

b) Where approval is being sought for only a portion of the applicant's land, an indication of the anticipated or likely nature of development in the remaining portion of the site shall be provided including uses, densities, circulation and possible phasing.

c) Where the applicant intends to subdivide the property, it should be so indicated on the site plan and final approval of such subdivision plan from the Scotland Planning Commission may be made a condition of final approval of the site plan.

14. Where detailed site plans require presentation on more than one sheet, a summary sheet, at a scale not to exceed 1"=200', indicating the general layout of the proposal and its relationship to surrounding land uses.

8.3 Accessory Structures and Uses

A. Accessory structures or uses are permitted in any zone subject to the following provisions:

1. The raising, keeping or breeding of any of the following animals for commercial or laboratory purposes is prohibited: pigs, foxes, primates or mink or other fur-bearing animals. (AMENDED 01/12/16)

2. Non-Farm Buildings
   a) No accessory non-farm building or use in a residential zone shall be located in any front yard or in any side yard or rear yard nearer to the lot lines than specified yard requirements for the principal buildings.

3. Accessory Buildings on Corner Lots
   a) On corner lots, no accessory building in a rear yard shall be nearer a street side lot line than the least depth of any front yard required along any such street.

4. Accessory buildings or structures on one building lot that are larger than 10,000 square feet or three times the footprint of the liveable area of the principal dwelling whichever is smaller must be located at least twice the distance of the property line setback otherwise required for the respective zoning district.

B. Accessory Dwelling Units: Any single family dwelling may have no more than one accessory dwelling unit added to it provided the following conditions are demonstrated to the Zoning Enforcement Officer:

1. The accessory dwelling unit shall not be more than 30% of the liveable floor area of the principal dwelling unit provided that the accessory dwelling unit is between a minimum of 400 and a maximum of 850 square feet of liveable area;
2. No structural alterations shall be made to detract from the principal dwelling unit appearance as a single family dwelling, such as multiple entrances on any one exterior wall, fire escapes on the road side(s) of the dwelling, and additional driveways or garages to serve the accessory dwelling unit;

3. The accessory dwelling unit shall include a separate kitchen and bathroom;

4. The sanitary facilities shall be approved in writing by the Town Sanitarian/Eastern Highlands Health District as being adequate to serve the increased requirements;

5. Adequate off-street parking is available on the building lot;

6. An accessory dwelling unit meeting the above conditions may be added to a customary accessory building, such as a barn or garage, provided that the principal use of the accessory building remains unchanged, and that no more than one accessory living unit may exist on a single building lot.

8.4 Development of Rear Lots

A. The provisions of this Article are intended to permit the use of an existing rear lot for residential purposes in the Rural Agricultural Residence District. All rear lots require the approval of the Commission.

B. No rear lot shall be permitted to be located to the rear of another rear lot (called stacking).

C. No rear lot shall be allowed unless included within the lot size, there is provided for such a permanent access strip at a minimum of 20 feet in width to a maximum of 40 feet, adequate to accommodate fire apparatus and/or emergency equipment.

D. No more than one-third of the lots in a subdivision shall be rear lots, except in division of land where four or fewer lots are created, where one half of the lots may be rear lots.

E. A rear lot shall conform to all requirements prescribed for the zone in which it is located. The minimum lot area shall be computed as the area of the lot exclusive of the area of the access. The Commission may require a larger lot size and/or larger yards where land configuration, topography and/or soil conditions require such increase in order to protect the public health and welfare.

F. The area of all rear lots shall be not less than twice the lot area prescribed by these regulations for that use.

G. Only the erection of one single-family dwelling and appurtenant accessory buildings or structures shall be permitted on a rear lot.

H. The Commission shall not approve a rear lot unless it finds that such lot provides the best development of the land, taking into consideration drainage problems, land configuration, accessibility, topography, utility lines, traffic and right-of-way.

I. No rear lot access strip shall be created within 300 feet of another rear lot access strip.

J. The access area shall be limited for the exclusive use of a single rear lot and shall not be used for access to any other land or separate rear lot. The owner of the rear lot shall provide and maintain the driveway, drainage and utilities installation in the access area.

8.5 Conversion of Existing Residences

A. Any residence in existence on January 1, 1980 may be converted to a multi-family dwelling containing not more than three dwelling units, provided the following requirements are met:

1. There shall be a minimum lot area of two acres plus one-half acre for each additional dwelling beyond the first. See Article 5.3(f)(3) for the calculation of such minimum lot areas. (1/15/03)
2. Adequate provisions shall be made for on-site sewage disposal and water retrieval. A report from the Town Sanitarian shall accompany each application.

3. Adequate parking shall be provided and parking facilities shall observe all yard setback requirements.

8.6 Home Occupation (1/15/03)

A. The use of a residential dwelling as offices of a recognized profession, or personal service business of a scale appropriate for preservation of rural character of the Town may be permitted by administrative review of application by the Zoning Enforcement Officer and the payment of a one time fee in accordance to the Schedule set by the Town of Scotland Fee Ordinance provided all the following requirements are met:

1. The use is clearly secondary to the residential use of the property.

2. Not more than two non-residents may be employed in the home occupation. The individual(s) conducting the home occupation shall reside in the dwelling unit.

3. There shall be no change in the outside appearance of the residence or visible sign of the operation of the home occupation, except for a permitted identification or directional sign no more than three square feet in size, located with the top no more than six feet above ground level, and located no closer than six feet from the driveway access or front property line.

4. No outside storage of materials or products shall be permitted; no more than 50% of the livable floor area of the principal residence building shall be occupied by the home occupation; if an accessory building is used, the portion of the accessory building(s) being used for all the home occupations on the premises shall not exceed 50% of the livable floor area of the principal residence building. Accessory structures such as sheds, lean-tos, storage trailers, or tents which contain materials or activities associated with the permitted home occupations shall be counted toward the total floor area maximum size for the home occupations.

5. No traffic shall be generated by the home occupation in volume substantially greater than that, which would normally be expected from a residence that is, six in-out trips per day. Adequate parking shall be provided; all parking facilities shall observe all yard setback requirements. Two commercial vehicles associated with the home occupations are permitted. Neither vehicle shall more than twenty (20) feet in overall length (bumper to bumper) and ten (10) feet in overall height (road surface to top of body). One additional commercial vehicle associated with the home occupation is permitted if it meets the following conditions:

   a) No noise, odor, vibrations, glare, fumes, electrical interference or unsightly conditions shall be noticeable off the lot. On-site sewage disposal systems shall be adequate to accommodate the proposed use.

6. Home occupations that do not meet the requirements for administrative approval by the Zoning Enforcement Officer under this Article 8.6 shall require the issuance of a Special Permit where such use is authorized in Article IV of these Regulations.

7. A home occupation shall not be construed to include restaurants or the sale or repair of motor vehicles. A home occupation shall not constitute the establishment of a non-conforming business use; a home occupation permit shall not be transferable.

8.7 Hospitals, Sanitariums, Rest Homes, Convalescent and Nursing Homes

A. The approved site shall be within 300 feet of State-numbered highway or accepted Town Road. (1/15/03)

B. There shall be one acre of site for each fifteen (15) patient beds. The minimum lot area shall be two acres.
C. There shall be a minimum front, side and rear yard setback of 50 feet for all buildings and parking facilities.

D. Buildings and accessory uses shall be sited and landscaping and buffer areas provided to assure maximum privacy for patient and adjacent residential user.

E. Adequate on-site waste disposal and water retrieval shall be provided. A report from the Town Sanitarian shall be provided indicating the adequacy of the site and the system proposed.

8.8 Temporary Living Quarters (Amended 07/21/2014).

A. No basement, cellar, garage or mobile home shall be used for a dwelling, except as permitted below by either Zoning Permit or Special Permit.

B. Temporary use of a basement, cellar, garage or mobile home structure as living quarters during construction of a dwelling unit:

1. The structure shall be used by the owner-builder of a permitted new dwelling under construction and further provided:
   a) The structure shall comply with the Connecticut Public Heath Code and Building Codes, including having an adequate supply of potable water, and flush toilet in working order, which toilet shall be connected to a septic tank and disposal field approved by the Health Officer or his agent.
   b) A Building Permit for the new dwelling shall have been obtained.
   c) The dwelling foundation, in the case of the use of a basement or cellar as temporary living quarters, septic tank and water supply shall be complete.

2. If the above requirements are met, a Zoning Permit valid for six (6) months shall be issued by the Zoning Enforcement Officer, renewable at his/her discretion for an additional six (6) months, to use a structure for temporary living quarters.

3. If at the end of the first year period covered by the Zoning Permit; the framing, sheathing and roofing of the dwelling unit under construction are finished, a Special Permit may be issued by the Planning & Zoning Commission for an additional period of up to twelve months.

4. Temporary living quarters may be occupied for a maximum of twenty-four (24) months.

5. Where a mobile home is used for temporary living quarters, it must be removed from the property when the permanent dwelling has been issued a Certificate of Occupancy or when the permit expires, whichever comes first.

C. Housing of Farm and Domestic Help

1. Existing housing non-conforming as to height, area and yard requirements or a mobile home used for farm or domestic help may be permitted by Special Permit provided:
   a) The building is located at least 150 feet from the traveled portion of the highway.
   b) The farm or domestic help housed in the building shall be full time employees of the owner or operator of the property, located in the Town of Scotland.
   c) Adequate sanitary facilities shall be provided, and no outside privies are permitted.

2. The Special Permit shall be renewed yearly, provided all requirements are continually met.

D. Emergency due to Fire or Natural Disasters
1. A temporary living quarter may be used under a Zoning Permit, if the Fire Marshal, Building Official or Health Officer find the permanent dwelling unfit for occupancy, while the permanent dwelling is being repaired. Temporary living quarters must comply with Article 8.8.B.

2. The Zoning Permit may be issued for a period of six (6) months, subject to a progress inspection by the Zoning Enforcement Officer, renewable for another six (6) months, if it is deemed necessary.

3. For a good cause shown beyond the one-year limitation, to complete restoration of the dwelling, owner must appear before the Planning & Zoning Commission to approve a Special Permit for up to an additional twelve (12) months.

4. Temporary living quarters may be occupied for a maximum of eighteen (18) months.

5. Where a mobile home is used for temporary living quarters, it must be removed from the property when the permanent dwelling is repaired.

**8.9 Mobile Homes for the Elderly**

A. A mobile home may be used for dwelling purposes by elderly persons provided:

1. The mobile home shall be on property with a conforming dwelling. The dwelling and lot shall be owned by a member of the immediate family of the person or persons occupying the mobile home.

2. Except for Mobile Homes for the Elderly, the use of mobile homes, motor homes, trailers, camps, hunting lodges, or other mobile or temporary buildings or structures as a permanent dwelling shall be prohibited. *(1/15/03)*

3. The mobile home shall conform to the yard requirements of the zone in which it is located.

4. At such time the mobile home is not longer used for housing, it shall be removed from the lot within 90 days.

5. The elderly persons are at least fifty-five (55) years of age.

6. The building shall be located at least 150 feet from the traveled portion of the nearest road.

**8.10 The Excavation and Removal of Sand, Loam, Gravel, Peat, Stone and other Earth Products**

A. The following may be undertaken without a Special Permit, provided no permanent damage is done to the landscape:

1. Excavation and removal of less than 100 cubic yards over a period of one year from any single parcel of land recorded in the Office of the Town Clerk and excavation and removal of earth and earth products by the Town. *(1/15/03)*

2. Necessary foundation and trench work only in connection with work on premises for which a Building Permit was issued.

3. In any grading operation, topsoil or loam may be removed from the area, provided that not less than four inches of topsoil or loam remain and that the entire area is seeded with a suitable cover crop or is put into cultivation. *(1/15/03)*

B. The following may be undertaken without a Special Permit provided no permanent damage is done to the landscape by filing a descriptive site plan for review and approval by the Zoning Enforcement Officer: *(1/15/03)*

1. Excavation and removal or storage on site of more than 100 and less than 500 cubic yards of earth products over a period of one year from or upon any single parcel of land recorded in the Office of the Town Clerk and excavation and removal of earth products by the Town. *(1/15/03)*
2. Existing and proposed drainage of the site.

3. An estimate of the number and types of trucks and other machinery to be used on the site, hours of operation and location and type of any buildings to be erected.

4. Proposed truck access to the excavation.

5. Details of final drainage and planting of the site to prevent erosion of the site and the conclusion of operation.

C. In addition to the General Requirements of Article 8.2, a permit shall be issued for the excavation and removal of greater than 500 cubic yards over a period of one year only after the following conditions are met:

1. The premises shall be excavated and graded in conformity with the Site Plan as approved and any deviation from the plan shall be a violation and cause for the Commission to revoke the permit.

2. The applicant shall file with the Commission a performance bond in such amount, as the board of Selectmen shall deem sufficient to ensure completion of the work following excavation pursuant as set forth below.

3. No fixed machinery shall be erected or maintained within 200 feet of any property or street line.

4. No excavation shall take place within 100 feet of property line, or of a street line if below the established grade of the street.

5. No building shall be erected on the premises except as may be permitted in the General Zoning Regulations or except as temporary shelter for machinery or field office, subject to approval by the Commission.

6. At all stages of operations, proper drainage shall be provided to prevent the collection and stagnation of water and the prevention of harmful effects of the surrounding property.

7. During the period of excavation and removal, barricades or fences shall be erected as are deemed necessary by the Commission for the protection of pedestrians and vehicles.

8. After all material has been removed, the land shall be so contoured as to ensure the long-term future usefulness of the site.

9. Truck access to the excavation shall be so arranged as to minimize danger to traffic and nuisance to surrounding property.

10. Proper measures, as determined by the Commission, shall be taken to minimize the nuisance of noise, flying dust or rock and unsightly or dangerous conditions.

11. When excavation or removal operations or either of them are completed, the excavation area shall be graded so that its slopes in disturbed areas shall be no steeper than 1:3 (vertical-horizontal). A layer of arable topsoil shall be spread over the excavated area, except exposed rock surfaces, to a minimum depth of four inches in accordance with the approved final Site Plan. The area shall then be seeded with a suitable grass mixture containing at least 50% permanent grasses and maintained by mulching, repairing and reseeding until the area is stabilized and approved by the Commission.

D. Renewal of Permits

1. The Special Permit shall be issued for one year and may be renewed for additional periods of one year in the May or June meeting of each year, each upon written request of the holder of existing permit, provided all conditions of the permit have been continually met.

8.11 Commercial Campgrounds
A. Permitted Uses

1. Rental of camp sites for tents, camp trailers and camper vehicles; accessory recreational facilities, sale of foodstuffs and convenience goods for the convenience of campers provided such sale is clearly secondary to the provision of camping facilities.

2. The campground and sites shall be seasonal from April 1st to November 1st. There shall be no occupancy of campsites year round.

B. Commercial campground shall meet the following requirements:

1. A minimum lot area of 50 acres shall be required.

2. Each campsite shall contain not less than 5,000 square feet in area and minimum width and depth of 50 feet. There shall be no more than seven (7) campsites per acre of total site area exclusive of water bodies, inland/wetlands or roads.

3. All roads servicing the campground sites shall be a minimum of 24 feet in width to prevent undue hazards of traffic congestion in order to allow emergency vehicles and fire apparatus access to all sites. Adequate parking shall be provided in each site for a two (2) passenger vehicles plus camping unit and no parking allowed on any road within the campground.

4. A buffer strip of natural vegetation or new plantings shall be maintained for a depth of 100 feet from all property lines. No access drives shall be permitted on the buffer strip. The Commission may permit the location of recreational facilities and parking areas within 50 feet of the lot lines, if it finds that adjacent properties will not be adversely affected by noise or unsightly conditions.

5. The provision of water, sanitary facilities and refuse collection and storage facilities shall be provided which meet the requirements of the State Health Code and which are approved by the Town Sanitarian. A trapped dumping station shall be provided for the campers.

6. All electrical outlets shall be weatherproofed; no power lines shall be permitted to be on the ground or suspended less than fourteen (14) feet above ground.

7. Liquefied petroleum gas for cooking or heating purposes shall not be used at individual trailer spaces unless the containers are property connected by copper or other suitable metallic tubing. Liquefied petroleum gas cylinders shall be securely fastened in place and adequately protected from the weather. The location of these tanks to be regulated by the Fire Marshal.

8. Only one permanent residence shall be permitted on the premises, which shall conform in all respects to all other provisions of these regulations.

9. The owner and/or operator of any campground shall be responsible for the maintenance of an accurate register at such campground in which the following information shall be recorded; name and permanent address of each occupant of any vehicle, date of arrival and date of departure, make, model and registration number of each vehicle and identification of camp site occupied by it. Such register shall be available to the Zoning Enforcement Officer to assist in the enforcement of these regulations and to the police and Health Officer in connection with the discharge of their duties. No visitor shall claim residency in the Town of Scotland.

10. No transfer of interest in any individual campsite within the commercial campground to a party other than the owner of the commercial campground entirely shall be permitted. This provision shall be construed to prohibit all transfers of ownership interest, whether by deed, bond for deed, or leases, which confer upon the tenant or occupant, a proprietary interest in an individual campsite.

C. Approval
1. The Commission shall issue a Special Permit, if upon review of the documents submitted, the comments made by the Health Officer, Fire Marshal, Selectmen and others, the Commission finds that all conditions of these regulations are met. The permit shall be valid for one year and renewable by the Commission on a yearly basis thereafter, upon written request of the permit holder. The permit shall be renewed if the Commission shall find that all conditions of the approval have been met.

2. A Zoning Permit may be issued by the Commission to a tax exempt, charitable or educational organization for the parking of two or more camper coaches or travel trailers on premises owned by a renter to such organization for a period of not more than one week. The Commission may waive any requirement of an application fee or public hearing. A site plan shall be submitted indicating the measures, which shall be taken to provide for adequate water, sanitary and other health facilities.

8.12 Aquifer Protection Zone

A. To protect the public health, safety, and welfare through the preservation of the Town's major sources of quality groundwater resources as identified on a map entitled "Aquifer Protection Zone, Town of Scotland 1981", which map is hereby made a part of these regulations, the following uses shall be prohibited in the aquifer protection zone:

1. Any use discharging an average of more than 350 gallons of sanitary waste water/acre/day unless it can be demonstrated to the Commission's satisfaction that such wastewater discharges will not contaminate the groundwater resource.
2. Cluster Housing Development.
3. All above ground petroleum and other chemical tanks cannot be installed unless adequate protection is provided to prevent leakage and spillage onto the ground and a Special Permit is issued by the Commission.
4. All underground petroleum and other chemical tanks.
5. New or expanded areas for storage of manure except where approval has been granted by DEP.
6. Agricultural operations, which do not employ best management practices as recommended by the Soil Conservation Service and/or the Agricultural Stabilization Service for the application of manure.
7. Road salt storage and loading facilities.
8. Solid waste and septic disposal sites, landfills and incinerators for use of all materials which include; garbage, ashes, rubbish, dead animals, brush, trees, incinerator waste, sewage, building materials, industrial waste, chemical and nuclear waste on public lands.

8.13 Cluster Development

A. To permit greater flexibility in the location of single family homes; to permit the protection of important natural resources or the creation of community recreational facilities; to permit the provision of a variety of housing types within the RAD-Rural Agricultural Residence District without an increase in the residential density of the district; the Commission may waive the lot size, lot frontage and setback requirements of Article 5.2 after the issuance of a Special Permit as provided in Article 7.1, provided the following requirements are met:

1. Location and Size: A minimum of ten acres in the subdivision shall be required. There shall be a minimum frontage of 500 feet on an existing town or state road.
2. Number of Units: The number of units permitted shall not exceed 25. The actual number of lots permitted shall be determined by the use of one of the following methods: [1/5/03]
   a) A standard subdivision layout shall be prepared meeting all subdivision requirements.
b) The total acreage of the site shall be reduced by 15% for roads and utilities, and where present by 75% of the area of all identified inland/wetland and watercourses. The remaining acreage shall be divided by the minimum lot size required for the district as indicated in Article 5.2 to determine the total number of lots permitted.

3. Lot Size: Each lot shall have a minimum frontage of 50 feet on an existing public highway or approved subdivision road, provided that the lot width shall be a minimum of 100 feet as measured at the actual building line. Each lot shall have a minimum area of 25,000 square feet. Only one dwelling unit shall be placed on each lot.

4. Yard Requirements: A minimum setback of 50 feet shall be maintained from all side and rear lot lines. The standard minimum 45 foot front yard setback shall be maintained. All standard front, side and rear setbacks shall be required at the outside perimeter of the total site being developed. (1/15/03)

5. Open Space: All land not included within developed areas or devoted to required roads and utilities shall be permanently dedicated to open space use. Such open space shall be so located as to enhance the appearance of the development, protect important natural features, and provide appropriate passive and active recreation. The location, shape and topography of such open space shall be approved by the Commission. No more than 10% of such reserved open space may be devoted to buildings intended for interior recreational or community use, unless specifically approved by the Commission. Subject to the approval of the Commission, the permanent protection and maintenance of the open space shall be secured by one or more of the following methods: (1/15/03)

   a) Ownership by the Town.

   b) Dedication to private land preservation trust acceptable to the Commission.

   c) Ownership by a Homeowners’ Association, membership in which is mandatory for all lot owners and whose by-laws and rules and regulations are approved by the Commission with the advise of the Town Attorney.

   d) The Commission may require the dedication of a conservation easement enforceable by the Town for all open space required by the Commission, to ensure its long-term protection.

6. Water and Sewer Service: All dwelling units shall be served by a potable water supply and a means of sanitary waste water disposal acceptable to the Town Health Officer and in compliance with the State Health Code. The extent of clustering and lot reduction permitted shall depend importantly on the provision of water supply and sanitary disposal systems acceptable to the Commission.

8.14 Advertising Signs
A. Advertising signs are attached to the exterior of buildings (wall-signs) or attached to the ground (free-standing) and are intended to bring attention to some business which is permitted on the subject parcel. Temporary signs also can be used to bring attention to some special event of limited duration. Signs can be illuminated from above or below but internally illuminated sign or flashing lights are not allowed.

B. Scotland shall regulate advertising sign number, size, height, and location for wall signs, free-standing signs, and temporary signs of limited duration.

C. Free-standing Signs
1. Freestanding signs in the Village District (VD) shall be no more than 10 feet in total height and 16 square feet in size and are permissible one per lot.

2. Freestanding signs associated with Special Permit uses in Residential Agricultural District (RAD) shall be no more than six feet in total height and 16 square feet in size, located no closer than ten feet from the front property boundary, and are permissible at only one per parcel.

D. Wall Signs
1. Wall signs in the Village District shall cover no more than 10% of the wall area from the ground level to 12 feet above the ground on the front building face either as a single sign or multiple signs such that their aggregate is less than 10% of such wall area.
2. Wall signs associated with Special Permit uses in the Residential Agricultural District shall cover no more than 10% of the wall area from the ground level to 12 feet above the ground on the front building face either as a single sign or multiple signs such that their aggregate is less than 10% of the wall area.

E. Temporary Signs

1. Temporary signs of no more than 16 square feet in size on each of two faces may be located at least 10 feet from the front property line with one allowed for each parcel in the Village Design District for the purposes of advertising and directing notice to a special sales event of limited duration. This temporary sign may be placed for periods of no longer than one-month and for no more than four times each calendar year.

2. Temporary signs of no more than 16 square feet in size on each of two faces may be located at least 10 feet from the front property line with one allowed for each parcel in the Residential Agricultural District for the purposes of advertising and directing notice to a special sale event of limited duration. This temporary sign may be placed for periods of no longer than one-month and for no more than four times each calendar year.

8.15 Erosion and Sediment Control Plan

A. 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 on the proposed site, based on the best available technology. Such principles, methods and practices necessary for certification are found in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985) as amended. Alternative principles, methods and practices may be used with prior approval of the Commission.

B. Said plan shall contain, but not be limited to:

1. A narrative describing:
   a) The development
   
   b) The schedule for grading and construction activities including:
      1) Start and completion dates
      2) Sequence of grading and construction activities
      3) Sequence for installation and/or application of soil erosion and sediment control measures
      4) Sequence for final stabilization of the project site
   
   c) The design criteria for proposed soil erosion and sediment control measures and storm water management facilities.
   
   d) The construction details for proposed soil erosion and sediment control measures and storm water management facilities.
   
   e) The installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities.
   
   f) The operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities.

2. A site plan map at a sufficient scale to show:
   a) The location of the proposed development and adjacent properties
   
   b) The existing and proposed topography including soil types, wetlands, watercourses and water bodies.
c) The existing structures on the project site, if any.

d) The proposed area alteration including cleared, excavated, filled or graded areas and proposed structures, utilities, roads and, if applicable, new property lines.

e) The location of and design details for all proposed soil erosion and sediment control measures and storm water management facilities.

f) The sequence of grading and construction activities.

g) The sequence for installation and/or application of soil erosion and sediment control measures.

h) The sequence for final stabilization of the development site.

3. Any other information deemed necessary and appropriate by the applicant or requested by the Commission or its designated agent.

C. Minimum Acceptable Standards

1. Plans for soil erosion and sediment control shall be developed in accordance with these regulations, using the principles as outlined in Chapters 3 and 4 of the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended. Soil erosion and sediment control plans shall result in a development that minimizes erosion and sedimentation during construction; is stabilized and protected from erosion when completed; and does not cause off-site erosion and/or sedimentation.

2. The minimum standards for individual measures are those in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended. The Commission for the Soil and Water Conservation District may grant exceptions when requested by the applicant, if technically sound reasons are presented.

3. The appropriate method from Chapter 9 of the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended, shall be used in determining peak flow rates and volumes of runoff unless an alternative method is approved by the Commission.

D. Issuance or Denial of Certification

1. The Commission shall certify that the Soil Erosion and Sediment Control Plan, as filed, complies with the requirements and objectives of this regulation or deny certification when the development proposal does not comply with these regulations.

2. Nothing in these regulations shall be construed as extending the time limits for the approval of any application under Chapters 124, 124A or 126 of the General Statutes.

3. Prior to certification, any plan submitted to the municipality may be reviewed by the County Soil and Water Conservation District, which may make recommendations concerning such plan, provided such review shall be completed within thirty days of the receipt of such plan.

4. The Commission may forward a copy of the development proposal to the Conservation Commission or their review agency or consultant for review and comment.

E. Conditions Relating to Soil Erosion and Sediment Control

1. The estimated costs of measures required to control soil erosion and sedimentation, as specified in the certified plan, may be covered in a performance bond or other assurance acceptable to the Commission in accordance with the provisions specified under Article 6 of these regulations.

2. Site development shall not begin unless the soil erosion and sediment control plan is certified and those control measures and facilities in the plan scheduled for installation prior to site development are installed and functional.

3. Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan.
4. All control measures and facilities shall be maintained in effective condition to ensure the compliance of the certified plan.

F. Inspection
1. Inspection shall be made by the Commission or its designated agent during development to ensure compliance with the certified plan and that control measures and facilities are properly performed or installed and maintained. The Commission may require the permittee to verify through progress reports that soil erosion and sediment control measures and facilities have been performed or installed according to the certified plan and are being operated and maintained.


A. Purpose

The purpose of Article 8.17 is to establish the standards for locating a wireless telecommunication facility; to minimize the number of facilities by encouraging shared or joint use of wireless telecommunication services; to conserve and stabilize the value of the property and the neighborhood, and to promote the health, safety, and general welfare of the public.

B. Definitions

1. For purposes of Article 8.17, the following definitions shall apply:
   a) Antenna: Any device to receive or transmit electromagnetic waves, including, but not limited to, whip, panel and dish antennae.
   b) Co-Location: Locating on a single tower two or more wireless telecommunication facilities
   c) Height of Tower/Tower Height: The vertical distance measured in feet from the average existing level of the ground surrounding the tower, or the structure on which the tower is mounted, to the topmost point of the tower, including any antenna or other appurtenances. The existing elevation shall mean the actual or approved elevations of the property.
   d) Lattice Tower: A trestle framework consisting of horizontal, vertical and diagonal members used to support antennae, without requiring or having guy wires at any point.
   e) Monopole: A single upright pole, designed to be self-supporting, which does not require lateral cross supports or guy wires.
   f) Tower: Any structure to support any antenna used to receive or transmit electromagnetic waves, including, but not limited to, self-supporting lattice, guyed; and monopole.
   g) Wireless telecommunication facility: The antenna, monopole, lattice tower, tower, and/or other equipment or structure used in conjunction with licensed wireless telecommunication services. Such facility may be referred to in these regulations as “facility” or “project.”
   h) Wireless telecommunication services: Services associated with the transmission and/or reception of wireless telecommunications via the use of a wireless telecommunication facility. These services include, but are not limited to, cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging and similar services that are marketed to the general public.

2. The meaning of any definition, term or provision of Article 8.17 is subject to the interpretation of any such wording in the federal Telecommunications Act of 1996, as may be amended from time to time.

C. Siting Preferences
1. The general order of preference for locating a wireless telecommunication facility shall range from 1 as the most preferred to 6 as the least preferred:

   a) On existing structures, such as non-residential buildings/facades, utility poles, chimneys, silos, or existing tower.
   
   b) On existing wireless telecommunication facility.
   
   c) On new towers located on property occupied by one or more existing towers.
   
   d) On new wireless telecommunication facility on property that does not have such facility within it.
   
   e) On new towers located in the Rural Agricultural Residential (RAD) zone.
   
   f) On new towers located in Village Business District (VD).

D. Application Procedure

Prior to its location, construction or use, any wireless telecommunication facility is subject to the review and approval of the Planning and Zoning Commission. Unless a wireless telecommunication facility is otherwise exempt, any person intending to provide, locate, construct or use a wireless telecommunication facility shall submit to the Planning and Zoning Commission an application in accordance with the Zoning Regulations.

E. Uses Requiring Special Permit Approval

1. Special Permit Uses: Any type of wireless telecommunication facility that is not exempt shall submit a site plan application and a special permit application for the location, construction, or use of the wireless telecommunication facility.

2. Site Plan Requirements: The site plan application for the wireless telecommunication facility requiring special permit approval shall contain the following:

   a) The site plan requirements set forth in Article VII, Article 7.2 of the zoning regulations:
   
   b) A map or maps showing:

      1) the extent of the wireless telecommunication service provider’s existing and planned coverage within Scotland and each of the adjacent towns of Wincham, Hampton, Canterbury, and Franklin

      2) existing and/or proposed wireless telecommunication facilities

      3) any structure with a height equal to or exceeding 65 feet, which is located one-half mile from the proposed facility

      4) a description of the facility, including the number and type of antennae it can accommodate, the proposed locations of all mounting positions for co-located antennae, minimum separating distances between antennae, an antenna separation analysis, a scaled plan and elevation drawing showing where and how the proposed antenna and mounting supports will be affixed to a particular building or structure, and a detailed list of all antenna and mounting supports indicating size and color

      5) elevations of all proposed equipment buildings, enclosures, and cabinets appurtenant to a wireless telecommunication facility

      6) design plans and tower base elevation showing the height of tower and fall circle of all towers. The fall circle shall be no less than the tower height

      7) proposed access to the property on which the proposed wireless telecommunication facility is located

   c) Nature of uses within 1,000 feet of the proposed wireless telecommunication facility.

   d) Surrounding topography within 1,000 feet of the proposed facility at contour intervals not exceeding ten feet.
e) A visual analysis showing all areas from which the facility would be visible, and a simulation of the proposed site in order to help the Commission determine the visual impacts associated with the proposal. This visual analysis should include a simulation (using a balloon or computer generated landscape view from each octant of the compass) of the tower's appearance during winter months from the furthest extent of the tower's visibility at the five foot height and from a distance of 1,000 feet.

f) Propagation modeling results to facilitate the Commission's review of tower height and propose coverage in the seamless web. The applicant shall submit a propagation study for the lowest and the highest antenna height on the tower to ensure adequate coverage of Scotland while minimizing visual impacts. The Commission may also request propagation modeling for elevations higher than the highest proposed antenna height or lower than the lowest proposed antenna height.

3. **Special Permit Performance Standards.** The special permit application shall comply with the following standards:

a) Any wireless telecommunication facility shall be of material or color that match the exterior of the structure and shall blend into the existing architecture of the structure.

b) New equipment, cabinets, buildings and other structures shall meet the requirements of the zoning regulations and the applicant shall demonstrate the need for such equipment, cabinets, buildings, and other structures.

c) No signs or advertising shall be permitted on any tower, antenna, any other type of wireless telecommunication facility, except no trespassing, warning, and ownership signs, which are permitted at ground level only.

d) In addition to complying with the site plan requirements, the proposed wireless telecommunication facility, shall comply with all other zoning regulations. For purposes of the zoning regulations, a wireless telecommunication facility or any component thereof is a structure.

e) The regulations set forth under 7.1.

f) For a facility proposed in the VD zone, the applicant shall demonstrate that no sites exist in any property located in the RAD zone and within one-half mile of the proposed location that meet the technical requirements for a wireless telecommunication facility. The applicant must further demonstrate that such RAD sites are unavailable because the property owner is unwilling to sell or allow the use of the land. The applicant shall demonstrate that co-location on an existing or proposed tower is not feasible. The applicant shall demonstrate in a written report that the proposed service cannot be provided by adding equipment to existing or proposed towers within one-half mile or that the owners of these other towers have denied the applicant's request for co-location. The Commission may require the applicant to provide a determination from the Connecticut Siting Council that co-location on a particular facility is not feasible, pursuant to Connecticut General Statutes 16-50aa.

g) The applicant shall demonstrate that placing a wireless telecommunication facility on existing structures is either not technically possible or that the owner of the structure has denied the applicant's request to locate the facility on the existing structure.

h) A signed statement from the radio-frequency engineer indicating that the proposed wireless telecommunication facility complies with, and shall operate in accordance with, FCC radio frequency emission standards and FAA requirements.

i) Unless otherwise allowed in these regulations, a wireless telecommunication facility shall be set back from all property lines a distance equal to the height of the tower. In RAD zone where it can be demonstrated by the applicant and approved by the Commission that no structure will be constructed on adjacent property within the tower fall circle and that the adjacent property is not
zoned for or currently used for residential purposes; this distance may be reduced by no more than one-third the tower height.

j) A wireless telecommunication facility shall not be located within a distance of 1.5 times the tower height of an existing residential structure or proposed residential structure with a valid Building Permit as of the date of the submittal of the proposed application wireless telecommunication facility with a tower, lattice tower, or monopole.

k) No tower shall be located within a distance of 1,000 feet of a playground, school, day care, outdoor recreational facility, historic district, or village district.

l) All towers in the VD zone shall be a monopole. The Commission may require that a monopole be designed and treated with architectural materials so that it is camouflaged to resemble a woody tree with a single trunk and branches on its upper part or other suitable art form/sculpture, as determined by the Commission.

m) Towers not requiring FAA paintings or markings shall be painted a non-contrasting blue, gray, or other neutral color.

n) No lights or illumination shall be permitted unless required by the FAA.

o) No signs or advertising shall be permitted on any tower or antenna except no trespassing, warning, and ownership signs are permitted at ground level.

p) The proposed support structure, building and electrical utilities shall be required to accommodate a minimum of three users. These users shall include other wireless communication companies, business, municipal, public safety and emergency services. If co-users are not known at the time of the application, applicants may base design for co-users on equipment requirements similar to their own.

q) A proposed tower shall be designed and constructed to all applicable standards of the American National Standards Institute (ANSI), as amended.

r) Guy-wire anchors shall be surrounded by a chain-link fence and landscaped with a visual border of evergreen trees at least six feet in height that are maintained by the tower owner. Anchors shall meet setback requirements for that zone.

s) Tower design characteristics shall have the effect of reducing or eliminating visual obtrusiveness.

t) The applicant shall demonstrate the need for equipment, cabinets, buildings, and other accessory structures to a wireless communication facility.

u) The applicant shall provide for the convenient ingress, egress, and access for an emergency vehicle, such as a police car, fire truck, rescue and similar vehicles, from a public highway to the site of the wireless telecommunication facility and any accessory structure.

v) The applicant shall obtain an agreement of a professional engineer licensed by the State of Connecticut that such engineer shall, at the time that the tower, lattice tower, and/or monopole used in providing wireless telecommunication services is completed, certify to the Town of Scotland that such tower, lattice tower or monopole was constructed in accordance with all governmental health, safety, building and other appropriate codes, regulations, and practices.

w) The applicant shall obtain an agreement of the owner of the wireless telecommunication facility that such owner shall execute a hold harmless and indemnification agreement for the benefit of the Town of Scotland in a form satisfactory to the town.

4. **Special Permit Application Review Criteria:** The Planning and Zoning Commission shall use the following factors in reviewing and acting upon a special permit application:
a) The special permit criteria set forth under Article 7.1.

b) Compliance with the zoning regulations set forth under 8.17.

c) The extent of the analysis of alternative sites, structures, antennae, and access as provided by the applicant. Particular attention will be placed upon the siting preferences set forth under 8.13.3 of the zoning regulations.

d) The extent of the detail of the propagation and antenna separation analysis relative to tower height.

e) The extent of tower sharing or co-location to facilitate the telecommunication needs of municipalities, emergency services, or other entities in order to reduce the need to construct additional towers. The Commission reserves the right to require the applicant to utilize the provisions of Article 16-50aa of the Connecticut General Statutes to achieve tower sharing.

f) The applicant's assessment of tower structure type.

g) The achievement of site or design characteristics/architectural treatments that mitigate, reduce or eliminate visual impacts on adjacent areas.

h) Consideration of future use or re-use of the site, with provisions for facility removal and site restoration.

G. *Exempt Activities*

1. The following uses are exempt from Article 8.17, provided however that they comply with any other zoning regulation and that a Building Permit and a zoning certificate from the zoning enforcement officer are obtained:

   a) Wireless telecommunications facilities for Police, Fire, Ambulance, and other Emergency Dispatch; municipal uses; Amateur (HAM) Radio; Citizens Band Radio; existing Commercial Radio Tower; Radio Dispatch Services for Local Businesses; provided however these facilities do not have a height tower equal to or exceeding 65 feet. If the tower height is equal to or exceeds 65 feet, then a special permit is required.

   b) Wireless telecommunication facility used for private uses in a residential dwelling.

H. *Prohibited Uses*

1. The Zoning Board of Appeals shall not grant any variances of wireless telecommunication facility regulations with respect to any height limitation or minimum area requirements.

2. No wireless telecommunications facility shall have a tower height equal to or exceeding 200 feet.

I. *General*

1. A wireless telecommunications facility may be considered as either a principal or accessory use.

2. The minimum lot area for the construction of a new tower shall be that of the zone in which it is located.

3. More than one tower on a lot may be permitted if each town satisfies the wireless telecommunication facility regulations.

4. All accessory buildings, including but not limited to cabinets and boxes, associated with a wireless telecommunication facility shall comply with the following:

   a) The accessory building shall not exceed 450 square feet gross floor area and shall have a roof line characteristic of other buildings in the vicinity.
b) Each building shall comply with the setback requirements for accessory buildings for the zoning district in which it is located.

c) If located on the roof of a building, the wireless telecommunication tower facility shall be designed to blend with the color and design of the building to the extent possible.

d) All ground level buildings shall be surrounded by a chain-link or comparable security fence and landscaped with a visual border of suitable trees, such as evergreen trees, at least six feet in height that are maintained by the tower owner.

e) All public utilities, such as electrical, telecommunication and similar utilities, shall be underground.

J. Enforcement

1. Surcharge Fee

a) When the cost of processing an application exceeds the application fee due to the need for outside consultant services, the commission shall charge the applicant a surcharge fee to fund the additional cost.

b) The expense for such outside consultants shall be estimated by the commission upon receipt of the application based on the projected expense of reviewing, evaluating and processing the application. This reasonable estimate, together with the application fee, shall be paid forthwith, and the application shall be deemed incomplete until these fees have been submitted.

c) For the purpose of this regulation, "outside consultant" means a professional who is not an employee of the town. "Outside consultants" shall be, but will not be limited to, engineering, traffic, environmental and planning professionals.

d) Any portion of the surcharge fee not expended by the town on the project shall be returned to the applicant upon completion of the review, evaluation and processing of the application.

e) The Commission shall bill the applicant for any costs incurred by the town in excess of the surcharge fee. This bill shall be paid by the applicant before the issuance of a zoning permit for the project.

2. Approval Time Limit: The validity of any special permit approved by the Planning and Zoning Commission is limited to ten years, commencing from the date of the application approval. The applicant may seek renewal by submitting a zoning application to the Commission. The application shall be in compliance with the zoning regulations in effect at the time of the renewal application and is subject to the review and approval of the Commission.

3. Commencement of Construction of Facility and Site Plan Work: The approval of an application for the construction of a wireless telecommunication facility and site plan requirements shall be void and of no effect unless the construction of the project commences within one year, and is completed within two years, from the date of the approval granted by the Commission. For purposes of this regulation, the term "commences" shall mean the installation of the tower, lattice tower or monopole or, if such structures are not part of the facility, then the antennae of other substantial part of the facility. The Commission may grant up to two six-month extensions of the period to commence construction upon written request by the applicant prior to the expiration date. The Commission shall not approve an extension unless the project is brought into conformance with the zoning regulations in effect at the time of the extension request and, further, unless the applicant provides evidence satisfactory to the Commission that construction can begin within the extended time period sought. This evidence shall include, but not be limited to, the acquisition of any and all required government approvals and project financing.

4. Facility Maintenance: The applicant or user of the wireless telecommunication facility shall maintain the facility. Such maintenance includes, but is not limited to, painting the facility, safeguarding the structural integrity of the facility, and landscaping the grounds in the approximate area of the facility.
5. Review, Inspection and Fee: The Commission or its agent may, from time to time and at its discretion, review the approved special permit and site plan and inspect the wireless telecommunication facility to determine if the facility is being maintained and/or the project is in compliance with the zoning regulations and approvals. The Commission may charge a fee to the applicant, property owner or user of the facility in order to defray the cost of an inspection.

6. Modifications to Existing Facilities: If an owner or user of an existing wireless telecommunication facility substantially extends, substantially changes, or substantially intensifies the existing use or facility, then the owner or user shall submit to the Planning and Zoning Commission a site plan and special permit application that is in compliance with the zoning regulations existing at the time of the application. The Zoning Enforcement Officer shall, with the advice of the Commission if sought by the ZEO, may make the determination of whether or not the extension, change, or intensification is substantial or minor. If such modification is minor, then the ZEO may or may not issue a zoning certification, based upon the ZEO’s review of the proposed modification. For purposes of this regulation, “existing” means a facility that was in existence at either before or after the time the Commission adopted the wireless telecommunication facility zoning regulations.

7. Abandonment.
   a) A wireless telecommunications facility not in use by a provider of wireless telecommunications services for 12 consecutive months shall be removed by the landowner at his or her expense. This removal shall occur within 90 days of the end of such 12-month period.
   b) The applicant shall post a bond or other surety in the form and in an amount satisfactory to the Town of Scotland in order to guarantee the removal of the facility and accessory structures. The Planning and Zoning Commission may, as the facility ages, request that the bond be revised with respect to the bond terms and amount.

8.17 Storage and Maintenance of Contractor’s Equipment (1/15/03)

A. The Commission may permit, by Special Permit per Article 8.1, as accessory to a residence use, the storage of Contractor’s equipment and its maintenance.

B. No building or combination of buildings for inside storage or maintenance of contractor’s equipment shall be over 4000 square feet in floor space.

C. All contractors’ equipment must be parked and maintained in the building or outside yard storage areas as indicated on the approved site plan.

D. Proper measures shall be required by the Commission for the prevention of air, water, and groundwater contamination by hazardous materials, oils, fuels, solvents, or other such fluids, gases, and solids.

E. No building shall be erected on the premises except for a use permitted in the Zone per Article IV of these Regulations. All buildings or outside storage yards related to the land use must be located on the approved site plan.

F. Repairs conducted on the premises shall be limited to the contractor’s own equipment. No work for hire shall be performed under the approved Special Permit.

G. There shall be no bulk fuel storage in volumes above 3000 gallons.

8.18 Farmland Preservation Businesses (1/15/03)

A. The Commission may permit as accessory to a farm use non-farm businesses.

B. All businesses shall be housed in buildings existing on the property as of the January 15, 2003.

C. Exterior building alterations shall not substantially change the residential or farm appearance of the building, except as required to repair or restore the exterior of the building.
D. The rural scale business shall not result in a substantial increase in traffic volume entering or exiting the premise beyond what would normally be expected from an agricultural use.

E. No noise, dust, odor, vibrations, glare, fumes, electrical interference or other unsightly or dangerous conditions shall be permitted substantially greater than those customarily associated with an agricultural use.

8.19 Neighborhood Retirement Housing (8/18/05 – Rev. 01/15/08 – Revised April 10, 2010)

A. Intent: The intent of this section is to provide for housing suited to the unique needs of elderly persons that is consistent with the overall intent of these Regulations; namely to preserve the essentially rural, low-density residential character of the Town of Scotland, while permitting variations in bulk, density, and residential use types which would not otherwise be possible, in order to meet the special needs of elderly persons; to permit flexible site design so that development may be constructed in harmony with and to preserve natural, scenic and historic site design features; and to provide incentives and opportunities for the creation of affordable housing and the preservation of open space lands.

B. Required Approvals: A special permit shall be required for any proposed Neighborhood Retirement Housing. The special permit may be issued only by the Scotland Planning and Zoning Commission after a public hearing and shall be issued only in conformity to the provisions of Section 8.1 and 8.19 of these Regulations.

C. Definitions: For purposes of this Section, the following definitions shall apply:

1. **Neighborhood Retirement Housing**: A building, or group of buildings, which are located on a single parcel of land, that share common management, with in-unit and yard area uses and owner agreements included in a common interest ownership document and enforced primarily through the common interest ownership association and wherein each single family unit is occupied by:

   a) A person 55 years of age or older as occupant

   b) A cohabitant of an occupant pursuant to a) above.

   c) A cohabitant pursuant to b) above who survives the occupant who is 55 years of age or older.

   d) A cohabitant pursuant to b) above where the occupant who is 55 years of age or older and has entered into a long-term continuing care facility. In c) and d) above, cohabitants under 55 years of age who are continuing residents or survivors of the occupant must meet all occupancy requirements as described in the common interest ownership documentation of the Senior Neighborhood Housing Complex or vacate the housing unit within one year.

   e) One child 21 years of age or older may reside with his or her parent(s).

   f) In no event may a dwelling unit be occupied by more than three residents.

2. **Neighborhood Retirement Housing Complex**: All buildings and structures located on the neighborhood retirement housing lot.

3. **Dedicated open space**: Land whose future use is legally restricted to conservation, recreation, or agriculture in perpetuity.

4. **Single-Family Dwelling Unit**: A single unit providing complete, independent living facilities for qualified occupants including permanent provisions for living, sleeping, eating, cooking and sanitation.

5. **Unbuildable area**: The area, expressed in square feet, within the tract which is comprised of wetlands soils, watercourses, lakes, ponds, swamps, marshes, exposed ledge, flood zone A per
FEMA maps, ledge (either exposed or within three feet of existing surface of the ground, slopes greater than 20%, easements for above ground public utility transmission lines, and lands with existing legal restrictions precluding use for building.

D. Application for Neighborhood Retirement Housing:

1. Approvals: A special exception is required under the provisions of Section 8.20.

2. Information Required:

   a) Letter of application signed by the owner and agent, if any, stating the ownership of the property to be developed and summarizing the development proposal.

   b) An approval of the Septic system design by the Connecticut Department of Health Services and the Local Health Director and/or the Department of Environmental Protection.

   c) A Certificate of Public Convenience and Necessity from the Department of Public Utility Commission and/or an approval from the State Health Department for a water supply system for the Neighborhood Retirement Housing Complex.

   d) Key map of the neighborhood on a scale of 1" = 400' showing the relation of the proposed development to abutting properties and to existing and proposed streets.

   e) Certified A-2 base map, on a scale of 1" = 40', showing the following:

      1) Location of benchmarks.

      2) Parcel size.

      3) Two foot contours extending fifty (50) feet beyond site boundaries. Contour information shall be collected by an actual field survey or by means of photogrammetry (aerial topography).

      4) Location of subsurface sewage disposal area and site testing locations for the same.

      5) Location of water supply or any buried fuel tanks.

      6) Location, dimension and basement floor elevation of all buildings.

      7) Location of driveways, parking areas, and parking spaces.

      8) Location of accessory buildings, structures and facilities.

      9) Foundation drains and gutter drains, drainage plan of entire site including all disturbed areas, sidewalks, parking and driveway areas.

      10) Location of any ponds, brooks, or inland wetland areas; as certified by a soil scientist.

      11) Location of unbuildable area including wetlands soils, areas of exposed ledge or shallow depth to bedrock, and slopes over 20% from the horizontal. Notes should reflect total area (in square feet) of buildable and unbuildable areas on the lot.

      12) Location of proposed dedicated open space.

   f) Appropriate and accurate elevations, to scale, depicting height, bulk, construction materials and other massing, architectural, and design features of the proposed
g) Landscaping plan (may be incorporated as a part of the Site Plan referenced in Section 8.1 showing:

1) Planting schedules - type, number, minimum size of trees and/or shrubs and other plants.

2) Treatment of seeding and sodding.

3) Pavement types for vehicular and pedestrian movement.

4) Type, height and density of any proposed screening or fencing.

h) An erosion and sedimentation control plan prepared in accordance with Article VIII of the Zoning Regulations of the Town of Scotland.

i) A legal document suitable to the Commission and the Commission’s legal counsel to ensure the proposed use or limitations in the use of the dedicated open space is preserved and maintained in perpetuity.

E. Standards: Any application for a special permit under the provisions of Section 8.19 shall meet the following requirements:

1. Tract Size and Location: No tract of land shall be developed for Neighborhood Retirement Housing that is less than ten (10) acres. Such tract shall be located in a Residential Agricultural District (RAD) and shall have a minimum lot width frontage of fifty (50) feet.

8.20 Farm Winery and Vineyard (Amended 07/21/14)

1. General: In order to allow for diversity and sustainability of agricultural uses and to preserve farm activity in Scotland, this section is intended to allow for the use of farm land as a normal part of a farm winery and vineyard use and, therefore, allowed by Special Permit. Such farm wineries are permitted to have certain complimentary uses that will help create a viable agricultural endeavor. All winery activities associated with the manufacture, storage, bottling, production, distribution or sale of wine and spirits shall be in accordance with all State and Federal laws or regulations governing such activities.

2. Minimum Bulk Requirements: A farm winery and vineyard shall be located on a lot or lots having a minimum aggregate area of ten (10) acres under single ownership and management. Such lot or lots shall have a minimum road frontage of 175 feet on a state roadway. The lot must maintain a minimum of 60,000 square feet of planted vineyard area prior to the issuance of a Certificate of Occupancy for the Farm Winery in accordance with Section 9.2 of these Regulations. In reviewing a Special Permit application under this Section, the Commission shall consider that a Farm Winery is an accessory use to a vineyard and may reduce the size and scope of activities permitted based on the size of the vineyard.

3. Uses Permitted:
The following uses are permitted as accessory to a farm winery and vineyard, if authorized by Special Permit:

a) Farm Winery: This use includes the commercial making of wine and winery by-products in a designated farm winery and vineyard premises.

b) Retail Sale of Wine and Tasting Room; Public Events: A building or a portion of a building located on the farm vineyard may be established for the sale of wine and winery by-products by the glass; bottle or barrel and related winery distilled products, provided that the percentage of the products produced on the premises and the percentage of wine and winery by-products made from grapes or other fruit grown on the premises shall be in accordance with the laws of the State of Connecticut and the regulations for a farm winery liquor permit for the Connecticut Liquor Control Commission. Said area may include the retail sale of wine and spirits featured as products produced at the farm winery and the tasting of wine products produced on the premises. Activities allowed in a wine retail and tasting room would include artist receptions and artist exhibitions, music
entertainment, wine related seminars, wine related meetings and wine tastings held within the tasting room, provided that all such activities shall be located within the tasting room building and not in any outdoor area. No alcoholic beverages, other than wines and wine byproducts produced at the farm winery, shall be served or consumed on the premises, specifically including so-called “BYOB” (“Bring Your Own Bottle); except as permitted in Section ^ below. The hours of operation of the Retail Sale of Wine and Tasting Room shall be 10 am to 10 pm daily. The serving of hors d’oeuvres and/or pastries is permitted as an accessory use to a tasting room.

c) Winery Retail Store: The farm winery and vineyard may include the accessory sale of vineyard and wine related goods to the general public including wine related food products, locally produced products, dry goods, decorations, household goods and furnishings. The area of retail sales must be located within or contiguous to the wine tasting area, and shall be no greater than the total floor area dedicated to the wine retail and tasting room described in the preceding paragraph. The hours of the winery retail store shall be no greater than the hours of the Retail Sale of Wine and Tasting Room as set forth in the preceding paragraph.

d) Outdoor Functions. A designated outdoor function area may be approved, provided that:

1) Such functions (whether open to the general public or invitation-only) shall not be held no more than fifteen (15) times per calendar year. The Zoning Enforcement Officer shall be notified at least fourteen (14) days prior to such a function.

2) The maximum occupancy for all such functions, whether held indoors or outdoors or any combination thereof, shall not exceed two hundred (200) persons. This number shall include the use or occupancy of the Retail Sale of Wine and Tasting Room.

3) The outdoor function area shall be readily accessible from the principal Farm Winery and Vineyard building, and outside tables must be located in such a manner as to maintain access to the building for emergency purposes. Areas in which required parking is required by the approved Special Permit cannot be used for outdoor function activities. The designated outdoor function area must be clearly identified on any application plans.

4) Any event held in the outdoor function area shall end, including the departure from the outdoor area of any attendees, no earlier than 10 am nor later than 11 pm on Friday and Saturday nights; nor earlier than 11 am nor later than 10 pm Sunday nights, unless the following Monday is a State or Federal holiday, in which case the event must end no later than 11 pm.

5) The outdoor function area shall be largely open to the elements, however may be enclosed with a seasonal canopy or tent that is temporary in nature and is to be taken down after the season for outdoor functions has ended.

6) The operator is responsible for cleanup of all trash generated from the outdoor dining area. All refuse container shall be screened from view from offsite and located no closer than one hundred (100’) from any property line and no closer than two hundred (200’) from any dwelling on an adjacent lot.

7) All entertainment and audio amplification shall occur within the, principal Farm Winery and Vineyard building and shall not be audible from outside the building; or, if in an outdoor area or audible outside the building, shall be terminate at least one-half (1/2) hour prior to the closing times set forth in paragraph (4) above.

8) Lighting of the outdoor farm vineyard and winery dining area must be full cut-off fixtures, positioned horizontally and light must not project off site. Flood lights are prohibited.

9) All outside dining is required to maintain all licensing from the State of Connecticut, Department of Consumer Protection and Liquor Control Division, and must submit all applications to the Zoning Enforcement Officer for approval and signatures.

10) The outdoor function area may include a service bar operating under a caterer’s liquor permit, which service bar shall only be open when private functions are occurring on the premises. This service bar must be entirely separate from the tasting room.
4. Farm Vineyard and Winery Parking: Parking shall be provided for in accordance with 8.1 (Special Permits) of these Regulations, and there shall be at least one (1) parking space per two (2) persons authorized by Special Permit to be on the site at any given time, plus one (1) parking space for each employee. In keeping with the agricultural purpose of this regulation, the Commission may allow portions of the parking area may to not be paved and may be maintained as lawn parking so as to maintain the agricultural and aesthetic nature of this use; or may allow reinforced pavers in grass areas for portions of the parking. All handicap parking regulations shall be complied with. To the maximum extent possible consistent with good planning for the use of the site, parking lots shall be located in areas on the site where they will be the least visible from access roads and adjoining properties.

5. Farm Winery and Vineyard Signage: In keeping with the agricultural purposes of this agricultural use, the signage shall be in accordance with 8.14 (Advertising Signs) of these Regulations.

6. Application Requirements: In addition to the requirements of Section 8.2 (Special Permits) of these Regulations, the Applicant shall submit the following:

1) A written request to the Eastern Highland Health District for comment on the compliance of the proposed use with all pertinent provisions of the Public Health Code. A copy of such written request shall be submitted to the Commission as part of the Special Permit application.

8.21 Auto Restoration Businesses

A. The Commission may permit, by Special Permit per Article 8.1, as accessory to a residential use, auto restoration businesses not required to be licensed by the State of Connecticut Department of Motor Vehicles.

B. No building, portion of a building, or combination of buildings used for the auto restoration business shall exceed 2,500 square feet in floor space. All buildings relative to the use shall be shown on the approved site plan.

C. There shall be no outside storage of autos or auto parts. There shall be no outside parking of vehicles except as shown on the approved site plan and all parking areas shall be appropriately screened from adjacent residential properties.

D. The restorer shall implement best management practices for the prevention of air, water, and groundwater contamination by hazardous materials, oils, fuels, solvents, or other such fluids, gases and solids per the State of Connecticut Department of Energy & Environmental Protection (DEEP).

E. No noise, dust, vibrations, fumes; or other unsightly or dangerous conditions shall be permitted.

F. Repairs conducted on the premises shall be limited to the restorer's own vehicles. No work for hire shall be performed under the approved Special Permit.

G. Exterior building alterations shall not substantially change the residential or farm appearance of the building, except as required to repair or restore the exterior of the building.

H. The scale business shall not result in substantial increase in traffic volume entering or exiting the premises beyond what would normally be expected from a residential or agricultural use.

ARTICLE IX – ADMINISTRATION AND ENFORCEMENT

9.1 Enforcement Officer

A. The Planning and Zoning Commission (PZC) shall have the authority to administer and enforce the zoning regulations. The Commission shall designate a zoning enforcement officer (ZEO) for the purpose of performing the administration and enforcement functions of the regulations, subject however to any town ordinance related to the appointment of a town employee. Except as otherwise provided herein, the ZEO shall receive zoning applications, inspect any appeal made to the Scotland Zoning Board of Appeals, and carry out any other zoning enforcement function required by law. With specific respect to the issuance of a notice of a determination of a zoning
violation, the ZEO shall not issue such a notice until the PZC acts to approve it unless an emergency or a situation of imminent danger or harm to the public health, safety or welfare exists, in which case, the ZEO shall act without obtaining prior PZC approval. No application, permit, or certificate of compliance shall be issued until any fee or charge for such matter is paid in full. (Revised effective 2/11/2002; Previous text effective 7/7/86)

9.2 Zoning Permits

A. No new construction (including signs) or projecting exterior alteration to an existing building, valued at $250.00 or more shall be performed until a Zoning Permit has been issued by the Zoning Officer.

B. No existing building or structure shall be moved to a new location within the Town until a Zoning Permit has been issued.

C. A Zoning Permit shall be required for any interior alteration of a building or structure made for the purpose of changing the use of such building or structure.

D. All applications for Zoning Permits shall be accompanied by a Plot Plan drawn to scale of at least 1"=50', showing the actual dimensions of the lot to be built upon, the size and plan of the building to be erected, its location on the lot, the estimated cost of construction, and such other information as may be necessary to provide for the enforcement of these regulations, including location of well, septic tank, and leaching fields, and any expansion therefor.

E. The application shall be accompanied by the required fee as adopted by the Commission and detailed in a schedule of fees entitled "Schedule of Fees, Planning and Zoning Commission, Town of Scotland." Any such fee shall be made payable to the Town of Scotland.

F. Any administrative zoning permit for new construction or reconstruction signed by the ZEO shall be valid for a period of up to one year, and may be renewed for an additional year, if within the one year actual construction has begun and requests for renewal of building permit/zoning permit have been made and justified as reasonable in cause for each of two sequential six-month periods. Thus, the zoning permit for a construction project with zoning compliance determined by administrative action of the ZEO shall be valid for no more than two years. Upon written notice to the permit holder and pending the outcome of any appeal to the Zoning Board of Appeals, the Zoning Enforcement Officer may order that Zoning Permits shall be null and void if, after a project has begun, there is a lapse in renewed building permit/Zoning permit of more than one year. (1/15/03)

G. The applicant must also obtain approval of the Town Health Officer of a preliminary plan for sewage disposal and the Health Officer may require revisions of such plan when, in his opinion, soil conditions, presence of rock, slope of land, and other conditions, indicate the need for requirements, in addition to those required by the Public Health Code of the State of Connecticut.

H. Approved Zoning Permits must be posted on the premises at all times during the period that such permit is in force.

I. The recipient of a Zoning Permit accepts the permit on the condition that he or his agents, will comply with all Zoning Regulations, ordinances, or other regulations of the Town of Scotland and with all laws of the State of Connecticut, regarding the use and occupancy of the premises.

J. For new single family home, accessory building over 4000 square feet in first story gross floor area, commercial, municipal, or non-profit entity building or use, the Zoning Enforcement Officer
may require an "As-Built" foundation survey to A-2 level of horizontal accuracy prior to signature of a certificate of zoning permit for the entire lot or a portion of a larger lot where the building or structure is being placed.

K. Modifications to approved site plans in connection with any application for zoning permits, permitted uses, and special exceptions uses may be reviewed, approved, and documented in the project records by letter endorsed by both the ZEO and the Chairman of the Planning and Zoning Commission. In each such case, the Planning and Zoning Commission shall have had the opportunity in a regularly scheduled meeting to review the details of the proposed changes to previously approved site plans and to determine whether such proposed changes shall be considered minor and thus included in the administrative authority of the ZEO and the Chairman to resolve by letter to file.

9.3 Certificate of Occupancy

A. The Zoning Enforcement Officer shall, upon request and after his inspection and approval of the premises and new building or buildings thereon for which a Building Permit was issued or renewed within the last twelve months, issue a Certificate of Occupancy if the work done shall comply with the plans authorized. It shall be unlawful to occupy the building until a Certificate of Occupancy has been issued.

1. A temporary Certificate of Occupancy may be issued to allow the owner/builder to occupy a dwelling when it is two-thirds complete, which must include the exterior appearance, plumbing, heating, wiring, septic tank, drain field and well. The temporary Certificate of Occupancy expires on the expiration date of the Building Permit in force at the time of issuance. The temporary Certificate of Occupancy may be renewed for a period of one year on application of the Zoning Enforcement Officer. Temporary Certificate of Occupancy is not transferable.

9.4 Penalties

A. If any building or structure has been erected, constructed, altered, converted or maintained, or any building, structure or land has been used, in violation of these regulations, any official having jurisdiction, in addition to other remedies, may institute an action or proceeding to prevent such unlawful erection, alteration, conversion, maintenance or use, or to restrain, correct or abate such violation or to prevent the occupancy of such buildings, structure or land or to prevent any illegal act, conduct, business or use in or about such premises.

B. Such regulations shall be enforced by the Zoning Enforcement Officer who shall be authorized to cause any building, structure, place or premises to be inspected and examined and to order in writing, the remedying of any condition found to exist therein or thereon in violation of any provision of these regulations.

C. The owner or agent of any building or premises where a violation of any provision of these regulations has been committed or exists, or the lessee or tenant of an entire building or entire premises where such violation has been committed or exists, or the owner, agent, lessee or tenant of any part of the building or premises in which such violation has been committed or exists, or the agent, architect, builder, contractor or another person who commits, takes part or assists in any such violation or who maintains any building or premises in which any such violation exists, shall be fined not less than ten nor more than one hundred dollars for each day that such violation continues; but, if the offence is willful, the person convicted thereof shall be fined not less than one hundred nor more than two hundred and fifty dollars for each day that such violation continues, or imprisoned not more than ten days for each day such violation continues or both; and the Circuit Court shall have jurisdiction of all such offenses, subject to appeal as in other cases.

D. Any person who, having been served with any order to discontinue any such violation, fails to comply with such order within thirty days after such service, or continues to violate any provision of
the regulations made under authority of Chapter 124 specified in such order, shall be subject to a civil penalty of up to $250 per day, payable to the Town of Scotland (1959, P.A. 28, S.46). (1/15/03)

**ARTICLE X – BOARD OF APPEALS**

**10.1 Establishment of Zoning Board of Appeals.** (1/15/03)

A. There shall be a Zoning Board of Appeals, which shall have the powers and duties assigned to it by the Statutes.

B. The Zoning Board of Appeals shall meet only to respond to appeals applications received/dated with the appropriate fees according to the Schedule provided for by Town of Scotland Ordinance, and substantially complete documentation including but not limited to a description of the relief requested, a statement of the hardship, complaint, or location to be reviewed and a Site Plan describing conditions and uses of the land. ZBA shall schedule and provide public notice of a Public Hearing to hear the appeal to commence within the times prescribed by Statute.

C. The appellant before the ZBA shall provide certified letters describing the relief or review sought which shall be sent to land owners of parcels within 500 feet from the outside boundary of the subject land under consideration and shall provide the certified receipts to the Board's agent within 5 days of the scheduled public hearing date.

D. The appellant shall also place a two-sided sign to be provided by the Board's agent in a 24 x 36 inch light paper format. These signs shall be laminated or otherwise made weather resistant and mounted so they are visible and located no more than ten-feet from the edge of the road by the applicant at least 10 days before the public hearing. This sign shall be removed by the appellant within three days of the close of the public hearing.

**ARTICLE XI – AMENDMENTS**

**11.1 Procedure**

A. These regulations may be amended or repealed as provided in the Connecticut General Statutes, either on the initiative of the Commission or by petition. Every petition for such action shall be filed with the Commission, which may act on it only after a public hearing in conformity with Article 8.3 of the Connecticut General Statutes, Chapter 124, as amended periodically. Reasonable costs shall be assessed according to a Schedule provided for in a Town of Scotland Fee Ordinance or otherwise provided for directly in the Connecticut General Statutes (CGS).

B. No petition for amendment or repeal, which has been rejected by the Commission, or withdrawn by the petitioners, shall be heard again within one year from the date of rejection or withdrawal. The Commission may grant a re-hearing if it finds, on fact presented in writing, that a material change in the situation justifies this action in the interest of the public, as well as the petitioners.

C. In any petition for a change of use district, the Commission may require the submission of plans showing proposals for the development of the land involved in the change, including the location of buildings, streets, and open spaces, and such other information as the Commission considered helpful to their decision. On the basis of such plans, the Commission may grant the change in use district subject to condition which will protect the public interest and neighboring properties, and Building Permits will be issued only in conformity with the plans as approved and conditioned.

1. Property owners requesting a change of use district shall be assessed reasonable costs according to a Schedule provided for in a Town of Scotland fee ordinance or otherwise provided for directly in the CGS. (1/15/03)
ARTICLE XII - REGULATIONS ARE MINIMUM REGULATIONS

12.1 In their interpretation and application, the provisions of these regulations shall be held to be minimum requirements, adopted for the promotion of public health, safety, morals and general welfare. Wherever the requirements of these regulations are at variance with the requirements of any other lawfully adopted rules, regulations deed restrictions or covenants, the most restrictive or that imposing the higher standards shall govern.

ARTICLE XIII - VALIDITY

13.1 Should any Article, paragraph, clause or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of these regulations as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

ARTICLE XIV - EFFECTIVE DATE (AMENDED 11/02/14)

14.1 The Zoning Regulations of the Town of Scotland were originally adopted on June 28, 1967 and there have been numerous revisions from 1967 to 2014. Where these Regulations refer to "the effective date of these Regulations," the date shall be June 28, 1967 or the date of the amendment immediately preceding the lawful establishment of any use or structure affected by such amendment, as applicable. These amended Regulations are effective November 2, 2014.
<table>
<thead>
<tr>
<th>AMENDMENT DATE</th>
<th>REFERENCE</th>
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<tbody>
<tr>
<td>06/28/1967</td>
<td>Zoning Regulations Adopted in the Town of Scotland</td>
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<tr>
<td>*07/28/1967</td>
<td>*Revision</td>
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<td>*06/12/2000</td>
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<td>05/06/2007</td>
<td>PZ0701RA – Regulation Amendments to the Zoning Regulations as follows regarding removal of the Forest Products (FPD) in its entirety: Delete ZR Sec. 2.1.A (Definitions-General Rules-Moratorium on new land uses in the FPD; Amend ZR Sec. 3.1 (Use Districts) to remove FPD; Amend ZR Section 3.2 (Boundaries of Use Districts to remove the FPD and map legend reference and map legend from “Business” to “Village District”; Amend ZR Sec. 4.3 (FPD-Use Regs.) to remove FPD reference and reserve for future use; Amend Table – ZR Sec. 5.2 (Height, Area, Yard &amp; Driveway Requirements to remove FPD; Delete ZR Sec. 9.2.L – (Moratorium on zoning permits in the FPD); Amend ZR Sec. 4.2.B (Rural Agricultural (RAD) Uses by Special Permit) to add .15 Forest Products Operations as defined in Sec. 2.2; Amend Zoning Regulations to add Appendix “A” Amendment History</td>
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<td>01/15/2008</td>
<td>PZ0705RA – Various Regulation Amendments to Zoning Regulations Section 8.19 (Special Regulations – Neighborhood Retirement Housing).</td>
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<td>07/21/2014</td>
<td>PZ1401RA – Various Amendments to Zoning Regulations Sections 2.2 (Definitions – Family, Farm Winery &amp; Vineyard, Kennel), 4.1.C (Use District Regulations – Basic Requirements), 8.8 (Special Regulations – Temporary Living Quarters), 4.2.B.15 (RAD Special Permit Uses – Farm Winery &amp; Vineyard) and 8.20 (Special Regulations – Farm Winery &amp; Vineyard).</td>
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<tr>
<td>11/02/2014</td>
<td>PZ1405RA – Regulation Amendments to Zoning Regulations Sections 4.3.a (Moratorium on Equestrian Uses), 4.3.b (Moratorium on Medical Marijuana Dispensaries and Production Facilities); and 14.1 (Effective Date of Regulations).</td>
</tr>
<tr>
<td>06/07/2015</td>
<td>PZ1501RA – Regulation Amendments to Zoning Regulations Sections 2.2 (Definitions – Horse Stable, Personal, Horse Stable, Boarding &amp; Riding, and Horse Stable, Commercial); 4.2.A (RAD – Rural Agriculture Residence District – Permitted Uses – Boarding &amp; Riding and Personal Horse Stables) and 4.2.B (RAD – Rural Agriculture Residence District – Permitted Uses After the Issuance of a Special Permit – Horse Stable, Commercial).</td>
</tr>
</tbody>
</table>
01/12/2016 PZ1505RA – Regulation Amendments to Zoning Regulations Sections 2.2 (Definitions – Farm Animals) and 8.3.A.1 (Accessory Structures and Uses Permitted in any Zone regarding animals).

04/19/2017 PZ1701SUP – Regulation Amendments to Zoning Regulations Section 4.2.B.17 (RAD – Rural Agriculture Residence District – Permitted Uses) and Section 8.21 (Special Permits – Auto Restoration Businesses).

* Does not include all amendments that occurred during this time frame.