SECTION 2

KENT, CONNECTICUT

ZONING REGULATIONS

PLANNING & ZONING COMMISSION

EFFECTIVE – December 30, 2019

Welcome to Kent!

These Zoning Regulations are intended to guide land use activities in Kent in ways that will maintain and enhance community character and protect the public health, safety, and welfare. The Planning and Zoning Commission, in establishing and maintaining these Regulations, has given careful consideration to balancing the desire of individual property owners to use their property without restriction with the desire of all property owners to maintain an attractive community and protect public interests.

It is the general purpose and intent of these Regulations to foster the use and development of land in an orderly manner by both private and public interests. These Regulations provide standards and procedures by which development of property within the Town may be reviewed and modified in order to enhance the general welfare of the citizens.

These Regulations are intended to be a dynamic document, not a static document. It is anticipated that these Regulations will be regularly reviewed and updated, as necessary, to anticipate and reflect the ever changing needs of the community and to guide land use activities in Kent in ways that will continue to maintain and enhance community character and protect the public health, safety, and welfare.

QUICK NAVIGATION GUIDE

For ease of use, the Zoning Regulations are organized around ***four main themes*** and thinking about these themes should help you find what you are looking for. Some of the major categories are ***highlighted*** below:

	Key Part(s)	Other Part(s)
Regulatory Basics	***Definitions***	Authority / Purposes Interpretation
Zones and Uses	***Permitted Uses*** ***Dimensional Standards***	Standards For Uses
Development Standards	***Signs*** ***Parking***	Landscaping Lighting Stormwater Driveways
Procedures	***Application Processes***	Application Types Application Requirements

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1000 AUTHORITY / PURPOSES

1100 AUTHORITY

The Planning and Zoning Commission of the Town of Kent, Connecticut, in accordance with the provisions of Chapter 124 of the Connecticut General Statutes (CGS Section 8-1 et seq.), as may be amended, has adopted and established the following Zoning Regulations for the Town of Kent, Connecticut.

1200 PURPOSES

1210 STATUTORY PURPOSES

In accordance with CGS Section 8-2, as may be amended, these Regulations are adopted to:

- protect the public health, safety, convenience and property values;
- lessen congestion in the streets;
- secure safety from fire, panic, flood and other dangers;
- promote health and the general welfare;
- provide adequate light and air;
- prevent the overcrowding of land;
- avoid undue concentration of population; and
- facilitate the adequate provision for transportation, water, sewerage, schools, parks and other public requirements.

1220 ADDITIONAL PURPOSES

In addition, these Regulations are intended to:

- confine certain classes of buildings and uses to designated localities or districts;
- regulate the use of land and the use, location, height and bulk of buildings and structures and determine the area of yards, courts and other open areas surrounding them;
- prevent activity detrimental to the environment,
- prevent destruction of the town's natural resources;
- protect natural, historic and cultural resources;
- provide for adequate solar radiation, light, air, and privacy;,
- provide for convenience of access to property;
- protect existing and potential surface and groundwater drinking supplies;
- promote the stabilization of property uses;
- promote the maintenance of property values;
- control the density of population in residential neighborhoods;
- prevent the overcrowding of land to allow space for adequate water and sewage systems;
- divide the town into zoning districts for the purposes described in Section 1200 and adopt maps showing the boundaries and the classification of such districts; and
- prescribe penalties for the violation of the provisions of these Regulations;

1300 ZONING DISTRICTS

1310 ZONING MAP

1. In order to accomplish the purposes of these Regulations, the Town is divided into districts as enumerated within these Regulations and as shown on the most current Zoning Map adopted by the Commission. Such Zoning Map may include one or more maps. Such Zoning Map is hereby declared to be a part of these Regulations.

2. Soil survey information maintained by the United States Department of Agriculture, Natural Resources Conservation Service (may be viewed at websoilsurvey.nrcs.usda.gov) is hereby incorporated as part of these Regulations and shall be presumed to show the correct soil classification. This presumption may be rebutted by an applicant based upon a detailed soils survey made by a certified Soil Scientist at the applicant's expense. The Commission may also have the soils verified by the Natural Resources Conservation Service, when considered necessary.

1320 INTERPRETATION OF DISTRICT BOUNDARIES

The boundaries of the zoning districts shall be as shown on the most current Zoning Map adopted by the Commission. Where uncertainty exists with respect to the boundaries of any districts shown on the Zoning Map, the following rules shall apply:

1. District boundary lines are intended to follow lot lines or center lines of streets, rights-of-way or water courses, or to be parallel or perpendicular thereto unless such district boundary lines are fixed by dimensions as shown on the Zoning Map.

2. In undivided property or where a district boundary divides a lot, the location of any such boundary shall be determined by the use of the map scale thereon, unless shown by dimensions on said Map.

3. All dimensions to or from streets shown on the Zoning Map shall be taken from the centerline of the street right-of-way where such right-of-way has been established, or from the centerline of the traveled portion of the street where the right-of-way has not been established.

4. Measurements shown to the intersection of two or more streets shall be deemed to be taken from the intersection of the center lines of such streets.

5. A district boundary which follows a railroad line shall be deemed to be located at the centerline of the main tracks of said railroad line.

6. Any interpretation of the Zoning Map as to zone boundaries or dimensions shall be made by the Commission or its lawfully designated agent.

1400 APPLICATION OF REGULATIONS

1410 USES PROHIBITED IF NOT PERMITTED

1. Any use not specified in these Regulations as permitted in a zoning district without permit, by Zoning Permit, by Site Plan, or by Special Permit shall be deemed to be prohibited within such district.

2. Where the permissibility of a proposed use is uncertain in a zoning district by these Regulations, the Commission or the Zoning Enforcement Officer shall make the determination as to whether the proposed use is permitted or prohibited in that district and, if permitted, what form of approval is required.

1420 MINIMUM REQUIREMENT

1. In their interpretation and application, the provisions of these Regulations shall be held to be the minimum requirements adopted for the promotion of the public health, safety, and welfare unless the context clearly indicates that the provision is intended to be a maximum limitation.

2. In cases of uncertainty as to the proper application of any of the requirements of these Regulations to a particular lot because of its peculiar or irregular shape, the Commission or the Zoning Enforcement Officer shall determine how such Regulations shall be applied.

1430 RELATIONSHIP TO OTHER REGULATIONS

1. These Regulations are not intended to repeal, abrogate, annul or in any way impair or interfere with any existing provisions of law or ordinance, or any rules, regulations, or permits previously adopted or issued or which shall be adopted or issued pursuant to law, relating to the use of lots, buildings or structures; nor are these Regulations intended to interfere with, abrogate or annul any easements, covenants or other agreement between parties.

2. Where these Regulations impose a greater restriction upon the use or dimensions of buildings or structures, or require larger yards, courts, or other open areas than are imposed or required by existing provisions of law or ordinance, or by such rules, regulations or permits, or by such easements, covenants or agreements, the provisions of these Regulations shall control.

1500 COMPLIANCE WITH REGULATIONS

1510 USE OF LAND OR BUILDINGS

No building, structure or land shall be used or occupied, in whole or in part, except in conformity with all applicable Sections of these Regulations.

1520 CREATION OR ALTERATION OF BUILDING OR STRUCTURE

No building, structure or any part thereof shall be erected, moved or altered except in conformity with all applicable Sections of these Regulations.

1530 REDUCTION OF LOT AREA OR DIMENSION

No lot shall be so reduced, divided, or created such that the area, width or other dimensions of the lot or any of its required yards or required open areas shall be less than prescribed by these Regulations.

1540 OPEN AREA FOR EACH BUILDING

No part of a required yard for any lot, nor any easement or right-of-way shall be included as part of the required yard for any other lot.

1550 ONE PRINCIPAL BUILDING

Except as may otherwise be provided herein, there shall be not more than one principal building on a lot.

1600 VALIDITY AND SEVERABILITY

If any Section, paragraph, subdivision, clause or provision of these Regulations is adjudged to be invalid, such adjudication shall apply only to the Section, paragraph, subdivision, clause or provision so adjudged, and the remainder of these Regulations shall be deemed valid and effective.

1700 EFFECTIVE DATE

The effective date of this comprehensive revision of the Kent Zoning Regulations shall be July 1, 2018.

Zoning Regulations were originally adopted in Kent in 1965.

2000 WORDS AND TERMS

2100 BASIC USAGE

2110 RULES AND TERMS

1. In the construction, interpretation, application, use and enforcement of these Regulations, the rules, terms, and definitions contained in this Section shall be observed and applied, except where the context clearly indicates otherwise.

2. In the construction, interpretation, application, use and enforcement of these Regulations, the meaning of words or terms not defined in this Section shall be determined by the Commission after consulting one or more of the following:
   a. The State Building Code.
   b. The Connecticut General Statutes.
   c. The Illustrated Book of Development Definitions (Rutgers University, Center for Urban Policy Research (Piscataway, NJ).
   d. Black's Law Dictionary.
   e. A comprehensive general dictionary.

2120 BASIC RULES

In the construction, interpretation, application, use and enforcement of these Regulations, the following rules shall apply:

1. Words used in the singular may include the plural, and the plural the singular.

2. Words used in the present tense may include the future tense.

3. Words which are specifically masculine or feminine shall be interpreted as interchangeable.

4. The word "shall" is mandatory and not discretionary.

5. The word "may" is permissive.

6. Any official, agency, commission, board or department identified in these Regulations is that of the Town of Kent, unless otherwise specified.

7. References within these Regulations to a statute, regulation, ordinance, publication, or other document shall be deemed to refer to the most recently amended version unless the text or context clearly indicates otherwise.

2130 COMMON TERMS

In the construction, interpretation, application, use and enforcement of these Regulations, commonly used terms shall be interpreted as follows:

1. The word "parcel" includes the word "lot".

2. The words "zone", "zoning district", and "district" have the same meaning.

3. The phrase "used for" includes the phrases "arranged for", "designed for", "intended for", "maintained for" and "occupied for", and vice versa.

4. The phrase "these Regulations" refers to the entire Zoning Regulations of the Town of Kent.

5. The word "Section" refers to a Section (all paragraphs starting with the same numbers) of these Regulations, unless otherwise specified.

6. The word "person" includes any individual, firm, partnership, corporation, association, organization or other legal entity.

7. The word " structure" includes the word " building".

8. The word "built" includes the words "erected", "constructed", "reconstructed", "altered", or "enlarged".

9. The "Town" means the Town of Kent, Connecticut.

10. The "State" means the State of Connecticut.

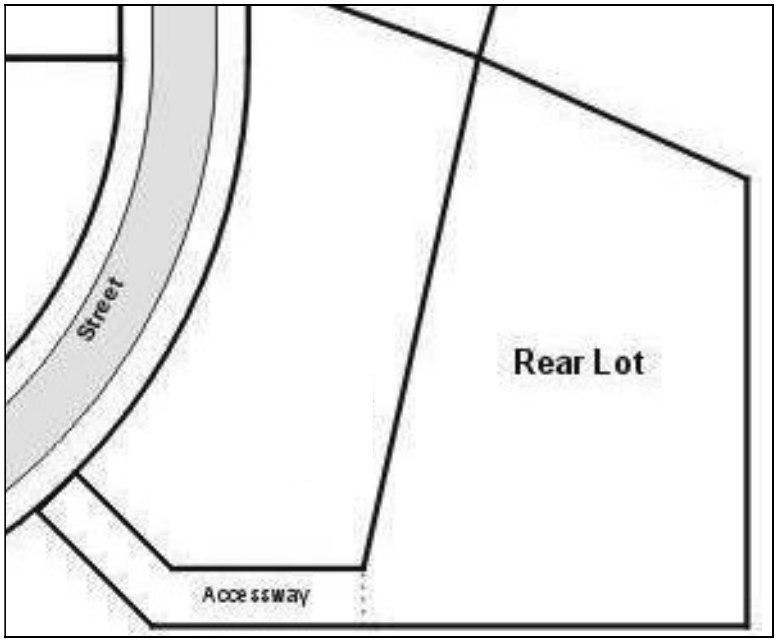
11. The "Commission" means the Planning and Zoning Commission of the Town of Kent, unless otherwise specified.

12. The phrase "Zoning Map" means the latest officially adopted Zoning Map of the Town of Kent.

2200 DEFINITIONS

ACCESSORY - *See "Principal vs Accessory".*

ACCESSWAY - A strip of land between a road and the main part of a rear lot sufficient to allow the construction of a driveway to the existing or proposed principal structure on the said lot.



ACRE - 43,560 square feet

AFFORDABLE HOUSING LOT - *See "Lot And Lot Types".*

Agriculture-Related Terms

AGRICULTURE – As adapted from CGS Section 1-1(q), as may be amended:

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

AQUACULTURE - The farming of the waters of the state and the production of protein food, including fish, oysters, clams, mussels and other molluscan shellfish, on leased, franchised and public underwater farm lands.

FARM - Land used primarily for agricultural activities including:

- agriculture, nurseries, orchards, ranges, forestry, nursery or truck gardening, or for raising or keeping of livestock and fowl but excluding the raising of animals for laboratory use or for their fur,
- farm buildings and accessory buildings thereto including barns, silos, greenhouses, hoop-houses and other temporary structures or other structures, and
- as an incident to ordinary farming operations, the sale of agricultural or horticultural commodities. *See also "Agriculture".*

FARMING - *See "Agriculture".*

FARM BREWERY - The small scale production of malt beverages from the fermentation of malt with or without cereal grains or fermentable sugars or hops, provided that at least 20% by weight of said hops, cereal grains and other ingredients, excluding water, are grown by the farmer-brewer on-site or sourced within a 50 mile radius.

NURSERY - Land, which may include greenhouses, devoted to the commercial raising and sale of trees, plants, flowers or shrubs.

TRUCK GARDENING - Land devoted to the commercial raising of produce, which may include greenhouses.

ALTERATION - As applied to a structure:

- a change or rearrangement in the structural parts;
- an enlargement or reduction whether horizontally or vertically; or
- the moving from one location or position to another on a lot.

ARB – The Architectural Review Board of the Town of Kent.

AREA OF SPECIAL FLOOD HAZARD - *See "Flood-Related Terms".*

AQUACULTURE - *See "Agriculture-Related Terms".*

ARTIST - A person who works in or is skilled in the techniques of any of the fine arts, including but not limited to; painting, drawing, or sculpture.

ARTIST'S STUDIO - A location in which an artist practices their art or craft.

ATTACHED ACCESSORY DWELLING - *See "Dwelling-Related Terms".*

AWNING - A cover, either moveable or fixed, projecting from a building and supported only by attachment to the building.

AUTOMOBILE - *See "Motor Vehicle-Related Terms".*

BANNER - *See "Flag".*

BASE FLOOD - *See "Flood-Related Terms".*

BASEMENT - *See "Story-Related Terms".*

BED AND BREAKFAST - *See "Lodging-Related Terms".*

BOARDING HOUSE - *See "Lodging-Related Terms".*

BUFFER, BUFFER AREA OR BUFFER STRIP –

- A strip of land free of any building, structure or use other than natural woody growth, landscaping, fencing or screening, and designed to shield or block noise, lights or other annoyances; and/or
- Any such strip of undeveloped land intended to protect wildlife, wetlands, watercourses or watersheds.

BUILDABLE LAND – The portion of a parcel of land excluding any area:

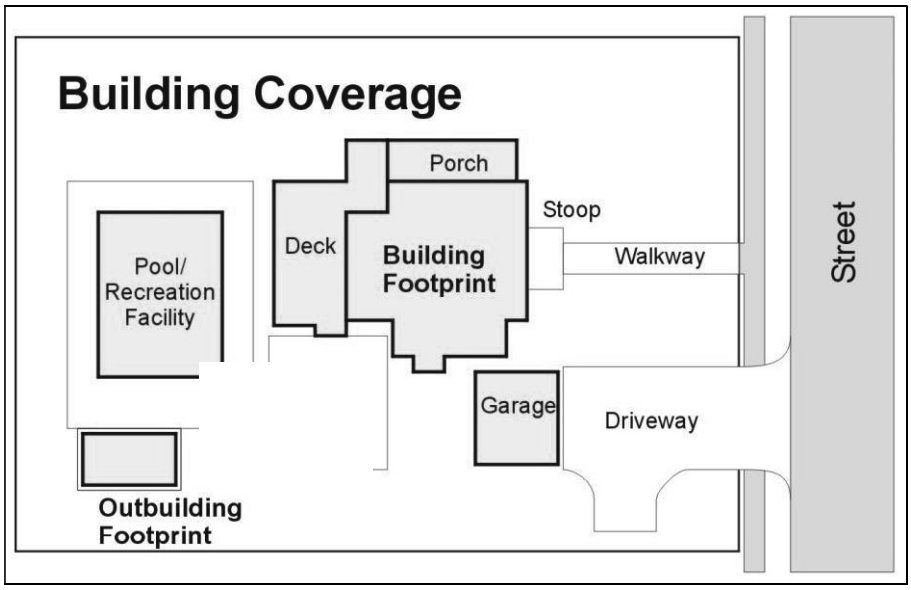
- classified as inland wetland or watercourse,
- classified as 100-year floodplain,
- having a slope in excess of twenty-five percent (25%), or
- subject to existing easements that prohibit building development.

BUILDING - A structure having a roof supported by columns or walls intended for the shelter or housing of any person, animal, process, equipment, goods or materials. Porches, decks and similar structures shall be considered part of the building to which they are attached.

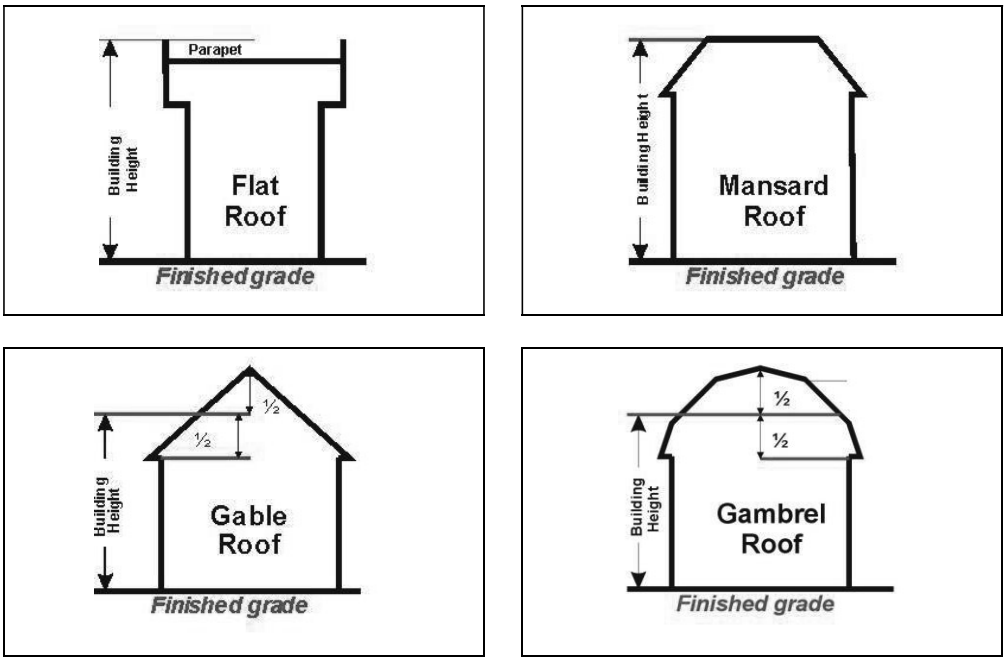
BUILDING, ACCESSORY - *See "Principal vs Accessory".*

BUILDING, PRINCIPAL - *See "Principal vs Accessory".*

BUILDING COVERAGE - The percentage of the aggregate area of all structures on a lot other than areas improved for pedestrian or vehicular movement. *See "Structure" and "Terrace".* In the following graphic, the yellow areas ("structures") would be tabulated to compute building coverage.



BUILDING HEIGHT - The vertical distance of a building measured from the average finished grade at the walls of the building to the highest point of flat or mansard roofs, including the top of a parapet, or to the mean level between the eaves and the ridge for gable, hip or gambrel roofs.



BUILDING LINE - *See "Yards versus Setbacks".*

CAMP - Any parcel on which are located living quarters or structures for recreational or educational purposes and accommodating, for profit or under philanthropic or charitable auspices, five or more children under 18 years of age.

CAMPGROUND - Any parcel used by campers for transient occupancy by tents, camping trailers, recreational vehicles, or similar device.

CAMPSITE - The space reserved for a single tent, camping trailer, recreational vehicle, or similar device .

CAMPING TRAILER - A structure standing on wheels, towed or hauled by another vehicle and used for short term human occupancy on camping trips, vacations and similar or analogous activities.

CELLAR - *See "Story-Related Terms".*

CGS - The General Statutes of the State of Connecticut, as may be amended.

CHANGE OF USE - Any proposed use that differs from the existing use of a structure or lot.

CLEAR CUTTING - The harvest of timber in a fashion that, within a given area, removes all trees of two inch diameter or greater measured at a height of four feet (4') from the average ground surface.

CLUB - The use of land, including structures, by an organization for recreational, social, fraternal, patriotic, political, or benevolent purposes.

COMMERCIAL – Related to business or activity engaged in for profit.

COMMISSION - The Planning and Zoning Commission of the Town of Kent, Connecticut.

COMMUNITY CENTER - A structure occupied by a public or not-for-profit private organization or group for recreational, social or civic purposes, and containing no dwelling units, sleeping accommodations, or public merchandising facilities.

CONSERVATION SUBDIVISION - *See "Subdivision-Related Terms".*

CONVALESCENT HOME - An establishment other than a hospital where three or more persons suffering from, or afflicted with, or convalescing from, any disease, condition or ailment are kept, boarded or housed for remuneration.

CONVENTIONAL SUBDIVISION - *See "Subdivision -Related Terms".*

CUL-DE-SAC - A dead-end street ending in a circular turnaround.

CURB CUT - The opening along the curb line of a street where vehicles may enter or leave the roadway.

Day Care-Related Terms

DAY CARE - A program of supplementary care or instruction provided, generally for remuneration, to people outside their own homes on a regular basis.

FAMILY DAY CARE HOME - An establishment that offers or provides day care for not more than six people, including the provider's own children or relatives, in a private family home.

GROUP DAY CARE HOME - An establishment that offers or provides day care:

- for not more than six people, including the provider's own children or relatives, when operated in a facility other than a private family home,
- for seven to twelve related or unrelated people, including the provider's own children or relatives, in a private family home.

DAY CARE CENTER - An establishment, other than a family day care home or a group day care home, that offers or provides day care to more than twelve related or unrelated people.

DECK - An unenclosed porch-like structure attached to the outside of a residence or accessory building.

DEEP – Connecticut Department of Energy and Environmental Protection.

DETACHED ACCESSORY DWELLING - *See "Dwelling-Related Terms".*

DISTRICT - A zoning district established by the provisions of these Regulations.

DISTURBED AREA – In relation to erosion and sediment control, an area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.

DOCK - Any structure or device, including piers, docks, and/or floats, which are built or placed into or over a body of water to allow access to that body of water by a person or vessels.

DRAINAGE - The controlled removal of surface water or groundwater from land by drains, grading or other means which include runoff controls to minimize erosion and sedimentation during and after construction or development.

DRIVEWAY - A private way providing vehicular access to a street.

DUMPSTER - A receptacle usually located outdoors for the temporary storage of garbage, rubbish or solid waste materials.

Dwelling-Related Terms

DWELLING – A building containing at least one dwelling unit.

DWELLING UNIT - A room or group of rooms within a building that constitutes a residence of one single family with facilities for living, sleeping, cooking and eating.

DWELLING, ATTACHED - A dwelling unit attached to one or more other dwelling units by a continuous vertical party wall extending from basement or cellar to roof, without openings except for utilities.

DWELLING, DETACHED - A dwelling unit that has no structural connection (such as roof, wall or floor) in common with any other dwelling unit.

DWELLING, MULTIPLE - A building containing three or more dwelling units.

DWELLING, ONE-FAMILY - A detached building used for a single dwelling unit, including a modular home at least 22 feet wide when placed on a permanent foundation but excluding a mobile home.

DWELLING, TWO-FAMILY - A detached building used for two dwelling units, including modular homes when at least 22 feet wide and placed on a permanent foundation but excluding a mobile home.

ACCESSORY DWELLING - A secondary dwelling unit, *with separate kitchen facilities*, located on the same lot as a detached dwelling.

ACCESSORY DWELLING, INTERNAL – An accessory dwelling created within an existing detached dwelling.

ACCESSORY DWELLING, ATTACHED - An accessory dwelling created in whole or in part by an addition to an existing detached dwelling.

ACCESSORY DWELLING, DETACHED - An accessory dwelling located on the same lot but having no structural connection to the principal dwelling.

GUEST HOUSE - An accessory building located on the same lot but having no structural connection to the principal dwelling and used as living quarters, *without kitchen facilities*, for non-paying guests or domestic help.

EARTH - Any material of which the ground is composed, including but not limited to soil, loam, sand, gravel, rock, stone, and clay.

EASEMENT - A right or privilege, recognized by law, of a person, group or entity to use or occupy the land of another for a specific purpose usually specified in the grant of the easement.

EDUCATION CENTER - A building affiliated with an academic institution or used for educational purposes and containing classrooms, training rooms, assembly rooms, conference rooms and administrative offices (does not include schools).

EROSION - The detachment and movement of soil or rock fragments or the wearing away of the land surface by water, wind, ice or gravity.

EXCAVATION - The severance from the earth's surface or removal from the ground of soil, loam, sand, gravel, clay, rock, topsoil or any other earth material.

FAMILY - One or more persons occupying a single housekeeping unit and using common cooking facilities, provided that unless all members are related by blood, marriage, legal adoption or legal guardianship, no such family shall contain more than six persons.

FAMILY DAY CARE HOME - *See "Day Care Related Terms".*

FARM - *See "Agriculture-Related Terms".*

FARMING - *See "Agriculture-Related Terms".*

FARM BREWERY - *See "Agriculture-Related Terms".*

FENCE - A barrier erected to surround, separate, screen or buffer areas of land. *See "Structure".*

FILLING - The process of depositing solid materials, such as but not limited to, soil, sand, gravel, rock or clay.

FINISHED GRADE - *See "Grade, Finished".*

FLAG - A piece of cloth, paper, or similar materials, anchored to a pole, wire, hook or other device for purposes of decoration or for displaying a message, symbol, or emblem.

Flood-Related Terms

AREA OF SPECIAL FLOOD HAZARD - The land in the floodplain within Kent subject to a one percent or greater chance of flooding in any given year. The area may be designated on the "Flood Boundary and Floodway Map" as a Zone A (A1-A30).

BASE FLOOD - The flood having a one percent chance of being equaled or exceeded in any given year.

FLOODPLAIN OR FLOOD-PRONE AREA - Any land susceptible to being partially or completely inundated by water from a river, stream, or body of water.

FLOOR AREA - The sum of the gross horizontal interior areas of all floors contained within a structure, measured from the exterior face of outside walls or from the centerline of a common wall separating two structures. The calculation of floor area:

- shall not include stairwells, open porches, balconies, garages or utility rooms.
- shall not include mechanical spaces or parking or storage areas (when related to the principal use of the building) which are located in a basement or cellar.
- shall include any area in a basement or cellar used for human occupancy.

FOUNDATION - The base of a structure, which distributes the load of that structure upon the earth.

FRONTAGE - *See "Lot Frontage".*

GARAGE - A detached or accessory structure or portion of a principal structure for the parking and storage of vehicles.

GAS STATION - *See "Motor Vehicle –Related Terms".*

GENERAL OFFICE - *See "Office-Related Terms".*

GENERAL STATUTES - The General Statutes of the State of Connecticut, as amended.

GFA – Gross floor area. *See "Floor Area".*

GRADE, FINISHED - The final elevation of the ground surface after development compared to a given reference datum.

GRADING - Any excavating, stripping, cutting, grubbing, filling (including hydraulic fill) or stockpiling of earth, or any combination thereof, that results in a change of contour or elevation.

"**GRANDFATHERED" -** *See "Non-Conforming Related Terms".*

GROUP DAY CARE HOME - *See "Day Care Related Terms".*

GUEST HOUSE - *See "Dwelling-Related Terms".*

Home-Based Business And Related Terms

HOME-BASED BUSINESS – The use of a portion of a dwelling for business purposes by a resident occupant.

HOME OFFICE -- The use of a portion of a dwelling by a resident occupant for:

- occasional business use (such as working from home in conjunction with employment typically occurring elsewhere), or
- a home-based business involving no non-resident employees and minimal visits to the premises by non-residents.

HOME OCCUPATION, MINOR -- The use of a portion of a dwelling by a resident occupant for a home based business that:

- may include one (1) non-resident employee, and
- shall not involve more than five (5) visits per week to the premises by non-residents, and
- shall not involve more than two (2) visits to the premises by non-residents at any one time.

HOME OCCUPATION, MAJOR -- The use of a portion of a dwelling by a resident occupant for a home based business in a manner that does not qualify as a home office or a minor home occupation and/or the use of another building or area of the property for a home based business.

HORIZON - The line along which the earth appears to meet the sky. For purposes of these Regulations, the terms shall be limited to those portions of the horizon visible from public roads within the Town.

HORIZON-LINE – *See "Horizon"*.

HOTEL - *See "Lodging-Related Terms".*

INTERNAL ACCESSORY DWELLING– *See "Dwelling-Related Terms".*

JUNK YARD - More than 200 square feet of space used for the storage, collection, processing, purchase, sale, abandonment or accumulation of wastepaper, rags, scrap metal, abandoned vehicles or other scrap or discarded goods, materials, machinery or other types of junk.

KENNEL - Two or more dogs kept under one ownership on a single premise but not for commercial purposes.

KENNEL, COMMERCIAL - An establishment where dogs are kept, boarded, treated, groomed, or housed for commercial purposes.

KITCHEN - A room, place or space within a building equipped for the preparation and/or cooking of food.

LOADING SPACE - An off-street area or berth for the loading or unloading of delivery vehicles.

Lodging-Related Terms

BED AND BREAKFAST – A single-family dwelling in which the owner resides and in which sleeping accommodations and breakfast (but no other meals) may be provided to guests for compensation.

BOARDING HOUSE - A single-family dwelling in which the owner resides and in which rooms may be let and board may be furnished to not more than six individuals in addition to the owner's family.

HOTEL - An establishment that provides transient lodging accommodations to the general public and that may provide additional services such as rooms for public assembly, the serving of food, and recreational facilities. The hotel rooms are primarily accessed through a common building entrance.

MOTEL - An establishment that provides transient lodging accommodations to the general public and that may provide additional services such as rooms for public assembly, the serving of food, and recreational facilities. Motel rooms are typically accessed directly from the exterior.

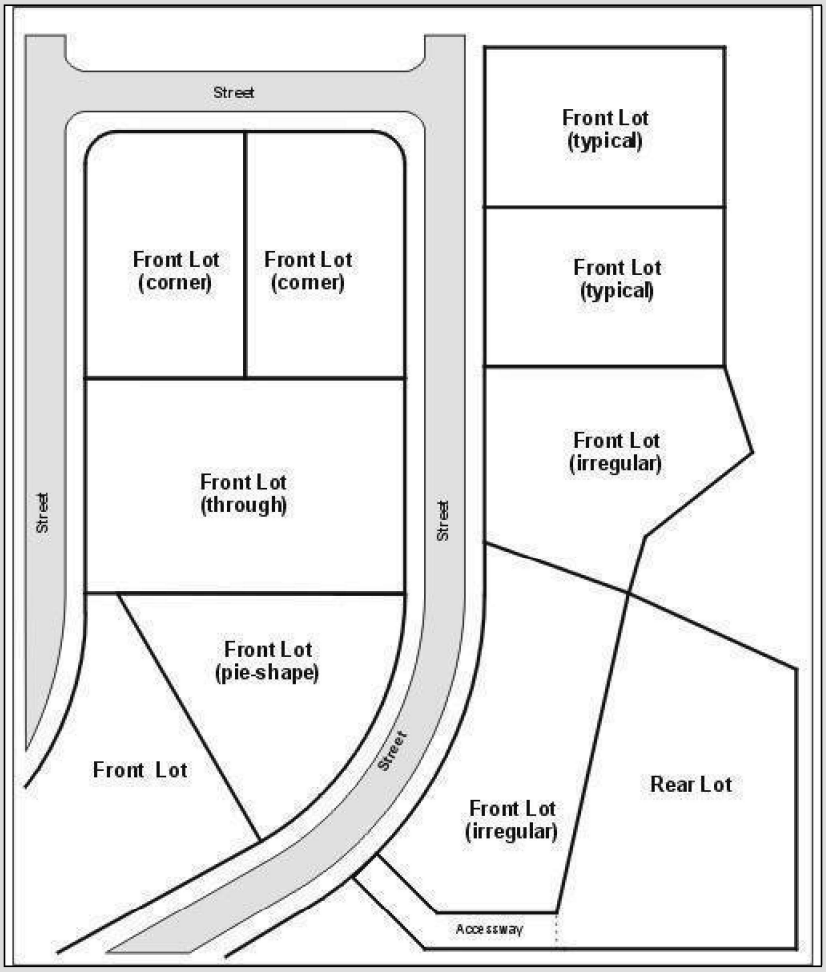
Lot And Lot Types

LOT - A parcel of land designated as a separate tract on the land records of the Town or on an approved subdivision map and occupied or capable of being occupied by at least one principal building, structure or use.

LOT, AFFORDABLE HOUSING - A lot to be developed solely for the purposes of creating affordable housing in accord with the conditions set forth under §11-1.2.b. c. and e. of the Code of Ordinances of the Town of Kent, Connecticut, as amended.

LOT, CORNER - A lot at the intersection of and abutting on two or more streets.

LOT, REAR - A lot located generally to the rear of another lot and served by an accessway owned by the owner of the rear lot.



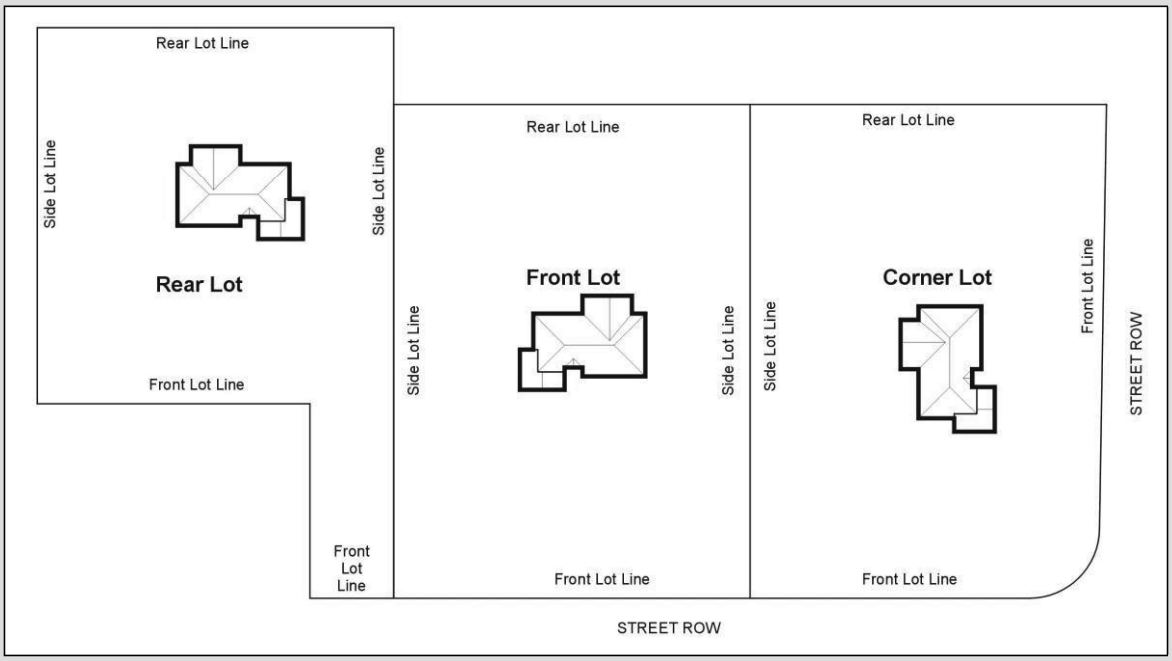
Lot Lines

LOT LINE - A line bounding the area of a lot.

LOT LINE, FRONT - A lot line separating a lot from a street right-of-way. On a corner lot, each street line shall be a front lot line. On a rear lot, a lot line roughly parallel to the street and adjacent to the accessway shall also be considered a front lot line.

LOT LINE, REAR - A lot line which is opposite the front lot line. If the rear lot line is less than 10 feet in length, or if the lot comes to a point at the rear, the rear lot line shall be deemed to be a line parallel to the front lot line not less than 10 feet long, lying wholly within the lot and farthest from the front lot line. On a corner lot, lot line opposite the shortest front lot line shall be considered a rear lot line.

LOT LINE, SIDE - A lot line which is not a front lot line or a rear lot line as defined herein.



Also see "Yard Locations".

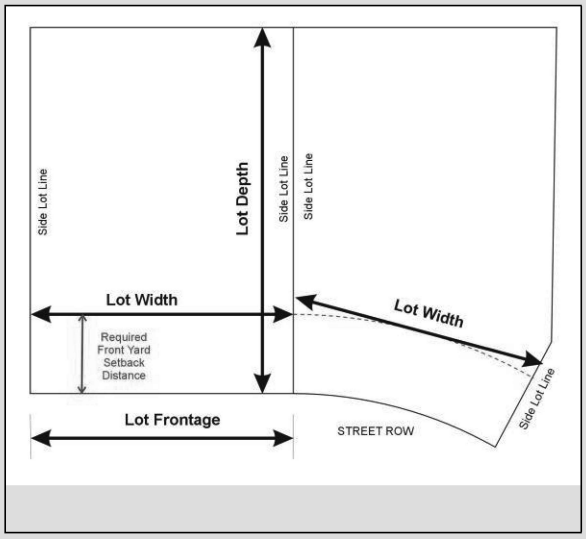
Lot Measurement Terms

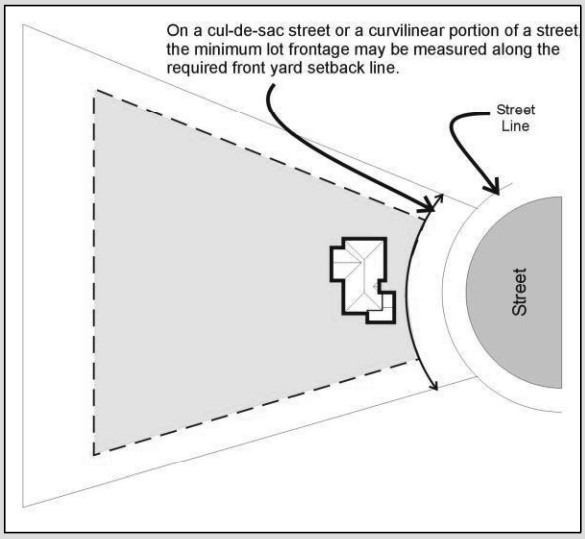
LOT AREA –The total area within the lot lines of a lot, excluding any street right-of-way or the surface area of any lake or pond.

LOT DEPTH - The average distance from the front lot line to the rear lot line or, for a corner lot, the greatest average distance from a front lot line to the property line opposite.

LOT WIDTH - The horizontal distance between the side lot lines of a lot, measured in a straight line at but not in front of the required front yard setback line.

LOT FRONTAGE - The length of a lot along the line of the street from which a driveway has been provided, or is possible to be provided, for access to the principal structure or use or possible principal structure or use. For lots on a curvilinear portion of a street or abutting a cul-de-sac, the minimum lot frontage may be measured along the required front yard setback line except this provision shall not apply for rear lots.





MAJOR HOME OCCUPATION -- *See "Home-Based Business And Related Terms".*

MANUFACTURING - The making, processing, fabrication or assembling of goods or wares by manual labor or by machinery.

MEDICAL OFFICE - *See "Office-Related Terms".*

MINIMUM SQUARE – A requirement where a lot to be created shall be of such shape that a square with the prescribed dimension on each side will fit on the lot with one side of the square along the required setback on the front yard.

MINOR HOME OCCUPATION – *See "Home-Based Business And Related Terms".*

MODULAR HOME - A pre-fabricated dwelling designed to be carried on a vehicle to its intended site and placed there permanently.

MOTEL - *See "Lodging-Related Terms".*

Motor Vehicle-Related Terms

MOTOR VEHICLE FUELING STATION - Any building, place or location open to the general public that is designed or operated to supply motor vehicles with gasoline or diesel fuel, electrical power, natural gas, hydrogen fuel or other type of fuel. *See also "Motor Vehicle Service Facility" and "Motor Vehicle Repair Facility".*

MOTOR VEHICLE SERVICE FACILITY - Any building, place or location open to the general public that is designed or operated to service motor vehicles. *See also "Motor Vehicle Fueling Station" and "Motor Vehicle Repair Facility".*

MOTOR VEHICLE REPAIR FACILITY - Any building, place or location open to the general public that is designed or operated to repair motor vehicles including the inspection, testing, and examination of said motor vehicles, or the repair or replacement of automotive parts including motor vehicle body repair. *See also "Motor Vehicle Fueling Station" and "Motor Vehicle Service Facility".*

Natural Gas Terms

NATURAL GAS - Any gaseous substance, either combustible or noncombustible, which is produced in a natural state from the earth and which maintains a gaseous or rarified state at standard temperature and pressure conditions, and/or gaseous components or vapors occurring in or derived from petroleum or other hydrocarbons.

NATURAL GAS AND/OR PETROLEUM EXPLORATION - Geologic or geophysical activities related to the search for natural gas, petroleum or other subsurface hydrocarbons including prospecting, geophysical and geologic seismic surveying and sampling techniques, which include but are not limited to core or rotary drilling or making an excavation in the search and evaluation of natural gas, petroleum, or other subsurface hydrocarbon deposits.

NATURAL GAS EXPLORATION AND/OR PETROLEUM EXTRACTION – The digging or drilling of a well for the purposes of exploring for, developing or producing natural gas, petroleum or other subsurface hydrocarbons.

NATURAL GAS EXPLORATION AND/OR PETROLEUM PRODUCTION WASTES –Any garbage, refuse, cuttings, sludge, flow-back fluids, produced waters or other discarded materials, including solid, liquid, semi-solid, or contained gaseous material that results from or is associated with the exploration, drilling or extraction of natural gas and/or petroleum.

NATURAL GAS AND/OR PETROLEUM EXPLORATION AND PRODUCTION MATERIALS - Any solid, semi-solid, liquid, semi-liquid or gaseous material used in the exploration or extraction of natural gas.

NATURAL GAS AND/OR PETROLEUM SUPPORT ACTIVITIES – The construction, use, or maintenance of a storage or staging yard, a water or fluid injection station, a water or fluid gathering station, a natural gas or petroleum storage facility, or a natural gas or petroleum gathering line, venting station, or compressor associated with the exploration or extraction of natural gas or petroleum.

"Non-Conforming"-Related Terms

NON-CONFORMING BUILDING OR STRUCTURE - A building or structure that does not conform to all the applicable provisions of these Regulations, but that was legally existing at the effective date of the adoption of these Regulations or of any pertinent amendment thereto.

NON-CONFORMING LOT - A lot that does not conform to the acreage or dimensional provisions of these Regulations but that was legally existing, in separate ownership from any other contiguous lot, at the effective date of the adoption of these Regulations or of any pertinent amendment thereto.

NON-CONFORMING USE - A use of land or of a structure that does not conform to the applicable use provisions of these Regulations but that was legally existing at the effective date of these Regulations or of any pertinent amendment thereto. Any use which is permitted by Special Permit in a district under the provisions of these Regulations shall not be deemed a non-conforming use in such district.

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

NURSERY - *See "Agriculture Related Terms".*

NURSERY SCHOOL - *See "Day Care Related Terms".*

Office-Related Terms

GENERAL OFFICE - A room, group of rooms, or a building used primarily for conducting the affairs of a business, profession, service, industry or government but excluding any medical or other services performed directly on a person's body and any facilities related to the performance of such services.

MEDICAL OFFICE - A room, group of rooms, or a building used primarily for conducting the affairs related to the practice of medicine and//or dentistry but excluding any overnight facilities for patients.

PROFESSIONAL OFFICE - The office of professionals, including, without limitations, lawyers, architects, engineers, artists, musicians, writers, designers, teachers, clergymen and others who, through training or experience, are qualified to perform services of a professional, as distinguished from a business, nature.

ORDINARY HIGH WATER MARK - For those areas along the Housatonic River south of Bridge Street / Route 341 / Macedonia Road, the ordinary high water mark shall be as determined by the Federal Energy Regulatory Commission as part of the Project Boundary granted to First Light / Connecticut Light & Power. For those areas along the Housatonic River north of Bridge Street / Route 341 / Macedonia Road, the ordinary high water mark shall be as determined by FEMA (Federal Emergency Management Agency).

ORIGINAL - The conditions existing prior to an application to the Planning and Zoning Commission or Zoning Board of Appeals for permission to change conditions on a property or structure.

OUTDOOR WOOD-BURNING FURNACE - An accessory structure or exterior appliance designed to transfer or provide heat, via liquid or other means, through the burning of wood or solid waste, to spaces other than where such structure or appliance is located; specifically not including a fire pit, wood-fired barbecue or chiminea.

PARKING AREA - Any public or private land area designed and used for parking motor vehicles including parking lots, garages, private driveways and legally assigned areas of public streets.

PARKING LOT - An off-street ground level area used for the temporary parking of more than four motor vehicles and available for use by the public whether for free, for compensation, or to accommodate employees, clients or customers, but not including private driveways.

PARKING SPACE, OFF-STREET - A temporary storage area for a motor vehicle, directly accessible to a street or by means of a driveway or access aisle and not located within a street right-of-way.

PATIO - *See "Terrace".*

PLACE OF WORSHIP - A structure used primarily for the conduct of religious services.

PORCH - A deck-like structure which may be enclosed or unenclosed, attached to the outside of a residence or accessory building and generally having a roof. A porch, whether enclosed or unenclosed, shall be considered a part of the building for the purpose of determining the size of yard or the amount of building coverage.

PREMISES - A parcel of land together with any structures thereon.

Principal vs Accessory

PRINCIPAL BUILDING - The primary or predominant building on a lot or a building in which is conducted the primary or predominant use of the lot on which it is situated. Buildings or structures connected by roofs or breezeways shall be considered part of the principal building. *See also "Principal Structure" and "Accessory Building".*

PRINCIPAL STRUCTURE - The primary or predominant structure on a lot or a structure on or in which is conducted the primary or predominant use of the lot on which it is situated. If a lot contains a principal building, that building shall be considered the principal structure. *See also "Principal Building".*

ACCESSORY BUILDING - A detached building which is subordinate and customarily incidental to the principal building on the same lot. *See also "Principal Building".*

ACCESSORY STRUCTURE – A structure, the size and use of which is subordinate and customarily incidental to the principal structure and use on the same lot.

PRINCIPAL USE - The primary or predominant use or activity of a lot, building, structure, or property. *See also "Accessory Use".*

ACCESSORY USE - A use or activity that is subordinate and customarily incidental to a principal use or activity on the same property. *See also "Principal Use".*

CUSTOMARY – Something commonly practiced, used, or observed such that it is considered conventional and typical rather than unusual.

INCIDENTAL - Something likely to ensue as a minor consequence of another activity or something that happens as a minor part or result of something else.

SUBORDINATE – Something inferior, smaller, fewer, and of less importance or impact or something placed in or occupying a lower class, rank, or position.

PRIVATE – Not open or available to the general public.

PRIVATE SCHOOL – *See "School, Private".*

PROFESSIONAL OFFICE - *See "Office-Related Terms".*

Public or Semi-Public

PUBLIC - Belonging, or available, to citizens at large.

PUBLIC SCHOOL, - *See "School, Public".*

PUBLIC USE - A public use or institution such as a post office, public library, public school or facility of the Town, State, or Federal government.

SEMI-PUBLIC USE - A non-profit or quasi-public use or institution such as a place of worship, hospital, or similar facility

RATED NAMEPLATE CAPACITY - *See "Wind-Related Terms".*

RECREATION FACILITY - A facility or structure for recreational activities such as but not limited to: swimming pools more than 24 inches deep, tennis, platform tennis or handball courts, and all appurtenances thereto, including fences, walls, screening or lighting.

RECREATIONAL VEHICLE (RV) - A vehicle manufactured for or used for temporary living accommodations; to be self-propelled or towed by a motor vehicle, including but not limited to travel trailers, automobile trailers, motor homes, collapsible tent trailers, truck mounted units or van campers but excluding mobile homes.

RESTAURANT - Establishments that serve food and beverages to customers only when seated at tables or counters, and where at least 50% of the customer seats are located within an enclosed building. Such establishments may include a food take-out service incidental to the primary permitted use but shall not include establishments where customers are served in motor vehicles or served primarily at food take-out counters.

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

SCHOOL, PRIVATE - Any building or group of buildings, the use of which meets the State of Connecticut's requirements for primary, secondary or higher education and which is not operated by the Town or State.

SCHOOL, PUBLIC - Any building or group of buildings, the use of which meets the State of Connecticut's requirements for primary, secondary or higher education and which is operated by the Town or State.

SEDIMENT - Solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.

SEMI-PUBLIC USE - *See "Public or Semi-Public".*

SETBACK - *See "Yards versus Setbacks".*

SF – Square foot or square feet.

SIGN - Any advertisement, announcement, direction, or communication produced in whole or in part by the construction, erection, affixing, or placing of a structure on any land or on any other structure, or produced by printing on or posting or placing any printed, lettered, pictured, figured or colored material on any building, structure, or surface. *(See Section 8120 for examples of types of signs)*

SITE PLAN – A map providing the information identified for a site plan in the Appendix of these Regulations.

SKETCH PLAN – A map providing the information identified for a sketch plan in the Appendix of these Regulations.

SOIL - Any unconsolidated mineral or organic material of whatever origin.

STABLE - A place where more than four horses are kept, ridden, boarded, bred, shown, trained, groomed, housed or sold.

STOOP - Any raised building entrance platform with one or more steps leading up to it.

Story-Related Terms

STORY - That portion of the building which is between the surface of a floor and the surface of the next floor above or, in the absence of a floor above, the next ceiling above. A "cellar" shall not be considered a story but a "basement" shall be considered a story.

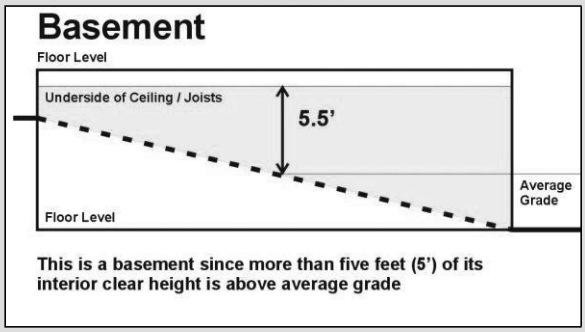
BASEMENT - A portion of a building located partially below grade and where:

- 50 percent or more of the floor-to-ceiling height of that portion of the building is above the average finished grade at the walls of the structure, or
- the ceiling of such building level is more than five feet above the average finished grade at the walls of the structure. *See "Cellar" and "Story".*

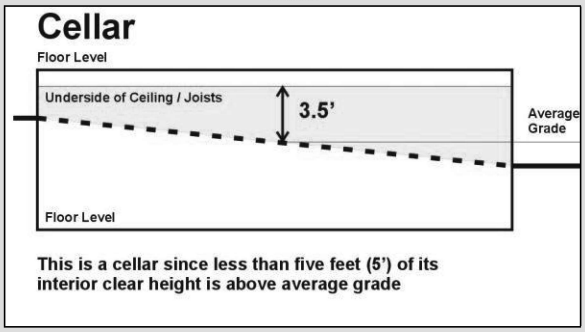
CELLAR - A portion of a building located wholly or partially below grade and where:

- less than 50 percent of the floor-to-ceiling height of that portion of the building is above the average finished grade at the walls of the structure, and
- the ceiling of such building level is less than five feet above the average finished grade at the walls of the structure. . *See "Basement" and "Story".*

Basement



Cellar



STREET - A road, highway, lane, avenue, boulevard, or any other public or private way, or a way opened to vehicular travel for public or private use, which provides a principal means of access to a lot. "Street" shall be deemed to include the entire width of the right-of-way but shall not include private driveways and private rights-of-way.

STREET, ACCEPTED - A street which has become public by virtue of dedication to and acceptance by the Town of Kent.

STREET LINE - A common line between a lot and a street right-of-way.

STREET, PRIVATE - Any street that has not been accepted by the Town or State for public travel.

STREET RIGHT-OF-WAY - The area between the boundary lines of a street.

STRUCTURE - Except as may be provided in these Regulations, anything constructed, the use of which requires permanent location on the ground, or attachment to something having permanent location on the ground, excluding fences measuring six (6) feet or less in height, at-grade driveways, at-grade walkways, at-grade terraces, and at-grade patios. *See "Terrace".*

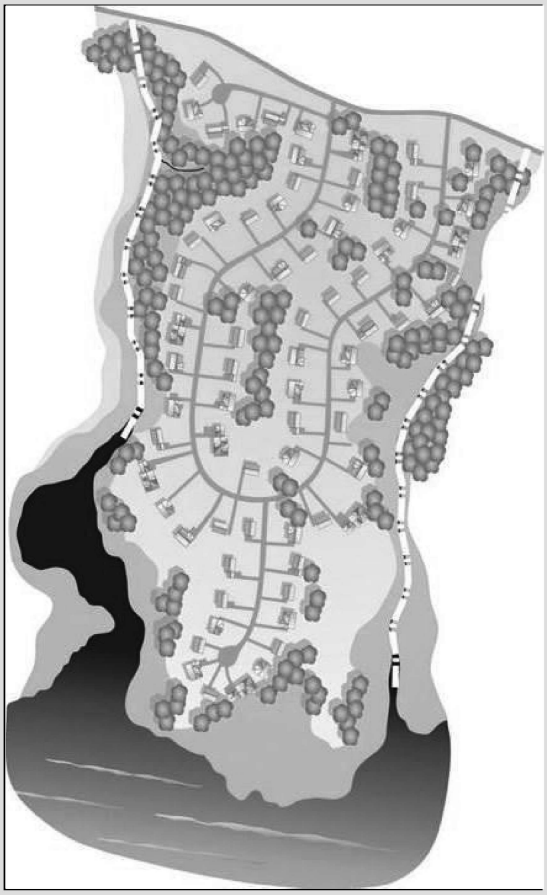
Subdivision-Related Terms

SUBDIVISION – As defined in CGS Section 8-18, as may be amended.

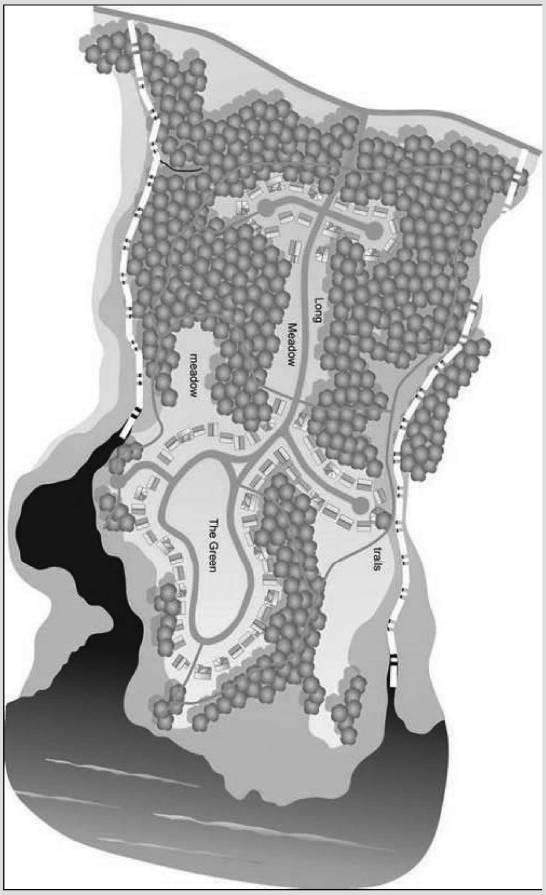
CONSERVATION SUBDIVISION – A development of residential lots laid out primarily on the basis of site characteristics where lots are located away from important resources so that those resource areas can be used for open space, recreation, wildlife habitat, agriculture, and/or the preservation of historic or environmentally-sensitive features, including the maintenance or preservation of community character.

CONVENTIONAL SUBDIVISION – A development of residential lots laid out primarily on the basis of strict dimensional standards such as lot area and/or frontage and where the provision of open space or conservation areas is typically a secondary consideration.

Conventional Subdivision



Conservation Subdivision



SURVEY – A map meeting the requirements of the Section 20-300b of the Regulations of Connecticut State Agencies and/or the requirements of the Connecticut Association of Land Surveyors for the type of map being prepared.

TELECOMMUNICATIONS FACILITY - A structure constructed to generate, receive, process or relay data and operate as part of a commercial activity or for gain in connection with any form of telephone communication wired or wireless or similar or related activity.

TEMPORARY HOUSING - A structure without any foundation or footings that is used for temporary living quarters and that is removed when the permitted time period, activity or use for which the structure was erected, has ended.

TERRACE - An improved, surfaced or graded area located on the ground with no structural supports other than subsurface base material and retaining walls. A terrace or patio shall be subject to yard setback requirements and building coverage limitations if such terrace:

- is roofed,
- is elevated by or enclosed with walls or parapets 42 inches or more in height, or
- is located within ten feet of any lot line.

TOPSOIL - Earth materials, including loam, which are arable and constitute the surface layer of earth material.

TRAILER - A structure standing on wheels, towed or hauled by another vehicle and used for short-term human occupancy; for carrying materials, goods or objects; or as a temporary office.

TRUCK GARDENING - *See "Agriculture-Related Terms".*

USE - The specific purpose or activity for which a building, structure or lot is intended.

USE, ACCESSORY - *See "Principal vs Accessory".*

USE, PRINCIPAL - *See "Principal vs Accessory".*

USE, TEMPORARY - A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

WATERCOURSE - As defined in CGS Section 22a-38, as may be amended.

> *"Watercourses" means rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs and all other bodies of water, natural or artificial, vernal or intermittent, public or private, which are contained within, flow through or border upon this state or any portion thereof, ….*
>
> *Intermittent watercourses shall be delineated by a defined permanent channel and bank and the occurrence of two or more of the following characteristics: (A) Evidence of scour or deposits of recent alluvium or detritus, (B) the presence of standing or flowing water for a duration longer than a particular storm incident, and (C) the presence of hydrophytic vegetation …*

WETLAND - As defined in CGS Section 22a-38, as may be amended.

> *"Wetlands" means land, including submerged land, … which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial, and floodplain by the National Cooperative Soils Survey, as may be amended from time to time, of the Natural Resources Conservation Service of the United States Department of Agriculture …*

Wind Related Terms

ON-SITE WIND FACILITY - A wind turbine, tower and appurtenant structures located at a residential, agricultural, institutional, or municipal facility.

WIND FACILITY HEIGHT - The vertical distance from the average finished ground level at the main tower edges to the highest point of the structure, including any blade, lightning rod or antenna. If a blade extends above the tower at any point in its arc, then the tip of the rotor blade at its highest point, or blade-tip height shall be used.

RATED NAMEPLATE CAPACITY - The maximum rated output of electric power production equipment. This output is typically specified by the manufacturer with a "nameplate" on the equipment.

WIND FACILITY - All equipment, machinery and structures utilized in connection with the conversion of wind to electricity. This includes, but is not limited to, transmission lines and support structures, storage, collection and supply equipment, substations, transformers, service and access roads, and one or more wind turbines.

WIND MONITORING OR METEOROLOGICAL TOWER - A temporary tower erected for a period not to exceed 12 months, equipped with devices to measure wind speeds and direction, used to determine how much wind power a site can be expected to generate.

WIND TURBINE - A device that converts kinetic wind energy into rotational energy that drives an electrical generator. A wind turbine typically consists of a tower, accelerator platform or nacelle body, and one or more rotors, with two or more blades for each rotor.

Yards Versus Setbacks

SETBACK LINE - A line parallel to a street line or a lot line at a distance established by the minimum yard requirements of these Regulations, behind which buildings and structures may be legally erected. *See "Yard, Required".*

BUILDING LINE - A line parallel to a street at a distance equal to the required front yard or at a greater or lesser distance when so indicated in these Regulations or otherwise legally established by the Town.

YARD, REQUIRED - An open area between a lot line and the required setback line within which no structure shall be located except as specifically permitted by these Regulations. *See "Setback Line".*

YARD WIDTH OR YARD DEPTH - The width of side yards and the depth of front and rear yards shall be measured perpendicularly to the respective lot lines.

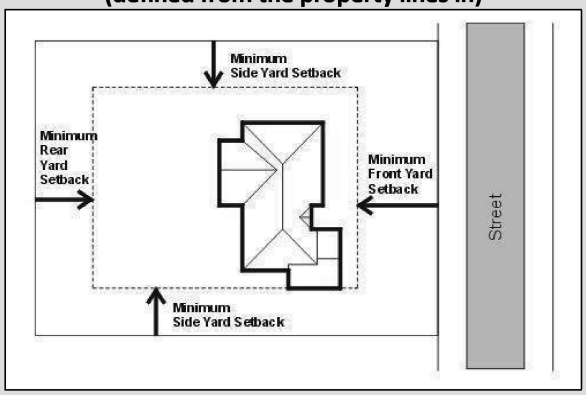
YARD - The area between the principal structure and a lot line. Any measurement shall be taken at right angle from the lot line to the nearest point of the structure.

YARD, FRONT –The area extending across the full width of a lot and lying between the street right-of-way and the principal structure on the same lot.

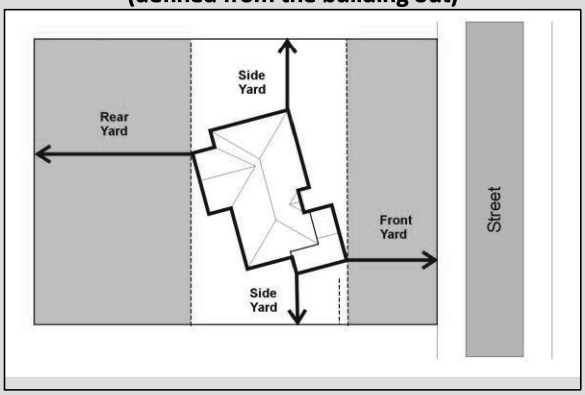
YARD, REAR - The area extending across the full width of a lot and lying between the rear lot line of the lot and the principal structure on the same lot.

YARD, SIDE - The area parallel to a side lot line lying between the side line of the lot and the principal structure on the same lot. Any yard not a rear yard or a front yard shall be deemed a side yard.

Setbacks
(defined from the property lines in)

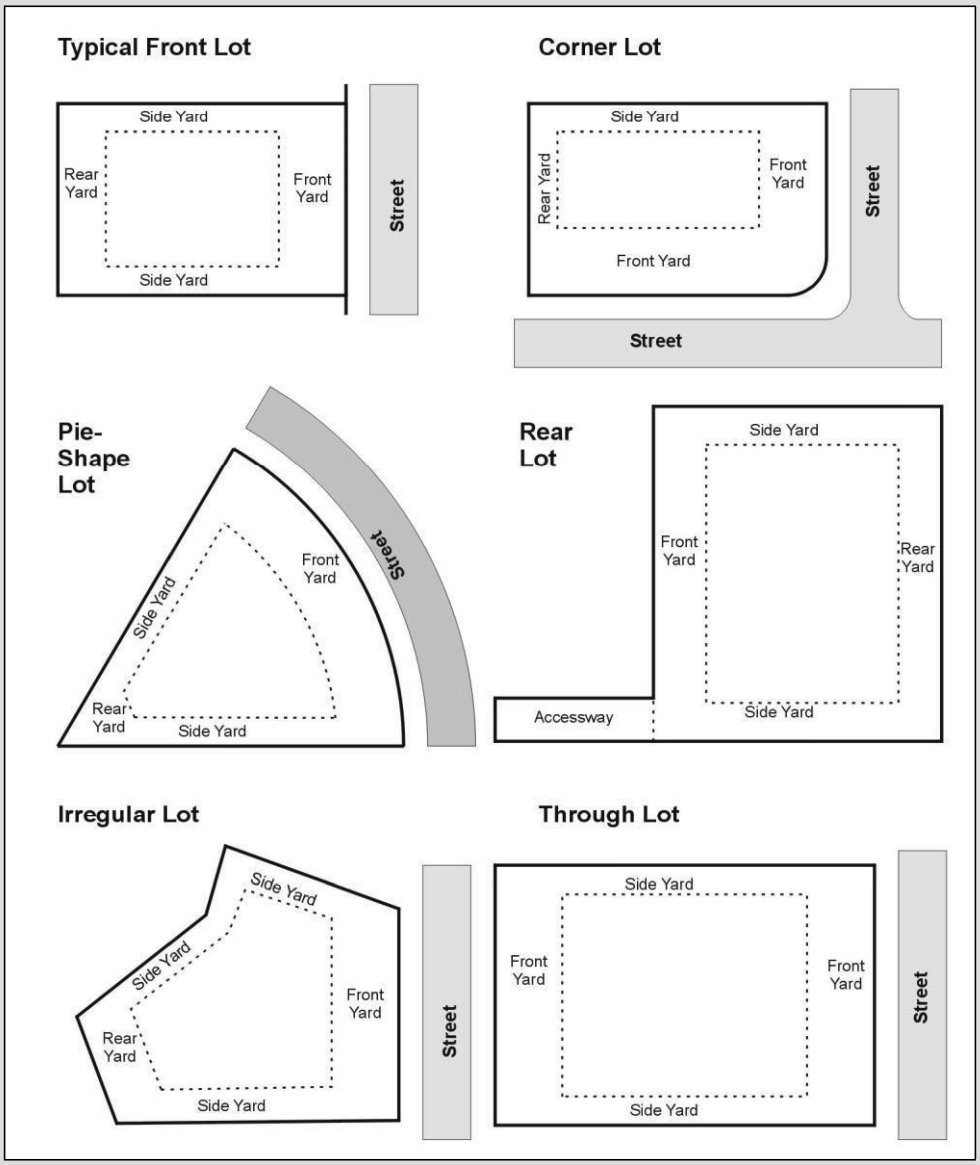


Yards
(defined from the building out)



Yard Locations

Each street line on a corner lot shall be deemed to be a front lot line, and the required yard along them shall be the required front yard. The yard opposite the shortest front lot line shall be considered a rear yard, and the other, or others, shall be considered side yards.



Also see "Lot Lines".

ZEO – Zoning Enforcement Officer.

3000 RESIDENTIAL DISTRICTS

3100 VILLAGE RESIDENTIAL DISTRICT (VR-1 and VR-2)

3110 PURPOSE

The purpose of the Village Residential districts is to provide for residential and other uses appropriate for a New England village setting and retain the present architectural and aesthetic character of the area.

3120 PERMITTED PRINCIPAL USES

3121 Permitted By Right (No Additional Zoning Authorization Required)

1. Agriculture / farm in accordance with generally accepted agricultural practices as promulgated by the Connecticut Department of Agriculture.

3122 Permitted By Zoning Permit (Staff)

1. One-family dwelling, one per lot.

2. Two-family dwelling, one building per lot.

3123 Permitted By Site Plan Approval (Commission)

1. (reserved)

3124 Permitted By Special Permit (Commission With Public Hearing)

1. A park or playground.

2. Community center.

3. Philanthropic, charitable or non-profit institutions.

4. Museum.

5. Places of worship.

6. A privately operated hospital, clinic, nursing or convalescent home or similar institution provided that the minimum lot size shall be one acre and all buildings shall be located at least 25 feet from any street or lot line.

7. Town-sponsored housing development in accordance with Section 6400.

8. Multiple dwellings subject to the following provisions:
   a. There shall be a minimum lot size of one acre.
   b. There shall be at least 4,000 square feet of lot area for each dwelling unit.
   c. No building shall contain more than eight dwelling units.
   d. No proposed development shall be approved unless connected to the Town sanitary sewer system.
   e. Each lot shall have frontage of at least 100 feet on a public street except that rear lots shall have at least 25 feet of right-of-way on a public street.
   f. Each lot shall be located so that its vehicular access and egress shall be on to a street of sufficient width and capacity to accommodate any increase in traffic.
   g. The maximum building coverage for multiple dwellings and accessory buildings shall not exceed 25% of the lot area.
   h. If the multiple dwellings are proposed only within an existing building, the conversion shall be considered an interior change and the lot size and setback requirements for a single family dwelling shall apply.
   i. Multiple dwellings and accessory buildings shall be set back:
      i. from a front lot line a distance equal to the average setback distance of all other principal structures within the same zoning district within 500 feet in each direction on the same side of the street except that no multiple dwelling building shall be located within 25 feet of a front lot line,
      ii. 20 feet from a side lot line.
      iii. 40 feet from a rear lot line.
   j. If multiple buildings are proposed, the distance between buildings containing multiple dwelling shall be not less than the height of the taller building.
   k. No parking area or other use shall be located within 25 feet of any front lot line or within 10 feet of any rear or side lot line.
   l. Each multiple dwelling project shall provide facilities for the disposal and collection of garbage and refuse which facilities shall be in conveniently located areas, enclosed and visually screened from view.

9. Public utility uses such as substations, transformers, sewer facilities, water facilities, and similar public utility uses with no outside service yard or outside storage of supplies unless fully enclosed or screened from public view.

3130 PERMITTED ACCESSORY BUILDINGS, STRUCTURES AND USES

3131 Permitted By Right (No Additional Zoning Authorization Required)

1. Parking of registered motor vehicles on the property in accordance with Section 8200 including the parking of one commercial vehicle per dwelling unit if the vehicle (also see Section 3134 for parking of additional commercial vehicles):
   a. is self-propelled,
   b. does not have more than a single-axle rear end, and
   c. does not exceed 14,000 pounds gross vehicle weight rating.

2. Keeping of domestic pets accessory to a residential use, including a kennel, but not a commercial kennel or a veterinary hospital.

3. Agricultural uses such as:
   a. Gardening and the raising of crops or fruit.
   b. Keeping of poultry provided that no roosters shall be kept.
   c. Keeping of horses, cows, sheep, and goats and other such animals by the owner of the premises provided there shall be a dedicated grazing area of at least one acre of land and such dedicated area shall not be used for the keeping of more than:
      - One horse or cow per dedicated acre,
      - Three llamas or alpacas per dedicated acre, or
      - Five goats or sheep per dedicated acre.

4. A tag sale provided such sale shall be engaged in only by immediate members of the family residing on the premises and shall be limited to two per year, each of not more than three days duration.

5. Family day care home by a resident occupant.

6. Home office in accordance with Section 6100.

7. Solar panels when flush mounted to a roof surface.

8. A roadside stand up to 32 square feet in area established and operated by the owner of the property provided that:
   a. such stand is limited to the sale of agricultural products produced on the premises or items created or produced on the premises (such as home cooking, needlework and similar items),
   b. the stand is located in an area with adequate access, sight lines and parking,
   c. the stand does not have a permanent foundation,
   d. no electricity, lighting, or plumbing is provided, and
   e. the structure shall not exceed 12 feet in height.

9. A farm stand up to 144 square feet in area when accessory to a farm provided that (also see Section 3133):
   a. such stand is limited to the sale of agricultural products produced on the premises,
   b. the stand is located in an area with adequate access, sight lines and parking,
   c. the stand does not have a permanent foundation,
   d. no electricity, lighting, or plumbing is provided, and
   e. the structure shall not exceed 15 feet in height.

10. Storage of recreational vehicles, boats, and/or camping trailers provided that:
    a. Any such recreational vehicle, boat, or camping trailer shall be stored in compliance with yard setback requirements except that no such recreational vehicle, boat, or camping trailer shall be stored in front of the principal structure unless visually screened from view from the street and from adjacent premises.
    b. No such recreational vehicle, boat, or camping trailer shall be used for human habitation except that a visiting recreational vehicle or camping trailer may be inhabited on a lot occupied by a detached dwelling or on a vacant lot for a period not to exceed two weeks in any calendar year.

11. An accessory use not listed above provided that:
    a. such use is customarily incidental and directly related to the permitted principal use (check with the Zoning Enforcement Officer), and
    b. no part of the accessory use is located in the area between the principal building and a public street unless visually screened from view from the street and from adjacent premises.

3132 Permitted By Zoning Permit (Staff)

1. An accessory building or structure customarily incidental and directly related to the operation of the permitted principal use when no part of the accessory building or structure is located in the area between the principal building and a public street (also see Section 3134.1).

2. Propane tanks (when the overall capacity exceeds 100 gallons) provided that the tank(s) and any appurtenances shall not be located between the principal building and the street unless visually screened from view from the street and from adjacent premises.

3. Solar panels when installed on the ground or when not flush mounted to a roof surface.

4. Minor home occupation in accordance with Section 6100.

5. Tennis court, paddle tennis court, swimming pool, or other recreational facilities for private use not located in the area between the principal building and a public street provided that:
    a. The facility and any equipment or appurtenances shall adhere to the applicable yard setback requirements.
    b. Pumps, filters, heaters and tanks shall be visually screened from view from the street and from adjacent premises.
    c. Any exterior lighting in connection with such recreational facilities shall be located so as to prevent glare or view of the lighting element from adjacent properties or from a public road.

6. An accessory residential unit (internal or attached) in accordance with Section 6200.

3133 Permitted By Site Plan Approval (Commission)

1. A farm stand not otherwise in compliance with Section 3131.9 above may be approved by the Commission by Site Plan approval and such application may be based on an aerial photograph or hand-drawn sketch plan rather than an A-2 survey.

3134 Permitted By Special Permit (Commission With Public Hearing)

1. An accessory building, structure or use when located in the area between the principal building and a public street.

2. The parking of more than one commercial vehicle per dwelling unit or the parking of a commercial vehicle not in compliance with the provisions of Section 3131.1.

3. Major home occupation in accordance with Section 6100.

4. A detached accessory residential unit or guest house in accordance with Section 6200.

5. Bed and breakfast with up to six (6) bedrooms for guests when in accordance with Section 6300 and when accessory to and within an owner-occupied single-family dwelling.

6. Group day care home by a resident occupant.

7. A day care center provided that:
   a. such use shall be accessory to a public use,
   b. the lot shall contain at least two acres and have frontage of at least 150 feet, and
   c. no play equipment shall be located in any required front or side yard setbacks.

8. Tennis court, paddle tennis court, swimming pool, or other recreational facilities for private use located in the area between the principal building and a public street.

9. Boarding house for up to six (6) people when accessory to and within an owner-occupied single-family dwelling.

10. A farm store when accessory to a farm provided that:
    a. such farm store may sell agricultural products produced on the premises or within 50 miles of Kent,
    b. such farm store shall be operated only by the farm operator,
    c. the Commission may limit the months of the operation of the farm store, and
    d. the farm store may be located within an existing (as of ,,effective date>>) non-residential farm structure (i.e. – barn).

3140 AREA AND DIMENSIONAL STANDARDS

The following standards shall apply to uses permitted in the Village Residential Districts except as may be provided elsewhere in these Regulations.

	VR-1	VR-2
Minimum Lot Area	10,000 SF	30,000 SF
Minimum Lot Width	80 Feet	150 Feet
Minimum Front Yard Setback (see Section 3124.9 for rear lots)	The minimum setback shall be equal to the average setback distance of all other principal buildings within the same zoning district within 500 feet in each direction on the same side of the street. (25 feet if no average setback available)	
Minimum Side Yard Setback		
• Principal Building	10 Feet	20 Feet
• Accessory Buildings/Structures	10 Feet	10 Feet
Minimum Rear Yard Setback		
• Principal Building	40 Feet	40 Feet
• Accessory Buildings/Structures	10 Feet	10 Feet
Maximum Coverage		
• Principal Building	25%	20%
• Principal and Accessory Buildings	30%	25%
Maximum Building Height		
• Principal Building	35 Feet	35 Feet
• Accessory Buildings (if guest house)	35 Feet	35 Feet
• Other Accessory Buildings	20 Feet	20 Feet

Please Note - Section 9100 may provide for possible exceptions to lot area requirements, setback requirements, yard limitations, building height limitations, building coverage limitations and other dimensional standards.

Rear Lots – For rear lots in the Village Residence districts, see Section 3150.3.

3150 ADDITIONAL PROVISIONS

1. Due to the desire to preserve and enhance the distinctive character of the Kent village area, activities within the Village Residential (VR) districts may also be subject to the provisions of the Kent Village Overlay District (KVOD). Please refer to the Zoning Map for the location of the KVOD and please refer to Section 5100 of the Regulations for possible additional requirements.

2. Any principal dwelling so placed on a lot within the Village Residential district that its front faces one of the side lot lines shall:
   a. have the side facing its street of access in line with the average setback distance of principal buildings within the same zoning district within 500 feet on the same side of the street,
   b. have the front of such a dwelling be set back from the side lot line which it faces at least 20 feet in VR-1 and at least 30 feet in VR-2, and
   c. conform to the side yard setback requirements for the rear of such dwelling facing the opposite side lot line.

3. Rear lots may be permitted by Special Permit in a Village Residential district provided that:
   a. Each rear lot shall have a required front yard setback of 45 feet from the lot line to which the accessway leads.
   b. Each rear lot shall comply with all other lot and building requirements for the zoning district in which it is located.
   c. Each rear lot shall have an accessway which has a continuous width of at least 25 feet, which is owned in fee simple by the owner of the rear lot, and which has frontage on a street except that:
      i. The Commission may permit a deeded access through a front lot to a rear lot existing as of July 1, 2018 only under circumstances where there is no other feasible alternative providing access to such rear lot and further provided that the area of any easement or right–of-way shall not be included in the required yard setbacks or minimum area of any such front lot.
      ii. The width of two adjoining accessways may be reduced to a minimum of 20 feet each, provided that a common driveway shall serve both lots. Where feasible, an accessway shall be located adjacent to a side property line.
      iii. There shall be no more than two accessways adjoining one another.
      iv. The area of the accessway shall not be calculated as part of the minimum required lot area of the rear lot.

3200 RURAL RESIDENTIAL DISTRICT (RU-1)

3210 PURPOSE AND INTENT

The Rural Residential district is intended to guide residential development in accordance with soil types, terrain, and other environmental considerations and with due consideration for the character of the community.

Refer to Section 5200 for possible requirements related to subdivision of land.

3220 PERMITTED PRINCIPAL USES

3221 Permitted By Right (No Additional Zoning Authorization Required)

1. Agriculture / farm in accordance with generally accepted agricultural practices as promulgated by the Connecticut Department of Agriculture.

3222 Permitted By Zoning Permit (Staff)

1. One-family dwelling, one per lot.

2. Two-family dwelling, one building per lot.

3223 Permitted By Site Plan Approval (Commission)

1. (reserved)

3224 Permitted By Special Permit (Commission With Public Hearing)

1. A park or playground.

2. Community center.

3. Philanthropic, charitable or non-profit institutions.

4. Places of worship (including parish houses, convents, and similar accessory residential uses) when located on a lot of at least two acres, provided that the building coverage does not exceed 15%.

5. Cemetery.

6. Museum.

7. Private schools and private colleges provided that:
   a. the property contains at least five acres, and
   b. the property has at least 400 feet of frontage on one street.

8. A privately operated hospital, clinic, nursing home, or convalescent home provided that:
   a. the property contains at least five acres, and
   b. at least 4,000 square feet of lot area shall be provided for each bed providing in-patient accommodation.

9. Town-sponsored housing development in accordance with Section 6400.

10. Campgrounds in accordance with Section 6500 provided that:
    a. the property contains at least 70 acres,
    b. there shall be no more than one campsite per 8,000 square feet of lot area, and
    c. all athletic and other camp facilities shall be located at least 200 feet from any street line or other lot line.

11. Camps in accordance with Section 6600 provided that:
    a. the property contains at least 70 acres,
    b. there shall be no more than one person accommodated per 8,000 square feet of lot area, and
    c. all athletic and other camp facilities shall be located at least 200 feet from any street line or other lot line.

12. Private or commercial golf courses, provided that:
    a. the property contains at least 20 acres,
    b. all buildings shall be located no less than 100 feet from any street line or other lot line, and
    c. no part of the course shall be illuminated for night play.

13. Commercial livery, boarding or riding stables including facilities for showing and training of horses, as a principal or accessory use provided that they shall be located on a lot of at least five acres.

14. Veterinary hospitals for the care and treatment of animals as a principal or accessory use on a lot of at least five acres provided that:
    a. This shall not be construed to mean the boarding of animals for compensation unless directly related to the veterinary treatment of the animal.
    b. All animals are to be housed within the confines of the hospital which shall be constructed to attenuate animal noises sufficient to comply with Section 7130.3 of these regulations.

15. Public utility uses such as substations, sewer facilities, water facilities, and similar public utility uses with no outside service yard or outside storage of supplies unless fully enclosed or screened from public view.

3230 PERMITTED ACCESSORY USES AND STRUCTURES

3231 Permitted By Right (No Additional Zoning Authorization Required)

1. Parking of registered motor vehicles on the property in accordance with Section 8200 including the parking of one commercial vehicle per dwelling unit if the vehicle (also see Section 3234 for parking of additional commercial vehicles):
   a. is self-propelled,
   b. does not have more than a single-axle rear end, and
   c. does not exceed 14,000 pounds gross vehicle weight rating.

2. Keeping of domestic pets accessory to a residential use, including a kennel, but not a commercial kennel or a veterinary hospital.

3. Agricultural uses accessory to a residence such as:
   a. Gardening and the raising of crops or fruit.
   b. Keeping of poultry, including roosters.
   c. Keeping of horses, cows, sheep, goats and other such animals by the owner of the premises in accordance with "generally accepted agricultural practices" as determined by the Connecticut Department of Agriculture.

4. Agricultural uses accessory to a farm such as:
   a. Parking or storage of farm equipment provided that such parking or storage is located at least 30 feet from any property line or is under cover.
   b. Facilities associated with a "community supported agriculture" program on that farm.

5. A farm stand up to 144 square feet in area when accessory to a farm provided that (also see Section 3233):
   a. such stand is limited to the sale of agricultural products produced on the premises,
   b. the stand is located in an area with adequate access, sight lines and parking,
   c. the stand does not have a permanent foundation,
   d. no electricity, lighting, or plumbing is provided, and
   e. the structure shall not exceed 15 feet in height.

6. A tag sale provided such sale shall be engaged in only by immediate members of the family residing on the premises and shall be limited to two per year, each of not more than three days duration.

7. Family day care home by a resident occupant.

8. Home office in accordance with Section 6100.

9. Solar panels when flush mounted to a roof surface (also see Section 3232).

10. Storage of recreational vehicles, boats, and/or camping trailers provided that:
    a. Any such recreational vehicle, boat, or camping trailer shall be stored in compliance with yard setback requirements except that no such recreational vehicle, boat, or camping trailer shall be stored in front of the principal structure unless visually screened from view from the street and from adjacent premises.
    b. No such recreational vehicle, boat, or camping trailer shall be used for human habitation except that a visiting recreational vehicle or camping trailer may be inhabited on a lot occupied by a detached dwelling or on a vacant lot for a period not to exceed two weeks in any calendar year.

11. Seasonal docks (removed each year) provided that:
    a. All seasonal docks shall be 150 square feet or less.
    b. All seasonal docks shall be exempt from the requirement to measure yard setbacks from the edge of lakes or ponds.

12. An accessory use not listed above provided that:
    a. such use is customarily incidental and directly related to the permitted principal use (check with the Zoning Enforcement Officer), and
    b. no part of the accessory use is located in the area between the principal building and a public street unless visually screened from view from the street and from adjacent premises.

13. Propane tanks provided that the tank(s) and any appurtenances shall not be located between the principal building and the street unless visually screened from view from the street and from adjacent premises.

3232 Permitted By Zoning Permit (Staff)

1. A building or structure customarily incidental to the operation of a farm (such as a barn or storage shed).

2. An accessory building or structure customarily incidental and directly related to the operation of the permitted principal use provided that any accessory building or structure located in the area between the principal building and a public street shall be located at least one hundred feet (100') from the front lot line (see Section 3234.1).

3. Solar panels when installed on the ground or when not flush mounted to a roof surface.

4. Minor home occupation in accordance with Section 6100.

5. An accessory residential unit (internal or attached) or a detached guest house in accordance with Section 6200.

6. Tennis court, paddle tennis court, swimming pool, or other recreational facilities for private use not located in the area between the principal building and a public street provided that:
    a. The facility and any equipment or appurtenances shall adhere to the applicable yard setback requirements.
    b. Pumps, filters, heaters and tanks shall be visually screened from view from the street and from adjacent premises.
    c. Any exterior lighting in connection with such recreational facilities shall be located at the minimum height from the ground and the maximum distance from property lines necessary to prevent glare or view of the lighting element from adjacent properties or from a public road.

3233 Permitted By Site Plan Approval (Commission)

1. A farm stand not otherwise in compliance with Section 3231 above may be approved by the Commission by Site Plan approval and such application may be based on an aerial photograph or hand-drawn sketch plan rather than an A-2 survey.

3234 Permitted By Special Permit (Commission With Public Hearing)

1. An accessory building, structure or use located in the area between the principal building and a public street if such accessory building, structure or use is located less than one hundred feet (100') from the front lot line.

2. The parking of more than one commercial vehicle per dwelling unit or the parking of a commercial vehicle not in compliance with the provisions of Section 3231.

3. A farm store when accessory to a farm provided that:
   a. such farm store may sell agricultural products produced on the premises or within 50 miles of Kent,
   b. such farm store shall be operated only by the farm operator,
   c. the Commission may limit the months of the operation of the farm store, and
   d. the farm store may be located within an existing non-residential farm structure (i.e. – barn) but a new structure shall comply with the yard setbacks for the zoning district.

4. In order to preserve and encourage agricultural activities in the Town of Kent, housing for farm workers when accessory to a farm provided that such housing is only occupied seasonally for the farm and is located:
   a. within a building existing as of July 1, 2018,
   b. as a result of an addition to an existing building, or
   c. in a new building approved by the Commission provided that the applicant shall demonstrate to the Commission that it would be possible to subdivide the new building with a conforming lot at some time in the future should the farm operation cease.

5. In order to preserve and encourage agricultural activities in the Town of Kent, temporary housing for farm workers when accessory to a farm provided that:
   a. The zoning permit for such temporary housing shall be valid for a calendar year but may be renewed annually by the applicant provided that the Commission has had an opportunity to review the operation of the housing in prior years.
   b. Adequate sanitary arrangements are made and maintained to the satisfaction of the Sanitarian.
   c. Any such temporary housing shall be visually screened from view from the street and from adjacent residential uses.
   d. A sketch plan has been submitted illustrating the proposed location and screening.
   e. Any such temporary housing shall be removed from the property at the end of the calendar year unless a new zoning permit has been authorized by the Commission or otherwise approved by the Commission.
   f. Should the zoning permit expire or not be renewed, the Special Permit shall no longer be valid and the temporary housing shall be vacated and removed from the premises.

6. In order to preserve and encourage agricultural activities in the Town of Kent, a farm brewery provided that:
   a. Some of the grains used are grown on site,
   b. The quantity of finished product shall not exceed 155,000 U.S. gallons per calendar year.
   c. The finished product shall generally be sold at wholesale, except that limited on-site sales for off-site consumption may be allowed if specifically approved by the Commission.
   d. Tours and tasting rooms may be allowed if specifically approved by the Commission.

7. Major home occupation in accordance with Section 6100.

8. A detached accessory residential unit in accordance with Section 6200.

9. Bed and breakfast with up to three (3) bedrooms for guests when in accordance with Section 6300 and when accessory to and within an owner-occupied single-family dwelling.

10. Boarding house for up to six (6) people when accessory to and within an owner-occupied single-family dwelling.

11. Tennis court, paddle tennis court, swimming pool, or other recreational facilities for private use located in the area between the principal building and a public street.

12. Group day care home by a resident occupant.

13. A day care center provided that:
    d. such use shall be accessory to a public or semi-public use,
    e. the lot shall contain at least two acres and have frontage of at least 150 feet, and
    f. no play equipment shall be located in any required front or side yard setback.

14. Energy producing wind facility in accordance with Section 9700.

15. Boathouses or permanent docks provided that all docks and boathouses shall be exempt from the requirement to measure yard setbacks from the edge of lakes or ponds.

3240 AREA AND DIMENSIONAL STANDARDS

The following standards shall apply to uses permitted in the Rural District except as may be provided elsewhere in these Regulations.

	RU-1
Minimum Lot Area *(See Section 5250 for minimum lot area requirements for a Conservation Development)*	Using the Soil Categorization Table on the following page, each lot created after July 1, 2018 shall have an area of not less than 2.0 acres for Class A soils, 3.0 acres for Class B soils, and 5.0 acres for Class C soils. On-site investigation by a Commission approved soil scientist is required for determining minimum lot size and suitability of limitation for any intended use. In the event that a lot shall have more than one class of soil, the location of the septic system shall determine which class of soil shall be applicable. For any proposed subdivision, each lot thereon shall be treated as an individual lot.
Minimum Square	Each lot created after July 1, 2018 shall be of such shape that a square with 200 feet on each side will fit on the lot with one side of the square along the required front yard setback.
Minimum Front Yard Setback	40 Feet
Minimum Side Yard Setback	30 Feet
Minimum Rear Yard Setback	30 Feet
Maximum Coverage	
• **Principal Building**	10 %
• **Principal Building and Accessory Buildings**	15%
Maximum Building Height	
• **Principal Building**	30 Feet
• **Accessory Buildings (if guest house or detached accessory dwelling)**	30 Feet
• **Other Accessory Buildings**	20 Feet

PLEASE NOTE –

1. **Section 9100 may provide for possible exceptions to lot area requirements, setback requirements, yard limitations, building height limitations, building coverage limitations and other dimensional standards.**

2. **The provisions of Section 5200 (Conservation Development Overlay District) may apply to a subdivision of land in the RU-1 District.**

3. **For rear lots, please see Section 3224.15.**

Soil Categorization Table

Zoning Class	Minimum Lot Size Requirement	Simplified Natural Soil Group	Soil Codes (Number Codes)
A	Two (2.0) acres	Well drained soils	29A, 29B, 29C, 30B, 31A, 31B, 31C, 32A, 32B, 32C, 34A, 34B, 34C, 36A, 36B, 36C, 38A, 38C, 39C, 57B, 57C, 58B, 58C, 59C, 60B, 60C, 61B, 61C, 62C, 92B, 92C, 93C
B	Three (3.0) acres	Soils with hardpan	84B, 84C, 85B, 85C, 86C, 90B, 90C, 91C
C	Five (5.0) acres	Rocky and shallow soils	73C, 75C, 94C, 95C
		Soils with seasonal high water table	21A, 22A, 22B, 23A, 24A, 45A, 45B, 45C, 46B, 46C, 47C, 48B, 48C, 49B, 49C, 50A, 50B, 51B, 52C
		Soils in steeply sloping areas (except that any slope of 25% or more cannot be used to comply with the minimum lot size requirement)	38E, 39E, 59D, 60D, 62D, 73E, 75E, 76E, 76F, 84D, 86D, 90D, 91D, 92D, 94E, 95E
D	*These soil types shall not contribute to the calculation of minimum lot area.*	Poorly drained soils (wetlands)	2, 3, 4, 7, 8, 13, 14, 15, 17
		Floodplain soil (wetland)	100, 101, 102, 103, 105, 106, 107, 108, 109
		Silt, clay, marsh and swampy soils (wetland)	12, 16, 18
	These areas shall not contribute to the calculation of minimum lot area.	Water	
		Floodplain (FEMA)	Any area designated as 100-year floodplain on a Flood Insurance Rate Map prepared by FEMA
Miscellaneous		Urban / Unknown / Variable	232B, 234B, 238A, 238C, 302, 305, 306, 307, 308, 309, TBD

NOTES:

1. **As per Section 1310.2, the above soil survey codes may be determined the United States Department of Agriculture, Natural Resources Conservation Service (may be viewed at websoilsurvey.nrcs.usda.gov).**
2. **The wording of the "simplified natural soil group" in the above table is for descriptive purposes only and the soil codes shall control.**
3. **In the event of any claimed discrepancies in soil coding or categorization, the Commission shall determine the zoning class based on available information and/or soil testing.**

3250 ADDITIONAL PROVISIONS

1. Rear lots may be permitted by Special Permit in a Rural Residential district provided that:
   a. Each rear lot shall have a required front yard setback of 60 feet from the lot line to which the accessway leads.
   b. Each rear lot shall comply with all other lot and building requirements for the RU-1 zoning district.
   c. Each rear lot shall have an accessway which has a continuous width of at least 25 feet, which is owned in fee simple by the owner of the rear lot, and which has frontage on a street except that:
      i. The Commission may permit a deeded access through a front lot to a rear lot existing as of July 1, 2018 only under circumstances where there is no other feasible alternative providing access to such rear lot and further provided that the area of any easement or right–of-way shall not be included in the required yard setbacks or minimum area of any such front lot.
      ii. The width of two adjoining accessways may be reduced to a minimum of 20 feet each, provided that a common driveway shall serve both lots. Where feasible, an accessway shall be located adjacent to a side property line.
      iii. There shall be no more than two accessways adjoining one another.
      iv. The area of the accessway shall not be calculated as part of the minimum required lot area of the rear lot.

3300 BIRCH HILL DISTRICT (RU-2)

3310 PURPOSE AND INTENT

The Birch Hill district is intended to guide residential development in this neighborhood of small lots which generally pre-dated the adoption of zoning in Kent. It is the intent of this Section to guide development in accordance with soil types, terrain, and other environmental considerations and with due consideration for the character of the neighborhood.

3320 PERMITTED PRINCIPAL USES

3321 Permitted By Right (No Additional Zoning Authorization Required)

1. Agriculture / farm in accordance with generally accepted agricultural practices as promulgated by the Connecticut Department of Agriculture.

3322 Permitted By Zoning Permit (Staff)

1. One-family dwelling, one per lot.

3323 Permitted By Site Plan Approval (Commission)

1. (reserved).

3324 Permitted By Special Permit (Commission With Public Hearing)

1. Two-family dwelling, one building per lot.
2. A park or playground.
3. Town-sponsored housing development in accordance with Section 6400.

3330 PERMITTED ACCESSORY USES AND STRUCTURES

3331 Permitted By Right (No Additional Zoning Authorization Required)

1. Parking of registered motor vehicles on the property in accordance with Section 8200 including the parking of one commercial vehicle per dwelling unit if the vehicle (also see Section 3334 for parking of additional commercial vehicles):
   a. Is self-propelled,
   b. does not have more than a single-axle rear end, and
   c. does not exceed 14,000 pounds gross vehicle weight rating.

2. Keeping of domestic pets accessory to a residential use, including a kennel, but not a commercial kennel or a veterinary hospital.

3. A farm stand up to 144 square feet in area when accessory to a farm provided that (also see Section 3333):
   a. such stand is limited to the sale of agricultural products produced on the premises,
   b. the stand is located in an area with adequate access, sight lines and parking,
   c. the stand does not have a permanent foundation,
   d. no electricity, lighting, or plumbing is provided, and
   e. the structure shall not exceed 15 feet in height.

4. Agricultural uses accessory to a residence such as:
   a. Gardening and the raising of crops or fruit.
   b. Keeping of poultry and other such animals.
   c. Keeping of horses, cows, sheep, goats and other such animals by the owner of the premises subject to the same standards as contained in Section 3131.3.c.

5. A tag sale provided such sale shall be engaged in only by immediate members of the family residing on the premises and shall be limited to two per year, each of not more than three days duration.

6. Family day care home by a resident occupant.

7. Home office in accordance with Section 6100.

8. Solar panels when flush mounted to a roof surface (also see Section 3332).

9. Storage of recreational vehicles, boats, and/or camping trailers provided that:
   a. Any such recreational vehicle, boat, or camping trailer shall be stored in compliance with yard setback requirements except that no such recreational vehicle, boat, or camping trailer shall be stored in front of the principal structure unless visually screened from view from the street and from adjacent premises.
   b. No such recreational vehicle, boat, or camping trailer shall be used for human habitation except that a visiting recreational vehicle or camping trailer may be inhabited on a lot occupied by a detached dwelling or on a vacant lot for a period not to exceed two weeks in any calendar year.

10. An accessory use not listed above provided that:
    c. such use is customarily incidental and directly related to the permitted principal use (check with the Zoning Enforcement Officer), and
    d. no part of the accessory use is located in the area between the principal building and a public street unless visually screened from view from the street and from adjacent premises.

3332 Permitted By Zoning Permit (Staff)

1. An accessory building or structure customarily incidental and directly related to the operation of a permitted principal use when no part of the accessory building or structure is located in the area between the principal building and a public street (see Section 3334).

2. Propane tanks (when the overall capacity exceeds 100 gallons) provided that the tank(s) and any appurtenances shall not be located between the principal building and the street unless visually screened from view from the street and from adjacent premises.

3. Solar panels when installed on the ground or when not flush mounted to a roof surface.

4. Minor home occupation in accordance with Section 6100.

5. Tennis court, paddle tennis court, swimming pool, or other recreational facilities for private use not located in the area between the principal building and a public street provided that:
   a. The facility and any equipment or appurtenances shall adhere to the applicable yard setback requirements.
   b. Pumps, filters, heaters and tanks shall be visually screened from view from the street and from adjacent premises.
   c. Any exterior lighting in connection with such recreational facilities shall be located at the minimum height from the ground and the maximum distance from property lines necessary to prevent glare or view of the lighting element from adjacent properties or from a public road.

3333 Permitted By Site Plan Approval (Commission)

1. A farm stand not otherwise in compliance with Section 3331 above may be approved by the Commission by Site Plan approval and such application may be based on an aerial photograph or hand-drawn sketch plan rather than an A-2 survey.

3334 Permitted By Special Permit (Commission With Public Hearing)

1. An accessory building, structure or use when located in the area between the principal building and a public street.

2. The parking of more than one commercial vehicle per dwelling unit or the parking of a commercial vehicle not in compliance with the provisions of Section 3331.1.

3. Major home occupation in accordance with Section 6100.

4. An accessory residential unit (internal or attached) in accordance with Section 6200.

5. Group day care home by a resident occupant.

6. Tennis court, paddle tennis court, swimming pool, or other recreational facilities for private use located in the area between the principal building and a public street.

3340 AREA AND DIMENSIONAL STANDARDS

The following standards shall apply to uses permitted in the Birch Hill District except as may be provided elsewhere in these Regulations.

3341 Basic Standards

	RU-2
Minimum Lot Area	1.0 acres of buildable land as defined in these Regulations
Minimum Square	N/A
Minimum Lot Width	N/A
Minimum Front Yard Setback To Route 7	40 Feet
Minimum Front Yard Setback Elsewhere	20 Feet
Minimum Side Yard Setback	10 Feet
Minimum Rear Yard Setback	20 Feet
Maximum Coverage	
• Principal Building	25%
• Principal Building and Accessory Buildings	30%
Maximum Building Height	
• Principal Building	30 Feet
• Other Accessory Buildings	20 Feet

PLEASE NOTE - Section 9100 may provide for possible exceptions to lot area requirements, setback requirements, yard limitations, building height limitations, building coverage limitations and other dimensional standards.

3400 VILLAGE HOUSING OVERLAY DISTRICT

3410 PURPOSE

The purpose of the Village Housing Overlay District as delineated on the Zoning Map is to enable the development of housing, including affordable housing units, within a portion of the Kent village area.

As an overlay district, a property owner may choose to utilize the provisions of the underlying zone or utilize the provisions of the overlay zone.

3420 PERMITTED USES

The following uses shall be permitted subject to Special Permit approval in accordance with Section 10400 and other applicable provisions of these Regulations:

1. Single family detached dwellings on individual lots are permitted subject to the following:

	If A Market Rate Unit	If An Affordable Unit
Minimum Lot Area Per Unit	7,500 SF	5,000 SF
Minimum Lot Width	75 feet	50 feet
Minimum Front Yard Setback	20 feet	20 feet
Minimum Side Yard Setback	8 feet	8 feet
Minimum Rear Yard Setback	30 feet	30 feet

2. Single family detached dwellings and/or multi-unit buildings on common land are permitted subject to the following:

Maximum Density	4 units per acre
Minimum Building Setback From A Public Street	20 feet
Minimum Building Separation	20 feet (or the height of the building, whichever is greater)
Minimum Building Setback	30 feet from property lines

3. The above uses shall be permitted subject to:
   a. site plan approval in accordance with Section 10300 and other applicable provisions of these Regulations (if a common interest community), or
   b. subdivision approval in accordance with this Section of the Zoning Regulations and applicable provisions of the Kent Subdivision Regulations (if separate lots are to be created and arrangements acceptable to the Commission are made to ensure the actual construction of the affordable units).

4. All development under this Section shall comply with the following:
   a. At least twenty percent (20%) of the dwelling units will be conveyed subject to an incentive housing restriction requiring that, for at least thirty years after the initial occupancy of the development, such dwelling units shall be sold or rented at, or below, prices which will preserve the units as housing for which persons pay thirty per cent or less of their annual income, where such income is less than or equal to eighty per cent or less of the area median income as reported by the United States Department of Housing and Urban Development.
   b. New uses or habitable structures shall be permitted only if supplied with public water and served by a sanitary sewer system or other sewage disposal system approved by the State Department of Energy and Environmental Protection (DEEP).
   c. A roadway connection in a configuration acceptable to the Commission is made from the village business area to Maple Street Extension.

3430 PERMITTED ACCESSORY BUILDINGS, STRUCTURES AND USES

1. Any accessory buildings, structures or uses, customarily incidental and directly related to the operation of the permitted, principal use.

2. Off street parking and loading shall be provided in accordance with Section 8200.

3. Signs, in accordance with Section 8100.

3440 AREA AND DIMENSIONAL STANDARDS

Area and dimensional requirements shall be in accordance with Section 4140.

3450 SPECIAL PROVISIONS

1. Unless the applicant demonstrates that such density of development is not feasible or desirable due to the physical characteristics of the property, the ***minimum*** residential density shall be three units per acre.

2. At least twenty percent (20%) of the area of the parcel shall be set aside as open space/drainage area in order to facilitate the infiltration of runoff and drainage from the site and areas upstream.

3. All development activities shall be subject to design review in accordance with the provisions of Section 5100 of these Regulations (Kent Village District).

4. The design of the affordable units (including the basic finishes, appliances, HVAC equipment, and other specifications) shall be approved by the Commission.

5. An "affordability plan" meeting the requirements of the Connecticut Department of Housing and in accordance with CGS Section 8-30g(b), as may be amended, shall be submitted with any application under this Section. The administrator of the affordability plan shall be a third party entity proposed by the applicant provided such party is acceptable to the Commission.

6. In the case of a common interest community, a certificate of zoning compliance precedent to issuance of a certificate of occupancy shall not be issued for a market rate unit if doing so would cause there to be more than three market rate units completed for each affordable unit completed. Affordable units shall have the same basic finishes and specifications as market rate units and shall be spread throughout the development in an equitable fashion.

7. In the case of a subdivision, the applicant shall demonstrate a methodology acceptable to the Commission whereby the affordable housing units will be constructed on a "pro rata" basis such that there will not, at any time, be more than three market rate units for each affordable unit. Such methodologies may include, but are not limited to:
    a. The developer will build all the units and take responsibility for the "pro rata" approach where there will not be more than three market rate units completed for each affordable unit completed,
    b. Provision of a financial guarantee in a form and amount acceptable to the Commission providing for the actual construction of the affordable housing units and associated improvements (full construction cost rather than estimated sales price) proposed by the developer in order to utilize the higher density allowed by this Section of the Zoning Regulations, or
    c. Other approach acceptable to the Commission to ensure the actual construction and occupancy of the affordable units within a defined time frame.

3500 VILLAGE MIXED USE OVERLAY DISTRICT

3510 PURPOSE

The purpose of the Village Mixed Use Overlay District as delineated on the Zoning Map is to encourage the development of mixed-use buildings including affordable housing units within a portion of the Kent village area.

As an overlay district, a property owner may choose to utilize the provisions of the underlying zone or utilize the provisions of the overlay zone.

3520 PERMITTED USES

The following uses shall be permitted subject to Special Permit approval in accordance with 10400 and other applicable provisions of these Regulations:

1. Mixed residential and commercial use within the same building at a maximum dwelling density of twelve (12) units per acre provided that:
   a. The first floor shall be limited to business or service use as permitted in the underlying zoning district.
   b. At least twenty percent (20%) of the dwelling units will be conveyed subject to an incentive housing restriction requiring that, for at least thirty years after the initial occupancy of the development, such dwelling units shall be sold or rented at, or below, prices which will preserve the units as housing for which persons pay thirty per cent or less of their annual income, where such income is less than or equal to eighty per cent or less of the area median income as reported by the United States Department of Housing and Urban Development.
   c. New uses or habitable structures shall be permitted only if supplied with public water and served by a sanitary sewer system or other sewage disposal system approved by the State Department of Energy and Environmental Protection (DEEP).

3530 PERMITTED ACCESSORY BUILDINGS, STRUCTURES AND USES

1. Any accessory buildings, structures or uses, customarily incidental and directly related to the operation of the permitted, principal use.

2. Signs, in accordance with 8100.

3540 SPECIAL PROVISIONS

1. No development shall contain more than an average of two (2) bedrooms per unit and a studio unit shall count as a one-bedroom unit. The distribution of bedrooms between market rate units and deed-restricted units shall be similar.

2. Within the Village Mixed Use Overlay District, the Area and Dimensional Requirements in 4100 shall continue to apply except as modified below:

Maximum Building Coverage

• Principal Building(s)	45%
• Principal w/Accessory Buildings	50%

Maximum Building Height

• Stories	2.5 stories
• Height	35 feet

3. The limitation on the size of a structure as contained in 4100 shall not apply.

4. Off street parking and loading shall be provided in accordance with Section 8200 except that the parking standards for mixed residential and commercial use within the same building shall be as follows:

Minimum Number Of Spaces Required

Multi-family dwellings	1.5 spaces per dwelling unit
Any business use allowed in the underlying district	1 space per 250 SF of gross floor area

5. All development activities shall be subject to design review in accordance with the provisions of Section 5100 of these Regulations (Kent Village District).

6. An "affordability plan" meeting the requirements of the Connecticut Department of Housing and in accordance with CGS Section 8-30g(b), as may be amended, shall be submitted with any application under this Section. The administrator of the affordability plan shall be a third party entity proposed by the applicant provided such party is acceptable to the Commission.

7. Affordable units shall have the same finishes and specifications as market rate units and shall be spread throughout the development in an equitable fashion.

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4000 BUSINESS DISTRICTS

4100 VILLAGE COMMERCIAL DISTRICT (VC)

4110 PURPOSE

The purpose of the Village Commercial district is to provide for businesses and other uses appropriate for a New England village setting and retain the present architectural and aesthetic character of the area.

4120 PERMITTED PRINCIPAL USES

4121 Permitted By Right (No Additional Zoning Authorization Required)

1. (reserved)

4122 Permitted By Zoning Permit (Staff)

1. Single family dwelling, one per lot.

2. Two family dwelling, one building per lot.

3. An accessory residential unit (internal) in accordance with Section 6200.

4123 Permitted By Site Plan Approval (Commission)

1. Retail stores.

2. Restaurants provided that such establishments shall not serve customers at drive-in windows or in motor vehicles (also see Section 4133 and Section 4134 for accessory outdoor seating).

3. Bakeries, delicatessens, ice cream parlors, coffee shops and similar food retail and serving establishments provided that:
   a. Such establishments shall not serve customers at drive-in windows or in motor vehicles.
   b. Any indoor seating accommodations shall not exceed 15% of the gross floor area or a maximum of 15 seats.

4. Farmers market.

5. Artists' studio and/or art gallery.

6. Personal service establishments including but not limited to nail salons, day spas, yoga studios, barber shops, beauty shops.

7. Offices.

8. Banks and other financial institutions.

9. Medical or dental offices or out-patient clinics.

10. Household service establishments including but not limited to plumbing or electrical stores or other similar establishments for the sale or repair of appliances or the provision of other household services.

11. Mixed residential and commercial use within the same building.

12. An accessory residential unit (attached) in accordance with Section 6200.

4124 Permitted By Special Permit (Commission With Public Hearing)

1. Any building containing 5,000 or more square feet of floor area.

2. Drive-up windows or drive-up facilities for banks or financial institutions.

3. Theaters.

4. Community centers or public assembly halls.

5. Libraries.

6. Places of worship.

7. Museum.

8. Recreation centers, including bowling alleys, but excluding amusement parks.

9. Town-sponsored housing development in accordance with Section 6400.

10. Public swimming pools.

11. Hospitals, convalescent hospitals, nursing homes or rest homes.

12. Motor vehicle fueling stations, motor vehicle service facilities, and/or motor vehicle repair facilities provided that:
    a. a Certificate of Location Approval for the particular type(s) of use, if required by the Connecticut General Statutes, is granted by the Kent Zoning Board of Appeals,
    b. no vehicle entrance or exit for such an establishment shall create a traffic or fire hazard, and
    c. any equipment or supplies shall be stored in buildings or visually screened from adjoining properties by fence, walls or evergreen plantings.

13. Establishments for the sale of motor vehicles, including recreation vehicles, provided that:
    a. a Certificate of Location Approval is granted by the Kent Zoning Board of Appeals,
    b. no vehicle entrance or exit for such an establishment shall create a traffic or fire hazard, and
    c. any equipment or supplies shall be stored in buildings or visually screened from adjoining properties by fence, walls or evergreen plantings.

14. Establishments for the sale and repair of lawn and garden equipment, provided that any equipment or supplies shall be stored in buildings or visually screened from adjoining properties by fence, walls or evergreen plantings.

15. Public utility uses such as substations, transformers, sewer facilities, water facilities, and similar public utility uses with no outside service yard or outside storage of supplies unless fully enclosed or screened from public view.

16. Nursery; greenhouse.

17. Child day-care center; adult day-care center.

18. Hotel; motel.

19. Funeral home; mortuary.

20. Printing; lithography; or publishing establishment.

21. Veterinary hospitals for the care and treatment of animals provided that:
    a. This shall not be construed to mean the boarding of animals for compensation unless directly related to the veterinary treatment of the animal.
    b. All animals are to be housed within the confines of the hospital which shall be constructed to attenuate animal noises sufficient to comply with Section 7130.3 of these regulations.

22. Contractor's offices provided that the storage of contracting equipment and supplies shall be incidental to the primary permitted use of the premises and provided that such equipment and supplies shall be stored in buildings or visually screened from public view and from adjoining properties by fences, walls or evergreen plantings.

23. Lumber yards for the storage of lumber, millwork or related materials when such storage shall be incidental to the retail sale of such material and provided that such material shall be stored in buildings or visually screened from public view and from adjoining properties by fences, walls or evergreen plantings.

24. Education center.

25. Laundromats.

26. Adaptation of an existing building or buildings for multi-family residential use subject to the following provisions:
    a. There shall be at least 4,000 square feet of lot area for each dwelling unit.
    b. No proposed development shall be approved unless connected to the Town sanitary sewer system.
    c. Adequate provision shall be made for the collection and disposal of garbage and refuse and such facilities shall be in conveniently located areas, enclosed and visually screened from view.

27. A detached accessory residential unit or guest house in accordance with Section 6200.

4130 PERMITTED ACCESSORY BUILDINGS, STRUCTURES AND USES

4131 Permitted By Right (No Additional Zoning Authorization Required)

1. An accessory use customarily incidental and directly related to the operation of the permitted principal use. (check with the Zoning Enforcement Officer)

2. The parking of one commercial vehicle on a property provided that the vehicle (also see Section 4134 for parking of additional commercial vehicles):
   a. is self-propelled,
   b. does not have more than a single-axle rear end, and
   c. does not exceed 14,000 pounds gross vehicle weight rating.

3. A farm stand up to 144 square feet in area when accessory to a farm provided that (also see Section 4133):
   a. such stand is limited to the sale of agricultural products produced on the premises,
   b. the stand is located in an area with adequate access, sight lines and parking,
   c. the stand does not have a permanent foundation,
   d. no electricity, lighting, or plumbing is provided, and
   e. the structure shall not exceed 15 feet in height.

4. Accessory display of merchandise or goods outside of a retail establishment, art gallery, or personal service establishment during the hours such business is open provided that:
   a. such display is located immediately adjacent to the building,
   b. the display does not extend more than three (3) feet from the building, and
   c. the display does not interfere with pedestrian or vehicular circulation or emergency access.

5. Up to four (4) seats for outdoor seating for restaurant patrons provided that such seating does not intrude on the sidewalk or other public ways. (also see Section 4133 for additional outdoor seating).

6. Home office in accordance with Section 6100 when accessory to a residence.

4132 Permitted By Zoning Permit (Staff)

1. An accessory building or structure customarily incidental and directly related to the operation of the permitted principal use. (check with the Zoning Enforcement Officer)

2. Minor home occupation in accordance with Section 6100 when accessory to a residence.

4133 Permitted By Site Plan Approval (Commission)

1. Off-street parking and loading in accordance with Section 8200.

2. A farm stand not otherwise in compliance with Section 4131 above may be approved by the Commission by Site Plan approval.

3. Up to sixteen (16) seats for outdoor seating for restaurant patrons provided that such seating does not intrude on the sidewalk or other public ways. (also see Section 4134 for additional outdoor seating).

4134 Permitted By Special Permit (Commission With Public Hearing)

1. More than sixteen (16) seats for outdoor seating for restaurant patrons provided that such seating does not intrude on the sidewalk or other public ways.

2. Major home occupation in accordance with Section 6100 when accessory to a residence.

3. An accessory residential unit in accordance with Section 6200.

4. Bed and breakfast with up to six (6) bedrooms when in accordance with Section 6300 and when accessory to and within an owner-occupied single-family dwelling.

5. The parking of more than one commercial vehicle or the parking of a commercial vehicle not in compliance with the provisions of Section 4132.2.

4140 AREA AND DIMENSIONAL STANDARDS

The following standards shall apply to uses permitted in the Village Commercial District except as may be provided elsewhere in these Regulations.

	Village Commercial
Minimum Lot Area	10,000 SF
Minimum Lot Width	N/A
Minimum Front Yard Setback	The minimum setback shall be equal to the average setback distance of all other principal structures within the same zoning district within 500 feet in each direction on the same side of the street.
Minimum Side Yard Setback	15 feet
Minimum Rear Yard Setback	40 feet
Maximum Coverage	
• Principal Building	35%
• Principal and Accessory Buildings	40%
Maximum Building Height	35 feet
Minimum Frontage on a Public Street	50 feet

PLEASE NOTE - Section 9100 may provide for possible exceptions to lot area requirements, setback requirements, yard limitations, building height limitations, building coverage limitations and other dimensional standards.

4150 ADDITIONAL REQUIREMENTS

1. Any new uses or habitable structures within the Village Commercial (VC) District shall be supplied with public water.

2. Any new uses or habitable structures within the Village Commercial (VC) District shall be served by a sanitary sewer system or other sewage disposal system approved by the State Department of Energy and Environmental Protection.

3. Due to the desire to preserve and enhance the distinctive character of the Kent village area, activities within the Village Commercial (VC) district may also be subject to the provisions of the Kent Village Overlay District (KVOD). Please refer to the Zoning Map for the location of the KVOD and please refer to Section 5100 of the Regulations for possible additional requirements.

4200 BUSINESS HAMLET DISTRICT (BH)

4210 PURPOSE AND INTENT

The purpose of the Business Hamlet (BH) district is to establish areas which can support appropriately-scaled business uses to meet the needs of residents and visitors while maintaining and enhancing the character of Kent.

4220 PERMITTED USES

4221 Permitted By Right (No Additional Zoning Authorization Required)

1. Agriculture / farm in accordance with generally accepted agricultural practices as promulgated by the Connecticut Department of Agriculture.

4222 Permitted By Zoning Permit (Staff)

1. One-family dwelling, one per lot.

2. Two-family dwelling, one building per lot.

3. Change of use within existing buildings involving "like-for-like" uses and configurations.

4. An accessory residential unit (internal) in accordance with Section 6200.

4223 Permitted By Site Plan Approval (Commission)

1. An accessory residential unit (attached) in accordance with Section 6200.

4224 Permitted By Special Permit (Commission With Public Hearing)

1. Retail stores.

2. Restaurants.

3. Bakeries, delicatessens, ice cream parlors, coffee shops and similar food retail and serving establishments which serve customers primarily at food take-out counters provided that:
   a. such establishments shall not serve customers at drive-in windows or in motor vehicles, and
   b. any indoor seating accommodations shall not exceed 15% of the gross floor area or a maximum of 15 seats.

4. Artists' studio; art gallery.

5. Personal service establishments including but not limited to nail salons, day spas, yoga studios, barber shops, beauty shops.

6. Offices, other than medical or dental offices.

7. Medical offices; dental offices.

8. Town-sponsored housing development in accordance with Section 6400.

9. Mixed residential and commercial use within the same building provided that no residential use shall be located on the ground floor of a building.

10. Places of worship.

11. Museum.

12. Motor vehicle fueling stations provided that:
    a. a Certificate of Location Approval in accordance with CGS §14-54, as may be amended, is granted by the Kent Zoning Board of Appeals,
    b. no vehicle entrance or exit for such an establishment shall create a traffic or fire hazard, and
    c. any equipment or supplies shall be stored in buildings or visually screened from adjoining properties by fence, walls or evergreen plantings.

13. Public utility uses such as substations, transformers, sewer facilities, water facilities, and similar public utility uses with no outside service yard or outside storage of supplies unless fully enclosed or screened from public view.

14. Child day-care centers; adult day-care centers.

15. Veterinary hospitals for the care and treatment of animals provided that:
    a. This shall not be construed to mean the boarding of animals for compensation unless directly related to the veterinary treatment of the animal.
    b. All animals are to be housed within the confines of the hospital which shall be constructed to attenuate animal noises sufficient to comply with Section 7130.3 of these regulations.

16. A detached accessory residential unit or guest house in accordance with Section 6200.

4230 ACCESSORY USES

4231 Permitted By Right (No Additional Zoning Authorization Required)

1. An accessory use customarily incidental and directly related to the operation of the permitted principal use. (check with the Zoning Enforcement Officer)

2. The parking of one commercial vehicle on a property provided that the vehicle (also see Section 4234 for parking of additional commercial vehicles):
   a. is self-propelled,
   b. does not have more than a single-axle rear end, and
   c. does not exceed 14,000 pounds gross vehicle weight rating.

3. Home office in accordance with Section 6100 when accessory to a residence.

4. A farm stand up to 144 square feet in area when accessory to a farm provided that (also see Section 4233):
   a. such stand is limited to the sale of agricultural products produced on the premises,
   b. the stand is located in an area with adequate access, sight lines and parking,
   c. the stand does not have a permanent foundation,
   d. no electricity, lighting, or plumbing is provided, and
   e. the structure shall not exceed 15 feet in height.

5. Accessory display of merchandise or goods outside of a retail establishment, art gallery, or personal service establishment during the hours such business is open provided that:
   a. such display is located immediately adjacent to the building,
   b. the display does not extend more than three (3) feet from the building, and
   c. the display does not interfere with pedestrian or vehicular circulation or emergency access.

6. Up to four (4) seats for outdoor seating for restaurant patrons provided that such seating does not intrude on the sidewalk or other public ways (also see Section 4233 for additional outdoor seating).

4232 Permitted By Zoning Permit (Staff)

1. An accessory building or structure customarily incidental and directly related to the operation of the permitted principal use. (check with the Zoning Enforcement Officer)

2. Minor home occupation in accordance with Section 6100 when accessory to a residence.

4233 Permitted By Site Plan Approval (Commission)

1. Off-street parking and loading in accordance with Section 8200.

2. A farm stand not otherwise in compliance with Section 4231 above may be approved by the Commission by Site Plan approval.

3. Up to sixteen (16) seats for outdoor seating for restaurant patrons provided that such seating does not intrude on the sidewalk or other public ways. (also see Section 4234 for additional outdoor seating).

4234 Permitted By Special Permit (Commission With Public Hearing)

1. Major home occupation in accordance with Section 6100 when accessory to a residence.

2. More than sixteen (16) seats for outdoor seating for restaurant patrons provided that such seating does not intrude on the sidewalk or other public ways.

3. Bed and breakfast with up to six (6) bedrooms when in accordance with Section 6300 and when accessory to and within an owner-occupied single-family dwelling.

4. The parking of more than one commercial vehicle or the parking of a commercial vehicle not incompliance with the provisions of Section 4232.2.

5. An accessory residential unit in accordance with Section 6200.

4240 AREA & DIMENSIONAL REQUIREMENTS

The following standards shall apply to uses permitted in the Business Hamlet District except as may be provided elsewhere in these Regulations.

4241 Basic Standards

	Business Hamlet
Minimum Lot Area	40,000 SF
Minimum Square	
Minimum Lot Width	150 Feet
Minimum Front Yard Setback	75 Feet
Minimum Side Yard Setback	20 Feet
Minimum Rear Yard Setback	30 Feet
Maximum Coverage	
• Principal Building	15 %
• Principal Building and Accessory Buildings	15 %
Maximum Building Height	30 Feet

PLEASE NOTE - Section 9100 may provide for possible exceptions to lot area requirements, setback requirements, yard limitations, building height limitations, building coverage limitations and other dimensional standards.

4300 INDUSTRIAL DISTRICT

4310 PURPOSE AND INTENT

The purpose of the Industrial (I) district is to provide appropriate locations and standards for industrial-type uses.

4320 PERMITTED USES

4321 Permitted By Right (No Additional Zoning Authorization Required)

1. Agriculture / farm in accordance with generally accepted agricultural practices as promulgated by the Connecticut Department of Agriculture.

4322 Permitted By Zoning Permit (Staff)

1. (reserved)

4323 Permitted By Site Plan Approval (Commission)

1. Research laboratories provided that no vivisection or other experimentation on live animals shall be allowed.
2. Business, professional and medical offices.
3. Sales and storage of agricultural equipment or supplies.
4. The manufacture, compounding, processing, assembling, packaging or treatment of articles, materials or goods.
5. Food processing.
6. Printing, photoengraving, or bookbinding.
7. Carpentry or woodworking.
8. Fabrication or installation of glass.
9. Lumber or building material storage or sale.
10. Municipal buildings and facilities, including community uses such as a fire station.
11. Artist's Studios

4324 Permitted By Special Permit (Commission With Public Hearing)

1. Any use listed as a permitted use in the Village Commercial (VC) district as set forth in Section 4120 of these Regulations and subject to the limitations and restrictions therein contained.

2. Contractor's offices and/or the storage of contracting equipment and supplies provided that such equipment and supplies shall be stored in buildings or visually screened from public view and from adjoining properties by fences, walls or evergreen plantings.

3. Motor vehicle service facilities and/or motor vehicle repair facilities provided that:
   a. a Certificate of Location Approval for the particular type(s) of use, if required by the Connecticut General Statutes, is granted by the Kent Zoning Board of Appeals,
   b. no vehicle entrance or exit for such an establishment shall create a traffic or fire hazard, and
   c. any equipment or supplies shall be stored in buildings or visually screened from adjoining properties by fence, walls or evergreen plantings.

Establishments for the repair of lawn and garden equipment, provided that any equipment or supplies shall be stored in buildings or visually screened from adjoining properties by fence, walls or evergreen plantings.

4330 ACCESSORY USES

4331 Permitted By Right (No Additional Zoning Authorization Required)

1. An accessory use customarily incidental and directly related to the operation of the permitted principal use. (check with the Zoning Enforcement Officer)

2. The parking of commercial vehicles on a property provided that any such vehicles is registered with the Department of Motor Vehicles.

4332 Permitted By Zoning Permit (Staff)

1. An accessory building or structure customarily incidental and directly related to the operation of the permitted principal use. (check with the Zoning Enforcement Officer)

2. Retail sales accessory to the manufacturing of such products on the premises.

4333 Permitted By Site Plan Approval (Commission)

1. Off-street parking and loading in accordance with Section 8200.

2. Outside storage accessory to a permitted use provided that any such storage shall not be located in the required front yard and shall be appropriately screened, if necessary. (also see Section 4334)

4334 Permitted By Special Permit (Commission With Public Hearing)

1. The parking of commercial vehicles not incompliance with the provisions of Section 4331.2.

2. Outside storage which does not comply with Section 4333.

4340 AREA & DIMENSIONAL REQUIREMENTS

The following standards shall apply to uses permitted in the Industrial District except as may be provided elsewhere in these Regulations.

	I-A	I-B
	Within the Industrial District, land bounded by Maple Street Extension and the railroad tracks	**All remaining land within the Industrial District**
Minimum Lot Area	30,000 SF	30,000 SF
Minimum Square		
Minimum Lot Width	200 Feet	200 Feet
Minimum Front Yard Setback	50 Feet	100 Feet
Minimum Side Yard Setback (except that the setback shall be 100 feet when adjoining land is a commercial or residential use)	20 Feet	50 Feet
Minimum Rear Yard Setback (except that the setback shall be 100 feet when adjoining land is a commercial or residential use)	50 Feet	50 Feet
Maximum Coverage		
• Principal Building and Accessory Buildings	35 %	15 %
Maximum Building Height	30 Feet	30 Feet
Maximum Building Size	15,000 SF	n/a

PLEASE NOTE - Section 9100 may provide for possible exceptions to lot area requirements, setback requirements, yard limitations, building height limitations, building coverage limitations and other dimensional standards.

4350 ADDITIONAL REQUIREMENTS

1. Parts of the Industrial District are located within the Kent Village Overlay District and activities within those areas may also be subject to the provisions of the Kent Village Overlay District (KVOD). Please refer to the Zoning Map for the location of the KVOD and please refer to Section 5100 of the Regulations for possible additional requirements.

5000 SPECIAL DISTRICTS

5100 KENT VILLAGE OVERLAY DISTRICT (KVOD)

5110 PURPOSE AND INTENT

The purpose of the Kent Village Overlay District (KVOD) is to protect and enhance the unique character and scale of the village of Kent as a small New England village in accordance with the goals set forth in the Town of Kent Plan of Conservation and Development. The KVOD regulations are intended to ensure that new development or redevelopment of land or modification of buildings within the District are consistent and compatible with the existing village character. These regulations have been adopted to establish this area as a "village district" as authorized by CGS Section 8-2j, as may be amended.

The intent of these regulations is to:

1. maintain the existing village scale by encouraging buildings that are generally compatible in size and character to the existing residential-style and commercial-style buildings that predominate the streetscape;

2. preserve the historic and significant structures within the District;

3. encourage pedestrian activity within the village center;

4. promote and retain a mix of commercial and residential uses (mixed-use) in the commercial district;

5. ensure the future cohesiveness and unity of the Kent Village District by connecting any future streets into the existing District road network;

6. discourage the widening of existing streets and encourage the width of new streets to be consistent with the existing streets in the Kent Village District; and

7. encourage vibrant and diverse residential development consistent with the traditional character of the community that fits harmoniously into the town fabric and helps reinforce the local sense of place.

For reference, a disc is available in Town Hall with a visual inventory of the Kent streetscape.

5120 APPLICABILITY

1. The KVOD is an overlay district and the provisions of this Section shall be applicable to the land within the KVOD boundaries in addition to the regulations that are applicable to the underlying Districts, unless the provisions of this Section expressly provide otherwise.

2. The provisions of this Section shall apply to any proposal for any new building or other structure, alteration of an existing building or other structure, alteration of landscaping, including fences and signs, or alteration of parking or pedestrian areas within view of a public street.

3. The provisions of this Section shall not apply to signs in accordance with Section 8130.

4. The provisions of this Section shall not apply to activities categorized by the Zoning Enforcement Officer as:
   a. Routine maintenance: activities that occur on a regular basis in order to keep a property in good condition.
   b. Basic repairs or replacement: repairs or replacement generally considered "like for like."

5130 VILLAGE DISTRICT CONSULTANT

1. In accordance with CGS Section 8-2j, as may be amended, all applications for new construction and substantial reconstruction within a village district and in view from public roadways shall be subject to review and recommendation by the village district consultant for such application.

2. As provided in CGS Section 8-2j, as may be amended, the Commission hereby designates the Architectural Review Board ("ARB") as the village district consultant to advise the Commission concerning an application's compatibility with the village character as contained in these Regulations and the "Architectural Design Standards – Kent Village District" guidelines.

3. The ARB shall consist of 5 regular members and up to two alternates appointed by the Planning and Zoning Commission for staggered two-year terms. The majority of the ARB members shall be Kent residents and no member of the Town of Kent Planning and Zoning Commission shall serve as a member of the ARB. So that the ARB can serve as the village district consultant in accordance with CGS Section 8-2j, as may be amended, the membership of the ARB shall include at least one architect, landscape architect, or planner who is a member of the American Institute of Certified Planners.

4. Alternatively, the Commission may designate a village district consultant for such application who is an architect or architectural firm, landscape architect, or planner who is a member of the American Institute of Certified Planners.

5. The ARB may meet informally with property owners or prospective developers prior to the formal submission of an application to the Commission.

5140 APPLICATION PROCESS AND REQUIREMENTS

5141 Preliminary Review Recommended

1. Preliminary review by the Zoning Enforcement Officer, the village district consultant and/or the Commission is recommended for any activity within the KVOD prior to the submission of an official application.

2. The informal consideration of a proposal can facilitate consideration of factors and problems that may be associated with a plan before the applicant proceeds with preparation of plans and documents required for formal consideration.

3. This informal consideration by the Commission and/or the village district consultant, however, shall not be deemed to constitute any portion of the official and formal procedure of applying for and approving a Site Plan as contemplated herein or under the provision of the Connecticut General Statutes.

5142 Activities Considered Minor In Nature

1. An application involving fences or construction or alteration of a single-family dwelling shall be submitted to the Zoning Enforcement Officer for review by the village district consultant.

2. Applications shall include the following:
   a. A completed application form.
   b. Sketch plan as outlined in the Appendix of these regulations.
   c. Photographs showing the location of the proposed activity as well as the surrounding properties.
   d. Copy of the Kent Village District Map with the subject property highlighted.
   e. If relevant, elevation drawings (front and side views), section drawings and/or photographic images. These materials shall indicate the existing and proposed roofing, siding, windows, and exterior doors as well as roof pitches, overhangs, eaves, etc. Overall dimensions of the plan and vertical dimensions of the eaves and ridge shall be shown as well as sizes of the windows and exterior doors.
   f. If relevant, samples or catalogue "cuts" of proposed roofing, siding, windows and doors. Product sheets may be acceptable.

3. The village district consultant shall have 35 days after the official date of receipt of the application to report in writing.

4. If determined by the village district consultant to conform to the intent of these regulations and the "Architectural Design Standards – Kent Village District" guidelines, the applicant may apply for a zoning permit to commence work.

5. If determined by the village district consultant to NOT conform to the intent of these regulations and the "Architectural Design Standards – Kent Village District" guidelines, the applicant may:
   a. modify the proposal and resubmit, or
   b. submit a Site Plan application to the Commission for review and possible approval.

5143 Activities Not Considered Minor In Nature

1. Regulated activities within the KVOD other than fences or construction or alteration of a single-family dwelling shall require a Site Plan application to the Commission.

2. Applications shall include the following:
   a. The materials required as part of a Site Plan application,
   b. Photographs showing the location of the proposed activity as well as the surrounding properties.
   c. Copy of the Kent Village District Map with the subject property highlighted.
   d. Elevation drawings (front and side views), section drawings and/or photographic images. These materials shall indicate the existing and proposed roofing, siding, windows, and exterior doors as well as roof pitches, overhangs, eaves, etc. Overall dimensions of the plan and vertical dimensions of the eaves and ridge shall be shown as well as sizes of the windows and exterior doors.
   e. Samples or catalogue "cuts" of proposed roofing, siding, windows and doors. Product sheets may be acceptable.

3. For Site Plan applications, the following may be required if determined necessary by the Commission:
   a. A representation of all proposed demolition of any structure or part thereof.
   b. A streetscape illustrating the new proposal to scale and indicating the dimensional relationship between the project and structures on adjacent parcels.
   c. Historical pictures of subject site and surrounding area as available.

4. Such application shall be referred to the village district consultant for a report as to whether the application conforms to the intent of these regulations and the "Architectural Design Standards – Kent Village District" guidelines.

5. The village district consultant shall have 35 days after the official date of receipt of the application to report in writing. Such report and recommendation shall be entered into the record and considered by the Zoning Enforcement Office and/or the Commission in making its decision.

6. Failure of the village district consultant to report within the specified time shall not alter or delay any other time limit imposed by the regulations. If a report is not received within this timeframe, the Zoning Enforcement Office and/or the Commission may act on the application.

7. The village district consultant or the Commission may seek the recommendations of any town or regional agency or outside specialist with which it consults, including but not limited to, a licensed architect, a licensed landscape architect, a certified planner, the regional planning agency, the historical society, the Connecticut Trust for Historic Preservation and/or the University of Connecticut College of Agriculture and Natural Resources. Any reports or recommendations from such agencies or organizations shall be entered into the public hearing record.

5150 DESIGN CONSIDERATIONS

1. Within the KVOD:
   a. Special consideration shall be given to protecting the distinctive character, landscape, and historic structures.
   b. The removal or disruption of historic, traditional, or significant structures or architectural elements shall be avoided or minimized.
   c. The conversion, conservation, and preservation of existing buildings and sites in a manner that maintains the historic or distinctive character of the "village district" shall be encouraged.
   d. In reviewing the exterior of structures or sites, the Commission and the village district consultant may consider:
      i. The "Architectural Design Standards – Kent Village district",
      ii. The *Connecticut Historical Commission - The Secretary Of The Interior's Standards For Rehabilitation And Guidelines For Rehabilitating Historic Buildings*, as amended; or
      iii. The distinctive characteristics of the district, including those specifically identified in the plan of conservation and development.
   e. Proposed buildings or modifications to existing buildings shall be harmoniously related to their surroundings, the terrain in the district, and to the use, scale and architecture of existing buildings in the district that have a functional or visual relationship to a proposed building or modification.
   f. All spaces, structures, and related site improvements visible from public roadways shall be designed to be compatible with the elements of the area of the "village district" in and around the proposed building or modification.
   g. The size, height, location, proportion of openings, roof treatments, building materials, and landscaping of commercial or residential property, and any proposed signs and lighting, shall be evaluated for compatibility with the local architectural motif.
   h. Maintenance of views, historic buildings, monuments, and landscaping shall be encouraged.

2. The Commission and the village district consultant shall consider the relationship of buildings within the KVOD to the site and adjoining areas:
   a. Buildings shall be organized in a coordinated and functional manner that is compatible with site features and the desirable characteristics of adjoining areas.
   b. A unified design theme for building massing, exterior treatments and signage shall be established where harmony in textures, lines, and masses is provided and monotony is avoided.
   c. Parking areas shall be treated appropriately in relation to the building, the neighborhood, and the community.
   d. The height and scale of each building shall be compatible with its site and existing (or anticipated) adjoining buildings.
   e. Newly installed utility services, and service revisions necessitated by exterior alterations, shall be underground.
   f. A desirable streetscape and attractive landscape transitions to adjoining properties shall be provided.

3. The Commission and the village district consultant shall also consider the landscape and site treatment within the KVOD:
   a. Landscape treatment shall be provided to enhance architectural features, shield unsightly areas, provide shade, and relate to the natural environment and topography.
   b. Plant material that is indigenous to the area shall be selected for its ultimate growth and for interest in its shape, texture, and color.
   c. Pedestrian walkways shall provide safe and convenient connections within the site and between adjacent sites and shall be constructed of all-weather materials appropriate for the location (such as brick, concrete, or paving blocks but not earth, gravel, or loose stone).
   d. Existing trees at four (4) inches or greater caliper should be incorporated into the plan to the extent feasible.

4. The Commission and the village district consultant shall also consider the building design within the KVOD:
   a. Architectural features shall be evaluated based on the scale of the building(s), the quality of the design, and the relationship to surroundings.
   b. Facades and rooflines shall be articulated and/or varied to reduce the appearance of bulk and provide architectural interest.
   c. Building materials shall have good architectural character and durable quality and shall be selected for harmony of the building with adjoining buildings.
   d. Building textures and components shall be selected for harmony of the building with adjoining buildings.
   e. Utility and service equipment areas shall be screened from public view with materials harmonious with the building.

5. The Commission and the village district consultant shall also consider the signs and lighting within the KVOD:
   a. Every sign should be designed as an integral architectural element of the building and site to which it principally relates and should be coordinated with the building architecture.
   b. Exterior lighting, where used, should enhance the building design and the adjoining landscape.
   c. Lighting should be restrained in design and excessive brightness avoided.

5160 ACTION

1. In accordance with CGS Section 8-2j, as may be amended, if the Commission approves or denies an application, it shall state upon the record the reasons for its decision. If the Commission denies an application, the reason for the denial shall cite the specific regulations under which the application was denied. Notice of the decision shall be published in a newspaper having a substantial circulation in the municipality;

2. No approval of the Commission shall be effective until a copy thereof, certified by the Commission, containing the name of the owner of record and a description of the premises to which it relates, is recorded in the land records of the Town. The Town Clerk shall index the same in the grantor's index under the name of the then record owner and the record owner shall pay for such recording.

5170 VARIANCES

In accordance with CGS Section 8-6, as may be amended, it is hereby specified that no use variances may be granted by the Zoning Board of Appeals from the requirements established under this Section.

5200 CONSERVATION DEVELOPMENT OVERLAY DISTRICT (CDOD)

5210 PURPOSE AND INTENT

The Conservation Development Overlay District (CDOD) is intended to encourage preservation of open space, farmland and farmland soils, and community character, encourage variation in residential developments that would not otherwise be possible; to encourage or require the use of flexible site design so that development will be constructed in harmony with natural resources and the natural capability of the land; and to permit residential developments that are sensitive to parcel configuration, topography, natural resources, historic resources, character resources, solar access, and the surrounding area.

5220 APPLICABILITY

1. The Conservation Development Overlay District (CDOD) overlays the Rural Residential (RU-1) District.

2. Unless the Commission finds that a Conventional Subdivision is the preferred approach due to neighborhood character, parcel configuration, topography, open space dedication, or other considerations, the provisions of this Section:
   a. shall apply to any residential subdivision within the Conservation Development Overlay District (CDOD) on a subdivision of five (5) lots or more or a parcel of land which is twenty (20.0) acres or larger.
   b. may be utilized for any residential subdivision proposed within the Conservation Development Overlay District (CDOD).

3. An informal discussion with the Commission (also called a Pre-Application Review) is strongly encouraged in order to assist applicants in the preparation of applications.

5230 DETERMINATION OF MAXIMUM NUMBER OF LOTS

The maximum number of lots that may be approved in a Conservation Development in the Conservation Development Overlay District (CDOD) shall be determined by one of the following methods:

1. Soil-based approach:
   a. The applicant shall estimate the area of the soil classes on the parcel (utilizing the soil classes as categorized in Section 3240 of these Regulations) by either:
      - on-site soils investigation, or
      - utilizing the soil delineations from the Natural Resources Conservation Service.
   b. The applicant shall divide the estimated area of each soil class by the minimum lot size requirement for that soil class as specified in Section 3240 of these Regulations and sum the results together.
   c. The resulting sum shall be multiplied by 0.85 to reflect the open space set-aside requirement in the subdivision regulations.
   d. The result of this calculation shall be the maximum number of lots permitted in the Conservation Development.

2. Design-based approach - Alternatively, the developer may conduct on-site soil testing and prepare a sketch plan of a conventional subdivision design for review by the Commission.

5240 OVERALL DESIGN OF DEVELOPMENT

1. Unless not required by the Commission , any application for a Conservation Development shall include a site inventory / analysis map prepared by a qualified professional (including, but not limited to, a landscape architect, civil engineer, or surveyor licensed to practice in Connecticut) and such site inventory / analysis map shall identify:

   a. Primary Conservation Areas – important environmental resources such as:
      - watercourses,
      - wetlands,
      - vernal pools,
      - steep slopes (25 percent or more), and
      - 100-year floodplain.

   b. Secondary Conservation Areas - environmental, scenic, and cultural resources such as:
      - prime farmland soils and farmland soils of statewide significance,
      - existing farm fields and farm structures,
      - areas within 100 feet of existing streets or roads (including State highways),
      - areas within 50 feet of a wetland or within 100 feet of a watercourse or vernal pool,
      - 500-year floodplain,
      - ridgelines, scenic views and vistas,
      - areas identified as "town character areas" in the Kent Character Study (copy available at Town Hall),
      - Natural Diversity Database sites or wildlife corridors,
      - notable individual trees (>18" diameter measured four feet above ground level) and/or mature woodlands,
      - stone walls and /or farm hedgerows, and
      - possible open space and trail connections between conservation areas on the site and adjacent protected and unprotected open space.

2. The overall lot / roadway layout plan for the Conservation Development shall reflect the site inventory / analysis map:
   a. Areas of the site which are considered Primary Conservation Areas or Secondary Conservation Areas shall be considered for permanent protection which may include preservation as open space deeded to the Town, a land trust or other conservation organization, or a homeowners association if acceptable to the Commission.
   b. Unless modified by the Commission through granting of a Special Permit, a minimum of 50 percent of the Conservation Development area shall be preserved as open space, preferably in one continuous parcel.
   c. Areas of the site which are not considered Primary Conservation Areas or Secondary Conservation Areas may be considered potential development areas and lots, streets, trails, and other improvements may be sited in these areas.

3. If the Commission is not satisfied with the quality of the analysis submitted with the application, it may hire another landscape architect, civil engineer, or surveyor licensed to practice in Connecticut to prepare such analysis and charge the applicant for the cost of such services.

4. To assist with its consideration of a Conservation Development, the Commission may refer the plan to any department, agency or official it deems appropriate, to review and comment upon those technical matters which are the concern or responsibility of such department, agency or official.

5250 DEVELOPMENT STANDARDS

1. Subject to approval by the Commission and compliance with the Health Code, the number of units permitted in a Conservation Development may be laid out as:
   a. a subdivision of lots,
   b. as a common-interest-ownership community with detached units on common land or with multiple units in one or more structures, or
   c. as a planned unit development.

2. Any lot created as part of a Conservation Development shall comply with the following requirements:

	Conservation Development In CCOD
Minimum Lot Area All lots created in a Conservation Development shall meet all the requirements of the Public Health Code.	No land designated as a Primary Conservation Area shall be utilized to meet the minimum lot area requirement of any lot created in a Conservation Development after July 1, 2018. 1.0 acre minimum if: • no part of the lot is identified as a "Secondary Conservation Area" as per Section 5240. 2.0 acre minimum if: • any part of the lot is identified as a "Secondary Conservation Area" as per Section 5240.
Minimum Square	Each lot created in a Conservation Development after July 1, 2018 shall be of such shape that a square with 150 feet on each side will fit on the lot.
Minimum Front Yard Setback	40 Feet
Minimum Side Yard Setback	20 Feet
Minimum Rear Yard Setback	20 Feet
Maximum Coverage	
• **Principal Building**	15 %
• **Principal Building and Accessory Buildings**	20%
Maximum Building Height	
• **Principal Building**	30 Feet
• **Accessory Buildings (if guest house or detached accessory dwelling)**	30 Feet
• **Other Accessory Buildings**	20 Feet

5260 ROAD AND DRAINAGE STANDARDS

1. Roads within the Conservation Development may be public or private.

2. Roads shall be constructed to conform to Town specifications and requirements except that an existing farm lane or farm road may be used and/or improved to service no more than four lots provided that said roadway shall be at least 18 feet wide, shall be kept passable during all months of the year, and shall not exceed 10 percent grade.

5300 LAKE WARAMAUG OVERLAY DISTRICT (LWOD)

5310 PURPOSE AND INTENT

The Lake Waramaug Overlay District (LWOD) is established in order to protect a carefully defined area of land within the Lake Waramaug watershed so as to control and reduce groundwater pollution, phosphorus and sediment inflow to Lake Waramaug. Lake Waramaug is an environmentally valuable natural resource for not only the Town, but also the entire State as it is the second largest natural lake in the State and serves as a major recreational resource for State residents.

5320 APPLICABILITY

As an overlay district, the provisions of the Lake Waramaug Overlay District apply in addition to the requirements of the underlying district or any other overlay districts.

5330 USES PERMITTED

5331 Permitted By Right (No Additional Zoning Authorization Required)

The following uses are permitted in the Lake Waramaug Overlay District without additional permitting requirements under Section 5300 provided that any such use can be established or maintained without causing adverse environmental impacts including severe erosion, mass soil movement, water pollution, and any addition of phosphorus to the lake, whether during or after construction:

1. Open space uses that do not require moving, removing or otherwise altering the position of earth, stone, sand, gravel or water except for flood control or erosion control measures.

2. Game management, fishing, hunting, camping and picnicking in specified areas and other recreational activities.

3. Farming, pastures, trails, forest management, horticultural and other agricultural uses that do not significantly alter the natural character of the watershed.

4. Maintenance or reconstruction of existing public ways and bridges.

5. Docks that are capable of seasonal removal and that do not exceed 150 square feet in area.

5332 Permitted By Zoning Permit (Staff)

1. (reserved)

5333 Permitted By Site Plan Approval (Commission)

1. (reserved)

5334 Permitted By Special Permit (Commission With Public Hearing)

1. Any use permitted in an underlying district but not specified in Section 5330 shall only be authorized by the granting of a Special Permit by the Commission.

5340 SPECIAL PROVISIONS

1. Any Special Permit application within the LWOD shall submit adequate information to demonstrate to the Commission that:
   a. such use can be established and maintained without causing adverse environmental impacts including severe erosion, or mass soil movement, whether during or after construction.
   b. the proposed use or activity will not adversely affect water quality or create a danger of phosphorus or other toxic effluent or sediment inflow to the lake.
   c. the proposed use or activity will not adversely affect air quality through release of noxious fumes, gases or other emissions or through creation of significant amounts of dust or other particulate matter.

2. No part of any septic system or reserve area shall be located within 100 feet of any watercourse or wetlands.

3. No construction of any kind, including excavation, building, driveways, grading, disturbing of any soil or depositing of any fill shall take place within 100 feet of any watercourses or wetlands, unless the proposed area to be disturbed is separated from the watercourse or wetland by a public street.

5400 FLOODPLAIN OVERLAY DISTRICT (FOD)

5410 PURPOSE AND INTENT

The Floodplain Overlay District (FOD) is established in order to help inform people of the location of flood hazard areas, familiarize them with flood damage prevention approaches, protect life and property from the dangers of flooding, avoid an increase in flood hazard in Kent and affected areas, and to assure that property in the community will maintain its eligibility for flood insurance under the National Flood Insurance Program as administered by the Federal Emergency Management Agency (FEMA).

5420 APPLICABILITY

As an overlay district, the provisions of the Floodplain Overlay District apply in addition to the requirements of the underlying district or any other overlay district.

5430 BOUNDARIES

The official boundaries of the Floodplain Overlay District are shown on the Flood Insurance Rate Map (FIRM) for Kent, as may be amended, which is on file in the Town Clerk's office.

5440 PROVISIONS

1. Within the Floodplain Overlay District (FOD), the requirements of the Kent Floodplain Regulations shall apply in addition to the requirements of the underlying zone and any other overlay district.

2. Any proposal for development within the Floodplain Overlay District shall include references to any base flood elevation data available from FEMA.

3. Unless otherwise permitted by the Kent Floodplain Regulations, residential and non-residential buildings within the Floodplain Overlay District Zone shall have the lowest floor, including basement, elevated to not less than one foot above the base flood level.

4. Unless otherwise permitted by the Kent Floodplain Regulations, nonresidential structures within the Floodplain Overlay District shall have the lowest floor level flood-proofed to or above the base flood level.

5. Unless otherwise permitted by the Kent Floodplain Regulations, new and replacement water supply systems within the Floodplain Overlay District shall be designed to eliminate infiltration of floodwaters into the systems.

6. Unless otherwise permitted by the Kent Floodplain Regulations, new and replacement on-site septic systems within the Floodplain Overlay District shall be located to avoid impairment during flooding, and all utilities shall be located to avoid flood damage.

7. In the event of a conflict with provisions in other Sections of these Regulations, the more restrictive provision shall apply.

5500 HOUSATONIC RIVER OVERLAY DISTRICT (HROD)

5510 PURPOSE AND INTENT

The purpose of the Housatonic River Overlay District (HROD) is to protect, in a cooperative effort with neighboring towns and with appropriate uniform standards, the Kent segment of a carefully defined area of land designated as the Housatonic River Corridor, which is deemed to be flood prone, environmentally sensitive and to possess many valuable natural resources and historic sites. It is recognized that Route 7, which bisects the corridor, is a state designated scenic road.

To help accomplish this purpose and intent, the Housatonic River Overlay District (HROD) is configured with two sub-areas as set forth in Section 5530.

5520 APPLICABILITY

As an overlay district, the provisions of the Housatonic River Overlay District (HROD) apply in addition to the requirements of the underlying district or any other overlay district.

5530 SUB-AREA DESIGNATIONS

1. The Inner Corridor , as shown on the Zoning Map, is defined as the furthest extent of:
   a. the streambelt area based on soil types as set forth in a document titled "A Guide for Streambelts, A System of Natural Environmental Corridors in Connecticut", September, 1972 U.S. Department of Agriculture, and
   b. the Area Of Special Flood Hazard (100-year flood) from the Federal Flood Insurance Program, as may be amended.

2. The Outer Corridor, as shown on the Zoning Map, represents that area lying between the Inner Corridor and the top of the valley ridge as delineated by lines drawn from peak to peak along the ridge line, but specifically excluding any area within the Kent Village Overlay District.

5540 INNER CORRIDOR - USES PERMITTED

5541 Permitted By Right (No Additional Zoning Authorization Required)

The following uses are permitted in the Housatonic River Overlay District without additional permitting requirements under Section 5500:

1. Open space uses that do not require moving, removing or otherwise altering the position of earth, stone, sand, gravel or water except for flood control or erosion control measures.

2. Game management, fishing, hunting, camping and picnicking in specified areas and other recreational activities.

3. Farming, pastures, trails, forest management, horticultural and other agricultural uses that do not significantly alter the natural character of the corridor provided that, unless modified by the Commission by Special Permit, an undisturbed vegetated area of at least 25 feet shall be maintained from the ordinary high water mark of the Housatonic River.

4. Maintenance or reconstruction of existing public ways and bridges.

5542 Permitted By Zoning Permit (Staff)

1. (reserved)

5543 Permitted By Site Plan Approval (Commission)

1. (reserved)

5544 Permitted By Special Permit (Commission With Public Hearing)

1. Any use not specified in Section 5540 which is permitted in an underlying district shall only be authorized in the Inner Corridor by the granting of a Special Permit by the Commission in accordance with the Special Permit criteria in Section 10440 and the criteria of Section 5550.

5550 INNER CORRIDOR - SPECIAL PERMIT CRITERIA

The following criteria shall be considered in the granting of a Special Permit within the Inner Corridor:

1. **Air Pollution -** No use shall be permitted that would adversely affect air quality through release of noxious fumes, gases, or other emissions, or through creation of significant amounts of dust or other particulate matter.

2. **Water Pollution -** No activity shall locate, store, discharge or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature, that run off, seep, percolate, or wash into surface stream or ground waters so as to contaminate, pollute, or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.

3. **Soil Erosion and Sedimentation Control** - See Section 7300.

4. **Flood Control** - No use shall be permitted that would create a danger of flood damage or obstruct flood flows. Within the 100 year flood area, all activities shall be in accordance with the Federal Flood Insurance Regulations as administered by the Commission and all new construction or substantial improvement of:
   a. residential structures shall be in accordance with Section 5440; and
   b. non-residential structures shall be elevated to or above the level of the 100 year flood or together with attendant utility and sanitary facilities, shall be flood-proofed up to the level of the 100 year flood.

5. **Mineral Exploration and Excavation** - Mineral exploration to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods as are in accordance with the provisions of Section 7400.

6. **New Subsurface Sewage Disposal Systems** - Such systems shall be allowed only if designed by a Connecticut licensed sanitary engineer and approved by the Town Sanitarian.

7. **Insecticides, Herbicides and Fertilizers** - Use of these shall be prohibited except as recommended according to the standards established by the County Extension Service as the same may be amended.

8. **Scenic Resources** - All possible care shall be taken to protect scenic vistas, scenic roads, and unique aesthetic features such as prominent ridgelines, large trees and stone walls from damage, obstruction or other degradation. (See Kent Land Trust Southern Gateway Resource Map)

9. **Historic/Archeological Sites** - Where it is found that a project may adversely impact a historical or archaeologically sensitive area or feature, a plan shall be submitted by the applicant to demonstrate measures to be taken to mitigate such impacts and protect and preserve such sites and features.

10. **Riparian Buffer** – Except as may be permitted by the Commission as part of the Special Permit application, an undisturbed vegetated area of at least 75 feet in width shall be maintained from the ordinary high water mark of the Housatonic River for any use requiring a Special Permit under this Section.

5560 INNER CORRIDOR – SPECIAL PERMIT APPLICATION MATERIALS

The following materials shall be submitted as part of any Special Permit application for an activity within the Inner Corridor:

1. Submitted plans shall show:
   a. the inner Housatonic River corridor boundary line, and
   b. the 100 year flood area as depicted on the applicable Federal Flood Insurance Rate Map.

2. The applicant is responsible for sending a copy of all application materials to the following parties by certified mail with return receipt requested at least thirty days prior to the public hearing on the Special Permit application:
   a. the Housatonic River Commission,
   b. the Kent representative on the Housatonic River Commission, and
   c. the State Archaeologist for an opportunity to comment on whether the proposed land use or activity will impact on identified areas of potential archeological or historic remains.

5570 OUTER CORRIDOR – APPROVAL PROCEDURE

For activities within the Outer Corridor, the Zoning Enforcement Officer shall review applications for Zoning Permits to ensure that adequate provisions have been made to guard against pollution, erosion, and sedimentation and to establish other basic safeguards on development activity which, although occurring at some distance from it, could adversely affect the Housatonic River. In reviewing an application for a Zoning Permit, the following requirements shall apply:

1. Activities involving construction or earth moving shall be reviewed with regard to soil types in exposed areas to determine whether provisions shall be made for special erosion and sediment control in accordance with current guidelines available from the U.S. Department of Agriculture Natural Resources Conservation Service.

5600 AQUIFER PROTECTION OVERLAY DISTRICT (APOD)

5610 PURPOSE AND INTENT

The purpose of the Aquifer Protection Overlay District (APOD) is to provide safeguards to protect water quality in those aquifers identified as an existing or potential source of potable water.

5620 APPLICABILITY

As an overlay district, the provisions of the Aquifer Protection Overlay District (APOD) apply in addition to the requirements of the underlying district or any other overlay district.

5630 BOUNDARIES

The areas subject to the provisions of the Aquifer Protection Overlay District (APOD) are the areas identified as "coarse-grained deposits" and "fines over coarse-grained deposits" on a map prepared by DEEP entitled "Surficial Aquifer Potential Map of Connecticut".

Map image presented on the following page.

5640 PERMITTED USES

All uses that are permitted in the existing underlying zones, except those listed in Section 5640, shall also be permitted in the APOD subject to the same procedures and requirements and with the following additional exceptions, restrictions and requirements:

1. The Commission may require verification from an environmental engineer that the proposed use shall not adversely affect water quality.

2. Sanitary waste water discharge to on-site septic systems shall not average more than the equivalent of one single-family dwelling unit per two acres.

3. New or enlarged manure storage sites, wastewater lagoons and holding ponds shall be submitted for approval to the State Department of Energy and Environmental Protection.

4. Fuel Storage Tanks
   a. The use of fuel storage tanks smaller than 550 gallons for underground storage is prohibited.
   b. Fuel storage tanks shall be designed and constructed to prevent leakage and shall be of noncorrosive material for underground storage.
   c. Installation of underground fuel storage tanks shall be avoided in high groundwater areas unless tanks are installed to compensate for the buoyancy and corrosion characteristics of the groundwater and soil in the specific area.

Surficial Aquifer Potential Map

Orange and yellow areas are within the APOD
White and tan areas are not within the APOD

Connecticut Department of Energy and Environmental Protection
http://www.ct.gov/deep/cwp/view.asp?A=2701&Q=431436

5650 PROHIBITED USES

Regardless of any other provision in these Regulations, the following uses are prohibited within the Aquifer Protection Overlay District (APOD):

1. Road salt storage and loading facilities.

2. Sanitary landfills and dumps.

3. Septage lagoons.

4. Large scale use or storage or manufacture of hazardous wastes as identified by Sec. 3001 of the Resource Conservation and Recovery Act.

5700 HORIZON-LINE CONSERVATION OVERLAY DISTRICT

5710 PURPOSE AND INTENT

The purpose of the Horizon-line Conservation Overlay District (HCOD) is to conserve and protect the hill summits and ridges that form the high horizon visible from the town's system of roads while allowing reasonable, appropriate and compatible uses of the land. The specific goals of the District include the preservation of scenic views and vistas that are critically important to the rural landscape and character of the Town, and the minimization of erosion and sedimentation hazards caused by the development and use of steep hillsides and ridges.

5720 APPLICABILITY

1. As an overlay district, the provisions of the Horizon-line Conservation Overlay District (HCOD) apply in addition to the requirements of the underlying district or any other overlay district.

2. No additional approval under Section 5700 shall be required for any activity occurring outside of the Horizon-line Conservation District, regardless of whether other portions of the same lot are located within the District.

3. The Zoning Enforcement Officer shall be authorized to make the initial determination, based upon available information, of whether a proposed activity would occur within any portion of the Horizon-line Conservation District. If the applicant disagrees with such determination, the applicant may either:
   a. provide additional information, such as surveyor's or engineer's mapping or flagging, to the Zoning Enforcement Officer to assist in establishing the location of the District boundary in relation to the proposed activity,
   b. request that the issue be referred to the Commission for determination, or
   c. file an application directly with the Commission.

5730 BOUNDARIES

The Horizon-line Conservation Overlay District (HCOD) shall consist of all of those areas shown and designated as "Horizon Belts" on a map entitled "TOWN OF KENT, CONNECTICUT Horizon-line Conservation Districts," filed in the office of the Town Clerk and dated 4/14/05, as it may be amended by the Commission. The map, with all explanatory matter thereon, is hereby declared to be a part of these Regulations.

5740 PERMITTED USES AND ACTIVITIES

5741 Permitted By Right (No Additional Zoning Authorization Required)

1. The cutting of trees is permitted only if such cutting (also see Section 5743):
   a. does not constitute a contiguous area larger than 500 square feet in area or extending more than 100 feet in any linear dimension in the aggregate, or
   b. does not involve the cutting of two or more trees greater than 24 inches in diameter (measured at a height of four feet from the ground surface).

2. An accessory structure less than 200 square feet in area and less than 12 feet in height is permitted provided:
   a. no permanent foundation is constructed,
   b. such structure conforms with setback requirements for the zoning district,
   c. no excavation, filling or grading of land is required, and
   d. no clear cutting of trees or cutting of two or more trees greater than 24 inches in diameter is required other than that allowed in Section 5741.1.

3. Illumination of buildings and/or structures provided:
   a. any light fixtures shall be similar to the illustrated "Fixtures Which Would Not Generally Be Expected To Produce Glare or Light Trespass" in Section 8600 of these Regulations,
   b. the level of illumination is the minimum illumination to accomplish its intended purpose, and
   c. such fixtures are installed and operated in accordance with Section 8600 of these Regulations.

5742 Permitted By Zoning Permit (Staff)

1. The Zoning Enforcement Officer may authorize the installation of an accessory structure up to 500 square feet in area based upon a sketch plan submitted by the applicant and/or a field inspection of the property provided that:
   a. the proposed structure is less than 20 feet in height,
   b. the Zoning Enforcement Officer determines that the proposed structure will not be able to be seen from a Town road,
   c. no clear cutting of trees or cutting of two or more trees greater than 24 inches in diameter is required other than that allowed in Section 5741.1, and
   d. any illumination is in accordance with Section 8600.

5743 Permitted By Site Plan Approval (Commission)

1. Except as provided above, any construction, erection, alteration or placement of any building or structure, or any excavation, filling or grading of land, or any clearing of trees shall be allowed within the Horizon-line Conservation District only if the Commission approves a Site Plan for such activity in accordance with this Section of the Regulations as well as the requirements of Section 10300 of these Regulations.

5744 Permitted By Special Permit (Commission With Public Hearing)

1. Illumination of buildings and/or structures involving:
   a. any light fixtures similar to the illustrated "Fixtures Which Would Generally Be Expected To Produce Glare or Light Trespass" in Section 8600 of these Regulations, or
   b. "up-lighting" of flagpoles, trees or other vegetation.

5750 SUBMITTAL REQUIREMENTS

1. In addition to the Site Plan submittal requirements in Section 10300 of these Regulations, all Site Plans submitted for activity within the Horizon-line Conservation District shall include:
   a. The indication of any tree removal either by noting individual trees or stands of trees to be removed.
   b. Architectural drawings that show exterior wall elevations, roof lines and façade materials of proposed buildings and structures.

2. If the Commission finds that additional information is necessary to allow adequate review of a Site Plan in accordance with the standards set forth in this Section of these Regulations, it may require any or all of the following:
   a. A physical demonstration of the potential visual impact of the proposed activity or structure by use of such measures as a balloon, platform or colorful markers, of such size and color as to be readily visible from a public road, and at an elevation to be prescribed by the Commission on the basis of the specific nature of the proposed activity.
   b. Field marking by a licensed surveyor or other qualified individual of points deemed relevant by the Commission.
   c. Such other information as the Commission may reasonably determine to be helpful in determining whether the proposed activity complies with the standards set forth in this Section of these Regulations.

3. Upon written request by the applicant, the Commission may waive one or more of the submittal requirements of Section 5750 if the applicant can show, to the satisfaction of the Commission, that the information is not needed to reach a decision on the application.

5760 HCOD STANDARDS FOR SITE PLANS

When a Site Plan application is required, no such Site Plan shall be approved unless the Commission finds that the site plan complies with the applicable standards set forth in Section 10300 of these Regulations as well as the following additional standards and criteria:

1. The applicant shall demonstrate that efforts were made to minimize the visual impact of the proposed structure and/or clear cutting on the horizon, and to minimize the use, disturbance and grading of steep slopes, as well as potential erosion and sedimentation. Such efforts must be demonstrated in terms of:
   a. the placement of the structure and/or the location of the clear cutting on the lot;
   b. the use of colors, shapes and other architectural features, and
   c. the preservation or emplacement planting of vegetative screening to enable the structure to blend in with the natural features of the horizon to the extent practical.

2. The applicant shall demonstrate particular care to avoid the removal of trees along or near the crest of a hill, summit or ridge so as to cause an interruption of the tree line along the horizon when the hill, summit or ridge is viewed from a public road.

3. Except as provided in Section 5760.5 below, no site plan shall be approved in which an existing structure that is fully or partly obscured from view from Town roads would be rendered substantially more visible along the horizon as a result of additional construction or expansion of the structure, the removal of vegetation, or any movement of earth materials.

4. Except as provided in Section 5760.5 below, no site plan shall be approved in which clear cutting occurs in a contiguous area having any dimension, measured within the Horizon-line Conservation District, longer than two hundred feet.

5. If the Commission finds that the provisions of Section 5760.3 or Section 5760.4 above would prohibit the reasonable development of any lot, it may approve a site plan for such development, provided that reasonable efforts have been made to minimize the impact on the natural and scenic character of the horizon and to prevent erosion, sedimentation and stormwater damage.

5800 TRANSPORTATION OVERLAY DISTRICT (TOD)

5810 PURPOSE AND INTENT

The purpose of the Transportation Overlay District (TOD) is to provide for the establishment of public transportation facilities in Kent Village and elsewhere as appropriate and to ensure adequate provision is made for related structures, parking, and associated improvements.

5820 APPLICABILITY

As an overlay district, the provisions of the Transportation Overlay District (TOD) apply in addition to the requirements of the underlying district or any other overlay district.

5830 BOUNDARIES

The boundaries of the Transportation Overlay District (TOD) will be shown on the Zoning Map once the zone is sited.

5840 PERMITTED USES

Regardless of any other provision in these Regulations, the following uses are permitted within the Transportation Overlay District (TOD):

1. Buildings and other structures related to public transportation facilities and associated appurtenances.

2. Parking.

3. Other improvements determined by the Commission to be accessory to a use permitted within the Transportation Overlay District (TOD).

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6000 USE-RELATED STANDARDS

6100 HOME-BASED BUSINESSES

1. Home-based businesses, as defined in these Regulations, may be allowed as follows:

	Permit
Home Office	No permit required
Minor Home Occupation	Zoning Permit required
Major Home Occupation	Special Permit required

2. Except as may be permitted by the Commission through granting of a Special Permit, any home office or minor home occupation shall:
   a. Be carried on entirely within a building.
   b. When in the dwelling, be clearly secondary to the use of the dwelling for dwelling purposes.
   c. Not involve outside storage of any materials or equipment related to the business unless screened from view from the street and from abutting properties.
   d. Not create objectionable noise, odor, vibrations, waste or unsightly appearance or conditions noticeable off the premises.
   e. Not create a health or safety hazard.

3. Any home-based business located within an accessory building shall not exceed 800 square feet in floor area without a Special Permit from the Commission.

4. Any signage shall be in accordance with Section 8100.

6200 ACCESSORY DWELLINGS / GUEST HOUSES

1. Accessory dwelling units or guest houses may be permitted by the Commission as follows:

	Internal Dwelling Unit	Attached Dwelling Unit	Detached Dwelling Unit	Detached Guest House
Zoning District	**(created within an existing dwelling)**	**(created by addition to existing dwelling)**	**(detached unit with kitchen)**	**(detached unit with no kitchen)**
Village Residential (VR-1 and VR-2)	Zoning Permit	Zoning Permit	Special Permit	Special Permit
Rural Residential (RU-1)	Zoning Permit	Zoning Permit	Special Permit	Zoning Permit
Birch Hill (RU-2)	Special Permit	Special Permit	Not Allowed	Not Allowed
Village Commercial (VC) Business Hamlet (BH)	Zoning Permit	Site Plan	Special Permit	Special Permit

2. Such units shall be permitted only when accessory to a single-family dwelling and when sanitary arrangements are approved by the Sanitarian or the Kent Town Sewer Commission.

3. The owner of the premises shall reside in the principal dwelling unit or the accessory dwelling unit or the Special Permit shall become invalid.

4. Only one accessory apartment or guest house shall be permitted on any premises.

5. Any accessory dwelling or guest house shall be provided with two off-street parking spaces.

6. For accessory dwellings which are internal to or attached to the principal dwelling:
   a. The accessory dwelling shall have means of egress separate from that of the principal dwelling.
   b. The accessory dwelling shall have at least one (1) operable door on a common wall connecting the accessory dwelling to the principal dwelling.
   c. Any addition or modification to the principal dwelling to accommodate the accessory dwelling shall be located to the side or rear of said principal dwelling unless otherwise permitted by the Commission by Special Permit.
   d. No accessory dwelling shall be located in a basement unless such basement constitutes a walkout basement or such unit is permitted by the Commission by Special Permit.

7. A detached accessory unit or a guest house shall not be located in the front yard unless:
   a. approved by the Commission by Special Permit, and
   b. visually screened from public view and from adjoining properties by fences, walls or evergreen plantings.

6300 BED AND BREAKFAST

1. The bed and breakfast shall be operated within a residential dwelling only by the owner of the premises and such owner shall live on the premises.

2. The bedrooms made available for paying guests:
   a. shall not exceed six (6) bedrooms in the Village Residential (VR) zones or three (3) bedrooms in any other zone, and
   b. shall not occupy more 67% of the floor area of the building in a Village Residential (VR) zone or more than 50% of the floor area of the building in any other zone.

3. Breakfast shall be the only meal that may be offered to patrons and no meal or food service shall be offered to the general public.

4. The bed and breakfast operation shall not be used as a place of residence for other than the property owner.

5. Written certification shall be obtained from the Sanitarian (or the Kent Town Sewer Commission, if appropriate) that plans for the water supply and sewage disposal systems are adequate to support the intended use.

6. Off-street parking spaces shall include at least two spaces for the residents of the single-family use and one for each guest room. The parking spaces shall be located and/or landscaped so that the parking spaces will not detract from the appearance of the property or the neighborhood.

7. The Commission may require fencing, earth berms, evergreen vegetation or other buffers to provide for a visual separation from other neighboring uses.

8. Bed-and-breakfast operations may be permitted one free-standing sign only to identify the property, provided:
   a. said sign does not exceed nine square feet as measured on one side, and
   b. the design, location, and lighting of such sign shall be subject to approval by the Commission.

6400 AFFORDABLE HOUSING

6410 PURPOSE AND INTENT

The purpose of this Section is to provide the opportunity for affordable housing in suitable locations throughout the Town according to a site design that is compatible with the character of the Town and the neighborhood.

6420 APPLICABILITY

1. Affordable single or multifamily housing may be permitted by the Commission in accordance with this Section of the Regulations provided such housing will be owned and/or operated by:
   a. Town of Kent;
   b. a Town of Kent authorized housing agency, such as the Kent Housing Authority; or
   c. a Community Housing Development Corporation meeting the requirements of CGS Section 8-217, as may be amended.

6430 SPECIAL PERMIT REQUIREMENTS

1. The application shall include information demonstrating a local need for the type and amount of proposed housing.

2. The maximum number of housing units shall be limited to:
   a. 4 units per acre of buildable land when served by onsite water and sewage disposal facilities,
   b. 10 units per acre of buildable land when served by both public water and the Town of Kent public sewer system, and
   c. 4 units per building if an existing single family dwelling is being converted to create affordable housing and provided that there will be no substantial exterior modification to the single family dwelling and the dwelling will retain its appearance as a single family dwelling.

3. The housing development shall comply with the area and dimensional standards for the zoning district where located except that the Commission may, as authorized by CGS Section 8-2i, as may be amended, and as part of the Special Permit application:
   a. reduce the minimum lot size requirement,
   b. increase the maximum lot coverage limitation, and/or
   c. reduce the minimum yard setback requirements.

4. Parking areas shall comply with the yard setback requirements standards for the zoning district where located unless modified by the Commission as part of the Special Permit application.

5. Where an application involves land within or abutting a single family residential zone and the Commission determines that the location and arrangement of buildings and improvements requires a site design and landscape buffer plan:
   a. the applicant shall be required to submit such a plan prepared by a Connecticut licensed landscape architect, and
   b. the plan shall show that the proposed buildings are in scale with adjoining residences and blend into the existing neighborhood by use of building forms, height, material, and landscaping.

6. In terms of parking:
   a. Each dwelling unit shall have two off street parking spaces.
   b. Parking spaces in an enclosed garage shall count toward this requirement only where a deed restriction or covenant or other legally binding measure limits the use of the garage space to parking

7. All improvements (accessway, drainage, erosion and sediment control, etc.) shall be designed by a professional civil engineer and the accessway shall have a paved width, grade and alignment suitable for the number of proposed dwelling units and for safe access by emergency vehicles.

6500 CAMPGROUNDS

6510 PURPOSE AND INTENT

This Section of the Regulations is intended to provide standards and guidelines for land used by campers for transient occupancy by tents or recreational vehicles (campgrounds) on a commercial basis.

6520 APPLICABILITY

All campgrounds, including those in existence as of May 4, 1984, shall not be expanded in either area, additional structures or number of sites unless permitted in the zoning district and unless a Special Permit in accordance with the requirements of these Regulations has been approved by the Commission.

6530 STANDARDS

1. All campgrounds shall maintain on-site management and provide 24 hour supervision in-season.

2. All campgrounds shall:
   a. maintain an up-to-date register indicating the names of campsite occupants, and the assigned camp number, the name of the occupants, and the location on the property, permanent address, dates of arrival and departure, and registration numbers of all motor vehicles and trailers on the property, and
   b. keep a current copy of said register available for inspection by the Commission or its duly appointed agent at all times the campground is open.

3. Campground occupancy shall be limited to the time period between May 15 of any year until November 15 of the same year.

4. Uses accessory to campgrounds are limited to the following:
   a. management headquarters,
   b. recreation facilities,
   c. toilets, showers, and bath areas
   d. swimming facilities,
   e. coin-operated laundry facilities, and
   f. general stores and snack bars.

5. Uses accessory to campgrounds are subject to the following restrictions:
   a. Such establishments and the parking areas primarily related to their operations shall not occupy more than 10 percent of the area of the property exclusive of the roadways, building space, overflow fields, sites and buffers.
   b. Such establishments shall be restricted in their use to occupants of the campground.
   c. Such establishments shall present no evidence of their commercial character visible beyond the borders of the campground.
   d. There shall be no sale of alcoholic beverages.

6. Minibikes, motorcycles, snowmobiles, all-terrain-vehicles, motorboats, general and outside public address systems shall not be operated on premises except:
   a. in emergencies declared by the Town, State or Federal Government,
   b. in emergency situations involving life or property, or
   c. unless approved by the Commission by Special Permit.

7. A buffer strip of not less than 200 feet on front, side, and rear lot lines shall be maintained except on designated swimming and boating areas and this area shall:
   a. be naturally wooded or planted in such a way as to provide visual screening, and
   b. be posted as to the boundaries of the campsite on the inner side of such buffer strip.

8. No individual campsite within a campground shall be established or maintained within 100 feet of a lake or river.

9. Campground sites may be used by recreational vehicles, equivalent facilities constructed in or on motor vehicles, and tents. No more than 50% of the sites shall be made available for recreational vehicles to be rented or leased by the campground. Only recreational vehicles registered to the campground may be rented or leased by the campground.

10. No campground occupant shall remain on a property for more than 30 consecutive days.

11. In order to allow short-term recreational occupancy of the property and to prohibit extended or full season residency, off-season dead storage of recreational vehicles registered to the campground shall be allowed provided:
    a. they shall be stored in an area not visible from the lake or roadway, and
    b. no habitation shall be allowed during dead storage. .

6600 CAMPS

6610 PURPOSE AND INTENT

This Section of the Regulations is intended to provide standards and guidelines for land containing living quarters or structures for recreational or educational purposes (such as summer camps).

6620 APPLICABILITY

All camps, including those in existence as of May 4, 1984, shall not be expanded in either area, additional structures or number of sites unless permitted in the zoning district and unless a Special Permit in accordance with the requirements of these Regulations has been approved by the Commission.

6630 STANDARDS

1. All camps shall maintain on-site management and provide 24 hour supervision in-season.

2. All camps shall:
   a. maintain an up-to-date register indicating the names of campsite occupants, and the assigned camp number, the name of the occupants, and the location on the property, permanent address, dates of arrival and departure, and registration numbers of all motor vehicles and trailers on the property, and
   b. keep a current copy of said register available for inspection by the Commission or its duly appointed agent at all times the camp is open.

3. Uses accessory to camps are limited to the following:
   a. management headquarters,
   b. recreation facilities,
   c. toilets, showers, and bath areas
   d. swimming facilities,
   e. coin-operated laundry facilities, and
   f. general stores and snack bars.

4. Uses accessory to camps are subject to the following restrictions:
   a. Such establishments and the parking areas primarily related to their operations shall not occupy more than 10 percent of the area of the property exclusive of the roadways, building space, overflow fields, sites and buffers.
   b. Such establishments shall be restricted in their use to occupants of the campground or camp.
   c. Such establishments shall present no evidence of their commercial character visible beyond the borders of the camp.
   d. There shall be no sale of alcoholic beverages.

5. Minibikes, motorcycles, snowmobiles, all-terrain-vehicles, motorboats, general and outside public address systems shall not be operated on premises except:
   a. in emergencies declared by the Town, State or Federal Government,
   b. in emergency situations involving life or property, or
   c. unless approved by the Commission by Special Permit.

6. A buffer strip of not less than 200 feet on front, side, and rear lot lines shall be maintained except on designated swimming and boating areas and this area shall:
   c. be naturally wooded or planted in such a way as to provide appropriate screening, and shall
   d. be posted as to the boundaries of the campsite on the inner side of such buffer strip.

7. No campsite shall be established or maintained within 100 feet of a lake or river.

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7000 ENVIRONMENTAL STANDARDS

7100 ENVIRONMENTAL AND PERFORMANCE STANDARDS

7110 PURPOSE AND INTENT

This Section of the Regulations is intended to provide standards and guidelines for uses and activities in Kent so that environmental resources will be managed and protected.

7120 STANDARDS

All land uses and activities conducted in Kent shall conform to the following standards:

1. **Particulate Matter and Smoke** - No offensive dust, dirt, fly ash or smoke shall be emitted into the atmosphere.

2. **Odors, Gases and Fumes** - No noxious, toxic, or corrosive fumes or gases shall be emitted.

3. **Noise** -
   a. No noise that is objectionable due to volume, duration, frequency or shrillness shall be transmitted outside the property from which it originates.
   b. In no case shall such noise exceed 80 decibels from 7 AM to 10 PM or 55 decibels from 10 PM to 7 AM, measured at any lot line, as registered on the dbA network of a sound level meter and associated octave band filter manufactured according to standards prescribed by the American Standards Association.

4. **Water Pollution** –
   a. No discharge into any watercourse, groundwater, wetlands or storm sewers or onto any property shall be permitted except in accordance with applicable local, State and federal requirements.
   b. All water supply and sewage disposal systems shall be designed and constructed in accordance with procedures set forth in these Regulations, applicable State laws and local ordinances and shall be subject to approval by the Town Sanitarian.

5. **Vibrations** No vibrations noticeable outside the property from which it originates shall be created.

6. **Hazardous, Toxic, Radioactive and Similar or Analogous Materials** - No hazardous, toxic, radioactive or similar or analogous materials shall be permitted except as the same shall be kept and maintained at all times in strict compliance with all applicable local State and Federal requirements.

7. **Natural Gas And/Or Petroleum Waste** - No land in the Town of Kent shall be used:
   a. for the storage, transfer, treatment or disposal of natural gas and/or petroleum exploration waste or production waste,
   b. for the storage, transfer, treatment or disposal of natural gas and/or petroleum exploration and production materials, or
   c. to erect any building or other structure or to place any machinery or equipment for any such purposes.

7200 REFUSE, WASTE, AND JUNK

7210 PURPOSE AND INTENT

This Section of the Regulations is intended to guide, manage and regulate the collection, storage, control and disposal of refuse, waste, and junk in order to ensure that such activities will not adversely affect the surrounding neighborhood and will not result in unsafe, unsightly or unsanitary conditions.

7220 STANDARDS

1. On any property in any zoning district, adequate provision shall be made for the collection, storage, control and disposal of solid wastes by means of receptacles, or other means.

2. Refuse containers shall be visually screened from public view except on collection day.

3. **Dumpsters -**
   a. No dumpster shall be located within any front yard except that a roll-off dumpster associated with a construction project may be so situated during the time period associated with a valid building permit.
   b. No dumpster shall be located within the required side or rear yards when the applicable setback is adjacent to any lot in a Residential district or any lot containing an existing residential use.
   c. Dumpsters shall be screened in accordance with the requirements of Section 8520.3 except that a roll-off dumpster associated with a construction project shall not need to be screened during the time period associated with a valid building permit.
   d. No dumpster shall be so located as to interfere with normal vehicular movement.
   e. In multi-family developments, suitable area shall be set aside within the dumpster screening area to accommodate recycling bins.

4. No more than one inoperable or unregistered motor vehicle may be stored on any lot including property of a motor vehicle business licensed by the State for a period in excess of 60 days except within a building.

5. No scrap or waste material shall be stored on any lot unless within a building or screened from view from off the premises, except that a 90 day period shall be allowed for removal of scrap or waste material resulting from a construction operation, fire, flood or similar emergency.

7300 SOIL EROSION AND SEDIMENT CONTROL

7310 PURPOSE AND INTENT

This Section of the Regulations is intended to prevent or minimize the erosion and/or sedimentation of soil as a result of development or other activities.

7320 REQUIREMENTS

1. All development shall establish, implement, and maintain soil erosion and sediment controls in accordance with the Connecticut Guidelines for Soil Erosion and Sediment Control, as amended.

2. A soil erosion and sediment control plan ("Control Plan") prepared in accordance with this Section shall be required in conjunction with any application for development when the cumulative disturbed area is more than 1/2 acre except that a single-family dwelling that is not a part of a subdivision of land, although subject to the requirement to establish, implement, and maintain soil erosion and sediment controls, shall be exempt from the requirement to submit a Control Plan.

3. Erosion and sediment control measures and facilities shall be in place prior to the start of development and/or in accordance with the approved Control Plan.

4. Erosion and sediment control measures and facilities shall be maintained in effective condition and in accordance with any approved Control Plan.

5. During development, the Zoning Enforcement Officer may inspect the site to review sediment and erosion control measures, ensure compliance with any approved Control Plan, and ensure that control measures and facilities have been properly performed, installed and maintained.

7330 CONTROL PLAN REQUIREMENTS

1. The Control Plan shall identify 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 principles, methods, technology and practices as found in the Connecticut Guidelines for Soil Erosion and Sediment Control, as amended.

2. Alternative principles, methods and practices from those found in the Connecticut Guidelines for Soil Erosion and Sediment Control, as amended, may be used with prior approval of the Commission.

3. Said plan shall contain, but not be limited to:
   a. A narrative describing the development project and time schedule for:
      i. all major construction activities indicating the anticipated start and completion of development;
      ii. creating and stabilizing of disturbed areas;
      iii. grading operations; and,
      iv. applying erosion and sediment control measures and facilities onto the land;
   b. A site plan map showing:
      i. existing and proposed topography;
      ii. proposed area alterations;
      iii. disturbed areas; identifying the extent of all proposed clearing and grading activities; and,
      iv. location of and other detailed information concerning erosion and sediment control measures and facilities.
   c. Such other information as is necessary to explain design criteria, construction details, detailed installation/application procedures and the proposed maintenance program;

7400 EARTHWORK ACTIVITIES

7410 PURPOSE AND INTENT

This Section of the Regulations is intended to regulate the removal and filling of earth materials from the ground or onto the ground in order to ensure that such activities will not adversely affect the surrounding neighborhood; will not result in unsafe, unsightly or unsanitary conditions; will result in land that in the future can be put to a use permitted by these Regulations; and will protect the land from erosion and sedimentation.

7420 PERMITTED ACTIVITIES

7421 Permitted By Right (No Additional Zoning Authorization Required)

1. The grading of property and the moving of earth materials entirely within the lot lines of a single parcel is permitted provided (also see Section 7424) all work is done in accordance with soil and erosion control standards.

2. The removal of up to 100 cubic yards of earthen material from any lot within a twelve month period is permitted (also see Section 7422 and Section 7424).

3. The filling of up to 400 cubic yards of earthen material onto any lot within a twelve month period is permitted (also see Section 7422 and Section 7423).

4. The deposition of topsoil for the purpose of improving an agricultural use is permitted.

7422 Permitted By Zoning Permit (Staff)

1. The removal of more than 100 cubic yards of earth materials from any property may occur as part of a bona-fide construction project, as evidenced by an approved plan or a valid Building Permit and only when in direct connection with and in accordance with (also see Section 7424):
   a. The construction of a well or septic system approved by the Sanitarian when in conjunction with a use permitted by the Zoning Regulations provided that the activity does not result in more than 300 cubic yards removed off site;
   b. The construction of a utility line, fence or landscaping on premises when in conjunction with a use permitted by the Zoning Regulations provided that the activity does not result in more than 300 cubic yards removed off site;
   c. An excavation that is made solely for a foundation or cellar hole approved by the Commission or the Zoning Enforcement Officer, provided that no more than 300 cubic yards of earth material is removed from the premises;
   d. A bona fide agriculture, nursery, or bedding plant operation;
   e. Removal of contaminated soils under the direction of the Department of Energy and Environmental Protection;
   f. Dredging of a watercourse approved by the Kent Inland Wetlands Commission; and
   g. Approved subdivision roads.

2. The filling of land for the express purpose of preparing the land for immediate development in accordance with an approved plan or a valid Building Permit (also see Section 7423).

7423 Permitted By Site Plan Approval (Commission)

1. Any filling of land not permitted by Section 7421 or by Section 7422.

7424 Permitted By Special Permit (Commission With Public Hearing)

1. Any removal of earth materials from any property not permitted by Section 7421 or by Section 7422.

2. Any processing of earth materials.

7430 STANDARDS

1. Provision shall be made at all times to be in accordance with soil and erosion control standards.

2. Dust shall be kept to a minimum at all times by the use of calcium chloride or other acceptable means. Anti-tracking pads shall be utilized at points where trucks enter public roads.

3. In terms of fill activities:
   a. The filling of the site shall be carried out in a safe and orderly manner.
   b. Any fill material shall consist only of earth fill, chipped vegetation and/or masonry and no trash, garbage, building materials, asphalt, plastic, or junk of any nature shall be permitted as fill material.
   c. If woody vegetation is to be used as fill material:
      i. Such woody vegetation shall be reduced by chipping or other approved methods.
      ii. Chipped vegetation shall not be consolidated in one area but shall be distributed throughout the area in layers, alternating with layers of earth material, in such a manner that all voids shall be filled.
   d. All fill shall be compacted to provide stability of material and to prevent undesirable settlement.
   e. The Commission may require tests or other information to verify the appropriate placement, compaction and cover of filled materials.
   f. The final slope of any fill shall be no greater than a slope of 2:1 (horizontal to vertical) unless extraordinary measures approved by the Commission are taken to ensure the long term stability of the slope.

4. The Commission shall have the Town Engineer review, at the applicants expense and per Section 11-4 of the Town of Kent Ordinances, as amended, the volume calculation for any development involving:
   a. structures with a footprint of 3,000 square feet or more, or
   b. driveways that are 1,200 feet or more in length.

7440 APPLICATION REQUIREMENTS

1. As part of any Special Permit application required by Section 7424, the applicant shall submit maps, plans and cross-sections prepared, signed and sealed by a surveyor and an engineer registered and licensed to practice in the State which, at a minimum, contain the following information:
   a. The boundaries of the entire property, the location and extent of the earth removal operation, any wetlands and watercourses, any wooded areas (denoted by foliage lines), and all intersecting streets within 200 feet of the property.
   b. Existing contours of the entire property and for 20 feet beyond, and proposed final contours of the area of the earth removal operation. Contours shall be based on U.S. Coastal and Geodetic datum and drawn at intervals of not more than two feet in the area of the earth removal operation and five feet elsewhere. Existing contours shall be based upon an actual field survey or an aerial survey with established ground elevations.
   c. The amount of material, in cubic yards, proposed to be removed from the area of the earth removal operation.
   d. Longitudinal and transverse cross-sections of the area of the earth removal operation at intervals of not more than 50 feet, showing existing contours and proposed final contours.
   e. A Soil Erosion and Sediment Control Plan in accordance with Section 7300.
   f. The location, surface treatment and grading of truck access to the property.
   g. The location, type, size and purpose of any existing and proposed buildings, structures or equipment proposed to be used for storage or areas for the stockpiling of materials.

7450 APPROVAL CONSIDERATIONS

1. In granting approval for any earthwork activity, the Commission may modify the Site Plan as may be required to protect the public health, safety and general welfare and to ensure continued compliance with these Regulations, including but not limited to:
   a. The extent of stockpiling of materials on the property.
   b. The location of vehicular access into and out of the property.
   c. Soil erosion and sediment control measures in accordance with Section 7300.

2. An approved earthwork activity shall not become effective until the applicant posts a performance guaranty with the Commission in accordance with Section 10970.

3. An approved earthwork activity may be renewed by application to the Commission in accordance with the provisions of this Section.

4. As part of an application to renew an earthwork activity, the Commission may require an amended Site Plan showing topographical changes to date or any other information necessary for further review of the operation.

5. As part of an application to renew an earthwork activity, the Commission may attach such conditions and safeguards as may be required to protect the public health, safety and general welfare and to ensure continued compliance with these Regulations.

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

8000 DEVELOPMENT STANDARDS

8100 SIGNS

8110 PURPOSE AND INTENT

These Sign Regulations are intended to:

1. Preserve the public health and public safety controlling the size, location and height of signs so they will not confuse, distract, mislead or obstruct the vision necessary for traffic safety; and

2. Preserve the general welfare by controlling the physical condition of signs in order to protect the character of each zone; mitigate any negative impacts on adjoining properties; assist in achieving a more desirable environment in order to maintain property values; encourage economic growth; and avoid negatively altering the essential characteristics of the area.

8120 SIGN TYPES

Sign Types - Structure

FREE-STANDING SIGN - a sign placed on the ground or supported by one or more uprights, poles or other supports placed in or upon the ground.

WALL SIGN - a sign attached to the exterior wall of a structure in such a manner that the wall becomes the support for, or forms the background surface of, the sign and which does not project more than 15 inches from the structure.

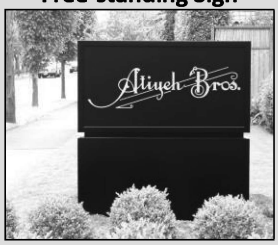
PROJECTING SIGN - a sign that is wholly or partly dependent upon a building for support and that projects more than 15 inches from the building.

ROOF SIGN - a sign mounted on, against or directly above the roof or on top of or above the parapet of a building or structure.

MARQUEE OR CANOPY SIGN - a sign attached to the vertical face of a building marquee or canopy.

PORTABLE SIGN - a sign that is not permanently affixed to a building, structure or the ground.

Free-standing Sign



Wall Sign

Projecting Sign

Canopy Sign

Sign Types - Function

IDENTIFICATION SIGN - a sign, located on the premises, that indicates the name, address and/or identifying symbol of:

- a development containing two or more occupants such as a professional office building, a residential development, an industrial park or commercial shopping center; or,
- a school, park, church, hospital, or other public or semi-public facility.

NAMEPLATE SIGN - a sign, located on the premises, that indicate the name and occupation or profession of each occupant of the premises.

REAL ESTATE SIGN - a sign that pertains to the sale, lease or rental of the premises, or a portion of the premises, on which the sign is located.

CONSTRUCTION SIGN - a temporary sign, located on the premises on which construction is taking place during the period of such construction, which may indicate the names of the design professionals, contractors, owners, financial supporters, sponsors, and/or similar individuals or firms having a role or interest with respect to the structure or project.

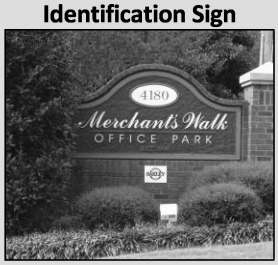
BILLBOARD - a sign that directs attention to a business, commodity, service or entertainment conducted, sold, offered or manufactured at a location other than the premises on which the sign is located.

BUSINESS SIGN a sign, image, or identifying symbol that directs attention to a business, commodity, service or entertainment conducted, sold, offered or manufactured on the premises on which the sign is located. Such signs shall include those of individual retail, wholesale, industrial or commercial establishments.

DIRECTIONAL SIGN - a sign limited to directional messages, principally for pedestrian or vehicular traffic, such as "one way", "entrance" or "parking".

TEMPORARY SIGN - a sign that announces a business opening, a festival, a bazaar, a tag sale or a political campaign.

Identification Sign



Nameplate Sign

Real Estate Sign

Construction Sign

Directional Sign

Temporary Sign

Portable Sign

Business Flag

8130 SIGNS ALLOWED WITHOUT A PERMIT

The following signs are authorized without a zoning permit, provided there is no illumination and that all such signs are set back at least 10 feet from any property line.

1. Street signs, emergency signs, traffic control signs, warning signs or directional signs installed by or under the direction of the Town, State or Federal government.

2. Traffic control signs when in accordance with the Manual on Uniform Traffic Control Devices.

3. Signs lawfully installed on public property.

4. Signs designating land having restricted or prohibited access (e.g., "No Trespassing" signs). Such signs shall be no more than 2 square feet in area and shall be spaced in a manner prescribed by law or reasonably likely to come to the attention of intruders.

5. One sign in the nature of a bulletin board on any lot containing a use allowing public assembly (e.g., church, museum, library, school). Such signs shall not exceed 16 square feet in area.

6. One or two signs (one per street frontage) located on property containing a farm stand. Such signs shall not exceed 6 square feet in area.

7. Temporary signs not exceeding a total of 6 square feet in Residential districts and 12 square feet in other districts. A temporary sign may not be displayed on any lot for a period of more than 45 days in any calendar year.

8. Signs used to guide traffic to or from a use or destination. No such sign shall be greater than 2 square feet in area. No more than 2 such signs are allowed on any one lot, and no more than 4 such signs are allowed with regard to any particular use or destination.

9. Temporary signs located on property on which building construction is occurring (construction sign"). The total area of such signs shall not be more than 6 square feet in Residential districts and 12 square feet in other districts. The height of a construction sign shall not exceed 4 feet in Residential districts and 8 feet in other districts, except that, in residential subdivisions under construction, the height of the construction sign for the subdivision as a whole may be up to 8 feet in height. Such signs must be removed within 30 days after the completion of the construction.

10. One or two temporary signs (one per street frontage) located on property for sale or lease ("real estate sign"). This provision shall not apply to premises upon which the principal use is the sale, rent, or lease of units or space within the structure(s) located upon the premises (e.g., hotels, motels, condominiums, boarding houses, etc.). The total area of such signs on any one lot shall not be more than 6 square feet in residential districts and 12 square feet in other districts. Such signs must be removed with 30 days after the sale or lease. In residential subdivisions in which building lots are for sale, in addition to individual lot signs, one sign not exceeding an area of 12 square feet and a height of 6 feet shall be permitted for the subdivision as a whole.

11. One "OPEN" flag sign, not exceeding 15 square feet in area.

12. Temporary signs for special events sponsored by a non-profit organization provided such signs shall not be located in the road right-of-way, shall be in place for no more than 30 days and shall be removed within 3 days after the event. See below for further sign approval.

13. Temporary banners used in connection with charitable or civic events may be installed up to 30 days before the beginning of the event and must be removed within 3 days following the termination of the event. No more than 2 such banners may be placed on any 1 lot.

14. Flags of nations, states, or local governments, mounted on a flag pole, may be located in all zoning districts. Flag poles shall be located at least 15 feet from the front property line or within the side or rear setback. No more than 1 flag pole is permitted per premises. The maximum height for a flag pole is 30 feet and the maximum size of the flag shall be 24 square feet.

15. One freestanding sign may be installed on nature preserves. No illumination of such sign is allowed. All such signs must be located at least 10 feet from any road.

16. Signs temporarily attached or temporarily painted on a door, or to the inside of a window, provided they do not exceed 10 % of the area of the door or window. Such signs may be permitted for a period of not more than 30 days.

17. Up to 2 freestanding or banner signs may be installed on property on which a temporary event (an event lasting no more than 30 days), such as a business "grand opening", will be held. Such signs shall not be erected earlier than 15 days before the event and shall be removed within 7 days following the event. The total area of all such signs shall not exceed 24 square feet. The height of such signs shall not exceed 10 feet in all districts. Such signs shall not be illuminated.

18. Temporary signs for public, political or charitable purposes provided such signs shall not be located in the road right-of-way, shall be in place for no more than 30 days and shall be removed within 3 days after the event.

8140 PROHIBITED SIGNS AND DEVICES

Notwithstanding any other provisions of these Regulations, the following signs are NOT permitted:

1. Billboards

2. Flashing, rotating, moving or animated signs.

3. Signs that could be mistaken for or confused with a traffic control sign, signal or device.

4. Attention-getting devices such as pennants, valances, and banners (except governmental, non-profit, and those installed for a temporary event), streamers, searchlights, string or festoon lights, flashing lights, balloons or similar devices designed for purposes of attracting attention, promotion or advertising for a commercial purpose.

5. Roof signs.

6. Any other sign not expressly permitted by these Regulations.

8150 SIGNS ALLOWED WITH APPROVAL

8151 Signs Permitted In Any District

TYPE OF SIGN	*SIZE*	*HOW MANY*	*LOCATION*	*APPROVAL**
Service Clubs (freestanding)	6 SF	1	No closer than 10' to the property line	Land Use Admin *
Public/Semi-Public Facility[1] (freestanding)	6 SF	1	No closer than 10' to the property line	Land Use Admin *
Non-Profit Event[2]	See Section 8130	1	No closer than 10' to the property line	Land Use Admin *
Public Purpose – Permanent[3]	6 SF	1	No closer than 10' to the property line	Commission via Site Plan *
Portable Signs[4] (A-Frame)	6 SF	1	In front of business but not placed in pedestrian walkway	Land Use Admin *
				* ***ARB approval also required if in KVOD***

1 Such identification sign for a place of worship, school, museum or similar institution may include, as part of its sign area, a non-electronic bulletin board on which messages and announcements of activities and programs can be displayed.

2 Temporary display of flags, banners, and/signs by non-profit organizations provided that such application shall list the location, size and duration of display.

3 Signs which the Commission finds to serve a public purpose (such as gateway signs, information signs or community identification signs) subject to approval of design and location.

4 Displayed during business hours; on the same property as the business; shall not block sidewalks or vehicular sight lines; valid for one calendar year subject to annual renewal; and, may be revoked for violations of guidelines.

8152 Signs Permitted In Any Residential District

TYPE OF SIGN	*SIZE*	*HOW MANY*	*LOCATION*	*APPROVAL*
Nameplate (to identify occupant)	2 SF	1/dwelling	On the structure	Permitted by Right
Identification (home occupation or professional office)	2 SF	1/dwelling	On the structure or no closer than 10' to the property line.	Permitted by Right
Business Identification For Special Permitted Use	6 SF	1	No closer than 10' to the property line if freestanding	Special Permit/ Site Plan Approval

8153 Signs Permitted In Any Business or Industrial District

TYPE OF SIGN	*SIZE*	*HOW MANY*	*LOCATION*	*APPROVAL**
Business Sign (freestanding)	12 SF	1/building occupant	No closer than 10' to the property line	Land Use Admin *
Business Sign (projecting)	6 SF	1/building occupant	On the structure	Land Use Admin *
Business Sign[1] (wall, marquee or canopy)	1 SF in area for each linear foot of the face of the building	1/building occupant	On the structure	Land Use Admin *
Development Name[2] (freestanding)	18 SF	1	No closer than 10' to the property line	Land Use Admin *
Business Identification Sign[3]	3 SF	1	On the structure	Land Use Admin *
Business Flag[4] ("Open")	15 SF	1/building occupant	Wall mounted; Free standing; Projecting	Land Use Admin *
				* ***ARB approval also required if in KVOD***

1 If the building contains two more occupants, the portion thereof allocated to the occupant

2 Applies to a development containing two or more businesses.

3 Subject to the individual signage requirements.

4 The flag or banner shall not be larger than 15 square feet in area (calculated as the area of the minimum rectangle which will encompass the flag or banner). Flags that are displayed for sale shall be considered to be merchandise and subject to applicable sections of these regulations. In the event of any uncertainty about the appropriateness of the display of a flag or banner, the Zoning Enforcement Officer may refer the application to the full Commission.

8160 ALTERNATIVE SIGNAGE PROGRAM

The owner of a unified non-residential development containing more than 10,000 square feet of gross floor area may seek approval of the program differing from the standards contained in this Section via Site Plan:

1. Such signage program shall, at a minimum, contain the information required for the issuance of Sign Permits.

2. In issuing such a Sign permit, the Commission shall find that such signage program would;
   a. Be consistent with the purpose of this Section and these Regulations, and
   b. Result in a more comprehensive and attractive arrangement and display of signs than could otherwise be accomplished under the standards of this Section, and
   c. Result in overall design that enhances the development.

8170 SIGN STANDARDS

8171 Sign Area Measurement

The area of a sign shall be computed from the outer dimensions of the frame, trim or molding by which the sign is enclosed. The sign area shall include any background material if such material is designed to be an integral part of the sign because of its texture, color or building material.

1. For a sign painted on or applied to a building, the area shall be considered to include all lettering, wording and accompanying designs or symbols, together with any background of a color different from the natural color or finish material of the building.

2. For a sign consisting of individual letters or symbols attached to or painted on a surface, building, wall or window, the area shall be considered to be that of the smallest rectangle, triangle or circle that encompasses all the letters and symbols.

3. The area of any supporting framework (for example brackets, posts, etc.) shall not be included in the area, provided such framework is incidental to the display and contains no advertising material or informational material other than a street name and number.

4. When a sign has two or more faces, the cumulative area of all faces shall be included in determining the area, except where two faces are placed back to back and are at no point more than 2 feet from each other. In that case, the sign area shall be taken as the area of the larger of the two faces, or of one face if the two faces are equal in area.

5. The height of a sign shall be measured from the ground surface directly below the sign up to the highest point of the display area of the sign or the supporting structure of the sign. If the top of the sign and the top of the supporting structure are of unequal height, the higher measurement shall determine the height.

8172 Sign Illumination

Signs may be illuminated externally provided they comply with the outdoor illumination standards in Section 8630 and 8640 and the limitations set forth below.

1. No externally illuminated sign shall have exposed electrical wires.

2. No externally illuminated sign shall be illuminated between the hours of 10 p.m. and 7 a.m. unless the premises on which it is located is open for business at that time. This prohibition does not apply if the external illumination occurs as a consequence of lighting provided for public safety purposes.

3. When a sign is externally illuminated, the light source shall be shielded so that the beams or rays of light do not shine or reflect directly onto adjacent properties or streets.

4. Illuminated signs located on a lot within, adjacent to, or across the street from any residential district shall not be illuminated between the hours of 10:00 p.m. and 7:00 a.m.

8173 Sign Motion

No sign or any part thereof shall be moving, whether by mechanical or other means.

8174 Sign Location

The following general conditions apply to sign location:

1. No sign shall extend into a vehicular public way or be lower than 7 feet above a pedestrian way;

2. No sign shall obstruct free entrance or exits from a required door, window or fire escape; or be located or constructed in a manner that interferes with access by fire or emergency personnel;

3. No sign shall be constructed or located in a manner that obstructs light or air into a building or otherwise interferes with the proper functioning of a building; and

4. No sign shall be placed in such a location as to confuse or obstruct the view or effectiveness of any traffic sign or signal or in any way result in a hazard to the safe and efficient flow of vehicular traffic.

8180 ADMINISTRATION

8181 Sign Permits

1. Except as otherwise provided herein, no sign shall be constructed, erected, altered or otherwise changed unless a Sign Permit has been issued.

2. All applications for a Sign Permit shall be signed or countersigned by the owner of the lot on which the sign will be located and shall be accompanied by the following:
   a. For free-standing signs, a plot plan of the premises and, for any signs attached to structures, a measured elevation drawing of the building façade, each drawn to scale, showing the location, dimensions and area of all existing and proposed signs on the premises; and,
   b. Plans and specifications of the proposed sign, including its dimensions, area, maximum and minimum height, design, materials, method of construction, method of illumination and if such sign shall be temporary, the length of time it shall be in place.

3. For signs denoting activities or events sponsored by a non-profit or charitable organization:
   a. Such signs shall conform to these regulations and shall require approval by the Zoning Enforcement Officer, but shall not require a fee.
   b. Application for such approval may, at the discretion of the Zoning Enforcement Officer, be handled administratively or be referred to the Commission.
   c. Such approval may be renewed automatically through written notification to the Zoning Enforcement Officer and/or Commission that the conditions and duration of display of the sign are consistent with the original approval.

8182 Sign Maintenance and Removal

1. All signs, together with their supports, braces, guys and anchors, shall be kept in good working order and safe condition.

2. The owner of the lot on which the sign is located shall be directly responsible for keeping such sign, including its illumination sources, in good working order and safe condition.

3. Damaged signs or signs in danger of falling shall be put in order or removed upon written notice by the Zoning Enforcement Officer to the owner of the lot on which the sign is located.

4. Any sign that pertains to a business no longer conducted on the premises where such sign is located shall be removed by the owner of the lot on which the sign is located within 30 days following cessation of the relevant activity.

5. Any lawful existing sign may remain and may be repaired but shall not be altered or enlarged except as provided for in this Section.

8200 PARKING AND LOADING

8210 PURPOSE AND INTENT

This Section of the Regulations is intended to establish standards for the provision of parking and loading areas in order to meet the needs of businesses, residents and visitors and to help promote public safety and welfare.

8220 PARKING FACILITIES REQUIRED

1. Off-street parking facilities shall be provided in accordance with the requirements of this Section in order to serve all buildings and developments permitted pursuant to these Regulations.

2. Such parking facilities shall be sufficient to accommodate the motor vehicles of all occupants, employees, customers, residents, and other persons normally visiting or expected to use such building or premises at any one time.

3. Except as otherwise provided for herein, off-street parking spaces shall be located on the same lot as the principal use they are designed to serve.

4. Indoor parking may be included in the required spaces or area.

5. All parking space dimensions shall be exclusive of driveways, ramps, or other access areas.

6. No parking area that serves a use in a Commercial or Industrial District shall be permitted on land in a Residential District; no access to such parking area shall be permitted across land in a Residential District.

8230 MINIMUM PARKING REQUIREMENT

1. Parking facilities shall contain not less than the minimum number of spaces as set forth below for each use, exclusive of driveways and ramps necessary for access.

2. For uses not listed below, the minimum number of parking spaces required shall be as determined by the Commission based on one or more of the following:
   a. parking requirements within these Regulations for similar uses based on the nature, intensity and/or mix of the proposed uses, including projected attendance, and the number of employees, visitors and/or customers,
   b. standards available from recognized authorities or
   c. a parking analysis based on the parking utilization of similar facilities elsewhere.

3. During the Site Plan or Special Permit review process, the Commission shall have the right to require additional spaces be installed if it determines that the number of spaces required by this Section will not be adequate based on the characteristics of the proposed use.

MINIMUM PARKING REQUIREMENTS – BUSINESS-TYPE USES

CATEGORY	USE	REQUIREMENT
Retail / Service Uses	Banks or other financial institutions	1 space per 200 SF of GFA
	Shopping center	1 space per 400 SF of GFA
	Retail stores or personal service establishments (parking shall be based upon gross floor area excluding the areas devoted to offices, storage, repair service areas not open to the public, entrance and exit foyers, employee lounges, dressing rooms and toilet facilities	1 space for 200 SF
Hospitality Uses	Restaurants or similar eating or drinking establishments	1 space for every 3 seats plus 2 spaces for every 3 employees in maximum shift
	Hotels, Country Inn	1.5 spaces per bedroom
Office Uses	General, professional or business offices, non-medical	1 space per 200 SF of GFA
	Medical or dental offices or clinics	1 space per 150 SF of GFA
Automotive Uses	Sale or rental of automobiles, trucks, boats or recreational vehicles	1 space per 400 SF of GFA for sales
	Motor vehicle fueling stations with sale of convenience items/food products/snacks	1 space per 100 SF of retail space
	Automotive repair and service facilities	2 spaces per service bay
Industrial / Storage Uses	Manufacturing or research facilities	1 space per employee during daily workshop period plus parking for visitors
	Wholesaling or distribution facilities	1 space per employee during daily workshop period plus parking for visitors
	Lumberyards; building materials suppliers	1 space per 1,000 SF of GFA
	Building, construction or landscape contractors' yards	1 space per 1,000 SF of GFA
	Public warehousing and storage, excluding self-storage	1 space per 1,000 SF of GFA
	Self-service storage facilities	1 space per ten compartments

MINIMUM PARKING REQUIREMENTS – OTHER USES

CATEGORY	USE	REQUIREMENT
Education-Type Uses	Studios of dance, photography, artistic endeavors graphic design or similar	1 space per 200 SF of GFA
	Schools operated for profit	1 space per 1,000 SF of GFA; minimum of 5 spaces
	Daycare center	1 space per 10 enrollees plus 5 in a clearly delineated drop off/ pick up area
Institutional Uses	Hospitals	2 spaces per 3 beds
	Nursing or convalescent homes	1 space per 3 beds
	Civic associations, fraternal organizations, social clubs	1 space per 3 seats in the auditorium
	Public or private schools, non-profit	as determined by the Commission
	Places of worship; funeral homes	1 space per 3 seats, plus additional spaces as may be required by the Commission (one seat = 24 linear inches of pew bench)
	Public or semi-public buildings not otherwise listed	1 space per 3 seats in portion of building used for services
	Museums, art galleries, or similar cultural facilities	1 space per 500 SF GFA
	Education center	as determined by the Commission
Recreational Uses	Commercial recreation facilities, enclosed, such as skating rinks, gymnasiums, tennis or racquet clubs health and fitness clubs, bowling establishments	1 space per 200 SF
	Commercial recreation facilities, not enclosed	1 space per 3 persons at outdoor facilities maximum occupancy, plus 1 space per 200 SF GFA of buildings
	Campgrounds	as determined by the Commission
	Camps	as determined by the Commission
	Country clubs; golf courses	as determined by the Commission
Entertainment / Amusement Uses	Amusement and entertainment facilities with fixed seats	1 space per 200 SF of GFA plus additional spaces as determined by the Commission
	Amusement and entertainment facilities, not enclosed and without fixed seats	1 space per 3 seats or 1 space per 100 SF of GFA, whichever is greater
	Amusement and entertainment facilities, enclosed but without fixed seats	1 space per 250 SF of first floor GFA plus a minimum of 4 spaces per 300 SF of GFA for other floors

MINIMUM PARKING REQUIREMENTS – AGRICULTURAL AND RESIDENTIAL-TYPE USES

CATEGORY	USE	REQUIREMENT
Agricultural Uses	Roadside farm stands	1 space per 100 SF of sales GFA
	Commercial nurseries; commercial greenhouses	1 space per 250 SF GFA accessible to retail customers
Residential Uses	Dwellings	2 spaces per dwelling unit
	Affordable Housing	2 spaces per dwelling unit
	Group Home	2 spaces per home, plus 1 space per 2 employees
	Multi-family dwellings	2.5 spaces per dwelling unit
	Housing for the elderly	0.75 spaces per dwelling unit
Home-Based Businesses	Home-based business	1 space per non-resident employee plus adequate space for clients, customers, and visitors in addition to the spaces for the dwelling
	Boarding house	2 spaces plus 1 space per bedroom used for the boarding activity
	Bed and breakfast	2 spaces plus 1 space per bedroom used for the bed and breakfast activity
	Family day care home / Group day care home	1 space per non-resident employee plus 1 space per 5 enrollees in a clearly delineated drop off/ pick up area in addition to the spaces for the dwelling

8240 MINIMUM LOADING REQUIREMENT

1. Every building or complex of buildings used for commercial (except offices), industrial or service uses, or any other building or complex of buildings where large amounts of goods are received or shipped, shall make provision for truck loading and unloading in a location that will not interfere with traffic circulation or emergency access on public streets or within the site.

2. Every such building or complex of buildings in excess of 10,000 square feet shall provide at least 400 square feet of truck loading and unloading space(s) per 20,000 square feet of gross floor area (and any calculation resulting in a fractional remainder shall be rounded to the nearest whole number).

3. The Commission shall have the right to require additional loading spaces if it determines that the number of loading spaces installed are not adequate.

8250 POSSIBLE PARKING AND LOADING MODIFICATIONS

1. **Reduction Of Parking -** An applicant may request the Commission reduce the minimum parking and/or minimum loading requirements and the Commission may grant such a request by Special Permit in accordance with Section 10400 of these Regulations and in accordance with the following provisions:
   a. The applicant shall submit to the Commission a justification for a reduction in parking space and/or loading space requirements.
   b. The Commission may require the submission of a parking demand analysis and/or a loading space analysis, suitable to the Commission in source and scope, as part of any request for a reduction of the general parking and/or loading requirements.
   c. Except for a request to modify the parking requirements for a residential use, the Commission may also consider the following factors in reviewing a request to modify the parking and/or loading requirements:
      i. The availability and adequacy of parking spaces within 500 feet of the proposed development site.
      ii. Access to a regularly scheduled transit stop, with service available during commuting hours which might reduce the need for parking at the site.
      iii. The availability of a bikeway or pedestrian walkway which might reduce the need for parking at the site.
      iv. Provision of a regularly scheduled, municipally supported shuttle bus service from the development to an alternate safe, secure, and convenient parking facility.
      v. The need for loading space at the proposed development and/or the availability of other loading areas in the vicinity.

2. **Shared Parking** - Where a site development plan proposes shared parking by different uses on a single parcel or by uses on adjacent separate parcels, the Commission may reduce the minimum parking and/or minimum loading requirements by Special Permit in accordance with Section 10400 of these Regulations and the following standards shall apply:
   a. All shared parking spaces shall be located within 500 feet of the main building entrance of the recipient use.
   b. A parking demand analysis shall demonstrate the adequacy of any proposed reduction in required spaces.
   c. A legally enforceable shared parking agreement assuring access to and use of such parking by all parties to such agreement for the term of the approved uses for which the parking is required, satisfactory to the Commission and legal counsel, shall be executed as a condition of any approval of shared parking under this Section.
   d. Shared parking spaces shall not be reserved for the exclusive use of individuals or groups.
   e. The site development plan shall demonstrate safe and convenient pedestrian access to the uses for which the parking is proposed and between and among parking areas including well marked pedestrian crossings, signage, and adequate lighting.
   f. The site development plan shall include such landscaping, lighting, and other improvements as may be required by these Regulations.
   g. When the preceding standards have been met, the Commission may reduce the number of required parking spaces when a site development plan proposes shared parking meeting the standards above, as follows:
      i. up to 25% reduction in required spaces where uses occur during the same time of day and on the same days;
      ii. up to 50% reduction in required spaces where uses occur at different times of day or on different days; and
      iii. up to 75% reduction in required spaces for theaters and public assembly that are used primarily in the evening or on weekends where other uses are operated primarily during daytime or only on weekdays, respectively.

8260 DIMENSIONAL REQUIREMENTS

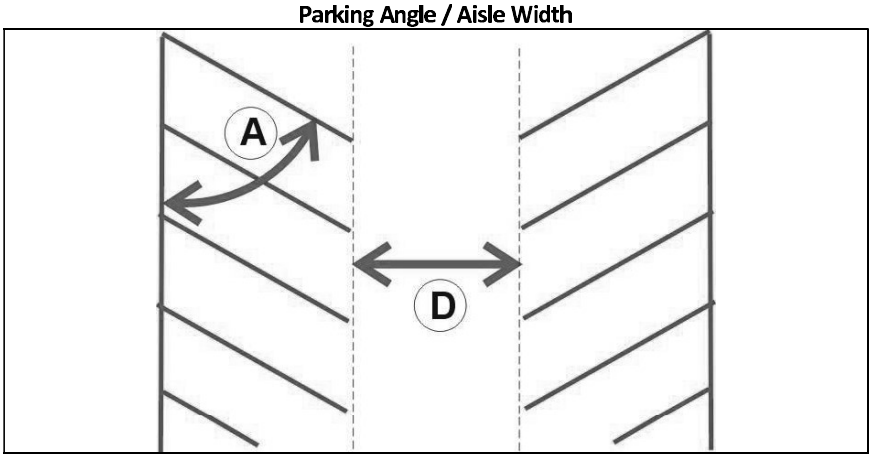
Except as otherwise specified herein, the requirements for parallel, angled and perpendicular parking shall be as follows:

1. Each off street parking space shall measure at least nine feet in width by eighteen feet in depth (9' by 18') except for:
   a. handicapped spaces which shall conform to State regulations, and
   b. parallel parking spaces which shall measure at least eight feet in width by twenty-two feet in length (8' by 22').

2. Driveways and access aisles for other than single-family dwelling and two-family dwellings shall be adequate for the expected intensity of usage and the specific location (such as the Kent Village Overlay District). The Commission may require that driveways and access aisles be designed and constructed as follows:

	Aisle Width (D)	
Parking Angle (A)	**One-way Circulation**	**Two-way Circulation**
Parallel parking	13 feet	24 feet
45 degree angle parking	13 feet	24 feet
60 degree angle parking	16 feet	24 feet
90 degree angle parking	20 feet	24 feet

Parking Angle / Aisle Width



3. The number, size, designation, location, and markings of parking spaces for the handicapped shall be in conformance with CGS Section 14-253a, as may be amended, and the Connecticut Building Code (Section 29-252, as may be amended).

4. Site design shall make every effort to preserve as much of the native vegetation as possible.

5. All parking lots as defined by these Regulations shall show adequate drainage by the following standards:
   a. Adequate data shall be submitted basing calculations and capacity on a 25 year storm.
   b. Runoff shall not cross sidewalk or direct lines of pedestrian walkways.
   c. Surface pitch shall be shown and parking lots shall have no greater than a 5% slope.

8270 ADDITIONAL REQUIREMENTS

1. No parking area or portion thereof, including parking spaces, driveways and access aisles, shall be located within the required front yard setback, except:
   a. a driveway in accordance with Section 8300 progressing directly from the street to a garage or parking area, or
   b. driveways that serve as parking areas for one and two-family dwellings provided that not more than one-half of the area of the required front yard shall be occupied by driveways or parking facilities.

The Commission recommends, when possible, that all parking be located behind the plane established by the front of the building.

2. No parking area or portion thereof, including parking spaces, driveways and access aisles, shall be located within 10 feet of any side or rear property line except as written below:
   a. Shared driveways and shared access aisles between adjoining properties shall not have a setback requirement along the shared property line.
   b. Driveways within a rear lot accessway shall not be located within 5 feet of any side or property line.
   c. As part of the approval of a Site Plan or a Special Permit, the Commission may allow encroachments within the above-defined setbacks provided that adequate visual screening (such as trees, shrubs, fences, walls, and/or berms) is provided.

3. No parking area or portion thereof, including parking spaces, driveways and access aisles, shall be located within six feet of any portion of a building other than for garage entrances or loading area aprons. Such six-foot clear area shall be used for walkways, plantings or other landscaping.

4. All driveways, parking and loading areas shall have an all-weather surface suitable to the use intended, capable of providing free and safe movement of all vehicles customarily using the facility.

5. In multi-family developments or multi-businesses, group mailboxes shall be so located as to not interfere with normal vehicular movement.

8300 DRIVEWAYS AND ACCESS

8310 PURPOSE AND INTENT

This Section is intended to control the number, size, and location of driveways and access points for residential uses and for business uses, especially those that front on heavily trafficked roads and state highways, in order to promote overall traffic control and promote public safety and welfare.

8320 DRIVEWAY SPECIFICATIONS

1. All driveway entrances shall be paved with bituminous concrete from the traveled portion of the intersecting street a distance of 20 feet or to the property line whichever distance is greater, provided however, that paving of driveway entrances shall not be required if the intersecting street is unpaved.

2. All newly constructed or relocated driveways shall be constructed in accordance with the following specifications:
   a. The maximum width of the driveway curb cut at the intersection of the street shall not exceed:
      i. Residential Driveway: 30 feet
      ii. Commercial Driveway: 50 feet
   b. The maximum grade of the first 15 feet of driveway from the edge of the maintained street shall not exceed 5%.
   c. Sufficient drainage systems shall be installed to prevent the runoff of water or other material from said driveway onto the intersecting street and shall be drained in such a manner that no storm-water runoff shall impact on adjacent properties.
   d. The centerline of a driveway entrance shall intersect the street as near to a right angle as is practicable for a distance of at least 30 feet back from the traveled portion of the intersecting street but the angle of intersection of the centerline of the driveway entrance with such street shall not be less than 60 degrees nor more than 120 degrees.
   e. A driveway intersecting a street shall have a minimum sight distance of not less than 150 feet in each direction.
   f. A driveway may be any length but the maximum grade shall not exceed the standard specified in Section 8330 (residential) or Section 8340 (non-residential).
   g. The minimum traveled surface width of a driveway shall be 10 feet.
   h. For every 1,000 linear feet of driveway 1 passing area (9’ x 25’) shall be provided.

3. When culverts or other drainage systems shall be required to control the flow of water:
   a. If the water shunted by such culverts or drainage systems establishes a flow of water onto an adjoining parcel of land, a permanent drainage easement shall be obtained; and,
   b. If the water shall enter a street culvert system, permission from the Board of Selectmen, the Department of Transportation and/or Property Owners Association, whichever is applicable, shall be obtained to use such culvert.

4. All driveways shall have an all-weather surface suitable to the use intended, capable of providing free and safe movement of all vehicles customarily using the facility.

8330 DRIVEWAYS FOR RESIDENTIAL USES

1. No more than two lots may be accessed off of one residential driveway except that a third lot may be permitted to be accessed off a residential driveway subject to the following conditions:
   a. The lot is declared an affordable housing lot to be developed solely for the purposes of creating affordable housing in accord with the conditions set forth under Kent Town Ordinance #11-1.2.
   b. Only one single family dwelling unit may be permitted on the lot.
   c. Section 3124.9 regarding the rear lot requirement for an accessway which has a continuous width of at least 25 feet shall not apply.
   d. The entire driveway utilized by this lot shall be brought into conformity with the driveway requirements contained in these Regulations.
   e. A shared driveway agreement by the owner and all holders of easements of such driveway must be filed on the land records prior to the issuance of a Zoning Permit.

2. For a residential driveway, the maximum grade shall not exceed 15 percent for any portion of its length.

8340 DRIVEWAYS FOR NON-RESIDENTIAL USES

1. Combination of curb cuts and access drives to parking for more than one use shall be encouraged and may be specified by the Commission on any Site Plan approval.

2. Within a business district or for non-residential uses, the Commission may designate the location of any driveway, may limit the number of driveways, and may require the sharing of one or more driveways between adjacent and nearby properties in order to promote access management, reduce the number of curb cuts on busy roads, minimize conflict points, and promote the overall coordinated development of such areas.

3. As part of application approval, the Commission may require an applicant or owner to:
   a. establish mutual driveway or other easements to provide a single point of access for two or more abutting properties in a location approved by the Commission,
   b. file such easements on the land records in favor of the abutting property owners and/or the Town of Kent as shall be acceptable to the Commission, and/or
   c. utilize a mutual driveway or other easement that exists on abutting property in lieu of having a separate curb cut onto a road or street.

4. Driveways shall not exceed 30 feet in width or 10 percent in grade except as noted in Section 8350.

5. In the Industrial District, a property shall not be serviced by more than one driveway plus one additional driveway for each 200 feet of frontage.

6. Driveways shall not be less than 25 feet in width nor more than 50 feet in width, measured at and parallel to the street line, unless the applicant can demonstrate that:
   a. the reduced width will be adequate for the needs of the permitted use and will provide for one-way circulation pattern, preserving existing vegetation, minimizing site disturbance, or other purpose.
   b. the increased width is necessary for the unique needs of the permitted use in terms of delivery vehicles, turning radii, or other purpose.

7. For a non-residential driveway, the maximum grade shall not exceed 10 percent for any portion of its length.

8350 PERMIT REQUIREMENTS

1. A driveway permit shall be obtained from the Connecticut Department of Transportation for driveways accessing State roads and from the Highway Foreman for driveways accessing Town roads.

2. No building or structure to be served by a newly constructed or relocated driveway shall be used or occupied, in whole or in part, until such driveway has been constructed in accordance with the applicable specifications and requirements.

3. An application for a driveway permit shall show:
   a. The location, width, length, and grades of the proposed driveway;
   b. The effect which the driveway shall have upon drainage, including calculations of water flow, if requested, to ensure public safety.
   c. The materials used in the construction.
   d. A Soil Erosion and Sedimentation Control Plan in accordance with Section 7300.

4. To ensure that a new driveway shall be constructed in accordance with the requirements of this Section, the Certificate of Zoning Compliance for the building or structure to be served by such driveway shall not be issued by the Zoning Enforcement Officer until such driveway has been constructed or relocated in conformity with the requirements of this Section.

5. To ensure that a relocated driveway shall be constructed in accordance with the requirements of this Section, a performance guaranty in accordance with Section 10970 may be required and such performance guaranty shall not be released unless and until such driveway has been constructed or relocated in conformity with the requirements of this Section.

8400 PEDESTRIANS AND BICYCLISTS

8410 PURPOSE AND INTENT

This Section is intended to make provision for pedestrians and bicycles as part of development and redevelopment in Kent, especially within the Kent Village Overlay District.

8420 REQUIREMENTS

1. Wherever feasible and appropriate, walkways shall be provided within a development to facilitate pedestrian movement between parking areas and building entrances, between the development and the street, and between buildings in a multi-building development, and in such locations as to separate pedestrian movement from vehicular movement.

2. All walkways shall be:
   a. concrete unless another material of similar durability (such as brick, stone, or concrete pavers) shall be approved by the Commission,
   b. a minimum of five feet in width within parking areas and along the perimeter thereof, and
   c. at least four feet in width elsewhere.

3. Any development within the Kent Village Overlay District shall include new or reconstructed sidewalks at least four (4) feet in width along the street frontage or frontages of the parcel or parcels, unless the Commission determines that such sidewalks are either impractical or unnecessary at that location, considering prospective pedestrian traffic.

4. Any development within the Village Commercial District shall include pedestrian walkways within the development to encourage and promote pedestrian activity within the site and between adjacent sites, unless the Commission determines that such pedestrian walkways are either impractical or unnecessary at that location, considering prospective pedestrian traffic.

5. Any development within the Village Commercial District shall include accommodations for pedestrians and bicyclists as part of the development including bicycle racks, benches or other seating areas, and other accommodations to encourage and promote pedestrian activity and cycling activity within Kent Center, unless the Commission determines that such accommodations are either impractical or unnecessary at that location.

8500 LANDSCAPING

8510 PURPOSE AND INTENT

These landscaping and screening requirements are intended to accomplish the following purposes:

- To provide natural visual screening of parking and loading areas.
- To reduce surface water runoff and minimize soil erosion through the natural filtering capability of landscaped areas.
- To minimize environmental nuisances such as glare and noise.
- To moderate the microclimate of parking areas by providing shade, by absorbing reflected heat from paved surfaces and by creating natural wind breaks.
- To ensure public safety by using landscaping materials to define parking and loading areas and to manage internal vehicular and pedestrian circulation.
- To enhance the overall appearance of new development by providing a variety of landscaping materials that are consistent and compatible with the existing natural vegetation in the area.

8520 LANDSCAPING REQUIREMENTS

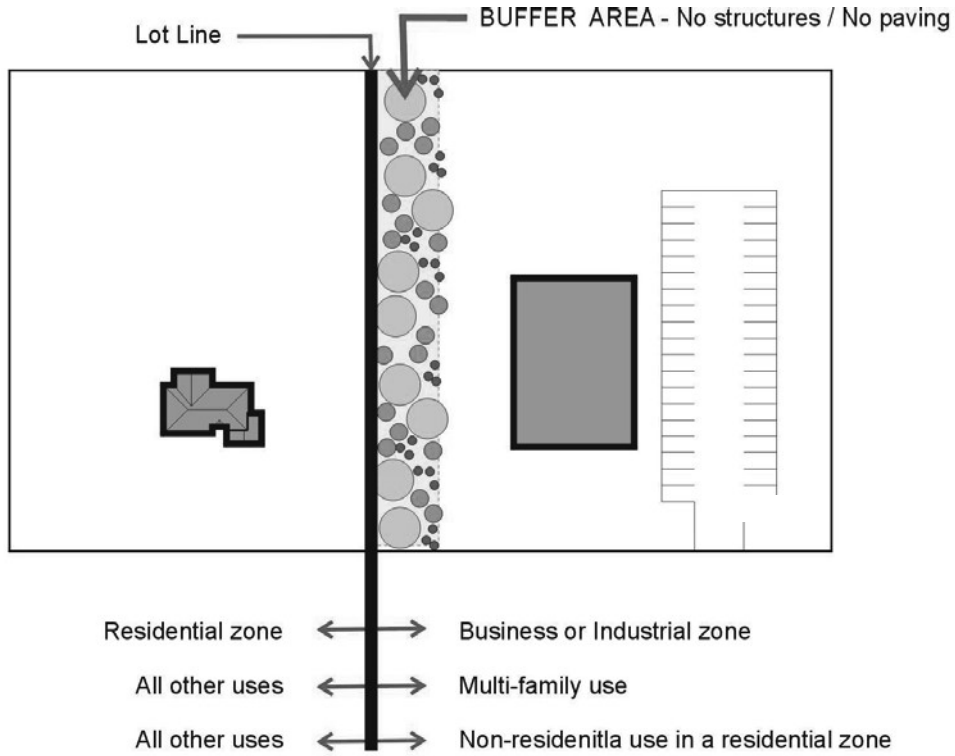
1. **Overall -** All disturbed portions of multi-family and non-residential developments not otherwise used for buildings, structures, parking areas, loading areas, walkways or similar purposes shall be landscaped and permanently maintained with trees, shrubs and other landscape materials, as approved by the Commission as part of the Site Plan.

2. **Parking Lots -**
   a. Parking areas containing 10 or more parking spaces shall contain at least one major tree and two shrubs per ten parking spaces or major fraction thereof, planted within and along the perimeter of the parking area.
   b. Parking areas containing between 20 and 99 parking spaces shall contain a minimum of 15 square feet of interior landscaping area per parking space, distributed among the end islands, interior islands and planting strips.
   c. Parking areas containing 100 or more parking spaces shall contain a minimum of 20 square feet of interior landscaping area per parking space, distributed among the end islands, interior islands and planting strips.
   d. Trees within and along the perimeter of parking areas shall be varieties that provide shade or are capable of providing shade at maturity.

3. **Screening -** Screening of loading areas, dumpster areas, outside storage areas, and/or ground-fixed mechanical equipment, shall be provided especially when adjacent to residential properties or visible from the street. Acceptable screening materials shall include:
   a. evergreen hedges having a minimum height of six feet at the time of planting;
   b. solid fences or walls having a minimum height of six feet, if approved by the Commission;
   c. earthen berms; or,
   d. any combination of the above materials.

4. **Industrial Districts -** In the Industrial District, a continuous strip not less than six feet wide shall be maintained between the street line and the balance of a lot and such strip shall be grassed or otherwise suitably landscaped, except for any driveway(s), and maintained in good appearance.

5. **Buffers -**
   a. A landscaped buffer at least 30 feet in width shall be provided for any use in a Business or Industrial zone that is adjacent to or across the street from a Residential zone, for any multi-family use, or for any non-residential use in a Residential zone.
   b. The buffer shall be of evergreen plantings of such species, height and spacing as, in the judgment of the Commission, will visually screen the use from the view of adjoining properties.
   c. No structures or paving shall be permitted within the buffer.
   d. The Commission may allow a wall or fence of appropriate location, height and design to be substituted for all or a portion of the landscaped buffer width if, in its judgment, such wall or fence would provide comparable screening of the use from the view of adjoining properties. Such Commission approved fence shall not be subject to the setback and yard requirements of these regulations.



8530 GENERAL LANDSCAPING PROVISIONS

1. **Protection Of Existing Features -**
   a. The development of the site shall:
      i. conserve as much of the natural terrain and existing vegetation as possible,
      ii. preserve sensitive environmental land features such as steep slopes, wetlands and large rock outcroppings, and
      iii. preserve public scenic views and historically significant features.
   b. Trees of five inches or greater in diameter as measured four feet above ground level should be preserved to the extent feasible and such trees should be appropriately welled or mounded to protect them from damage.

2. **Plant Material –**
   a. All plant material shall be native species, nursery grown and conform to the standards of the American Association of Nurserymen.
   b. Trees and shrubs to be located within five feet of any paved areas shall be varieties capable of withstanding damage from salt.

3. **Plant Size -** At the time of planting, trees shall be balled and burlapped and shall be of the following minimum size (caliper measurements to be taken four feet above ground level):
   a. Shade trees: 2 1/2 inch caliper
   b. Evergreen trees: 6 foot height
   c. Flowering and other deciduous trees:
      i. single stem - 2 inch caliper,
      ii. clump form - 8 foot height

4. **Ground Cover -**
   a. Mulched planting beds of an appropriate size shall be placed around all trees and shrubs to retain moisture. Acceptable mulching material shall be shredded bark, wood chips or other organic substitute, at least four inches in depth.
   b. Suitable ground cover shall be placed on all disturbed site areas not covered by paving, buildings or mulching for trees and shrubs.
   c. No stone or gravel shall be used for ground cover within four feet of walkways unless the material is suitably contained within its area.

8540 EXISTING VEGETATION

The Commission may accept existing topography and/or vegetation as satisfying the landscaping requirements of this Section.

8550 MAINTENANCE REQUIREMENTS

1. All landscaping shall be maintained in a healthy growing condition. Landscaping that dies or becomes unhealthy shall be replaced with appropriate new landscaping during the following planting season.

2. All landscaping shall be maintained so as not to interfere with public utilities, restrict vehicular or pedestrian access or otherwise constitute a traffic hazard.

3. Required fences or walls shall be maintained in good condition.

4. To allow occupancy of a building when the landscaping has not been completed (such as in the winter months, the Commission may accept a performance guaranty in accordance with Section 10970 to ensure that required landscaping is installed.

8600 OUTDOOR LIGHTING

8610 PURPOSE AND INTENT

This Section of the Regulations is intended to ensure the effectiveness of site lighting, enhance public safety and welfare, raise public awareness of energy conservation, avoid unnecessary upward illumination, and discourage the installation of lighting fixtures that emit glare or light trespass.

8620 APPLICABILITY

The standards herein shall apply to all exterior lighting except that the following types of lighting are exempt from these Regulations:

1. Temporary lighting associated with Halloween, Christmas, Hanukah, and similar events.

2. Temporary lighting associated with a fair, carnival or similar function authorized by the Town of Kent.

3. Temporary light used by emergency service or public safety personnel.

8630 LIGHTING STANDARDS FOR RESIDENTIAL USES

1. All exterior lights and sign illumination for residential uses should be designed, located, installed and directed in such a manner as to:
   a. prevent glare or light trespass;
   b. employ soft, transitional light levels from area to area;
   c. minimize contrast between light sources, lit areas and dark surroundings; and
   d. be confined within the target area.

8640 LIGHTING STANDARDS FOR NON-RESIDENTIAL USES

1. All exterior lights and sign illumination for non-residential uses shall be designed, located, installed and directed in such a manner as to:
   a. prevent direct glare or light trespass;
   b. employ soft, transitional light levels from area to area;
   c. minimize contrast between light sources, lit areas and dark surroundings; and
   d. be confined within the target area.

2. For business uses, industrial uses, multi-family developments, and institutional uses:
   a. lighting fixtures for all vehicular areas and pedestrian areas and for security or other purposes shall be full cut-off type fixtures, or shall be fully shielded/recessed fixtures where the lens is recessed or flush with the bottom surface, and
   b. no exterior direct light source (such as a bulb) shall be visible at the property line at ground level or above.

3. Except as may be allowed by the Commission as provided in Section 8640.9, illumination levels shall be in accordance with the following table:

	Light Level (foot-candles)		
	Average	**Maximum**	**Minimum**
Business areas (medium brightness)	0.8	3.0	0.2
Residential areas (low brightness) if lighting is installed	0.3	1.5	n/a

4. The height of luminaires on private property shall be the minimum height necessary to provide adequate illumination but in no case shall exceed a height of 20 feet.

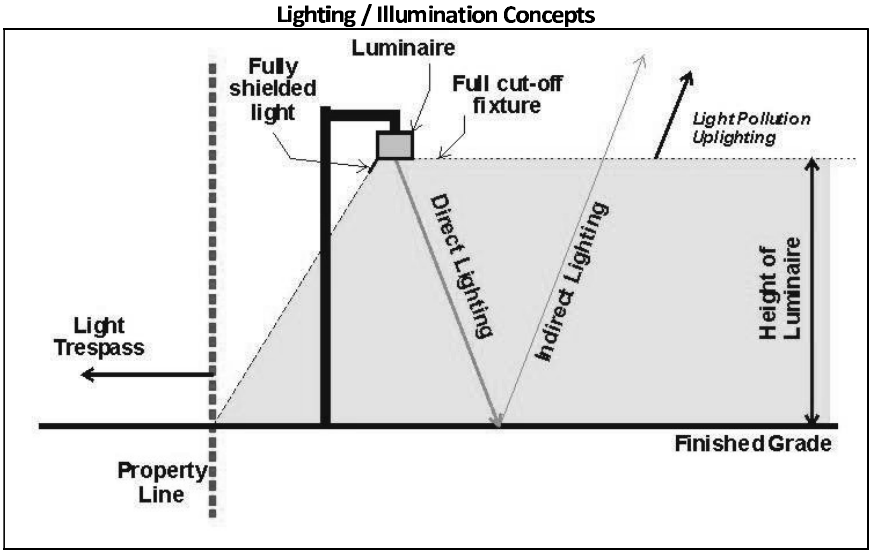
5. Lamp posts in parking areas shall be placed within landscaped areas (i.e., end islands, interior islands, planting strips) and shall be recessed at least three feet from curbs.

6. Walkways shall be adequately lighted; the use of bollard lighting for such purpose is encouraged.

7. The Commission shall determine whether the type and style of proposed lighting fixtures and illumination meets the standards, purpose and intent of these Regulations based on the following information to be submitted by the applicant:
   a. The specific fixtures to be installed,
   b. A plan showing the location of all outdoor lighting fixtures,
   c. The levels of illuminance projected to occur on the property, and
   d. Information indicating that the proposed lighting will not cast an arc of illumination beyond the boundaries of the property.

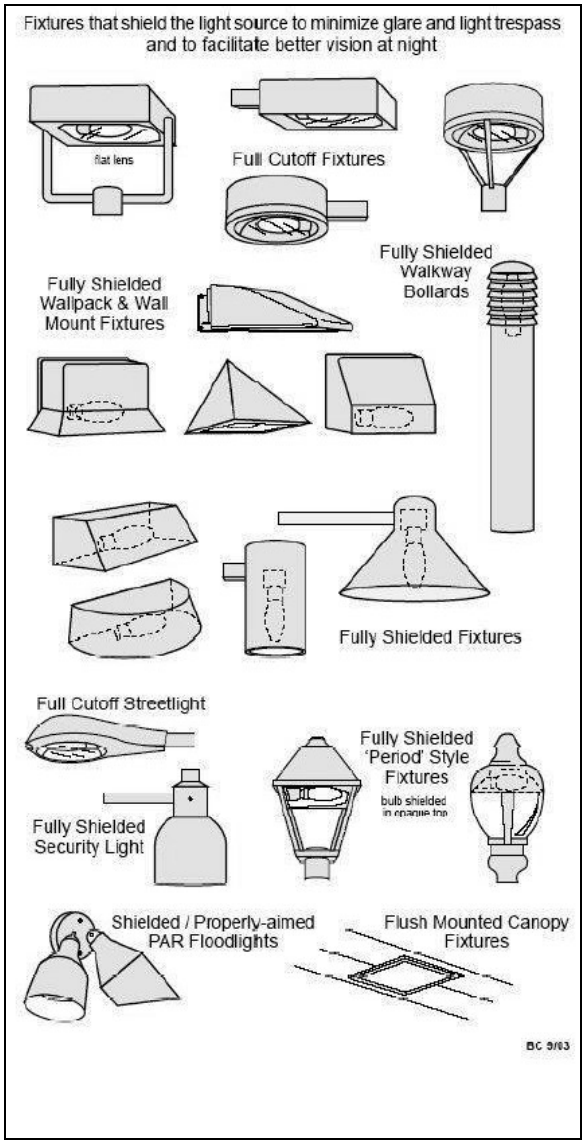
8. The Commission may accept an alternative lighting program where the applicant demonstrates that such proposed lighting is consistent with the purpose and intent of these Regulations and is consistent with recommendations for lighting levels as issued by the Illuminating Engineering Society of North America, the International Dark Sky Association, or other reference.

Lighting / Illumination Concepts



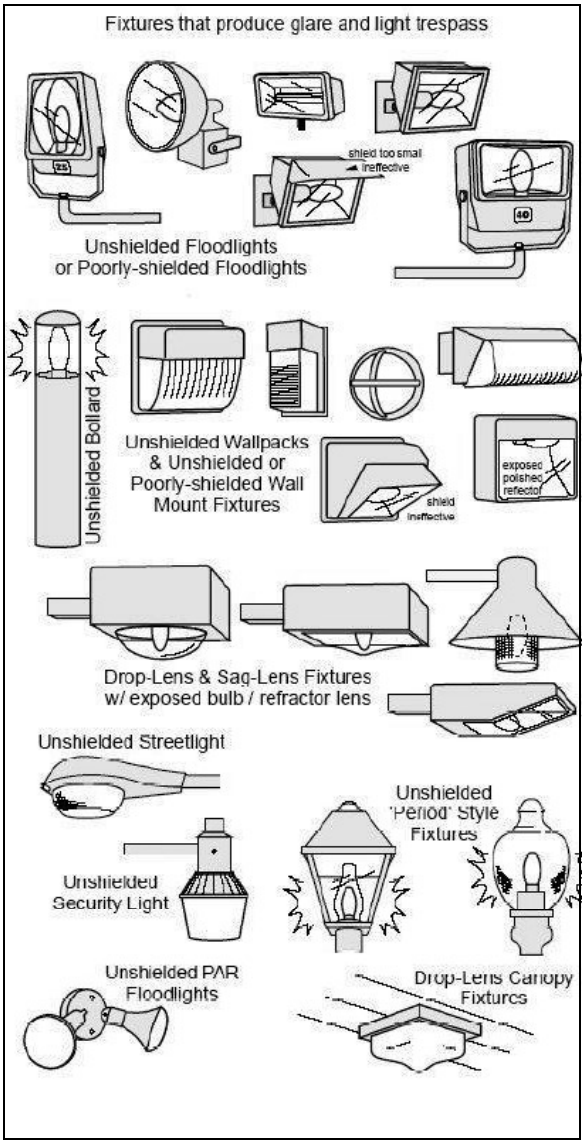
RECOMMENDED

Fixtures Which Would Not Generally Be Expected To Produce Glare or Light Trespass



NOT RECOMMENDED

Fixtures Which Would Generally Be Expected To Produce Glare or Light Trespass



8700 STORMWATER MANAGEMENT

8710 PURPOSE AND INTENT

This Section of the Regulations is intended to:

- minimize degradation of water resources within the Town of Kent from pollution from non-point source runoff,
- mitigate impacts to the hydrologic system from development, including reduced groundwater recharge and pollutants found in stormwater runoff,
- reduce or prevent flooding, stream channel erosion, and/or other negative impacts created by the volume of stormwater runoff resulting from development, and
- promote the application of Low Impact Development (LID) strategies for the analysis and design of stormwater treatment systems.

8720 APPLICABILITY

The provisions of this Section of the Regulations shall apply to any development within the Town of Kent which requires approval of a Site Plan or approval of a Special Permit. The provisions of this Section will generally not apply to development of a single-family dwelling and any related accessory structures or uses unless such activity occurs within the Inner Corridor of the Housatonic River Overlay District (see Section 5500).

8730 REQUIREMENT

1. Any development within the Town of Kent subject to this Section shall, to the extent feasible given the hydrologic soil characteristics of the site, be in accordance with the following provisions of Chapter 7 of the Connecticut Stormwater Quality Manual (CSQM), as amended:
   a. Pollutant Reduction (CSQM Section 7.4).
   b. Groundwater Recharge (CSQM Section 7.5).
   c. Runoff Volume Reduction (CSQM Section 7.5).
   d. Peak Flow Control (CSQM Section 7.6) for the 10-year, 25-year, and 100-year storm events.

2. In the design of a stormwater management system, design professionals may utilize low impact development techniques as contained in the Connecticut Stormwater Quality Manual (and the LID appendices), as amended.

3. If there is any question as to whether a development is in accordance with the Connecticut Stormwater Quality Manual (CSQM), as amended, the Commission may rely on a report from:
   a. the Town Engineer,
   b. a professional engineer hired by the Commission at the applicant's expense.

8800 FIRE PONDS

8810 PURPOSE AND INTENT

This Section of the Regulations is intended to provide for fire protection and emergency response in ways appropriate for a rural community like Kent.

8820 REQUIREMENT

1. Fire ponds shall be provided where deemed necessary by the Commission based upon any Fire Pond Plan of the Town Fire Department.

2. A fire pond location shall be based upon the following criteria and subject to approval of the Commission:
   a. Closest location in relation to proposed development.
   b. On poorly and very poorly drained soil areas within approximately 175 feet of paved road.
   c. The site shall be such that the pond can provide a minimum of 60,000 gallons available storage with an adequate and reliable recharge.

3. The location, design and construction of a fire pond shall be completed in reference to Fire Hydrant (non-pressure) Detail and Design Sheet (USDA Natural Resource Conservation Service), and accomplished with the advisory assistance of the USDA Natural Resource Conservation Service and the Northwest Conservation District and the Town Fire Department and subject to approval of the Inland Wetlands Commission.

9000 SPECIAL PROVISIONS

9100 DIMENSIONAL EXCEPTIONS

9110 EXCEPTIONS TO LOT AREA REQUIREMENTS

1. For parcels which existed in the RU-1 district as of July 1, 2018, the Planning and Zoning Commission may, by Special Permit, allow such parcel to be split into two (2) lots provided:
   a. Each lot contains at least one (1.0) acre of Class A soils or at least two (2.0) acres of Class B soils,
   b. A septic plan has been approved by the Sanitarian for each lot.

2. For affordable lots created under Kent Town Ordinance #11-1.2, the Commission may, by Special Permit, reduce the minimum lot area based to one acre for such affordable lot provided that a septic plan has been approved by the Sanitarian.

9120 EXCEPTIONS TO SETBACK REQUIREMENTS

1. On a through lot (a lot fronting on two streets), the procedure for establishment of an average setback shall not apply for the front yard setback on the street which is not their street of access.

2. In the case of a lot fronting on a street with a right-of-way of less than 50 feet in width, the required front yard setback shall be increased by one-half the difference between 50 feet and the actual width of the street right-of-way.

3. Eaves, pilasters, columns, belt-courses, sills, cornices, or similar architectural features may project up to one foot into a required yard setback.

4. An open porch, veranda, porte cochere, or similar architectural feature may project into a required front yard setback as follows (all such porches within the KVOD are subject to review by the village district consultant):

District(s)	Allowed Projection
a. Village Residential (VR-1 and VR-2) district	Up to six (6) feet
b. Rural Residential (RU-1) district	Not applicable
c. Birch Hill (RU-2) district	Not applicable
d. Village Housing Overlay District	Up to six (6) feet
e. Village Commercial (VC) district	Up to eight (8) feet
f. Business Hamlet (BH) district	Up to six (6) feet
g. Industrial (I) district	Not applicable

5. The yard setback requirements shall not be applicable to the erection or construction of any fence or wall as follows (taller fences are allowed provided they comply with the yard setback requirements):

District(s)	Fence Height
a. Village Residential (VR-1 and VR-2) district	Six (6) feet or less in height provided the fence is no more than 50 percent opaque
b. Rural Residential (RU-1) district	Six (6) feet or less in height
c. Birch Hill (RU-2) district	Six (6) feet or less in height
d. Village Housing Overlay District	Six (6) feet or less in height provided the fence is no more than 50 percent opaque
e. Village Commercial (VC) district	Six (6) feet or less in height provided the fence is no more than 50 percent opaque
f. Business Hamlet (BH) district	Six (6) feet or less in height provided the fence is no more than 50 percent opaque
g. Industrial (I) district	Six(6) feet or less in height

6. Accessory buildings, structures and uses on a corner lot shall not be located within the required front yard setback of any adjacent street.

7. Entry stairs and access ramps for the handicapped may extend not more than five feet into any required yard setback.

8. Fire escapes may extend not more than four feet into any required side yard setback or rear yard setback.

9. For accessory buildings 100 square feet or less in area and used solely for the storage of lawn and garden tools and ordinary household equipment , the side yard setback and rear yard setback may be reduced to 10 feet if visually screened from view from the street and from adjacent premises.

10. Where a building within the Village Commercial district is set back 40 feet or more from the street line, the rear setback on such lot may be reduced to 25 feet.

11. Within the Village Commercial district and the Industrial (I) district, that portion of a lot contiguous to a railroad line and served by a railroad siding or spur, shall not require a yard setback to the railroad line.

12. Within the Village Commercial (VC) district and the Business Hamlet (BH) district, the side yard setback requirements of these Regulations shall not be applicable along the common side lot line which separates two or more adjoining lots containing no residential uses where such lots share a single driveway entrance and exit onto a street, provided that permanent vehicular access shall be provided to the rear of such lots.

13. Where an industrial use adjoins land devoted to a commercial or residential use, the Commission may, by as part of a Site Plan or Special Permit, reduce the side yard setback and/or the rear yard setback requirement of 100 feet when topography, natural features, existing vegetation, a fence, a berm, a planted buffer, or other situation provides adequate visual screening and protection.

9130 EXCEPTIONS TO YARD REQUIREMENTS

1. Accessory structures shall not be located in the front yard (i.e., closer to the street than the principal dwelling) unless they are approved by the Commission by Special Permit.

9140 EXCEPTIONS TO HEIGHT LIMITATION

1. Outside of the Village Residential (VR-1 and VR-2) district and the Horizon-line Conservation Overlay District, the Commission may, by Special Permit, allow an increase in building height for any wing of a building or distinct portion thereof by one foot for every two feet by which such building or such portion thereof lies inside the required yard setbacks, but not to exceed 40 feet in height.

2. Spires, cupolas, towers, chimneys, flagpoles, solar panels, ventilators, tanks, silos, radio or television aerials, or similar structures may exceed the height limits in a district provided such structure(s):
   a. Shall not extend more than 10 feet above the height of the roof ridge or parapet,
   b. shall not be used for human occupancy, and
   c. shall not, in the aggregate, occupy more than 5% of the building footprint area

9150 OTHER DIMENSIONAL EXCEPTIONS

1. Interior lots shall not be required to comply with the lot frontage requirements provided such lots shall have a right-of-way to a public street with a minimum width as follows:

District(s)	Right-Of-Way Width Requirement
a. Village Residential (VR-1 and VR-2) district	25 feet
b. Rural Residential (RU-1) district	25 feet
c. Birch Hill (RU-2) district	20 feet
d. Village Housing Overlay District	Not applicable
e. Village Commercial (VC) district	Not applicable
f. Business Hamlet (BH) district	Not applicable
g. Industrial (I) district	Not applicable

9200 NON-CONFORMING CONDITIONS

9210 PURPOSE AND INTENT

It is the purpose and intent of these Regulations to permit non-conforming lots, uses and structures to continue until they are removed but not to encourage their survival. It is further the purpose and intent of these Regulations that non-conforming lots, uses and structures shall not be enlarged, expanded or extended if such a change would increase the non-conformity, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

9220 NON CONFORMING LOTS

1. In any district, a principal building and customary accessory buildings may be erected on a lawful lot existing as of the effective date of adoption or amendment of these Regulations provided that the yard dimensions and requirements other than those applying to lot area or lot width shall conform to the requirements of the district in which such lot is located.

2. If a non-conforming lot is converted to a conforming lot, it shall thereafter conform to the requirements of the district in which it is located, and the non-conforming lot shall not thereafter be resumed.

9230 NON CONFORMING USES

1. Non-conforming uses are declared by these Regulations to be incompatible with permitted uses in the districts involved.

2. Where a lawful use exists at the effective date of adoption or amendment of these Regulations which use is no longer permitted under these Regulations as adopted or amended, such use may be continued so long as it remains otherwise lawful.

3. After the effective date of adoption or amendment of these Regulations, a non-conforming use shall not be:
   a. Enlarged or increased, nor extended to occupy a greater floor area or area of land than was occupied at the effective date of adoption or amendment of these Regulations.
   b. Moved in whole or in part to any portion of the land other than that occupied by such use at the effective date of adoption or amendment of these Regulations.
   c. Extended or enlarged by the attachment to a building or land of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.

4. A non-conforming use may, following a public hearing, be changed to another non-conforming use provided that:
   a. The Commission shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use.
   b. The Commission may attach such conditions and safeguards as may be required to protect the public health, safety and general welfare and to ensure continued compliance with these Regulations.
   c. Such conditions and safeguards may include, but shall not be limited to: a maximum number of employees, hours of operation or improvements to existing public facilities to accommodate the proposed use.

5. Ordinary repairs may be made or remodeling done to any structure devoted in whole or in part to a non-conforming use, provided that such work does not increase the non-conformity.

6. A nonconforming use shall not be considered terminated or deemed abandoned unless the property owner of such use voluntarily discontinues such use and such discontinuance is accompanied by an intent to not reestablish such use.

9240 NON CONFORMING STRUCTURES

1. Non-conforming structures are declared by these Regulations to be incompatible in the districts where located.

2. Where a lawful structure exists at the effective date of adoption or amendment of these Regulations which could not be built under the provisions of these Regulations as enacted or amended by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful.

3. A non-conforming structure may, following a public hearing, be altered to decrease the non-conformity.

4. If such non-conforming structure is damaged or destroyed by any means, it may be repaired or replaced to an extent which does not increase the non-conformity.

5. A non-conforming structure may be moved within its existing lot so long as such move decreases its nonconformity.

6. Ordinary repairs may be made to a non-conforming structure, provided that such work does not increase the non-conformity.

7. Nothing in these Regulations shall be deemed to prevent the strengthening or restoring to a safe condition of any non-conforming structure or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

8. A nonconforming building or structure shall not be considered terminated or deemed abandoned unless the property owner of such building or structure voluntarily discontinues such building or structure and such discontinuance is accompanied by an intent to not reestablish such building or structure. The demolition or deconstruction of a nonconforming building or structure shall not by itself be evidence of such property owner's intent to not reestablish such building or structure.

9250 EXEMPTION

To avoid undue hardship, nothing in these Regulations shall be deemed to require a change in the plans, construction, or designated use of any building for which a zoning permit has been issued prior to the effective date of adoption or amendment of these Regulations.

9300 TEMPORARY USES

Notwithstanding other provisions of these Regulations, the following uses and activities may be permitted on a temporary basis subject to the conditions indicated:

Construction-Related

1. **Trailer During Construction -** Within any zoning district, temporary construction trailer(s) provided that:
   a. a valid permit shall have been issued for construction on the property,
   b. use is limited to a construction office and/or for the storage of equipment or supplies, and
   c. the time period shall be limited to not more than one year except that, upon a showing of need, the Commission may allow one or more extensions not to exceed six months each.

2. **Storage Container -** Provided that a valid permit shall have been issued for construction on the property, the use of a portable storage container within any zoning district for storage of materials related to the construction is permitted for up to ninety (90) days and the Zoning Enforcement Officer may allow one or more extensions not to exceed thirty (30) days each.

3. **Temporary Housing During Construction -** Within any zoning district, the use of a barn or garage on a lot as temporary housing during construction of the dwelling provided that:
   a. A valid building permit shall have been issued for construction of the dwelling.
   b. Such use shall be valid for 12 months except that two successive six-month extensions may be granted by the Commission.

Home-Related

4. **Guest / Recreational Camping -** For a period of not more than two weeks in any calendar year, camper trailers may be used for human habitation on:
   a. a lot occupied by a detached dwelling for guests visiting the resident(s).
   b. a vacant lot by the owners of the vacant lot.

Non-Profit-Related

5. **Fairs / Amusements -** Within any zoning district, temporary use of a parcel by a non-profit organization for amusement or other purposes for no more than seven days in any calendar year provided approval is obtained from the Board of Selectmen or the Commission.

6. **Sidewalk Sale -** Within the Village Business district, the temporary use of parking areas and/or driveways for no more than three days in any calendar quarter for the display and/or sale of items by Kent businesses when part of a sidewalk sale or similar event provided approval is obtained from the Board of Selectmen or the Commission.

7. **Art Show -** Within the Village Business district, the temporary use of parking areas and/or driveways for no more than four days in any calendar year for the display and/or sale of items by outside vendors as part of an art show or similar event provided approval is obtained from the Board of Selectmen or the Commission.

8. **Other Non-Profit Events** - Non-profit organizations may apply for an approval for temporary storage or display of merchandise in locations other than those permitted in these Regulations.

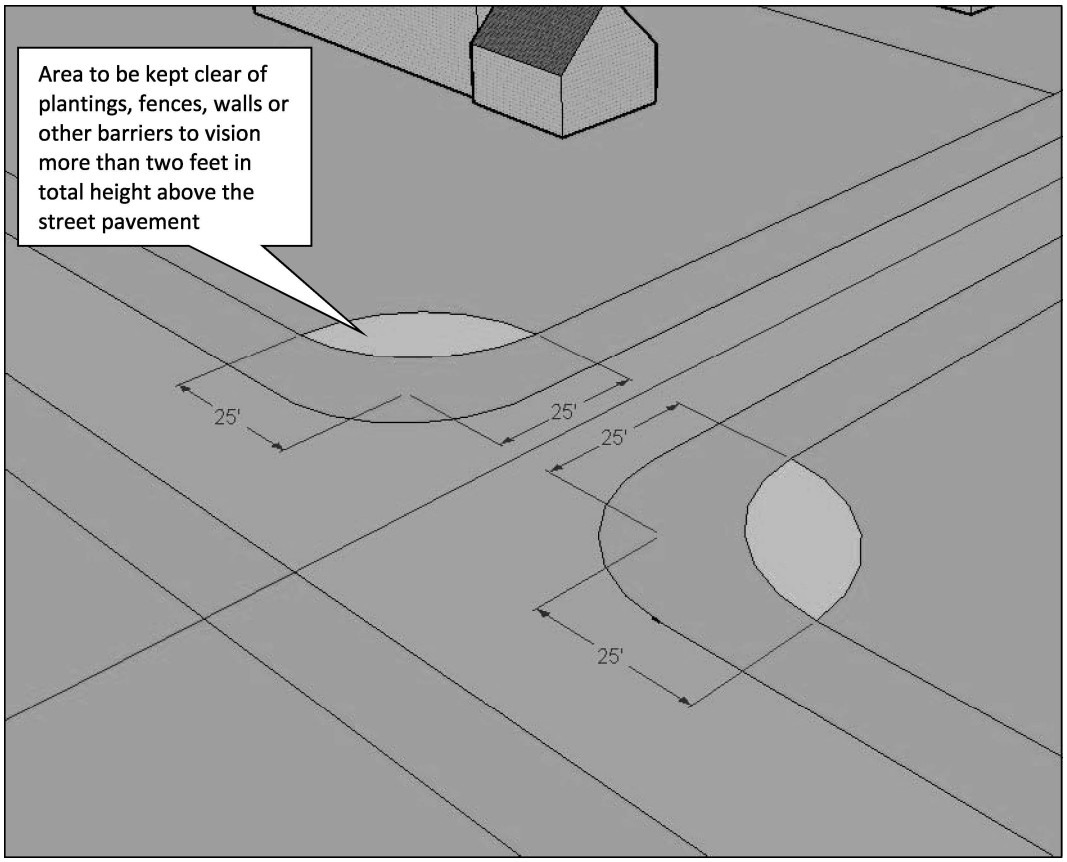
Other

9. **Sales Office** - Within any zoning district, a sales office located on the premises where a group of dwellings under construction or recently constructed shall be offered for sale provided that:
   a. Only one sign shall be permitted not to exceed two square feet in area,
   b. No banners or other advertising devices shall be permitted,
   c. Permit approval shall be limited to not more than one year; one or more extensions not to exceed six month periods may be granted by the Commission.

10. **Special Events** - Within any zoning district, the Commission may authorize a temporary special event not listed above limited to one such event per property per calendar year.

9400 VISIBILITY AT INTERSECTIONS.

No planting, fence, wall or barrier to vision more than two feet in total height above the street pavement shall be placed or erected on that portion of a corner lot bounded by the intersecting front lot lines and an arc of 25 feet radius from the point of intersection of said lot lines.



9500 PRIVATE ROADS

1. Any new private road built to provide access to more than one parcel of land shall be built to Town specifications for width and materials unless modified by the Commission through Special Permit.

2. An existing private road may service no more than 12 lots provided that all lots having access to such road are 5 acres or more in lot area.

3. An existing private road may service no more than 6 lots if any lot or lots having access thereto are less than 5 acres in lot area.

9600 TELECOMMUNICATIONS

9610 PURPOSE AND INTENT

The purpose and intent of this Section of the Regulations is to:

- Preserve the scenic, historic, environmental, and natural character and appearance of the Town of Kent while allowing adequate telecommunications services to be developed.
- Establish locations least disruptive to the public health, safety and welfare in Kent and consistent with the Plan of Conservation and Development.
- Minimize adverse visual effects through proper design, siting and vegetative screening.
- Avoid potential damage to adjacent properties.
- Minimize the height of towers and the number of towers, especially free-standing towers.
- Provide for the orderly removal of abandoned antennas and towers.
- Provide guidance for towers and other wireless communication facilities which are subject to the jurisdiction of the Connecticut Siting Council.
- Require the submission of information necessary to evaluate the proposed facility.

9620 FACILITIES PERMITTED

1. The following antenna and wireless facilities are permitted accessory to a use permitted in a zoning district:
   a. amateur (HAM) radio antenna;
   b. citizens band radio antenna; and
   c. satellite television dishes, less than 2.0 meters in diameter, provided they are located as unobtrusively as possible.

2. The following antenna and wireless facilities may be permitted by the Commission, subject to approval of a Site Plan in accordance with the requirements of Section 10300:
   a. An antenna associated with a radio dispatch service provided it is mounted to a building or other structure and is screened from view from a public street.
   b. An omni-directional or whip antenna, 20 feet or less in height and seven inches or less in diameter, when mounted to a building or other structure and provided that its color matches the exterior of the structure.
   c. A directional or panel antenna mounted to a building, six feet or less in height and two feet or less in width, provided that its color matches the exterior of the structure.

3. Any other antenna and/or wireless facilities subject to local jurisdiction may be permitted by the Commission, subject to approval of a Special Permit in accordance with the requirements of Section 10400.

9630 LOCATIONAL PREFERENCES

The preferred location of antennas or towers and wireless facilities shall be:

1. Antennas - on existing communication towers or existing buildings, water towers or other suitable structures where such antenna can be camouflaged and have the least long-range visual effect.

2. Towers –
   a. In locations outside:
      i. the Kent Village Overlay District,
      ii. the Horizon-line Conservation Overlay District,
      iii. the Housatonic River Overlay District, and
      iv. the Lake Waramaug Overlay District.
   b. In locations where the existing topography, vegetation, buildings or other structures provide the greatest amount of screening and have the least long-range visual effect.

3. On Town-owned land or buildings where the Town of Kent has endorsed location of a wireless facility.

9640 SPECIAL PERMIT APPLICATION REQUIREMENTS

In addition to any other application requirements of these Regulations, a Special Permit application for antennas, towers or wireless facilities shall also include the following:

1. If applicable, documentation that the applicant qualifies as a wireless service provider.

2. Documentation that the entity proposing to construct and maintain the tower has the financial capability to do so.

3. A list of all federal, state, regional, district and municipal agencies which have conducted or will conduct a review of the proposed tower, together with a copy of any position / decision / recommendation of such agency or board with respect to the proposed facility.

4. A Site Plan meeting the requirements of these Regulations and showing the following:
   a. The antenna and/or tower location and guy wires.
   b. Areas of construction or improvement, including the access road to the site.
   c. The boundaries of the tower fall zone.
   d. The location of any approved or proposed buildings or construction on or adjacent to the site.
   e. The following areas on or adjacent to the site shall be shown either on the Site Plan or a separate existing conditions map:
      i. Inland wetlands and watercourses.
      ii. Areas identified on the Natural Diversity Database maintained by the Connecticut Department of Energy and Environmental Protection.
      iii. Historic structures or sites, unique features, buildings, monuments or areas.
      iv. Permanently protected lands, such as state park and forest lands, land protected by a land trust.

5. A construction plan, prepared by a professional engineer licensed to practice in Connecticut, showing construction and drainage details, including the access road and construction or drainage improvements, aboveground wires, cables, ducts, utility and signal cables, guying and guy anchor details.

6. A rendering drawn to scale depicting the tower, showing all antenna and wireless facilities, with details and dimensions, including any lighting, colors and accessory elements.

7. A topographic location map, at a scale of one inch equals 2,000 feet, showing:
   a. The antenna or tower location.
   b. Existing and proposed towers in and outside Kent that would connect or be interconnected with or hand off to the proposed facility.
   c. The boundaries of the tower viewshed, i.e., the area within which the tower can be seen based upon an assessment of the topography surrounding the site.

8. An evaluation of the visual effect of the proposed tower:
   a. within the viewshed, including land in adjacent towns, and
   b. with regard to areas of special concern including, but not limited to:
      i. Areas identified as existing or proposed open space or preservation areas in the Plan of Conservation and Development.
      ii. Land lying within 300 feet of a sub-regional watershed line as shown on maps prepared by the Connecticut Department of Energy and Environmental Protection Natural Resources Center and on file in the Town Hall.
      iii. Areas within the Kent Village Overlay District.

9. A written report, prepared by qualified expert(s), providing:
   a. A description of the service area for each communication system on the tower.
   b. The rationale and justification for the proposed antenna and/or tower in the proposed location.
   c. Documentation that the antenna height is the minimum required to provide adequate coverage as defined herein.
   d. An analysis comparing the site to alternative sites within the proposed service area.
   e. Identification of the location of tall structures within 1/4 mile of the site and documentation that the owners of such structures have been contacted and asked for permission to install an antenna and such permission has been denied for other than economic reasons.

10. A statement from the applicant indicating that the applicant will, weather permitting:
    a. Raise a balloon of at least three feet in diameter at the proposed tower site.
    b. Raise such balloon to the height of the proposed tower.
    c. Raise such balloon at least three days prior to the scheduled date of the public hearing.
    d. Provide the Commission with at least 72 hour notice of the date and time the balloon will be raised.
    e. Keep the balloon in place for a period acceptable to the Commission.

11. Written permission from the property owner allowing inspections of the site.

9650 SUPPLEMENTAL APPLICATION REQUIREMENTS

As part of a Special Permit application for an antenna, tower, or wireless facilities, the Commission may require submission of the following:

2. A report assessing the environmental impact of the proposed construction and operation on:
   a. areas designated for conservation in the Plan of Conservation and Development,
   b. areas designated as conservation or preservation areas in the State Plan of Conservation and Development, and
   c. the areas indicated below.
      i. Inland wetlands and watercourses.
      ii. Areas identified on the Natural Diversity Database maintained by the Connecticut Department of Energy and Environmental Protection.
      iii. Historic structures or sites, unique features, buildings, monuments or areas.
      iv. Permanently protected lands, such as state park and forest lands, or land protected by a land trust.

3. A report regarding electronic emissions from the proposed tower operation which shall, at a minimum, include the following:
   a. Identification of each proposed transmitter and identification of all potential transmitters that could be located on the tower or facility.
   b. For each proposed or potential transmitter, identification of the frequency limits, signal band width and the upper limit of both peak and average power of each transmitter.
   c. An analysis of the combined worst case radio frequency (RF) power density computed using Federal Communications Commission Office of Science and Technology Bulletin 65, as amended, in comparison to the applicable Federal Communications Commission power density standards.

4. A report regarding noise emissions from the proposed facility including the characteristics of any emergency or backup power source to be situated at the site.

5. A soil report complying with Appendix I: Geotechnical Investigations, ANSI/EIA-222-E, Manual standards, as amended, verifying the design specifications of the tower foundation and anchors for the guy wires, if used.

9660 STANDARDS FOR SPECIAL PERMIT APPLICATIONS

An antenna, tower, or wireless facilities requiring a Special Permit from the Commission shall comply with the following standards:

1. No new tower shall be permitted in the Kent Village Overlay District, the Horizon-line Conservation Overlay District, the Housatonic River Overlay District, or the Lake Waramaug Overlay District.

2. A new tower shall be on a lot of at least three acres of land and shall be of an area and configuration such that the tower in the proposed location shall be set back from all property lines by a distance no less than 120 percent of the height of the tower.

3. New tower applications shall demonstrate that the service proposed cannot be provided with equipment added to an existing or other proposed antenna or tower.

4. A related unmanned equipment and/or storage building(s) shall be permitted, provided that it contains no more than 750 square feet of gross floor area and is not more than 12 feet in height and is screened from view from adjacent properties and public streets.

5. Commercial advertising shall not be allowed on an antenna or the tower.

6. Signal lights or illumination shall not be permitted unless specifically approved by the Commission and required by the Federal Communications Commission or Federal Aviation Administration.

7. Landscape and screening requirements.
   a. Existing vegetation on and around the site shall be preserved to the greatest extent possible.
   b. A planting plan shall be provided showing that building(s), fuel tanks, other man-made structures and as much of the tower as possible will be screened by an evergreen screen meeting the following parameters:
      i. The screen shall be a row of evergreen trees planted ten feet (10') on center maximum.
      ii. The evergreens shall have a minimum height of six feet (6') at planting and be of a type that grows to a minimum of fifteen feet (15') at maturity.
   c. The Commission may accept any combination of existing vegetation, topography, walls or other features, provided that it meets or exceeds the above evergreen screen requirement.
   d. For a new tower, a fence with a minimum height of eight feet (8') shall be provided around the installation for public safety and security.

8. The Commission may require, as a condition of the permit, that the applicant monitor the radio frequency emissions from the facility on a regular basis, providing both a pre-installation and post-installation assessment.

9. The applicant shall provide a copy of such monitoring reports to the Planning and Zoning Commission in a timely manner.

10. As a condition of the approval of the permit, the Commission may require a performance guaranty in accordance with Section 10970 in an amount sufficient to cover the cost of removing the improvements associated with the facility and restoring the site to its previous condition.

9700 ENERGY PRODUCING WIND FACILITY

9710 PURPOSE AND INTENT

The purpose of this regulation is to allow the safe, effective, and efficient use of small wind energy systems at a capacity of 5-50 kW, which are installed to reduce the on-site consumption of utility supplied electricity, subject to reasonable conditions that will protect the public health, safety and welfare. Such systems are not to be utility scale, where the primary use is electrical generation to be sold on the wholesale electricity market.

9720 APPLICABILITY

1. This Section applies to all proposals to construct on-site wind facilities within the Town of Kent.

9730 FACILITIES PERMITTED

9731 Permitted By Right (No Additional Zoning Authorization Required)

1. (reserved)

9732 Permitted By Zoning Permit (Staff)

1. Temporary wind monitoring or meteorological tower when associated with planning for a wind facility shall be permitted for a period not to exceed 12 months provided that any such tower:
   a. shall be subject to issuance of a building permit for a temporary structure,
   b. shall be subject to all applicable regulations concerning lot area, setbacks, parking, and building coverage requirements, and
   c. shall not exceed two (2) feet width at the base of tower or one hundred twenty five (125) feet in wind facility height.

9733 Permitted By Site Plan Approval (Commission)

1. (reserved)

9734 Permitted By Special Permit (Commission With Public Hearing)

1. The erection, construction, or installation of any wind facility other than a temporary wind monitoring or meteorological tower.

2. The modification of any wind facility other than a temporary wind monitoring or meteorological tower so as to:
   a. materially alter the type of such facility or equipment,
   b. materially increase the size of such facility or equipment, or
   c. materially change bulk or wind facility height.

9740 STANDARDS

1. **Name-plate Capacity -** Wind facilities shall not exceed a capacity of 5-50 kW Rated Nameplate Capacity.

2. **Height -** Wind facilities shall not exceed 125 feet in wind facility height.

3. **Setbacks -** Wind facilities shall be set back, as measured from the center of the tower:
   a. a distance equal to 1.5 times the overall wind facility height from the nearest existing habitable structure or property line, and
   b. a minimum of 200 (two hundred) feet from any property boundary line or road.
   c. The Commission may, by Special Permit, reduce the minimum setback distance as appropriate based on site-specific considerations.

4. **Environmental Considerations –**
   a. Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the wind facility subject to applicable laws, regulations, and ordinances including, but not limited to Section 5700, Horizon-line Conservation Overlay District.
   b. Wind facilities shall be sited in a manner that minimizes shadowing or flicker impacts.
   c. The applicant has the burden of proving that flicker does not have significant adverse impact on neighboring or adjacent uses through either siting or mitigation.
   d. The wind facility shall conform to any applicable noise laws, regulations and statutes including Section 7130.3 of these Regulations.

5. **Facility Design -**
   a. The wind facility shall be designed to prevent unauthorized access.
   b. Monopole and space frame/lattice towers are the only permissible support towers for wind facilities.
   c. No guy wires shall be permitted.
   d. The wind turbine, tower, blades and all other components shall have a non-reflective finish or coating.
   e. Utility connections and transmission lines shall be buried.
   f. Electrical transformers for utility interconnections may be above ground, if required by the utility provider.
   g. All structures appurtenant to such wind facilities shall be subject to applicable regulations concerning the bulk and height of structures, as well as regulations determining yard sizes, lot area, setbacks, parking and building coverage requirements.

6. **Lighting -**
   a. Wind facilities shall not be lighted unless specifically approved by the Commission and required by the Federal Aviation Administration (FAA).
   b. Lighting of other parts of the wind facility, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be designed to minimize glare on abutting properties and, except as required by the FAA, be directed downward with full cut-off fixtures to reduce light pollution.
   c. Lighting shall be designed to minimize glare on abutting properties, except as may be required by the FAA.

7. Signage Or Advertising -

a. Signs on the wind facility shall comply with the requirements of Section 8100.
b. Any signage shall be located at the base of the facility.
c. Wind facilities shall not be used for displaying any advertising, except for reasonable identification of the manufacturer or operator of the wind energy facility located at the base of the facility.

8. **Emergency Services –**

a. The applicant shall provide a copy of the project summary and site plan to the local emergency services entity, as designated by the Commission.
b. Upon request, the applicant shall cooperate with local emergency services in developing an emergency response plan.

9. **Compliance with Laws, Ordinances and Regulations –** The construction and operation of all such proposed wind facilities shall be consistent with all applicable local, state and federal requirements, including, but not limited to, all applicable safety, construction, environmental, electrical, communications and aviation requirements. With respect to noise requirements, see Section 7130.3 of these Regulations.

9750 SPECIAL PERMIT APPLICATION MATERIALS

In addition to the application materials required for a Special Permit application, the Commission may also require the following additional information:

1. Photographic simulations or temporary erection of a crane or flight of a suitable inflated object to simulate the proposed tower height.

2. A statement regarding existing and maximum projected noise levels from the wind facility.

3. Certification of height approval from the FAA or documentation showing that this is not necessary,

4. A shadow-cast plan map showing the extent of shadow from the proposed tower in all seasons.

5. If determined necessary, the Commission may require engineering documentation to demonstrate that the proposed facility will create no radio or television interference.

6. Upon a determination of necessity by the Commission, the applicant shall submit a plan indicating all proposed changes to the landscape of the site, including temporary or permanent roads or driveways, grading, vegetation clearing and planting, exterior lighting (other than FAA-required lights), screening vegetation or structures.

7. The Commission may require a plan for maintenance of access roads and storm water controls, as well as a plan for general procedures for operational maintenance of the wind facility.

8. Documentation that the applicant has:
   a. actual or prospective legal rights for the use and possession of the project site sufficient to allow for the intended purpose,
   b. the right to use setback areas and access roads, and
   c. the legal authority to prevent the use or construction of any structure for human habitation within the setback areas.

9760 REVIEW CONSIDERATIONS

1. No Special Permit shall be granted unless the Commission finds that:
   a. Any wind facility will be constructed and operated in a manner that minimizes any adverse visual, safety, and environmental impacts on adjoining properties and the surrounding neighborhood or on the natural characteristics of the site and immediate surrounding area and will pose no hazard to pedestrians or vehicles on any public right of way.
   b. The proposed use and site development will not threaten public health, safety, welfare and are appropriate for and compatible with the neighborhood surrounding the site, based on consideration of the "special permit criteria" provided in Section 10400 of these Regulations.
   c. The wind facility comports with the siting and design standards of this Section and the applicable provisions and requirements of all other Sections of these Regulations.
   d. The applicant has demonstrated that adequate and appropriate facilities will be provided for the proper operation of the use.

2. As part of the granting of a Special Permit, the Commission may also impose reasonable conditions, safeguards and limitations on time and use, and may require the applicant to implement all reasonable measures to mitigate unforeseen adverse impacts of the wind facility, should any occur.

9770 FOLLOWING APPROVAL

1. **Facility Maintenance –**
   a. The applicant shall maintain the wind facility in good condition.
   b. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures.
   c. Site access shall be maintained to a level acceptable to the local Fire Chief and the director of Emergency Medical Services.
   d. The project owner shall be responsible for the cost of maintaining the wind facility and any dedicated access road, unless accepted as a public way, and the cost of repairing any damage occurring as a result of construction and operation.

2. **Removal Requirements –**
   a. Any wind facility which has been discontinued or abandoned (the facility fails to operate for more than one year) shall be removed within 12 months.
   b. Removal shall consist of:
      i. Physical removal of all wind facilities, structures, equipment, security barriers and transmission lines from the site.
      ii. Disposal of all solid and hazardous waste in accordance with local and state waste disposal regulations.
      iii. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Commission may allow the owner to leave landscaping or certain visible foundations in order to minimize erosion and disruption to vegetation.
   c. If the applicant or current owner fails to remove the wind facility in accordance with the requirements of this Section within 12 months, or the proposed date of decommissioning, the town shall have the authority to enter the property and physically remove the facility.
   d. In the case of town removal, all costs incurred by the Town of Kent to remove and dispose of a wind facility and the restoration of its site shall be reimbursed by the property owner to the town within 30 days of the completion of the work.

10000 PROCEDURES

For the convenience of the user, this Section of the Regulations has incorporated timeframes from the Connecticut General Statutes. In the event of any conflict between the timeframes contained in this Section of the Regulations and the Connecticut General Statutes, the statutory timeframe shall control.

10100 ZONING PERMIT / CERTIFICATE OF ZONING COMPLIANCE

10110 Applicability

1. Until the Zoning Enforcement Officer has issued a Zoning Permit or a Certificate Of Zoning Compliance which certifies conformance of the building, structure or use with these Regulations or with a variance granted by the Zoning Board of Appeals:
   a. no building, structure or part thereof shall be constructed, reconstructed, altered, extended, enlarged, moved, gutted, or occupied;
   b. no building or land shall be first occupied or used;
   c. no use of an existing building or land shall be changed;
   d. no Building Permit, including a permit for a building foundation, shall be issued; and
   e. no use of an existing structure shall be undertaken or changed.

2. A Zoning Permit application shall not be needed for interior alterations, provided there is no change of use, number of uses, or number of bedrooms.

3. In order to ensure that all new or reconfigured lots conform to the Zoning Regulations, any proposed changes in the boundaries of any lot, including any lot line revision, merger or other act that results in an alteration of any existing lot boundary or lot line shall be reviewed by the Zoning Enforcement Officer for compliance with those regulations.
   a. No Certificate Of Zoning Compliance shall be issued for the use of any lot created or reconfigured after the date of approval of this Section until the Zoning Enforcement Officer has made a determination of compliance with the zoning Regulations in effect at the time of the lot creation or modification as the case may be.
   b. The Zoning Enforcement Officer may refer any such situation to the Commission for its review.
   c. In order to make such a determination, the Zoning Enforcement Officer and/or the Commission may require the submission of deeds, a map or survey, or such other information as may reasonably be found to be necessary.
   d. If the Zoning Enforcement Officer and/or the Commission determines that a map or survey must be provided, and the Zoning Enforcement Officer and/or the Commission thereupon determines that the proposed new or reconfigured lots would comply with the zoning regulations, a copy of the map or survey suitable for recording in the Kent Land Records shall be filed in the office of the Town Clerk before any Certificate of Zoning Compliance is issued for said lot and/or any use thereon.

4. No Building Permit shall be issued by the Building Official without the prior issuance of the Zoning Permit or a Certificate Of Zoning Compliance.

5. A Certificate of Occupancy shall not be issued by the Building Official until the Zoning Enforcement Officer has determined that the site improvements have been completed in accordance with the approved Site Plan and has issued a Certificate of Zoning Compliance.

10120 Application Procedures And Requirements

1. **Application Form** - An application for a Zoning Permit shall be made on a form to be furnished by the Commission.

2. **Plan Requirements** - An application for a Zoning Permit shall be accompanied by plans and/or other information that comply with the requirements in the Appendix of these Regulations.
   a. A site plan or survey shall be required for any exterior alteration, renovation or improvement of existing commercial, industrial or campground premises or facilities and for any other proposed structure or use other than those for which a sketch plan may be provided.
   b. A site plan or survey may be required by the Zoning Enforcement Officer for any building, structure or use when located in the Horizon-line Conservation District.
   c. A sketch plan may be submitted with the Zoning Permit application for all single-family and two-family dwellings, and for additions, or accessory buildings and structures, and accessory uses thereto except that, if the Zoning Enforcement Officer finds that a sketch plan does not provide sufficient information to determine whether the proposed building, structure or use would comply with these regulations, he or she may require the submission of a site plan or survey, prepared, signed and sealed by a Connecticut licensed land surveyor.
   d. Where the Zoning Enforcement Officer is able to determine from existing plot plans or other available information that a proposed structure is not within ten feet of any required setback line or any limiting distance or separation requirement, the Zoning Permit may be issued on the basis of a dimensioned sketch or aerial photograph.

3. **Foundation Survey** - Once the foundation has been completed and prior to any additional construction thereon, the Zoning Enforcement Officer may require submission of a certified plot plan prepared by a land surveyor currently licensed to practice in the State showing the exact location of said foundation on the site if there is any question as to the compliance of the structure with the requirements of these Regulations. Upon confirmation that the location of said foundation is in compliance with these Regulations and any permit issued therefore, additional construction may proceed.

4. **Final "As Built" Survey** – In any situation where a site plan or survey was required or provided, the Zoning Enforcement Officer may require an "as-built" survey to ensure compliance with these regulations prior to the issuance of a Certificate of Zoning Compliance. Such "as-built" survey shall:
   a. Be prepared at the same scale as the Site Plan or sketch plan by a surveyor registered and licensed to conduct business in Connecticut;
   b. Show the actual installation of all site improvements, the exact location of buildings, and other required items at a level of detail at or exceeding that of the approved Site Plan or sketch plan;
   c. Include a certification as to substantial compliance with the approved Site Plan or sketch plan; and,
   d. List or show all deviations from the approved Site Plan.

5. The Zoning Enforcement Officer shall submit all "as-built" drawings that substantially deviate from the approved Site Plan to the Commission for appropriate further action.

10130 Issuance of Zoning Permit / Certificate Of Zoning Compliance

1. **Issuance** - When the Zoning Enforcement Office and/or the Commission finds that the building, structure or use conforms with the requirements of these Regulations or with a variance granted by the Zoning Board of Appeals, a Zoning Permit or a Certificate of Zoning Compliance shall be issued.

2. **Temporary Certificate** - If the public site improvements cannot be completed because of weather, or if an alteration does not require the vacating of the premises, or if a portion of a building or development is ready for occupancy before the completion of the entire building or development, or for other pertinent reasons, a conditional Certificate of Zoning Compliance may be issued by the Zoning Enforcement Officer for a period not to exceed 180 days, provided that a performance guaranty shall be provided or maintained in an amount sufficient to cover the cost of completing the remaining public site improvements. Upon satisfactory completion of the remaining public site improvements and the written request of the applicant, the Zoning Enforcement Officer and/or the Commission shall then release the performance guaranty.

3. **Permit / Certificate Rescinded** - In the event that any Zoning Permit or Certificate Of Zoning Compliance is issued based on incorrect information or the specific conditions of approval are not strictly adhered to, the Commission may, after a hearing declare such Zoning Permit or Certificate Of Zoning Compliance null and void.

4. **Notice of Issuance** - In accordance with CGS Section 8-3(f), as may be amended, the recipient of a Zoning Permit may publish notice of issuance of the Zoning Permit in order to establish the appeal period per CGS Section 8-7, as may be amended. Any such notice to be published by the recipient shall contain:
   a. a description of the building, use or structure and its location,
   b. the identity of the applicant, and
   c. a statement that an aggrieved person may appeal to the Zoning Board of Appeals in accordance with the provisions of CGS Section 8-7, as may be amended.

5. **Village District** - Within an area designated within these Regulations as a "village district" in accordance with CGS Section 8-2j, as may be amended (such as the KVOD Zone), no Site Plan approval or Special Permit approval by the Commission shall be effective until a copy thereof, certified by the Commission, containing the name of the owner of record, a description of the premises to which it relates and specifying the reason(s) for its decision, is recorded by the applicant in the land records, indexed in the grantor's index under the name of the record owner.

10140 Expiration

Any Zoning Permit issued under these Regulations shall expire two (2) years from the date of issuance unless a valid building permit is in effect or the Commission renews the Zoning Permit for one additional period not to exceed twelve (12) months when it is determined that the use, building and/or site development authorized by the Zoning Permit is in conformity with these Regulations.

10200 PRE-APPLICATION REVIEWS

10210 Overall Approach

1. The Commission recommends that, prior to the submission of an official application, the applicant present a pre-application plan for informal consideration by the Zoning Enforcement Officer and/or the Commission.

2. The optional pre-application plan is recommended to facilitate consideration of factors and problems that may be associated with a particular proposal before the applicant proceeds with preparation of official maps, plans and documents required for formal consideration by the Zoning Enforcement Officer and/or Commission.

3. Neither the pre-application plan nor the informal consideration by the Zoning Enforcement Officer and/or Commission, however, shall be deemed to constitute any portion of the official and formal procedure of applying for any approval as contemplated herein or under the provision of the Connecticut General Statutes..

4. To assist with its consideration of a pre-application review, the Commission may refer the plan to any department, agency or official it deems appropriate, to review and comment upon those technical matters which are the concern or responsibility of such department, agency or official.

10300 SITE PLAN APPLICATION

10310 Purpose

A Site Plan is intended to provide the Commission with information that will enable it to determine that the proposed building, use or structure is consistent with the requirements of these Regulations.

10320 Applicability

A Site Plan application shall be submitted:

1. For any activity designated in the Regulations as requiring Site Plan approval.

2. For any activity designated in the Regulations as requiring Special Permit approval.

3. In a residential zone, for any construction, development, expansion, or major alteration of a multi-family use or any non-residential use.

4. In a non-residential zone, for any construction, development, expansion, or major alteration of any use including any alteration in site improvements such as parking, pedestrian or vehicle circulation, public utilities or reduction of landscaping.

10330 Submission Requirements

1. A Site Plan application shall be submitted to the Commission or its agent and shall include a completed application form and the appropriate fee.

2. A Site Plan application shall be accompanied by detailed plans that comply with the requirements in the Appendix of these Regulations, signed and sealed by one or more appropriate professionals as may be required, for review by the Commission and its designees.

3. The Commission may, in accordance with the requirements of these Regulations and the Appendix of these Regulations, require the submission of additional information as deemed necessary to make a reasonable review of the application.

10340 Proceedings

1. The date of receipt for the Site Plan application shall be determined in accordance with Section 10920.

2. An incomplete Site Plan application may be denied in accordance with Section 10930.

3. If a Site Plan application involves an activity regulated pursuant to CGS Section 22a-36 to 22a-45, inclusive, as may be amended, the applicant shall submit an application for a permit to the Inland Wetlands Commission not later than the day such Site Plan application is filed with the Commission.

4. Notification to adjoining municipalities may be required in accordance with the requirements of Section 10963.

5. Notification to water companies may be required in accordance with the requirements of Section 10964.

6. Notification to the Department of Energy and Environmental Protection (DEEP) may be required in accordance with the requirements of Section 10965.

7. In accordance with CGS Section 8-7d, as may be amended, whenever a Site Plan application is required in conjunction with another application requiring a public hearing (such as a Special Permit application or a Zone Change application):
   a. the time period for acting on the Site Plan application shall coincide with the time period for acting on the related application, and
   b. a decision on the application shall be rendered within sixty-five days after the close of the public hearing on such other application except that the applicant may consent to one or more extensions of such period provided the total period of any such extension or extensions shall not exceed sixty-five days.

8. In accordance with CGS Section 8-7d, as may be amended, whenever approval of a Site Plan is the only approval required, a decision on the application shall be rendered within sixty-five (65) days after the date of receipt of such Site Plan application except that the applicant may consent to one or more extensions of such period provided the total period of any such extension or extensions shall not exceed sixty-five (65) days.

9. In accordance with CGS Section 8-7d, as may be amended, notwithstanding the provisions of this Section, if an application involves an activity regulated pursuant to CGS Section 22a-36 to 22a-45, inclusive, as may be amended, and the time for a decision by the Commission would elapse prior to the thirty-fifth (35th) day after a decision by the Inland Wetlands Commission, the time period for a decision shall be extended to thirty-five (35) days after the decision of such agency.

10. The Commission may hold a public informational meeting on a Site Plan application.

11. In accordance with CGS Section 8-3(g) , as may be amended, a Site Plan shall be presumed approved unless a decision to deny or modify it is rendered within the applicable time period specified in CGS Section 8-7d, as may be amended.

12. The applicant may, at any time prior to action by the Commission, withdraw such application.

13. To assist with its consideration of an application for Site Plan approval, the Commission may refer the plan to any department, agency or official it deems appropriate, to review and comment upon those technical matters which are the concern or responsibility of such department, agency or official.

14. The Commission may require additional technical assistance in evaluating an application, the expense of which is to be paid by the applicant as set forth in Kent Town Ordinance #11-4.

10350 Considerations

1. In accordance with CGS Section 8-3(g), as may be amended, on a Site Plan application involving an activity regulated pursuant to CGS Section 22a-36 to 22a-45, inclusive, as may be amended, the Commission shall:
   a. wait to render its decision until the Inland Wetlands Commission has submitted a report with its final decision, and
   b. give due consideration to any report of the Inland Wetlands Commission when making its decision.

2. On a Site Plan application involving notice to adjoining municipalities under Section 10963 or notice to water companies under Section 10964 or notice to DEEP under Section 10965, the Commission shall give due consideration to any report or testimony received.

3. On a Site Plan application involving new construction or remodeling of the exterior of a building within an area designated within these Regulations as a "village district" in accordance with CGS Section 8-2j, as may be amended (such as the KVOD), the Commission shall due consideration to any report or testimony received from the village district consultant.

4. In accordance with CGS Section 8-25a, as may be amended, no proposal for development using water supplied by a company incorporated on or after October 1, 1984 shall be approved by the Commission unless such company has been issued a certificate pursuant to CGS Section 16-262m, as may be amended.

5. Before the Commission may approve a Site Plan application, it must determine that the application is in conformance with these Regulations.

SUPPLEMENTAL SITE PLAN CONSIDERATIONS.

The Commission may require, as a condition of approval, such modifications of the proposed plans as it deems necessary to ensure that structures and the uses of land are arranged in a manner that protects the public health, safety and general welfare. In addition to all other requirements of these regulations, the Commission shall consider the following:

A. The general conformity of the Site Plan with the intent of the Town's Plan of Conservation and Development; however, the Plan of Development shall not take precedence over specific provisions of these Regulations;

B. The arrangement of buildings, structures and uses on the site;

C. The adequacy of access for fire, police and ambulance services;

D. The adequacy of water, sewage disposal/ treatment and other public facilities to accommodate the development;

E. The location, intensity and direction of outdoor lighting and the proposed times for its use;

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F. The size, location and type of any outdoor storage facilities, including dumpsters;.

G. The size, location and type of signs.

H. Traffic Considerations.
   1. The effect of the proposed development on traffic conditions on abutting streets.
   2. The number, locations and dimensions of interior and exterior vehicular and pedestrian entrances, exits, driveways and walkways.
   3. The visibility in both directions of all exit points of the site and the visibility of a vehicle entering or exiting the site to the driver of a vehicle traveling on the street.
   4. The location, arrangement and adequacy of off-street parking facilities.
   5. Interconnection of parking areas via access drives within and between adjacent lots, in order to provide maximum efficiency, minimize curb cuts, and encourage safe and convenient traffic circulation.
   6. The location, arrangement and adequacy of truck loading and unloading facilities.
   7. Patterns of vehicular and pedestrian circulation both within the boundaries of the development and in relation to the adjoining street and sidewalk system.
   8. The location, arrangement and adequacy of parking and access facilities for the physically handicapped in accordance with State requirements.
   9. The location, arrangement and adequacy of landscaping within and bordering parking and loading facilities.

I. Environmental Considerations. For the protection and preservation of environmental quality the following items of a Site Plan shall be evaluated by the Commission to determine the conformity of a Site Plan to these standards: (also see Section 7300)
   1. The location, height and materials of walls, fences, hedges and plantings so as to ensure harmony with adjacent development, the screening of parking and loading areas, and the concealment of storage areas, utility installations and other such features.
   2. The prevention of dust and erosion through the planting of ground cover or installation of other surfaces.
   3. The preservation of natural attributes and major features of the site such as wetlands, buffer strips, highly erodible areas, historic structures, critical habitats, farm fields, vernal pools, stone walls, major trees, scenic roads and scenic views both from the site and onto or over the site.
   4. The design and arrangement of buildings and necessary facilities and the installation of proper shielding so as to minimize noise levels at the property boundary.
   5. The adequacy of design of the storm drainage system to accommodate any increase in storm water runoff and to minimize soil erosion and sedimentation;
   6. The adequacy of the landscaping treatment, including any buffers and other screening; and,
   7. The impact of noise, odors, lighting, dust and smoke.
   8. The provision of adequate storm and surface water drainage facilities to properly drain the site while minimizing downstream flooding.

6. A Site Plan may be approved with modifications or denied by the Commission if it fails to comply with the standards set forth in these Regulations.

7. In cases where the development of the property is proposed to be undertaken in phases, the Commission may grant Site Plan approval limited to each phase of development. Each phase shall be capable of independent existence without the completion of succeeding phases.

8. As a condition of approval of a Site Plan, the Commission may require submission of a passbook savings account, a statement savings account, or similar cash equivalent to guaranty the installation and performance of erosion and sediment control measures at the site.

9. As a condition of approval of a Site Plan, the Commission may require a performance guaranty in accordance with Section 10970 of these Regulations in an amount and in a form satisfactory to the Commission to guaranty satisfactory completion of public site improvements.

10. When a performance guaranty in accordance with CGS Section 8-3, as may be amended, is required by the Commission, the applicant shall provide a cost estimate of improvements to be guaranteed, together with a description of the basis for the estimate.

11. When a performance guaranty is provided, the performance guaranty shall be held by the Commission and the Commission shall not release the performance guaranty until it has determined that all of the improvements subject to the guaranty have been satisfactorily completed.

12. The Commission may require an "as built" A-2 survey of the lot showing the location of the buildings and improvements to determine compliance with the approved Site Plan.

13. The Commission shall not approve any Site Plan for any property on which there exists a zoning violation, unless such Site Plan application will remedy such violation.

10360 Action Documentation

1. Whenever it denies or modifies a Site Plan application, the Commission shall state upon its record the reason(s) for its decision.

2. The Commission shall send, by certified mail, a copy of any decision to the applicant within fifteen (15) days after such decision is rendered.

3. The Commission shall cause notice of the approval or denial of a Site Plan to be published in a newspaper having a substantial circulation in Kent within fifteen (15) days after such decision is rendered and, in any case where such notice is not published by the Commission, the person who submitted such plan may provide for the publication of such notice within ten (10) days thereafter.

4. On any application for which the period for approval has expired and on which no action has been taken, the Commission shall send a letter of approval to the applicant within fifteen (15) days of the date on which the period for approval expired and such letter of approval shall state the date on which the five-year completion period, as set forth in Section 10380 below, expires.

10370 Following Approval

1. Following approval of a Site Plan application and expiration of the appeal period, one (1) "mylar" of each approved plan shall be submitted to the Zoning Enforcement Officer for signature by the Chairman:
   a. Each such plan shall bear the seal and signature of the appropriate professional(s) which prepared the drawing.
   b. Each such plan shall contain a signature block where the Chairman of the Commission can indicate the approval of the Commission and state the date on which the five-year period for completing all work in connection with such Site Plan, as set forth in Section 10380 below, expires.
   c. At least one (1) sheet shall bear a copy of the decision letter of the Commission and any other town regulatory agencies authorizing the activity.

2. Following signature by the Chairman, such plans shall be filed in the Town Clerk's Office within ninety (90) days after the expiration of the appeal period or conclusion of any appeal.

3. Such plans shall be so filed before any Zoning Permits are issued for the activities shown on the approved plan.

4. Within an area designated within these Regulations as a "village district" in accordance with CGS Section 8-2j, as may be amended, (such as the KVOD Zone), no approval shall be effective until a copy thereof, certified by the Commission, containing the name of the owner of record, a description of the premises to which it relates and specifying the reason(s) for its decision, is recorded by the applicant in the land records, indexed in the grantor's index under the name of the record owner.

5. All site improvements shall be carried out in strict compliance with the Site Plan approved by the Commission. Minor modifications to an approved Site Plan may be approved in writing by the Zoning Enforcement Officer upon the written request of the applicant. All other amendments or modifications to the Site Plan shall require the approval of the Commission.

6. All conditions and improvements shown on the approved Site Plan shall continue in force as long as the use indicated on the approved Site Plan shall be in operation, regardless of any change in ownership of the property.

10380 Expiration and Completion

1. Unless otherwise provided in CGS Section 8-3, as may be amended, all work in connection with a Site Plan shall be completed within five (5) years after the date of approval of the plan and failure to complete all work within such five-year period shall result in automatic expiration of the approval of such Site Plan unless the Commission shall have granted an extension of the time to complete such work.

2. Provided the applicant has requested an extension prior to the expiration of the completion period, the Commission may grant one (1) or more extensions of the time to complete all or part of the work in connection with the Site Plan provided the total extension or extensions shall not exceed ten (10) years from the date of approval of such Site Plan.

3. The Commission may condition the approval of such extension on a determination of the adequacy of any performance guaranty in accordance with Section 10970 or other surety.

10400 SPECIAL PERMIT APPLICATION

10410 Applicability

1. A Special Permit application shall be submitted for any activity designated in the Regulations as requiring Special Permit approval.

2. Notwithstanding the above, a Special Permit shall not be required for interior renovations and modifications for space within a structure previously approved by the Commission as a Special Permit, provided that:
   a. The Zoning Enforcement Officer finds that the proposed use is substantially similar to what was previously approved by Special Permit.
   b. There are no exterior alterations to the structure or the site.
   c. There is no additional requirement for parking under Section 8200 of the Zoning Regulations.

10420 Submission Requirements

1. A Special Permit application, in accordance with the requirements as specified in the Appendix of these Regulations, shall be submitted to the Commission or agent and shall include a completed application form and the appropriate fee.

2. Each application for a Special Permit shall be accompanied by a Site Plan application unless the Zoning Enforcement Officer finds that there are no physical changes proposed to the site or any building or structure and the submission of a Site Plan application is not necessary for the Commission to evaluate the proposal.

3. Each application for a Special Permit shall be accompanied by a written statement describing the proposed use in sufficient detail to permit the Commission to determine whether the proposed use complies with these Regulations.

4. The Commission shall not be required to hear an application relating to the same request or substantially the same request, more than twice in a twelve-month period.

5. Notwithstanding the basic submission requirements, the Commission may require the submission of such additional information as the Commission deems necessary to determine compliance of the proposed use with these Regulations.

10430 Proceedings

1. The date of receipt of the Special Permit application shall be determined in accordance with Section 10920.

2. An incomplete Special Permit application may be denied in accordance with Section 10930.

3. If a Special Permit application involves an activity regulated pursuant to CGS Section 22a-36 to 22a-45, inclusive, as may be amended, the applicant shall submit an application for a permit to the Inland Wetlands Commission not later than the day such application is filed with the Commission.

4. The Commission shall hold a public hearing on the Special Permit application and:
   a. publish a legal notice in accordance with the requirements of Section 10961 of these Regulations, and
   b. require that the applicant post a sign on the property in accordance with the requirements of Section 10962 of these Regulations.

Public Hearing Sign Required

5. Notification to adjoining municipalities may be required in accordance with the requirements of Section 10963.

6. Notification to water companies may be required in accordance with the requirements of Section 10964.

7. Notification to the Department of Energy and Environmental Protection (DEEP) may be required in accordance with the requirements of Section 10965.

8. The Commission shall process the Special Permit application within the period of time provided under CGS Section 8-7d, as may be amended:
   a. the public hearing shall commence within sixty-five (65) days after receipt of the application,
   b. the public hearing shall be completed within thirty-five (35) days after such hearing commences,
   c. all decisions shall be rendered within sixty-five (65) days after completion of such hearing, and
   d. the applicant may consent to one or more extensions of any period specified herein provided the total extension of all such periods shall not be for longer than sixty-five (65) days.

9. Notwithstanding the provisions of this Section, if an application involves an activity regulated pursuant to CGS Section 22a-36 to 22a-45, inclusive, as may be amended, and the time for a decision by the Commission would elapse prior to the thirty-fifth day after a decision by the Inland Wetlands Commission, the time period for a decision shall be extended to thirty-five (35) days after the decision of such agency.

10. The applicant may, at any time prior to action by the Commission, withdraw such application.

10440 Special Permit Criteria

In considering an application for a Special Permit, the Commission shall evaluate the application with respect to the following factors, except that the Commission may determine that some factors may not be applicable to certain types of applications:

1. Zoning Purposes

Whether the proposed use or activity is consistent with the purposes of the Regulations.

2. Environmental Protection and Conservation

Whether appropriate consideration has been given to the protection, preservation, and/or enhancement of natural, scenic, historic, or unique resources including, where appropriate, the use of conservation restrictions to protect and permanently preserve natural, scenic, historic, or unique features which enhance the character and environment of the area.

3. Overall Neighborhood Compatibility

Whether the proposed use will have a detrimental effect on neighboring properties or the development of the district.

4. Suitable Location For Use

Whether the nature and intensity of the operations involved with the use or resulting from the proposed use and the location of the site are such that the use will be in harmony with the appropriate and orderly development in the district in which it is located.

5. Appropriate Improvements

Whether the design elements of the proposed development (such as location, type, size and height of buildings and other structures, parking, access, landscaping, screening, lighting, signage, etc.) will be attractive and suitable in relation to the site characteristics, the style of other buildings in the immediate area, and the existing and desirable future character of the neighborhood in which the use is located.

6. Suitable Transportation Conditions

Whether the streets and other rights-of-way are or will be of such size, condition and capacity (width, grade, alignment and visibility) to adequately accommodate the traffic to be generated by the particular proposed use and not create traffic problems.

7. Adequate Public Utilities and Services

Whether the provisions for water supply, sewage disposal, storm water drainage, and emergency access conform to accepted engineering practices, comply with all standards of the appropriate regulatory authorities, and will not unduly burden the capacity of such facilities.

8. Long Term Viability

Whether adequate provision has been made for the sustained maintenance of the proposed development (structures, streets, and other improvements).

9. Nuisance Avoidance

Whether the use, configuration, design and/or hours of operation are appropriate in order to control noise, light, odors, parking visibility, unsightly appearance, erosion, water contamination and storm-water runoff on the site and in relation to the surrounding area.

10. Plan of Conservation and Development

Whether the proposed use or activity is in accordance with or facilitates achievement of one or more of the goals, objectives, policies, and recommendations of the Plan of Conservation and Development, as amended.

11. Mitigation

Whether adequate provisions have been made to moderate or mitigate neighborhood impacts by limiting the intensity of use of the property (including, without limitation, such considerations as the area devoted to the use, the number of people involved in the use, the number of events or activities proposed, the hours of operation, etc.) or by modifying the location or configuration of the proposed use.

10450 Decision Considerations

1. Special Permit uses are declared to possess such special characteristics that each shall be considered on an individual basis subject to the standards and requirements of these Regulations.

2. The applicant shall bear the burden of demonstrating that the applicable Special Permit criteria in Section 10440 of these Regulations are addressed.

3. Before the Commission may approve a Special Permit application, it must determine that the application:
   a. has satisfied the applicable Special Permit criteria in Section 10440 of these Regulations, and
   b. is in conformance with other applicable provisions of these Regulations, and
   c. is in harmony with the purposes and intent of these Regulations.

4. For a Special Permit application involving an activity regulated pursuant to CGS Section 22a-36 to 22a-45, inclusive, as may be amended, the Commission shall:
   a. wait to render its decision until the Inland Wetlands Commission has submitted a report with its final decision, and
   b. give due consideration to any report of the Inland Wetlands Commission when making its decision.

5. On a Special Permit application involving notice to adjoining municipalities under Section 10963 or notice to water companies under Section 10964 or notice to DEEP under Section 10965, the Commission shall give due consideration to any report or testimony received.

6. On a Special Permit application involving new construction or remodeling of the exterior of a building within an area designated within these Regulations as a "village district" in accordance with CGS Section 8-2j, as may be amended, (such as the KVOD), the Commission shall give due consideration to any report or testimony received from the village district consultant.

7. In accordance with CGS Section 8-25a, as may be amended, no proposal for development using water supplied by a company incorporated on or after October 1, 1984 shall be approved by the Commission unless such company has been issued a certificate pursuant to CGS Section 16-262m, as may be amended.

8. In granting a Special Permit, the Commission may determine whether and to what extent permitted uses may be undertaken and stipulate such conditions as are reasonable and necessary to:
   a. protect or promote the public health, safety or welfare;
   b. protect or promote public convenience or property values; or
   c. enhance overall neighborhood compatibility.

9. A Special Permit and any condition attached to the granting of a Special Permit shall:
   a. remain with the property as long as the Special Permit use is in operation, and
   b. continue in force and effect regardless of any change in ownership of the property.

10. The Commission shall not approve any Special Permit for any property on which there exists a zoning violation, unless such Special Permit application will remedy such violation.

10460 Action Documentation

1. The Planning and Zoning Commission shall approve, approve with conditions, or deny the proposed Special Permit.

2. Whenever it acts on a Special Permit application, the Commission shall state upon its record the reason(s) for its decision.

3. Any decision to grant a Special Permit shall:
   a. state the name of the owner of record,
   b. contain a description of the premises to which it relates,
   c. identify the Section or Sections of the Regulations under which the Special Permit was granted,
   d. specify the nature of the Special Permit, and
   e. state the conditions of approval, if any.

4. The Commission shall send, by certified mail, a copy of any decision on a Special Permit application to the applicant within fifteen (15) days after such decision is rendered.

5. The Commission shall cause notice of the approval or denial of the Special Permit application to be published within fifteen (15) days after such decision is rendered in a newspaper having a substantial circulation in Kent.

6. In any case in which such notice is not published within the fifteen-day period after a decision has been rendered, the person who submitted such application may provide for the publication of such notice within ten (10) days thereafter.

10470 Following Approval

1. A Special Permit granted by the Commission shall become effective only upon the filing of a copy, certified by the Commission, in the land records of the Town, in accordance with the provisions of CGS Section 8-3d, as may be amended.

2. A Special Permit shall authorize only the particular use or uses specified in the Commission's approval.

3. Failure to strictly adhere to the documents, plans, terms, conditions and/or safeguards approved by the Commission or its staff shall be a violation of these Regulations. The Zoning Enforcement Officer shall notify the applicant in writing of the specifics of the non-compliance and shall provide a reasonable time period for compliance therewith. Unless there is full compliance within such time period, the Commission may, following a public hearing, rescind and revoke such Special Permit.

4. An approved Special Permit may be amended or modified, provided that application shall be made in the same manner as the original application and subject to the same procedures for approval.
   a. Amendments to the Special Permit found to be of a minor nature or which would not substantially alter the Special Permit may be approved by the Commission without another public hearing.
   b. Amendments to the Special Permit which would substantially alter the Special Permit may only be approved by the Commission after a public hearing.

5. The Special Permit uses as set forth in these Regulations are deemed to be permitted uses in their respective districts when granted by the Commission, subject to compliance with the requirements and standards set forth in this Section in addition to all other requirements of these Regulations.

6. Unless otherwise established by the Commission, a Special Permit, along with any conditions and safeguards attached thereto, shall remain with the property as long as the use allowed by the Special Permit remains in operation. Such conditions and safeguards shall continue in force regardless of any change in ownership of the property.

10500 TEXT AMENDMENT APPLICATION

10510 Applicability

A Text Amendment application shall be submitted for any proposal to amend, change, or repeal any Section of these Regulations.

10520 Submission Requirements

1. A Text Amendment application shall be submitted to the Commission or agent and shall include a completed application form and the appropriate fee.

2. A Text Amendment application shall be accompanied by ten (10) copies of the wording of the existing and proposed text and any other supporting information, including reason(s) for the proposed amendment.

3. The Commission shall not be required to hear any petition or petitions relating to the same text changes, or substantially the same text changes, more than once in a period of twelve (12) months.

10530 Proceedings

1. The date of receipt for the Text Amendment application shall be determined in accordance with Section 10920.

2. An incomplete Text Amendment application may be denied in accordance with Section 10930.

3. The Commission shall hold a public hearing on the Text Amendment application and:
   a. shall cause a legal notice to be published in accordance with the requirements of Section 10961. of these Regulations.
   b. may publish the full text of such proposed regulation in such notice.

4. In accordance with CGS Section 8-3b, as may be amended, the Commission shall give written notice to the regional planning agency when any portion of the land affected by a regulation change affecting the use of a zone is located within five hundred (500) feet of the boundary of another municipality and:
   a. Such notice shall be made by certified mail, return receipt requested.
   b. Such notice shall be made not later than thirty (30) days before the public hearing.
   c. The regional planning agency may submit its advisory findings and recommendations to the Commission at or before the hearing but if such report is not submitted, it shall be presumed that such agency does not disapprove of the proposal.

5. Notification to adjoining municipalities may be required in accordance with the requirements of Section 10963.

6. The Commission may refer any application to amend these Regulations to any Town department or other agency the Commission deems appropriate and may request any such department or agency to submit a report to the Commission on matters that are of concern to such department or agency.

7. A copy of the proposed regulation shall be filed by the applicant in the office of the Town Clerk for public inspection at least ten (10) days before the public hearing.

8. The Commission shall process the Text Amendment application within the period of time provided under CGS Section 8-7d, as may be amended:
   a. The public hearing shall commence within sixty-five (65) days after receipt of the application.
   b. The public hearing shall be completed within thirty-five (35) days after such hearing commences.
   c. All decisions shall be rendered within sixty-five (65) days after completion of such hearing.
   d. The applicant may consent to one or more extensions of any period specified herein provided the total extension of all such periods shall not be for longer than sixty-five (65) days.
   e. These provisions shall not apply to any action initiated by the Commission regarding adoption or change of any Regulation.

9. The applicant may, at any time prior to action by the Commission, withdraw such application.

10540 Decision Considerations

1. On a Text Amendment application involving notice to adjoining municipalities under Section 10963 or notice to a regional planning agency under CGS Section 8-3b, as may be amended:
   a. Any report received from those agencies shall be made a part of the record of such hearing.
   b. The Commission shall give due consideration to any report or testimony received.

2. In making its decision the Commission shall:
   a. consider whether the text amendment will be in accordance with a comprehensive plan (the overall scheme of the zoning map and these Regulations), and
   b. take into consideration the Plan of Conservation and Development, prepared pursuant to CGS Section 8-23, as may be amended.

3. In accordance with CGS Section 8-3(b), as may be amended, such text change(s) shall be established, changed or repealed only by a majority vote of all the members of the Commission except that, if a protest against a proposed change is filed at or before a hearing with the Commission, signed by the owners of twenty (20) percent or more of the area of the lots affected by such proposed change or of the lots within five hundred feet in all directions of the property included in the proposed change, such change shall not be adopted except by a vote of two-thirds of all the members of the Commission.

10550 Action Documentation

1. Whenever the Commission acts upon a Text Amendment application, it shall state upon the record the reason(s) for its decision.

2. In accordance with CGS Section 8-3a(a), as may be amended, the Commission shall state on the record its findings on consistency of a proposed zoning regulation or text change with the Plan of Conservation and Development, as may be amended.

3. As part of approving a Text Amendment application:
   a. the Commission shall establish an effective date for the Regulation change provided that a notice of the decision of the Commission must be published in a newspaper having a substantial circulation in Kent before such effective date, or
   b. if an effective date is not so specified, the text amendment shall become effective sixteen (16) days after the date of the decision.

4. The Commission shall send, by certified mail, a copy of any decision on a Text Amendment application to the applicant within fifteen (15) days after such decision is rendered.

5. The Commission shall cause notice of the approval or denial of the Text Amendment application to be published within fifteen (15) days after such decision is rendered in a newspaper having a substantial circulation in Kent.

6. In any case in which such notice is not published within the fifteen-day period after a decision has been rendered, the person who submitted such application may provide for the publication of such notice within ten (10) days thereafter.

10560 Following Approval

A regulation amendment approved by the Commission shall be filed in the office of the Town Clerk before the effective date.

10600 ZONE CHANGE APPLICATION

10610 Applicability

A Zone Change application shall be submitted for any proposal to alter the zoning designation of any parcel(s) of land or part thereof.

10620 Submission Requirements

1. A Zone Change application shall be submitted to the Commission or agent and shall include a completed application form and the appropriate fee.

2. A Zone Change may only be submitted by the Commission or by the owner of the property(ies) for which the zone change is requested.

3. A Zone Change application shall be accompanied by:
   a. two (2) full-size copies of a map at an appropriate scale indicating existing and proposed zone boundaries, and
   b. ten (10) copies of an 11 inch x 17 inch map indicating existing and proposed zone boundaries.

4. The Commission shall not be required to hear a Zone Change application that has been rejected within one (1) year from the date of rejection.

10630 Proceedings

1. The date of receipt for the Zone Change application shall be determined in accordance with Section 10920.

2. An incomplete Zone Change application may be denied in accordance with Section 10930.

3. The Commission shall hold a public hearing on the Zone Change application and shall:
   a. publish a legal notice in accordance with the requirements of Section 10961 of these Regulations, and
   b. require that the applicant post a sign on the land affected by the application in accordance with the requirements of Section 10962 of these Regulations.

Public Hearing Sign Required

4. In accordance with CGS Section 8-3b, as may be amended, the Commission shall give written notice to the regional planning agency when any portion of the land affected by a map change is located within five hundred (500) feet of the boundary of another municipality and:
   a. Such notice shall be made by certified mail, return receipt requested.
   b. Such notice shall be made not later than thirty (30) days before the public hearing.
   c. The regional planning agency may submit its advisory findings and recommendations to the Commission at or before the hearing but if such report is not submitted, it shall be presumed that such agency does not disapprove of the proposal.

5. Notification to adjoining municipalities may be required in accordance with the requirements of Section 10963.

6. The Commission may refer any application to amend the zoning map to any Town department or other agency the Commission deems appropriate and may request any such department or agency to submit a report to the Commission on matters that are of concern to such department or agency.

7. A copy of the proposed zoning map change shall be filed by the applicant in the office of the Town Clerk for public inspection at least ten (10) days before the public hearing.

8. The Commission shall process the Zone Change application within the period of time provided under CGS Section 8-7d, as may be amended:
   a. The public hearing shall commence within sixty-five (65) days after receipt of the application.
   b. The public hearing shall be completed within thirty-five (35) days after such hearing commences.
   c. All decisions shall be rendered within sixty-five (65) days after completion of such hearing.
   d. The applicant may consent to one or more extensions of any period specified herein provided the total extension of all such periods shall not be for longer than sixty-five (65) days.
   e. These provisions shall not apply to any action initiated by the Commission regarding a zoning map change.

9. The applicant may, at any time prior to action by the Commission, withdraw such application.

10640 Decision Considerations

1. On a Zone Change application involving notice to adjoining municipalities under Section 10963 or notice to a regional planning agency under CGS Section 8-3b, as may be amended:
   a. Any report received from those agencies shall be made a part of the record of such hearing.
   b. The Commission shall give due consideration to any report or testimony received from such agencies.

2. Changes in zone district boundaries:
   a. Should be in harmony with the Plan of Conservation and Development for Kent, as amended.
   b. Shall, where possible, constitute logical extensions of like or compatible districts.
   c. Follow property lines or geo-physical features ,where appropriate.

3. Except where a proposed zone change is to extend an existing zoning district, no area of land having less than 300 feet of frontage on one street shall be changed from one zoning district to another zoning district except by the affirmative vote of two-thirds of the Commission.

4. Before approving any Zone Change application, the Commission shall determine that the proposed regulation change:
   a. is in accordance with the Plan of Conservation and Development,
   b. is suitable for the intended location,
   c. will aid in protecting the public health, safety, welfare, or property values, and
   d. will aid in attaining the purposes of these Regulations.

5. In accordance with CGS Section 8-3(b), as may be amended, such zone change(s) shall be established, changed or repealed only by a majority vote of all the members of the Commission except that, if a protest against a proposed change is filed at or before a hearing with the Commission, signed by the owners of twenty (20) percent or more of the area of the lots affected by such proposed change or of the lots within five hundred feet in all directions of the property included in the proposed change, such change shall not be adopted except by a vote of two-thirds of all the members of the Commission.

10650 Action Documentation

1. Whenever the Commission acts upon a Zone Change application, it shall state upon the record:
   a. The reason(s) for its decision.
   b. Its findings on consistency of the proposed zone change with the Plan of Conservation and Development, as amended.

2. As part of approving a Zone Change application:
   a. the Commission shall establish an effective date for the zoning map change provided that a notice of the decision of the Commission shall have been published in a newspaper having a substantial circulation in Kent before such effective date, or
   b. if an effective date is not so specified, the zoning map change shall become effective upon publication in a newspaper having a substantial circulation in Kent.

3. The Commission shall send, by certified mail, a copy of any decision on a Zone Change application to the applicant within fifteen (15) days after such decision is rendered.

4. The Commission shall cause notice of the approval or denial of the Zone Change application to be published within fifteen (15) days after such decision is rendered in a newspaper having a substantial circulation in Kent.

5. In any case in which such notice is not published within the fifteen-day period after a decision has been rendered, the person who submitted such application may provide for the publication of such notice within ten (10) days thereafter.

10660 Following Approval

1. A zoning map change approved by the Commission shall be filed in the office of the Town Clerk before the effective date.

2. When a zone boundary is changed by the Commission, such change shall:
   a. be made on the Zoning Map, and
   b. be noted with an entry on the Zoning Map as follows: "Amended to (date)," such date to be the effective date of the boundary amendment.

10700 ZONING BOARD OF APPEALS

10710 Powers And Duties

The Zoning Board of Appeals (ZBA) shall have all the powers and duties prescribed by Chapter 124, Section 8 and by Chapter 250, Section 14 of the Connecticut General Statutes, and by these Regulations, which powers and duties are summarized and more particularly specified below. None of the following provisions shall be deemed to limit any of the authority of the ZBA that is conferred by general law.

1. **Appeals.** The ZBA shall have the authority to hear and decide upon any appeal where it is alleged that there is an error in the order, requirements, decision or determination of the Zoning Enforcement Officer. No question of hardship shall be involved in such an appeal, and the action of the ZBA thereon shall be limited to the question of whether or not, and to what extent such order, requirement, decision, or determination was a correct interpretation of the subject provision of these Regulations.

2. **Variances.** The ZBA shall have the authority to vary or adjust the strict application of these Regulations in only those cases where the unusual size, shape or topography of a lot or other unusual physical conditions pertaining to it or to any building situated thereon make it impossible to strictly apply a specific provision of these Regulations to such lot without resulting in exceptional difficulty or unusual hardship, so that substantial justice shall be done and the public health, safety and welfare secured.

3. **Location of Motor Vehicle Uses.** The ZBA shall have the authority to hear and decide upon all requests for Certificates of Approval for motor vehicle sales, services and repair uses in accordance with the Connecticut General Statutes although such authority to act as an agent of the State shall not supersede the Planning and Zoning Commission's authority to hear and decide upon requests for Special Permits for such uses.

10720 Appeals

1. All appeals to the ZBA from an order, requirement, decision or determination of the Zoning Enforcement Officer shall be taken within 15 calendar days of such order, requirement, decision or determination.

2. Such appeals shall be made in writing on a form prescribed by the ZBA and shall be accompanied by a filing fee to cover the cost of processing the appeal.

10730 Variances

1. All applications for variances shall be submitted in writing in a form prescribed by the ZBA.

2. The Board may require the filing of a survey prepared by a land surveyor licensed to practice in Connecticut when the variance is dimensional in nature or such survey is integral to the understanding of the application.

3. The ZBA shall hold a public hearing on all applications for variances and shall give notice of the date of the public hearing in accordance with the provisions of the Connecticut General Statutes.

4. To assist with its consideration of an application, the ZBA may refer such application to any department, agency or official it deems appropriate, to review and comment upon those technical matters which are the concern or responsibility of such department, agency or official.

5. The applicant may, at any time prior to action by the Commission, withdraw such application.

6. The concurring vote of four (4) members of the Board shall be necessary to vary the application of the Zoning Regulations.

7. Whenever the ZBA grants a variance, it shall include in its minutes as part of the record the reason for its decision, the specific provision of these Regulations which was varied, the extent of the variance and the specific hardship upon which its decision was based.

8. Any variance granted by the ZBA shall become effective upon its filing by the applicant in the office of the Town Clerk and in the Town land records.

9. If the ZBA denies a variance, it shall not be required to hear an application for the same variance or substantially the same variance for a period of six months after the date of denial.

10740 Use Variances

1. Use variances may be granted by the Zoning Board of Appeals only in the Industrial zone.

2. No use variance shall be granted by the ZBA which would permit:
   a. a use prohibited either implicitly or explicitly by these Regulations;
   b. the expansion of a non-conforming use;
   c. the number of dwelling units on a lot to exceed the maximum allowed in the district in which the lot is located; or,
   d. a use otherwise allowed by Special Permit in the district in which the use is located.

3. No use variance shall be granted where a dimensional variance would relieve the exceptional difficulty or unusual hardship.

10800 ENFORCEMENT

10810 Enforcement

1. These Regulations shall be enforced by the Zoning Enforcement Officer who is hereby empowered to cause any building, structure, place or premises to be inspected and examined (including the grading of land and/or removal of earth) and to order in writing the remedying of any condition found to exist therein or thereon in violation of any provisions of these Regulations or to issue in writing a cease and desist order to be effective immediately.

2. The owner or agent of a 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 an entire premises where such violation has been committed or exists; or the owner, agent, lessee or tenant of any part of a building or premises in which such violation has been committed or exists; or the agent, architect, builder, contractor, or any other 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 subject to penalties in accordance with the provisions of CGS Section 8-12, as may be amended.

Excerpts From CGS Section 8-12, as may be amended:

- **[Fines of] not less than ten dollars or more than one hundred dollars for each day that such violation continues; but, if the offense is willful, the person convicted thereof shall be fined not less than one hundred dollars or more than two hundred fifty dollars for each day that such violation continues,**
- **[Imprisonment of] not more than ten days for each day such violation continues not to exceed a maximum of thirty days for such violation,**
- **[Both fines and imprisonment]**
- **[Failure to comply with] an order to discontinue any such violation … within ten days after such service, or [failing to comply] with a cease and desist order … immediately, or [continuing] to violate any provision of the regulations … shall be subject to a civil penalty not to exceed two thousand five hundred dollars,**
- **If the court renders judgment for such municipality and finds that the violation was willful, the court shall allow such municipality its costs, together with reasonable attorney's fees to be taxed by the court.**

10820 Penalties

1. Any person shall be subject to penalties in accordance with the provisions of CGS Section 8-12, as may be amended, who:
   a. having been served by the Zoning Enforcement Officer with an order to discontinue any such violation, fails to comply with such order within 10 days after such service; or,
   b. having been served with a cease and desist order, fails to comply with such order immediately; or,
   c. continues to violate any provision of these Regulations in the manner named in such order.

10900 PROCEDURAL REQUIREMENTS

10910 Application Submittal Requirements

1. Applications to the Commission or Board shall be submitted to the Zoning Enforcement Officer or agent.

2. Applications shall be submitted on forms obtained from the Zoning Enforcement Officer or agent for the type of application being submitted.

3. Applications shall be accompanied by the appropriate fee(s) except that the Commission or the Town of Kent shall be exempt from any application fee.

4. Applications shall be submitted with such supporting plans, materials, and other information as required by these Regulations.

5. Applications shall be signed by the applicant or an authorized agent.

6. Applications shall be signed by the owner of the property affected unless the application is for a text change or is a map change initiated by the Commission.

7. Applications should be submitted at least 10 days prior to the monthly Commission meeting.

10920 Date of Receipt

For the purposes of calculating statutory timeframes for processing applications, the date of receipt of an application to the Commission or the Board shall be:

1. the day of the next regularly scheduled meeting of the Commission or the Board immediately following the day of submission of the application to the Zoning Enforcement Officer or agent, or

2. thirty-five (35) days after submission, whichever is sooner.

10930 Incomplete Applications

1. Each application shall be reviewed by the Zoning Enforcement Officer or agent to determine whether the application is substantially complete.

2. An application requiring approval from the Commission or Board shall not be considered actually complete until all of the information as required by these Regulations, the Commission, or the Board has been received by the Commission or the Board at a regularly scheduled meeting.

3. An incomplete application or an application submitted without the requisite fee may be denied.

10940 Sequence of Hearings

Where a proposed development or activity requires multiple applications, the Commission or the Board may conduct any public hearings simultaneously or in the order they deem appropriate.

10950 Consultations

1. On any application, the Commission or Board may seek the advice and opinion of other officials, boards, or commissions to assist it in evaluating applications.

2. In accordance with Kent Ordinance #11-4, the Commission or Board may also, at the applicant's expense, retain a civil engineer, a traffic engineer, an environmental professional, an architect, a landscape architect, a professional land use planner, and/or other consultant(s) to review, comment, and guide its deliberations on any application.

3. The Zoning Enforcement Officer may make a preliminary determination of the need for such technical assistance to be provided by non-Town personnel following a review of the application provided that such preliminary determination shall be subject to review by the Commission or the Board.

4. Prior to actually retaining such outside consultant(s), the Commission or the Board shall make findings that the nature and intensity of the proposal may have a significant impact on Kent and that:
   a. Town staff will not be able to complete a technical review of the application in a timely fashion, or
   b. that the proposal is of such a nature as to require expertise not available from staff.

5. The Commission, Board or Zoning Enforcement Officer shall estimate the projected expenses for reviewing, evaluating and processing the application based upon information received from the potential consultant(s) and shall notify the applicant of such supplemental fee estimate.

6. The applicant shall submit funds sufficient to cover the basic application fee plus the cost of the consultant review within fifteen (15) calendar days of being notified by the Zoning Enforcement Officer and the application shall be deemed incomplete until the fee(s) have been submitted.

7. Should the estimate of supplemental funds prove inadequate, the Commission, Board or Zoning Enforcement Officer shall recalculate the projected expenses for reviewing, evaluating and processing the application and notify the applicant of such supplemental fee estimate.

8. The applicant shall submit funds sufficient to cover the supplemental fee estimate within fifteen (15) calendar days of being notified by the Zoning Enforcement Officer and the application shall be deemed incomplete until the fee(s) have been submitted.

9. Any portion of the estimated processing fee not expended by the Town on the project shall be refunded to the applicant upon completion of the review, evaluation and processing of the application.

10. In accordance with Ordinance #11-4, the Commission or Board shall bill the applicant for any costs incurred by the Town of Kent in processing the application in excess of the estimated processing fee(s) paid by the applicant and this bill shall be paid by the applicant within fifteen (15) calendar days of such notice regardless of whether the application is approved, denied, or withdrawn.

11. No permits shall be issued until all processing fees are paid.

10960 Notice Provisions

10961 Notice by Newspaper

1. When a public hearing is required by these Regulations or scheduled by the Commission or Board, the Zoning Enforcement Officer or agent shall cause notice of the hearing to be published in a newspaper having a substantial circulation in Kent.

2. Such notice shall be published at least twice at intervals of not less than two (2) days, the first not more than fifteen (15) days, nor less than ten (10) days, and the last not less than two (2) days before the date of the hearing.

10962 Posting of Sign

1. When required by these Regulations, the applicant shall post one or more signs at his or her expense, in conspicuous locations on the property or properties affected by the application.

2. In the event any such property has frontage on or access to more than one street, there will be posted a minimum of one sign on each street on which the property has frontage or access.

3. The sign shall be no smaller than eighteen inches (18") by twenty-four inches (24") and shall be no larger than four feet (4') by four feet (4').

4. The sign shall:
   a. give information as to the type of application,
   b. give information as to the time, date and location of the public hearing pertaining to the application,
   c. be clearly legible from the street, and
   d. be posted at least ten (10) days prior to the public hearing.

5. The applicant shall file a written statement with the Commission at the time of the public hearing certifying that the required signs were posted as required by these Regulations.

6. Failure to post and maintain the signs as required by this Section shall constitute grounds for denial of the application.

7. Any signs shall be removed following the close of the public hearing.

10963 Notification to Abutting Municipalities

1. In accordance with CGS Section 8-7d(f), as may be amended, the Commission or Board shall notify the clerk of an adjoining municipality of any application concerning any project on any site in which:
   a. any portion of the property affected by a decision is within five hundred (500) feet of the boundary of the adjoining municipality,
   b. a significant portion of the traffic to the completed project shall use streets within the adjoining municipality to enter or exit the site,
   c. a significant portion of the sewer or water drainage from the project shall flow through and significantly impact the drainage or sewerage system within the adjoining municipality, or
   d. water runoff from the improved site shall impact streets or other municipal or private property within the adjoining municipality.

2. Such notice shall be made by certified mail, return receipt requested and shall be mailed within seven (7) days of the day of the submission to the Zoning Enforcement Officer or agent of the application, petition, request or plan.

3. No hearing shall be conducted on any such application unless the adjoining municipality has received the notice required under this Section.

4. Such adjoining municipality may, through a representative, appear and be heard at any hearing on any such application, petition, request or plan.

10964 Notification to Water Companies

1. In accordance with CGS Section 8-3i, as may be amended, an applicant shall provide written notice to a water company and the Commissioner of Public Health when an application is filed with the Commission or Board concerning any project on any site that is within:
   a. an aquifer protection area provided such area has been delineated in accordance with CGS Section 22a-354c, as may be amended, or
   b. the watershed of a water company provided such water company or said commissioner has filed a map with the Commission or the Board and on the Kent land records showing boundaries of the watershed.

2. Such notice shall be made by certified mail, return receipt requested and shall be mailed not later than seven days after the date of the day of the submission to the Zoning Enforcement Officer or agent.

3. Prior to the scheduled meeting regarding the application, the applicant shall submit the following to the Zoning Enforcement Officer or agent or the application shall be considered incomplete:
   a. a copy of the complete package of information, and
   b. proof of mailing.

4. Such water company and the Commissioner of Public Health may, through a representative, appear and be heard at any hearing on any such application, petition, request or plan.

10965 Notification of DEEP

1. If any portion of the property which is the subject of for a Site Plan or Special Permit application is located within a "shaded area" identified on the most current Natural Diversity Database maps for Kent, the applicant shall notify the Connecticut Department of Energy and Environmental Protection (DEEP) of the pending project by certified mail, return receipt requested. Evidence of the actual notice, the certified mailing, and the return receipt shall be submitted to the Commission as part of the application.

2. The Commission may postpone consideration of and/or action on an application in order to receive a report from DEEP provided that such postponement does not conflict with statutory timeframes. The lack of a report from DEEP within 35 days of DEEP's receipt of the notification may be cause for the Commission to proceed with action on the application.

3. Any application submitted without evidence of notification to DEEP shall be considered incomplete (see Section 10930).

10970 Performance Guaranty

1. Where a performance guaranty is required by any Section of these Regulations, an itemized estimate of the cost of the site improvements shall be prepared by the applicant, including a separate inflation factor for the estimated construction period, and shall be submitted to the Commission's Engineer for approval.

2. The performance guaranty shall be posted with the Town for an initial period of 18 months unless the applicant requests, and the Commission grants, an extension of time.

3. Where a performance guaranty is required by any Section of these Regulations, it shall be in one (1) of the following forms and the Zoning Enforcement Officer shall require evidence of compliance with the following standards before accepting any performance guaranty:
   a. Cash deposited with the Town.
   b. Certified bank check to the order of the Town when the amount of the check is fully insured by the FDIC.
   c. Bank deposit (such as a passbook savings account or a statement savings account) assigned irrevocably and solely to the Town when the amount of the deposit is fully insured by the FDIC.
   d. Irrevocable letter of credit naming the Town as sole beneficiary provided that:
      i. such letter of credit shall be issued by, and drafts thereunder presentable at, a branch of a bank in Connecticut provided that;
         - such bank is included in the most recent list issued by the Securities Valuation Office of the National Association of Insurance Commissioners (or any successor office or organization, "NAIC") as a bank meeting NAIC standards for issuing letters of credit for reinsurance purposes; or
         - the long-term unsecured debt of such bank (or the long-term unsecured debt of its holding company) is rated BBB or better by Standard & Poor's rating service or Baa or better by Moody's rating service.
      ii. The terms and conditions of such letter of credit shall be acceptable in form and substance to the Town, and
      iii. if and when such letter of credit shall, through the passage of time, have less than thirty (30) days remaining until its expiration or lapse date, and such date shall not have been extended, the Town may draw under said letter of credit the full amount thereof and the proceeds may be retained by the Town as the performance guaranty.
   e. Other form of performance guaranty (such as a performance bond) acceptable in form and substance to the Town.

4. Upon the completion of at least 25%, 50% or 75% of the cost of the site improvements subject to a performance guaranty, the applicant may request in writing a reduction of the performance guaranty. The Commission shall cause the site to be inspected by the Zoning Enforcement Officer, the Commission's Engineer, and/or other appropriate Town officials to determine if the portion of the required site improvements for which the reduction is being requested has been satisfactorily completed in accordance with the approved Site Plan. Based upon these findings, the Commission may authorize the reduction of such performance guaranty.

5. No portion of any required performance guaranty shall be released by the Commission or the Zoning Enforcement Officer until:
   a. a release has been requested, in writing, by the applicant,
   b. the applicant's engineer or surveyor has certified to the Town, in writing, that an appropriate level of improvements in relation to the requested release have been satisfactorily completed in accordance with approved plans,
   c. if such release is a final release, the applicant's engineer or surveyor has submitted a set of detailed "Record" plans on mylar, that all improvements and other work are in accordance with approved plans, and
   d. the Zoning Enforcement Officer has confirmed, in writing, that the appropriate level of improvements in relation to the requested release have been satisfactorily completed and that all conditions and requirements of the Commission's approval have been satisfied.

6. In accordance with CGS Section 8-3, as may be amended, if the person posting a performance guaranty requests a release of all or a portion of such performance guaranty, the Commission or the Zoning Enforcement Officer shall, not later than sixty-five days after receiving such request:
   a. release any such performance guaranty or portion thereof, provided the Commission or the Zoning Enforcement Officer is reasonably satisfied that the improvements for which such performance guaranty or portion thereof was posted have been completed, or
   b. provide the person posting such performance guaranty with a written explanation as to the additional work that must be completed before such performance guaranty or portion thereof may be released.

7. Before the release of a performance guaranty, the Commission:
   a. shall require the applicant to submit "as-built" drawings in accordance with Section 10120; and,
   b. may require that the applicant post a maintenance performance guaranty to be retained for a period of two years after vegetative cover and plantings have been installed in order to guarantee the survival of landscaping and to ensure any other relevant improvements.

8. Any cost of collecting a performance guaranty, including without limitation, attorney's fees, bank fees, and other collection fees and expenditures, shall be for account of the applicant and may be deducted from amounts released accordance with this Section.

10980 Beneficiaries of a Trust

Any person who makes an application to the Commission or Board pertaining to real property, the record title to which is held by a trustee of any trust, shall file with said application a sworn statement disclosing the name(s) of the equitable owner (s) of such real property or the beneficiary(ies) of the trust.

Appendix

BASIC MAP REQUIREMENTS

1. In general, all maps shall be based on an A-2 survey of the property.

2. In general, sheet size shall not exceed 24" by 36".

3. Map scale shall be appropriate for the information being displayed with a typical scale being 1 inch equals 40 feet.

4. All maps and plans shall be sealed by the appropriate professional licensed by the State of Connecticut.

5. All maps and plans shall contain the following, as applicable:
   a. The name of the applicant and owner of the property.
   b. A scale and North arrow.
   c. The property boundary, dimensions, angles, area and zoning classification.
   d. The names of owners of record of abutting properties.

6. The Site Plan shall include an approval block, as shown below, which shall include a space for the date of approval and the date of expiration, which shall be five years from the date of approval.

> Approved by the Kent Planning and Zoning Commission on _____.
> (date of meeting)
>
> Signed: _____
> (Chairman or Secretary)
>
> Pursuant to Connecticut General Statutes, Chapter 124, Section 8-3(i), this Site Plan approval shall automatically expire five years from the date of approval or on _____ (date of expiration).

MODIFICATION OF REQUIREMENTS

1. Following a written request from the applicant, the Commission may determine that information required by this Appendix or by these Regulations is not needed in order for the Commission to reach a decision on the application or determine compliance with the requirements of these Regulations. In such situations, the Commission may relieve the applicant from providing such information by an affirmative vote of a majority of all voting members of the Commission.

2. The Commission may require additional information be submitted when it determines that it needs such additional information in order to determine whether the proposed use complies with the standards and requirements of these Regulations.

Appendix

APPLICATION REQUIREMENTS - ZONING PERMIT (Sketch Plan)

- ☐ Application Form (with *original* signature of owner or letter of authorization from the owner to a designated agent)
- ☐ Application fee
- ☐ A sketch plan at a scale deemed appropriate by the Zoning Enforcement Officer showing the following:
  - ☐ Boundaries, north arrow, dimensions and area of property.
  - ☐ Locations of all existing and proposed buildings and uses, including, but not limited to, driveways or parking areas and abutting streets.
  - ☐ Dimensions of all yards, as required by these Regulations.
  - ☐ Location and description of water supply and sewage disposal facilities.
  - ☐ Address of property and name and address of owner of record.
  - ☐ Location of wetlands and watercourses.
  - ☐ Names of all abutting property owners and streets.
- ☐ Additional information as required by the Zoning Enforcement Officer or as necessary to demonstrate compliance with the Zoning Regulations
- ☐ If applicable, copies of an Erosion and Sedimentation Control Plan in compliance with Section 7300 of these Regulations.
- ☐ A statement signed by the applicant indicating that any required statutory notifications have been provided or that no such notifications are required
- ☐ Copy of any relevant variance(s), stamped to document filing in the Office of the Kent Town Clerk

Appendix

APPLICATION REQUIREMENTS – SITE PLAN / SPECIAL PERMIT

See page 1 of this Appendix for information regarding when the Commission may require more information or accept less information as part of an application.

☐ Application Form (with *original* signature of owner or letter of authorization from the owner to a designated agent)

☐ Application fee

☐ Ten (10) copies of a Site Plan of the property at an appropriate scale (such as 1" = 40') prepared and signed by a Connecticut-licensed professional engineer, land surveyor, architect and/or landscape architect, whichever shall be appropriate, and stamped with an embossed seal of each, showing, as applicable:

- ☐ On each sheet as appropriate, the graphic scale, north arrow, date of drawing and of all revisions, name of person preparing the Site Plan, address of property, and name and address of owner of record
- ☐ A key map showing:
  - the location of the property in relation to surrounding areas, streets and other landmarks
  - the location of the lot in relation to public and/or private streets and access-ways
  - the zoning district in which the property is located
- ☐ A Class A-2 boundary survey showing property boundaries, dimensions and area, dimensions of all yards as required by these Regulations, and including the names of abutting property owners
- ☐ A site development plan showing:
  - Existing and proposed buildings and other structures on the site including locations, dimensions, footprint square footage, floor area, height and building coverage of all existing and proposed buildings and uses
  - Existing and proposed driveway, parking and loading areas including, but not limited to, sidewalks, curbing, walkways, dumpsters, group mailboxes, driveways, parking and loading areas, abutting streets, utility poles, hydrants and other utility appurtenances, areas to be used for exterior storage and the type of screening to be provided
  - Existing and proposed grading with contours at two-foot intervals or less
  - The location of any wetlands and/or watercourses or areas of special flood hazard including the upland review area
  - The location of any proposed signs
  - Proposed site lighting including the location, size, height, intensity and hours of operation of all lighting fixtures
  - Construction limit line identifying all those areas to remain undisturbed and in its natural state

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- ☐ A utility plan showing:
  - The locations and descriptions of water supply and sewage disposal facilities
  - The location and design of existing and proposed storm drainage facilities in compliance with the 2004 Connecticut Stormwater Quality Manual, as amended
  - The location and design of refuse disposal facilities
- ☐ A landscaping plan showing existing vegetation and proposed planting showing the Latin and common name of the species used, quantity of each plant species and the size and height of the plants at the time of planting.
- ☐ Architectural plans and elevations
- ☐ Construction notes and details
- ☐ A zoning informational table showing the existing use, proposed use, zone, size of the property in square feet or acres, gross floor area of existing structures, gross floor area of proposed structures, proposed ground coverage, proposed building height in stories and feet, number of parking spaces required and provided (including handicapped spaces), number of loading spaces (if any) required and provided.

☐ Additional information as necessary to demonstrate compliance with the Zoning Regulations or other site plan considerations

- ☐ Off-site information including but not limited to the location of: buildings, parking areas and curb cuts on adjoining properties, including those across the street; traffic lights and controls, public trees, catch basins, manholes, hydrants, utility poles and utility lines located in adjacent streets; and zoning district boundary lines.
- ☐ Impact analysis of the development upon water supply, storm drainage, sanitary sewers, traffic with special emphasis on any scenic road impacted, site conditions and/or water, air or noise pollution.
- ☐ The location of stone walls, archeological resources, scenic views and other attributes
- ☐ All applications for a Special Permit involving the construction of more than 25 dwelling units, 50 parking spaces, or 20,000 square feet of gross floor area, or any proposal which, in the Commission's judgment, would generate high levels of traffic, shall be accompanied by a traffic study prepared by a traffic engineer, evaluating the impact of the proposal on streets serving and/or affected by the development.

  - At a minimum, the traffic study shall include data and information on existing and projected average daily vehicle trips on nearby roads, peak hour traffic, adequacy of rights-of-way and travelways, existing roadway capacity, traffic accidents, the traffic impact of the proposed development, traffic generation data, the location of existing roads within 300 feet of the development site, traffic lights and intersections, and recommendations for safe pedestrian and vehicular circulation, including provisions for safe sidewalks and crosswalks for pedestrians. Where applicable, the applicant shall include the written recommendations of the Connecticut Department of Transportation.

  - Where it is projected that the additional traffic resulting from the proposal will reduce the level of service to C or below, the Commission shall not approve the project unless and until provision has been made for the improvement of said condition.

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- ☐ For an application proposing to utilize a septic system, a report from the Town Sanitarian as to the feasibility of the septic system to accommodate the proposed use.

- ☐ For an application proposing a connection to, or extension of, a storm or sanitary sewer system shall require the approval of the Kent Water Pollution Control Authority and, where applicable, Connecticut Department of **Energy and** Environmental Protection, prior to the submission of an application to the Commission.

- ☐ If applicable, copies of an Erosion and Sedimentation Control Plan in compliance with Section 7300 of these Regulations.

- ☐ A statement signed by the applicant indicating that any required statutory notifications have been provided or that no such notifications are required

- ☐ Copy of any relevant variance(s), stamped to document filing in the Office of the Kent Town Clerk

Appendix

APPLICATION REQUIREMENTS – SOIL EROSION / SEDIMENTATION

☐ Ten (10) copies of a narrative describing:

- ☐ The schedule for grading and construction activities including:
  - Start and completion dates
  - Sequence of grading and construction activities
  - Sequence for installation and/or application of soil erosion and sediment control measures
  - Sequence for final stabilization of the project site
- ☐ The design criteria, construction details, and installation procedures for proposed soil erosion and sediment control measures and storm water management facilities
- ☐ The operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities

☐ Ten (10) copies of a soil erosion and sediment control drawing showing:

- ☐
  - Existing and proposed buildings and other structures on the site
  - Existing and proposed driveway, parking and loading areas
  - Existing and proposed grading with contours at two-foot intervals
  - The location of any wetlands and/or watercourses or areas of special flood hazard
- ☐ The location of and design details for all proposed temporary and permanent erosion and sediment control measures and storm water management facilities
- ☐ The sequence of grading and construction activities; the sequence for the installation and/or application of soil erosion and sediment control measures; and the sequence for final stabilization of the development site

Appendix

APPLICATION REQUIREMENTS – EARTH EXCAVATION

See page 1 of this Appendix for information regarding when the Commission may require more information or accept less information as part of an application.

☐ Application Form (with *original* signature of owner or letter of authorization from the owner to a designated agent)

☐ Application fee

☐ Ten (10) copies of a Site Plan of the property at an appropriate scale (such as 1" = 40') prepared and signed by a Connecticut-licensed land surveyor and stamped with an embossed seal showing, as applicable:

- ☐ A key map showing:
  - the location of the property in relation to surrounding areas
  - the location of the lot in relation to public and/or private streets and access-ways
  - the zoning district in which the property is located;
- ☐ A Class A-2 boundary survey including the names of abutting property owners
- ☐ A site development plan showing:
  - Existing and proposed buildings and other structures on the site
  - Existing and proposed driveway, parking and loading areas
  - Existing and proposed grading with contours at two-foot intervals within 100 feet of the property
  - The location of any wetlands and/or watercourses or areas of special flood hazard
- ☐ A landscaping plan showing existing vegetation and proposed planting
- ☐ Location of any proposed fixed machinery, stockpiles, drainage structures and detention/retention areas

☐ Additional information as required by the Commission or as necessary to demonstrate compliance with the Zoning Regulations

APPENDIX

MAP REQUIREMENTS

- ☐ Traffic study
- ☐ A written statement describing the proposed work and the purpose of the excavation and/or filling with an indication of proposed commencement and completion dates
- ☐ Information regarding the manner in which the site owner/operator intends to progress in furthering site excavation and extraction of earth material
- ☐ A drainage analysis showing watershed area
- ☐ Geologic reports related to rock excavation or other matters

☐ If applicable, copies of an Erosion and Sedimentation Control Plan in compliance with Section 7300 of these Regulations.

☐ A statement signed by the applicant indicating that any required statutory notifications have been provided or that no such are required

☐ Copy of any relevant variance(s), stamped to document filing in the Office of the Kent Town Clerk

Appendix

APPLICATION REQUIREMENTS – REGULATION CHANGE

☐ Application Form (with *original* signature of owner or letter of authorization from the owner to a designated agent)

☐ Application fee

☐ Ten (10) copies of the proposed text amendment identifying the Section, and/or paragraph numbers for all text proposed to be altered indicating:
- text to be added with underline, and
- text to be deleted with strike through.

☐ Ten (10) copies of a written statement indicating the reason(s) for the proposed change and to what extent it would enhance the general health, safety and welfare of the town of Kent

☐ Additional information as required by the Commission

☐ A digital version of the proposed amendment in a Microsoft Word compatible format

☐ A statement signed by the applicant indicating that any required statutory notifications have been provided or that no such are required

Appendix

APPLICATION REQUIREMENTS – MAP AMENDMENT

☐ Application Form (with *original* signature of owner or letter of authorization from the owner to a designated agent)

☐ Application fee

☐ Ten (10) copies of a key map showing:
- the location of the property in relation to surrounding areas, and
- properties within 500 feet in all directions of the premises proposed to be rezone

☐ Ten (10) copies of a map at an appropriate scale showing the property proposed to be rezoned:
- indicating the existing zoning district designation,
- the proposed boundary line(s), and
- the proposed zoning district designation

☐ Ten (10) copies of a simple metes and bounds description defining in writing the boundaries of the proposed zoning district change

☐ A calculations prepared by a Connecticut-licensed land surveyor or civil engineer based upon the latest Assessor's data indicating the area of the lots (or portion thereof) contained within 500 feet in all directions of the premises proposed to be rezoned

☐ A statement signed by the applicant indicating that any required statutory notifications have been provided or that no such notifications are required

KENT PLANNING AND ZONING COMMISSION

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Matt Winter, Vice Chairman/Secretary

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Richard Chavka
Darrell Chemiske
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